



**Homeland  
Security**

*Privacy Office, Mail Stop 0655*

September 30, 2020

**SENT VIA E-MAIL TO: foia@americanoversight.org,  
hart.wood@americanoversight.org  
JYenouskas@goodwinlaw.com**

Austin R. Evers  
Executive Director  
American Oversight  
1030 15<sup>th</sup> Street, NW  
Suite B255  
Washington, DC 20005

Re: **18-cv-02840 (2019-HQLI-00018)**  
**American Oversight v. DHS**  
**Fourth Interim Release**

Dear Mr. Evers:

This is the fourth interim release of records to your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), received on October 4, 2018.

For this production, DHS reviewed 339 pages of which 334 pages are released in full, or withheld in part or in full pursuant to FOIA exemptions (b)(5), (b)(6), and (b)(7)(e). DHS has also located and sent five pages to other agencies for consultation. The 334 pages for release are bates stamped DHS-001-02840-000699 to DHS-001-02840-001032.

If you have any questions regarding this release, please contact Assistant United States Attorney, Michael A. Tilghman II, Civil Division, United States Attorney's Office for the District of Columbia, by email at [michael.tilghman@usdoj.gov](mailto:michael.tilghman@usdoj.gov).

Sincerely,

A handwritten signature in black ink that reads "Bradley E. White".

Bradley E. White  
Senior Director, FOIA Litigation,  
Appeals, and Policy

Enclosed: 334 pages

|                    |   |
|--------------------|---|
| <b>From:</b>       | Dromgoole, Alexis (b)(6)                              |
| <b>To:</b>         | "Dougherty, Michael" (b)(6)                           |
| <b>CC:</b>         | "Smith, Ian" (b)(6)<br>"Culver, Jared" (b)(6)         |
| <b>Subject:</b>    | HHS approps briefing on UAC: Materials and Background |
| <b>Date:</b>       | 2018/05/16 10:54:57                                   |
| <b>Importance:</b> | High  |
| <b>Priority:</b>   | Urgent  |
| <b>Type:</b>       | Note  |

Sir,

Please see the information attached and below that I have compiled for the UAC Approps. Interagency Telecon. you will be participating in tomorrow. Attached for your reference are the transcripts from S1's most recent hearings, as well as the transcript from DU/S McCament's hearing on UAC's to use as references for syncing up with what has already been expressed on UAC's to the Hill. I have hard copies of all of this in the office for you and I know MGMT was working to have a pre-brief before the telecon. sometime tomorrow. On the telecon. will be CBP, ICE/ERO, DHS MGMT/OCFO, HHS and State. Please let us know if you have any questions or need additional information and since Eric will be offsite tomorrow, either Jared and/or Ian will be able to join you for this call.

Best,

Alexis Dromgoole  
Confidential Assistant  
Office of Policy

(b)(6)

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**From:** (b)(6)  
**Sent:** Tuesday, May 15, 2018 10:48 AM  
**To:** Dougherty, Michael (b)(6) AMOS, ASHLEY N  
 (b)(6)  
**Cc:** (b)(6)  
**Subject:** HHS approps briefing on UAC

All-



HHS is working on getting a sync session in advance of Thursday's hill telecon on UAC but we don't yet know when that will be scheduled, or everyone's availability. We'd like to have a quick DHS sync session prior to ensure we are unified in the DHS message and all on the same page.

Is everyone available 12-12:30pm Thursday for a quick DHS sync-up?

Reminder the purpose of the briefing is to *"outline the Administration's current and planned policies that impact the resources needed for this program."*

(b)(6)  
 Department of Homeland Security  
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| <b>Sender:</b>     | Dromgoole, Alexis (b)(6)<br>(b)(6)  |
| <b>Recipient:</b>  | "Dougherty, Michael (b)(6)<br>(b)(6)<br>"Smith, Ian (b)(6)<br>(b)(6)<br>"Culver, Jared (b)(6)<br>(b)(6) |
| <b>Sent Date:</b>  | 2018/05/16 10:54:57   |
| <b>From:</b>       | (b)(6)  |
| <b>To:</b>         | (b)(6)<br>"Dougherty, Michael (b)(6)<br>(b)(6)  |
| <b>CC:</b>         | (b)(6)  |
| <b>Subject:</b>    | Interagency Briefing UAC  |
| <b>Date:</b>       | 2018/05/08 08:20:40   |
| <b>Importance:</b> | High  |
| <b>Priority:</b>   | Urgent  |
| <b>Type:</b>       | Note  |

All-

As the identified DHS POCs for the subject Interagency briefing (with HHS and State Dept) on UAC, are you free **this Friday May 11<sup>th</sup> between 12:30 and 4pm** for this briefing? HHS doesn't believe any leave-behind materials are necessary. The focus will be to respond to the report language below:

Page 51 of the Labor-H report language accompanying HHS' UAC appropriation included the following: *"The agreement directs HHS to provide a joint briefing with the Departments of Homeland Security and State, within 45 days of enactment of this Act, to the Committees on Appropriations of the House of*

Representatives and the Senate. The briefing should outline the Administration's current and planned policies that impact the resources needed for this program."

Requesting your availability by noon today. Please let me know if you have any questions.  
Thanks

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|------------------------|---|
| <b>Sender:</b>         | (b)(6)  |
| <b>Recipient:</b>      | (b)(6)<br>"Dougherty, Michael (b)(6)<br>(b)(6)  |
| <b>Sent Date:</b>      | 2018/05/08 08:20:38   |
| <b>Delivered Date:</b> | 2018/05/08 08:20:40   |
| <b>From:</b>           | (b)(6)  |
| <b>To:</b>             | "McCament, James (b)(6)<br>(b)(6)<br>"Petyo, Briana (b)(6)<br>(b)(6)<br>"Dougherty, Michael (b)(6)<br>(b)(6)<br>"Jensen, Nathaniel (b)(6)<br>(b)(6) |
| <b>CC:</b>             | "Hymowitz, Emily (b)(6)<br>(b)(6)   |
| <b>Subject:</b>        | Transcript Senate Approps FY19  |
| <b>Date:</b>           | 2018/05/09 13:33:33   |
| <b>Priority:</b>       | Normal  |
| <b>Type:</b>           | Note  |

Good afternoon,  
Attached is the transcript of yesterday's S1 hearing, please share with your staff/s as appropriate. It covered a lot of ground!!  
Thanks. (b)(6)

**From:** (b)(6)  
**Sent:** Wednesday, May 9, 2018 8:57 AM  
**Subject:** Transcript Senate Approps FY19

Forwarding final transcript from yesterday's hearing – thanks!

(b)(6)  
**Bloomberg Government**  
(b)(6)

## Senate Appropriations Committee, Homeland Security... sked FINAL

May 8, 2018 7:32PM ET

TRANSCRIPT

May 08, 2018

COMMITTEE HEARING

SEN. SHELLEY MOORE CAPITO

WASHINGTON, DC

SENATE APPROPRIATIONS COMMITTEE, HOMELAND SECURITY SUBCOMMITTEE

HEARING ON THE F.Y. 2019 BUDGET FOR THE HOMELAND SECURITY DEPARTMENT

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(b)(6)

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SENATE APPROPRIATIONS COMMITTEE, HOMELAND SECURITY SUBCOMMITTEE

HEARING ON THE F.Y. 2019 BUDGET FOR THE HOMELAND SECURITY

DEPARTMENT

MAY 8, 2018

SPEAKERS:

SEN. SHELLEY MOORE CAPITO, R-W.VA., CHAIRMAN

SEN. JOHN BOOZMAN, R-ARK.

SEN. JOHN HOEVEN, R-N.D.

SEN. LISA MURKOWSKI, R-ALASKA

SEN. JAMES LANKFORD, R-OKLA.

SEN. JOHN KENNEDY, R-LA.

SEN. RICHARD C. SHELBY, R-ALA.

SEN. JON TESTER, D-MONT., RANKING MEMBER

SEN. JEANNE SHAHEEN, D-N.H.

SEN. PATRICK J. LEAHY, D-VT.

SEN. PATTY MURRAY, D-WASH.

SEN. TAMMY BALDWIN, D-WIS.

SEN. JOE MANCHIN III, D-W.VA.

WITNESSES:

HOMELAND SECURITY SECRETARY KIRSTJEN NIELSEN TESTIFIES

CAPITO: I want to welcome everyone. I call this hearing of the Subcommittee on Homeland Security to order. And I'm very please to begin my first hearing as the chair - chairman of this subcommittee. It is the subcommittee's first hearing of this budget cycle and its purpose is to review the Department of Homeland Security's fiscal year 2019 budget request.

We thank the Secretary, Secretary Kirstjen Nielsen of Homeland Security for agreeing to appear before our subcommittee. Secretary Nielsen is appearing before our subcommittee for her first time and we look forward to hearing her insight. I'm also very, extremely pleased to be joined by our subcommittee's Ranking Member, Senator John Tester from Montana. We look forward to working together. We were just talking about that, through the fiscal year 2019 process.

I'm also very pleased that the Vice Chair of the full Appropriations Committee, Senator Patrick Leahy from Vermont is here with us today. So, thank you. As the highest ranking official at the Department of Homeland Security, Secretary Nielsen has one of the most challenging jobs in government.

Her department and its nearly 250,000 employees carry out a broad set of missions that spans the entire globe. They work to combat terrorism, manage who and what passes through our air, land and sea borders. Secure civilian cyber space, prepare for and respond to disasters and protect countless other national security interests.

The subcommittee will work to support the department in meeting these demands in an effective and efficient manner. The recently enacted appropriations bill provided significant investments for the department towards those ends. It made significant investments in a new border wall system for the highest trafficked portions of the southwest border.



It provided a record level of funding for immigration enforcement. For the first time, it dedicated significant funding to opioid detection equipment and to research and to improve those detection capabilities, something I'm extremely interested in.

It included the largest ever investment in equipment for the men and women of the Coast Guard. It dramatically accelerated the deployment of the cyber security tools that will be used by nearly every single civilian agency of the federal government. And in combination with emergency supplemental appropriations bills, it provided the necessary fiscal year 2018 resources response to and recovery from a historic 2017 disaster season.

While that bill took many positive steps, we are now turning our attention to the 2019 budget request. It is very clear to me that the department's workforce, which I'm very pleased to say, includes many West Virginians, it's - they consider this their most valuable resource and this budget request acknowledges that.

I know that it is your goal to ensure the department can improve workforce retention, recruitment, development and Senator Tester and I want to be partners with you in those efforts. We will hear from Secretary Nielsen, today, about border security. While we saw a dramatic decrease in illegal border crossing, last year, it is my understanding that those rates have increased in recent months.

We look forward to hearing how your budget seeks to meet that challenge. I am pleased that the department has provided our subcommittee with a comprehensive plan for border security. Your budget request mirrors that plan, would suggest that continuous investment in a border wall system should be made over a 10 year period.

While there are other areas where we believe your budget request gets it right, there are some areas where we want to work with you to ensure we are recommending a sufficient level of investment in these areas, cyber security, equipment to detect opioids and other dangerous substances before they enter our borders, Coast Guard vessels, aircrafts and infrastructure, strengthening partnerships between state and local leaders and research and development.

These are also parts of this budget request that are not - there are also parts of this budget request that, I believe, are not grounded in reality and that artificially deflate the real overall needs of the department. The request assumes a billion dollars in revenue which could only be realized by a fee increase proposals that have not yet been authorized by law.

CAPITO: We request your assistance as we consult with you and your staff, to make adjustments necessary to allow this budget to work, despite these challenges. Again, Madam Secretary, we appreciate your testimony and your willingness to answer questions from members of this subcommittee. I'll now turn to our distinguished Ranking Member, Senator Tester, for any opening remarks. And then, I will go to, after that, Senator Leahy for any opening remarks before you begin your testimony. So, thank you, again, and Senator Tester.

TESTER: Thank you, Chairman Capito. Good afternoon, Madam Secretary, welcome. We're here today to examine the DHS budget request for fiscal year 2019. I also want to recognize our new chairman of the subcommittee.

Senator Capito, I look forward to working together to develop some of the bipartisan DHS appropriation bill for fiscal 2019, and by your opening statement, Madam Chair, I would just tell you that we're pretty much on the same page.

So thank you. It is also worth recognizing that the 240,000 DHS employees who go to work everyday with -- with the goal of keeping this nation safe, we are absolutely indebted to them for their dedication and their service.

In total, the department's request for fiscal year 2019 includes \$47.4 billion, that's \$289 million below the fiscal year 2018 appropriation that we just enacted back in March. The department that you lead has a multitude of diverse missions, including border and immigration security, protecting cyber space, making sure air travel is secure, helping communities prepare for and respond to natural or manmade disasters and monitoring our coast lines and waterways to save lives, intercept the legal drugs, prevent bad actors from invading our ports.

It's a big job. As appropriators, our job is to allocate resources across the entire DHS enterprise to address all threats. This budget provides close to seven percent increase for border security and immigration enforcement.

But it has a near equal reduction for the rest of the department. I support additional funding for border security when done in a smart and effective way. But at the same time, we cannot shortchange other priorities like local law enforcement, fire fighters, cyber security -- excuse me, airport security, and critical R&D.

Montana's police officers and sheriffs have told me time and time again how critical these resources are to keeping them safe. Unfortunately, it is my assessment that the budget underfunds TSA staffing, eliminates VIPR teams, and ends funding for airport law enforcement support.

The science and technology directorate would be cut by 30 percent. It is incredibly important that we have good science and technology to leap ahead of technologies and stay ahead of terrorist groups.

There is no additional or dedicated funding request to help states secure their election systems, even though at least 21 states were targeted by Russian hackers in the last election. This is a big deal for a democracy.

FEMA prepared it's (ph) grants and state and local training would be reduced by 20 -- 20 percent, while quite frankly the threats are more diverse than ever. And finally the budget relies on a faulty assumption that an unauthorized increase in aviation security fees would be enacted to offset \$520 million in budget authority.



Look, we're at the beginning of this process, and I look forward to discussing with you these priorities and these issues today. Your request also proposed to hire a thousand new personnel for CBP and ICE, despite the fact that those agencies have had a hard time simply backfilling for attrition.

Hiring has been a challenge. In fact, such a challenge that the CBP awarded a contract to a company in 2017 to aid with the hiring of new agents. The total value of that award is \$297 million, \$43 million of that \$297 million has been obligated so far, and yet based on the latest data that I think we got from the CBP, there are fewer border -- border patrol agents on board today than when that contract was awarded. Before I can agree to additional contracts -- additional funds for this contract, we need to see evidence that this is truly a wise use of taxpayer dollars, because so far it doesn't appear to be that way.

Finally the fiscal year 2018 omnibus included \$1.345 billion for the construction of a physical barriers along the southwestern border, some replacement miles, some new miles.

The department still needs to supply this committee with an execution plan that describes the total number of miles, location and cost for each segment. If there are potential cost increase, we need to know those details too and the implications that that could have on this budget.

So thank you again, Madam Secretary, for appearing before the committee and I look forward to our discussion.

CAPITO: Thank you, Senator Tester. And I'd like to recognize the ranking member of the full committee, Senator Leahy for opening statement.

LEAHY: Thank you, Madam Chair. I -- I appreciate that. We have a lot of work ahead of us and, Madam Secretary, you're here to pen (ph) the Department of Homeland Security's budget request.

It reflects the Trump administration's priorities for your agency, as well as priorities that we're going to discuss with you today. And we're all (ph) going to ask who are those (ph) priorities are supported by the facts.

I know within days of taking office, the president attempted to make good on his Muslim ban by ordering a travel ban on citizens of certain Muslim majority countries. He did this despite a consensus among top national security experts, even within his own administration.

This (ph) citizenship alone is not a reliable indication of terrorism. And after promising to treat DREAMers with great heart, his words, the president proved heartless. He abruptly ended the program, he walked away from the only serious (ph) bipartisan, republican and democrat compromise to protect DREAMers, in order to, in his words, stop the massive in flow of drugs.

The president should know by now that DREAMers, by definition, are law abiding strivers, they're not drug kingpins. President Trump has repeatedly argued that a border wall is necessary to prevent drugs from pouring into our country, despite the reality that most illegal drugs come to illegal ports of entry, including the post office.



And when Mexico laughed off the president's promise that Mexico would pay for the wall, well then he broke his campaign promise and said the American taxpayers should foot the bill, even though he promises Mexico would pay for it.

Just yesterday after months of claiming the DHS does not have an official policy to separate families, your department announced to refer (ph) 100 percent of adults who cross the border for criminal prosecution, which of course is a de facto family separation policy.

No matter what you call it, a new policy is going to result in thousands of children, some of them infants, being forcibly separated from their families. The view of this around the rest of the -- rest of the world is shocking and most people around the rest of the world say this is so beneath the great United States.

LEAHY: Also (ph) (inaudible) straighten our limited federal resources, it will clog our court systems, all without any clear explanation, oh it (ph) keeps America safe. So at my core, my concern is not just a administration that's turning its back on immigrants by pursuing ineffective policies in the name of national security.

I'm equally concerned this administration is turning its back on what it means to be Americans. We are a nation of immigrants. All right (ph) my grandparents or my wife's parents were a proud on at that (ph). Now this committee will gladly retain a bunch of request with flexed (ph) priorities that rooted in reality. And address the real threats facing our nation. Not a budget in campaign promises that will never be fulfilled. But we're going to be much less receptive to a bunch of request intended to provide a megaphone. The administration is fear mongering against immigrants and refugees and chair, thank you very much.

CAPITO: Thank you. That concludes our opening statements and we'll have the testimony from the Secretary. Thank you for coming.

NIELSEN: Thank you. Well good afternoon. I thank you all for having me here today to discuss the needs, gaps and vulnerabilities we have in the Department of Homeland Security and ways in which we can work together to meet those and give the folks executing these missions what they need.

So madam Chair, ranking member Tester, distinguished members of the committee it's a privilege to appear before you here today. I'm honored to present the President's 2019 Budget Request for the Department of Homeland Security and discuss how that budget will help keep the American people safe. I want to first start by thanking this committee for the 48.2 billion provided to the Department in the recently passed Consolidated Appropriations Act. The hard working men and women of DHS deserve the resources needed to do their jobs and they deserve our support as they safe guard our communities. I thank you for your continued support, for supporting them in this last budget cycle and hope that we can work together to continue to do so. The President's 2019 Budget builds on the 2018 budget and request 47.5 billion in net discretionary funding for DHS. It also includes an additional 6.7 billion for the disaster relief fund for response and recovery to major disasters.

Today, I'd like to outline several (ph) core missions empowered by this budget. Securing and managing our borders and enforcing our immigration laws. Protecting our nation from terrorism and countering threats. Preserving and upholding the nation's prosperity and economic security. Securing cyber space and critical infrastructure and strengthening Homeland Security preparedness and achieving resilience. Within all of these missions we are aiming to put our employees first and empower our front line defenders to do their jobs. This will help mature the department and more importantly help us better secure the Homeland.

I want to spend the bulk of my time this afternoon focusing on border security and the enforcement of our immigration laws. We are preparing to release our northern border strategy soon which I know members of this committee will take an interest in reviewing. I look forward to speaking with you in greater detail on your thoughts and perspectives.

I also look forward to working with you on that and keeping an open dialogue on what needs to be done to further enhance security on our northern frontier. On the Southwest border which gets more attention these days, we have made vast improvements over the past 15 months but make no mistake we do face a crisis.

We continue to see unacceptable levels of illegal drugs, dangerous gangs, criminal activity and illegal aliens flow across our southern border. The current statistics for last month are simple -- simply sobering. Over all, the number of illegal aliens encountered at the border more than tripled when compared to the same time last year. For the second month in a row we have seen more than 50,000 illegal aliens enter our country.

We've been apprehending these crossers with historic efficiency but illicit smuggling groups understand that our ability to actually remove those who come here illegally does not keep pace so they continue to come back.

For example, just the other week our agents received a tip about a suspected smuggler in McAllen, Texas. When they searched his residents, they found not only a fire arm and ammunition but also 70 people in a so called stash house. All illegally in the United States.

The man himself had four remover (ph) orders and had been convicted of illegal entry five times. That's what we're up against. Fortunately, the President's budget would invest in new border wall construction, technology and infrastructure to stop illegal activity.

The proposed budget would also allow us to recruit, hire and train additional U.S. border patrol agents, additional U.S. immigration and customs enforcement officers and additional support personnel to help carry out these critical missions.

As we seek more funding for our border wall system, our people and the assets we need I will press forward with tough border security actions and enforcement to the fullest extent of the law. My message to smugglers, traffickers and criminals is clear. If you try to enter our country without authorization you have broken the law.



The Attorney General has declared that we will have zero tolerance for all illegal border crossings and I stand by that. We are a country of laws. It is our policy that anyone crossing the border illegally will be detained and referred for prosecution.

We will no longer exempt classes or groups of individuals from prosecution. And if they file a fraudulent asylum claim or assist others in doing so, they will also be referred for prosecution, convicted and removed from the United States.

But our zero tolerance policy and more funding for border security will only get us part way there. We urgently need Congress to pass legislation to close legal loop holes that are being exploited to gain entry into our country.

Apprehensions without the ability to remove those who have no legal right to be here is not border security. The smugglers know these loop holes and they are taking advantage of us every single day. They know it's easier to get released into America if they claim asylum, if they're part of a family or if they are unaccompanied children.

So it should come as no surprise that we are seeing a spike in all of these categories. Word is getting out. Asylum claims are up 200 percent in the last five years. Family unit apprehensions are up nearly 600 percent compared to this time last year.

And UAC apprehensions are up more than 300 percent. In fact, five years ago, apprehensions of families and unaccompanied children were less than 1 out of every 10 apprehensions. Now they approach almost one half, 40 percent of all apprehensions.

The gaming of the system is unacceptable. We need urgent action from Congress to close these dangerous legal loop holes that are making our country vulnerable. For border security to work violation of the law must have consequences.

Before I move on, I want to make one final point. While activists claim that these migrant flows are helping people, I would argue the opposite. The journey to our border endangers the illegal alien themselves. The communities they pass through, our agents' border and U.S. communities in our homeland.

Illegal migrants face the prospect of robbery, rape and murder as they travel. And the criminal network smuggling them are the same networks that smuggle drugs and weapons and which have caused instability in communities throughout the region and our country.

To be clear, human smuggling operations are lining the pockets of transnational criminals. They are not humanitarian endeavors. Smugglers prioritize profit over people and when aliens pay them to get here they're contributing (ph) up to 500 million a year to groups that are fueling greater violence and instability in America. There are other options aside from the dangerous journey north to our borders, ones that I continue to advocate.

If they have a legitimate need to flee their home countries, migrants should seek protection in the first safe country they enter, including Mexico, not subject themselves to an unnecessary long and dangerous journey and or turn themselves in to the ports of entry.

I have met with hundreds of members of Congress, they have all told me they want to secure the border, but when it comes down to it, too often there is reluctance to support our folks in doing what they were required to do, which is enforce the law.

That's what are men and women have signed up for, that's the oath I took. This is also what the American people demand, we are a country of laws. This administration and this department will continue to do everything we can to enforce the law, which is why we are committed ourselves to do when we swore our own oaths.

In addition to border security and immigration, I wanted to quickly touch on another -- other topics, but happy to ask -- answer any questions you might have. We also make important enhancements across our other missions to support countering terrorism, the budget would allow TSA to deploy advanced tools to detect threats.

It funds new CBP initiatives to identify high risk travelers, ramps up defenses against weapons of mass destruction, provides vital funding to protect soft targets form concert venues to schools against attack. To advance our economic security and prosperity, the president's budget provides critical resources to enforce our trade laws and to keep foreign adversaries from stealing our trade secrets, technology and innovation.

To support cyber security and critical infrastructure security and resilience, the budget equips DHS to continue making historic strides to address systemic cyber risk, secure .gov networks and assist critical infrastructure owners and operators.

It also enables DHS importantly to support state and local election officials in defending our election systems. Finally this year's budget will allow us to strengthen homeland security preparedness and national resilience.

Last year we experienced one of the most costly and damaging season for national disasters in history with accumulative cost exceeding \$300 billion. President's budget will devote the resources and attention needed to ensure recovery and to help communities across our nation create a culture of preparedness to be more resilient to disasters.

In addition to the areas I mentioned today, I'm also firmly committed to maturing the department and putting our employees first. I ask the committee to -- to work with me on this budget, to support the needs of the men and women of DHS, to support our missions (ph) and help us make our country more secure. It's a true honor to lead the men and women of DHS and I commit -- remain committed to working with you to do just that. Thank you very much for your time today and look forward to your questions.



CAPITO: Thank you, Madam Secretary. And I want to help my colleagues stay happy on my subcommittee, so Senator Hoeven is going to be chairing the -- on the floor -- presiding on the floor, so I'm yielding my time to Senator Hoeven to begin the questioning.

HOEVEN: Thank you, Chairman Capito, very much, I really appreciate it. Secretary Nielsen, thank you for being here, more importantly thank you for the very good job that you're doing as Secretary of Homeland Security.

We appreciate it very much. One of the tools that we're using on the border is unmanned aerial systems, both on the northern border and the southern border. You and I have talked about it and we're looking forward to having you come to Grand Forks, where we have 900 miles of border security responsibility and we're using unmanned aircraft as a big part of that.

My question to you is we also have to be -- not only using unmanned aircraft for surveillance, but also now increasingly we have to be aware that we've got to protect our borders from unmanned aircraft threats that may come into our country. And I know you're working on that, so my first question is, do you have adequate funding for counter-UAS type activities that you need to do?

NIELSEN: I thank you for the question because this is an emerging threat and one that's very top of our mind. We see how UASs are used in the theater, but we also have already seen them used by TCOs to transfer drugs across our border.

HOEVEN: OK.

NIELSEN: So, it's only a matter of time, we fear, until we watch them use it to, actually, transfer IEDs or something explosive materials. They disrupt our surveillance and they cause problems with our communication already. So, we have put together a legislative request for authority that would help us surveil (ph) and disrupt.

It's not dissimilar to what the Department of Defense has. We're working with DOJ to finalize that language, but I would, very much, look forward to working with you on that so that we can protect our border.

HOEVEN: Have you started looking into utilizing private companies to help leverage your capabilities, both, in some of that counter-UAS work, but also, even in using your fleet. One of the challenges, and I remember from my time chairing this subcommittee, is personnel. You know, getting enough personnel because you have such and incredible demand for skilled people, you have great people and you need more of them, including pilots. And so, have you started to look at private sector options, both, to fully utilize your fleet of unmanned aircraft, as well as, to do some of this counter-UAS work.

That's one of the things that we can show you are some of these creative, innovative uses because we, not only, have the military using unmanned aircraft up there, we have civilian, Guard, Reserve, active forces, but then, also, Customs and Border Protection. And so, are you moving this direction to try to leverage, you know, your resources - your manpower needs?

NIELSEN: We are, as you know, we're working with some of the great establishments in your state to do some training and piloting, but there's a lot we can learn. We work with the private sector, now, using UAS, already, in a variety of means, for example, to determine the damage after a disaster. We often...  
HOEVEN: Right.

NIELSEN: ...do that in conjunction, you know, pre and post disaster along the coastlines. So, we do have partnerships, already, with the private sector. Yes, we are looking to continue to leverage those for the security needs across the border and around crowded places.

HOEVEN: Again, thanks for the work you're doing. We look forward to working with you in this area and other areas as well.

NIELSEN: Thank you.

CAPITO: And now I'm going to turn to Senator Leahy for his questions.

LEAHY: Thank you, very much. Madam Secretary, I recall the morning you appeared before the Judiciary Committee in January where you are required under the law to tell truth in your answers. You released, the morning you appeared, you released a report claiming that 73 percent of individuals convicted of international terrorism charges since 9/11, or 402 in total, were foreign born.

I asked you questions about that, points (ph) you couldn't answer. You testified, again, under your requirement of telling the truth that you'd get back to me, you haven't. I've had a number of inquiries to you, it's been four months. Even though you stated you would get back - just let me try again.

A report was released pursuant to the President's travel ban. How many of the 402 individuals, listed in the report, were citizens from countries included in the travel ban? Easy question, go ahead.

NIELSEN: Sir, I continue to commit to get back to you with the information, the challenge.

LEAHY: Oh come on, it's been months and months and months and you were relying (ph) in the travel ban based on the president's statement. He must have had something to back it up with. You had to have something to back it up because you said it.

Now you said it (ph) and that's what the country has to fall. So tell me, how many of the 402?

NIELSEN: So there's two issues here, one is the information that we have from our partners in the interagency and I thank you for your detailed letter in February, we are looking to make sure that we respond fully, but some of the information is not DHS information.

So you do have my commitment (inaudible) --

LEAHY: But you used it as your information, the president used it as his information, are you telling me these numbers are just sort of made up out of whole cloth and then we'll just stall the Congress if they ask us where it comes from?

NIELSEN: No sir, I'm not. The second point I was going to make is the two are somewhat disaggregated, so what we have done with the countries that you mentioned, we have set a international for the first time baseline of information that we need to assure ourselves that we know who is travelling to our country and whether they have an intent to do us harm.



If those countries cannot meet that burden, then we have tailored travel restrictions for them. As you know, we worked very closely with the country of Chad. Chad just came off (inaudible) --

LEAHY: How many of the 402 came from Chad?

NIELSEN: Sir, what I'm saying is the two are separate. One was a report on international terrorism, and yes three -- the report said that three out of four --

LEAHY: Are -- are you -- are you saying that cannot answer my question after all these months of the 402? Yes or no.

NIELSEN: I do not have that information with me today, sir.

LEAHY: OK, do you know how many of these were people extradited here, sent here by law so they could be tried?

NIELSEN: I do not have that information.

LEAHY: Like Osama Bin Laden's son-in-law.

NIELSEN: I do not have that information with me today.

LEAHY: Now the White House cites its report when they argue for an end to diversity visas and family unification, can (ph) the 402 come through those programs?

NIELSEN: I'm -- I'm sorry?

LEAHY: The White House says that we need this -- in talks about the 402, it said that shows a need to end diversity visas and family reunification. How many of the 402 came through either of those programs?

NIELSEN: Sir, as I said, I am committed to getting you the information, I don't have it in front of me today, I'm working with the air (ph) agency where the information was pulled.

LEAHY: OK these -- these facts are still on the White House website. There doesn't seem to be any backup for them. But it becomes what our policy is made on. I can make any policy if I just want to make up the facts.

Now I'd ask you about CBP directive that permits border officers to search (ph) through Americans like trying devices (ph) at the border for no reason at all. You responded and I agreed with your response, there has to be a reasonable suspicion.

But now CBP has the directive that allows for officers to manually search through U.S. citizens phones, having no suspicion at all. Senator Daines and I introduced a bill, requiring CBP to at least have reasonable suspicion in these cases.

In other words, Americans faced (ph) with American officers who say here we're going to go through your phone. Now would you support codifying this standard for border searches of American's electronic devices based on what said before?

NIELSEN: Sir, I would look forward to looking at the language and working with you, absolutely. There should be a reason to search a phone. I don't, to my knowledge...

LEAHY: You said there should be a reason.



NIELSEN: Yes, sir.

LEAHY: OK, that's not what the policy says now, so you're saying that you should have a reason, it can't just be because they feel like it?

NIELSEN: CVP, as you know, has broad authority to -- for inspections at the border, but I'm not aware of any policy that says they can take any American's phone and search it for no good reason. I'm not aware of that policy.

LEAHY: Well, this new CVP Director says they can. So, please look at that because, you know, it becomes a police state if you do that. I'll submit my other questions for the record and I appreciate the courtesy of, both, you and Senator Tester.

CAPITO: Thank you, Senator Leahy. So, I'll begin my questioning, Madam Secretary, the 2018 appropriations bill, recently enacted into the law, provides, for the first time in about a decade, significant new funding for new mileage of a border wall system along the southwest border. You addressed this in your opening statement. Do you believe that these investments will secure the southwest border in ways that cannot, feasibly, be achieved through technology or personnel?

Let me -- let me go ahead, I have three questions and you can, sort of, (inaudible).

NIELSEN: OK.

CAPITO: It's my understanding, too, that the funds provided in 2018 and those requested in 2019 will be used to build a border wall system. Can you explain what those components would be? And then, lastly, how will these investments improve the safety of our Border Patrol?

They, obviously, are well trained. Many of them go through Harpers Ferry at the training center there, in my -- in my state. So, how will this more effectively secure their -- their own security? So, those are my three questions about the border wall.

NIELSEN: Sure. Thank you for combining them because it's easier to answer. So, for the wall system, as you know, the wall system is a combination of personnel, technology and infrastructure. What we're attempting to do with, what we call, the wall system is reach operational control at the border.

So, there's -- that's made up of four capabilities. One is impedance and denial, which is that infrastructure wall which we, do believe, in and of itself, decreases the amount of assaults on our Border Patrol which, as you know, is up 73 percent. It's a 30 foot wall, so it makes it that much more difficult for those attempting to cross illegally to attacked our -- or attack our folks.

Two, it provides access and mobility. So, that's the roads. That's the ability to get to the wall, to get to somebody that we need to interdict. Three, it's the domain awareness surveillance. We do that through technology, as you know, as well as personnel. And the fourth is the personnel themselves and making sure they're mission ready, which is the training that occurs at Harpers Ferry and others.

So, together with '17, '18 and '19, we're looking at about -- if '19 should be funded at the request, looking at about 200 miles of wall. Some of that is replacement and some of that is wall that has never existed there before.

CAPITO: So, is that wall (ph) -- is that a wall system or is that...

NIELSEN: It's, it's.

CAPITO: ...all physical wall. I think that's the question Senator Tester.

NIELSEN: Yes, so two -- good -- so, 200 miles is what we -- it would -- that would -- that includes physical infrastructure.

CAPITO: OK.

NIELSEN: But when we have physical infrastructure, we make sure to include the other capabilities with it...

CAPITO: OK.

NIELSEN: ...so that we get the biggest thing (ph).

CAPITO: It's a combination then? Yes. My second question is on election security. It's Election Day in West Virginia, in case you missed that on the national news. And, obviously, we saw, during the last election, some of the difficulties that we had, in terms of some cyber security and cyber hacking and all of the things that -- known and unknown to some of us, already. I'm not sure we know what all happened in 2016.

So, on a scale of one to ten, where you rate the United States in relation to other nation states, in terms of our overall cyber security posture in elections? And the other thing I'm wondering is, what kind of lessons learned your department has -- has learned? I know you've been working with the Election Assistance Commission which we just funded, that was my last subcommittee. I think it was \$340 million for this -- in -- in the 2018 budget -- or 2018 bill that we passed.

But how you're working with states to make sure that their election infrastructure is safe and that for the 2018 election we're going to have the assurances that our elections are much safer than we found out they were in 2016.

NIELSEN: So there's two things that are top of mind for me as part of this conversation, one is helping state local secure the election infrastructure itself, and the other is combating what we've seen very visibly now as foreign influence and attempts to influence voter's decision making through false propaganda or through a speech that is misdescribed (ph) in terms of who is providing that speech.

On the former DHS has lead, compared to other countries, I would say that we are pushing the bubble.

We actually provided threat indicators for example to France for their election.

We also have seen in other countries physical attacks on election places, such as in Libya over the last couple weeks. So the part that DHS does, I believe that we are above or actually helping other countries.

We talked about it at the G7 a couple weeks ago when I represented the United States' security administer.

In terms of what we are doing, we need to do more, we're working hand in glove with the Election Assistance commission as you mentioned, as well as state and local officials. I also, in the weeks to come,



will be hosting a meeting on the Hill and ask for as many members who have time to attend that I can explain to you not only what we're doing, but how we can further help our state and local partners. There's a lot of best practices we've learned, redundancy is always top of mind, we either need paper ballots or a way to audit. But there are some things that we can encourage our state and locals to do. For example, every state has the opportunity for provisional ballot, but some do not give a provisional ballot if you show up at a voting place and you are not on the voter roll. So if you look at the system and everywhere in which it could be compromised, there is a lot more that we need to do to work with the state and locals.

CAPITO: Thank you, I will like to say since I voted early in my state, we did change the local voting system where we were and we've got a touch screen but it does have the paper back up to it, so I felt very secure there and -- and was pleased to cast my vote. So I'll go to the ranking member and Senator Murray.

MURRAY: Thank you very much, and thank you Senator Tester for -- for yielding. Madam Secretary, thank you for being here. I just have to start -- I just have to say I am really disappointed in this administration's treatment of our immigrants and religious minorities and many others.

I can't say I'm shocked, I listened to President Trump's rhetoric during the campaign, but I am disappointed and I'm going to keep standing with these families across our country to fight back, whether we're talking about DREAMers who have come out of the shadows to participate in the DACA program or whether we're talking about TPS recipients who have been part of our communities for decades. There are families who are being torn apart at our borders today, and we're banning people from visiting our country really because of their religion. So I just want to state I disagree with this administration on every step of the way.

But I, today, wanted to focus my questions to you on one of the more damaging decisions. In December, acting in secret, ICE changed how it would treat pregnant women in their custody.

And the new policy means that a lot more pregnant women will be stuck in detention for a longer period of time, often with inadequate support, whether it's nutrition or medical care or prenatal care.

And in response to that, the American Academy of Pediatricians, the American College of Obstetricians and Gynecologists and the American Academy of Family Physicians wrote to you saying that detention quote puts the health of women and adolescents and their pregnancies at great risk.

And they go on to explain something that should be obvious, detention facilities do not offer the level of care that pregnant women need. Now on top of the real consequences to these pregnant women, for months the departments didn't even tell Congress about this inhumane and dramatic policy change, and when this new policy change was finally posted on your website, the question and answer page included a question stating, and I quote, isn't detaining pregnant women a human rights abuse?

Well your question and answer page raised the question and I think the answer is pretty clear. When your department is doing something that is wrong and misguided and in my opinion cruel and an embarrassment to our country, I think it's wrong and I really urge you to reverse course on this.

I know it's wrong, I -- I think you should, but I want to ask you a couple of questions about this. Can you truthfully tell us that detention facilities offer the same level of care to pregnant women as a hospital or other medical facility that's designed to care for pregnant women?

NIELSEN: What I can tell you is we screen everyone, every female for pregnancy from ages 18 to 56 when we encounter them. We provide them prenatal care, we provide them separate housing, we provide them specialists, we will take them to appointments if they need to go somewhere else.

We provide them counseling and we provide them religious --

MURRAY: OK, but they are in detention for this (ph). Do you know how many pregnant women are detained today?

NIELSEN: I don't know how many, no ma'am. But I will say the reason they're detained is because they illegally crossed our border. If they went to a port of entry, that would not be a crime. So I would like to encourage those who are pregnant --

MURRAY: (Inaudible) let me just tell you, I'm short on time, I have another question, but I will tell you you're just trying to discourage pregnant women, they don't come here because they're pregnant.

NIELSEN: No, I'm trying to encourage them from breaking the law. If they go to a port of entry, they have not broken the law. They can make their asylum claim.

MURRAY: But to put them in a detention center, that is inhumane (inaudible).

NIELSEN: They broke the law, yes ma'am, we -- we do not exempt classes, we enforce the law.

MURRAY: And so therefore (inaudible) treat them inhumanely and cruelly.

NIELSEN: Well I will tell -- I will tell you actually they provide -- they are given not only adequate care in facilities --

MURRAY: Well you -- you and I will disagree on that point.

NIELSEN: OK, but it is much better care than when they're living in the shadows and they're not provided any care after entering our country illegally.

MURRAY: We obviously disagree, and let me just ask you another question because this committee gets a lot of requests for additional funds to reprogram our funds or transfer funds due to overspending and a lack of fiscal discipline in your department.

As you know, Congress, not this administration, sets your budget and you have to live within the means that we give to you, and to me far too frequently it seems a big part of DHS overspending is caused by ICE unnecessarily detaining people, like we talked about, pregnant women.

As you know, detention is really expensive, every year ICE -- each year ICE detains someone, it costs taxpayers over \$50,000. For comparison, by the way, that's four times the amount the federal government spends on each child in our public schools.

So what this means is that taxpayers are now footing the bill for food, medical care, clothing and the expensive prison contracts that ICE is using for detention, like the facility that's in my home state.



To me that's really inexpensible (ph) because there are less expensive and more effective alternatives to detention. And in fact, according to your own budget, to use one of the alternatives to detention costs less than \$1,500 per year compared to that \$50,000.

So while you're asking for billions of dollars in additional funds to build the unnecessary border wall, hire more ICE and border patrol, expand detention, militarize the border, you're asking to cut funding for alternatives to detention in your budget.

So why is the department not asking us to expand the use of alternatives to detention in order to save taxpayer money?

NIELSEN: We are looking to do both. So as you know, one of the alternatives to detention is an ankle bracelet. We do utilize those in situations where appropriate. If somebody, however, is -- has broken the law, in the sense that there are multiple re-entry, or they have some other reason to be criminally prosecuted, we actually turn them over to the Marshals.

We defer them over for prosecution, in which case there is no option for an alternate to detention. So if you look at all the numbers, we are trying to find ways to do it. But I do want just say again, if you cross in between the ports of entry, if you -

MURRAY: I know what your philosophy is. I'm out of time. I just want -

NIELSEN: It's not a philosophy. It's a law Congress passed.

MURRAY: Well, I -- I just will say to you -

NIELSEN: So she's encourages you to go to the ports, if they need to come to seek asylum.

MURRAY: -- I believe that you (inaudible), and the use of ATD. It seems to me it's cost payer saving, and much more humane. Thank you.

CHAIRWOMAN: Senator Lankford?

LANKFORD: Thank you. Senator Nielsen, would you pass on a thank you from this committee to the law enforcement folks that we work with. They have an incredibly difficult job. And they literally put their lives on the line every single day, to be able to protect the United States, and our neighbors.

And we very much appreciate the work that you're doing, and the work that they're doing all the time. I'd also like to thank you for the very hard work you all have done on election security. You all have done a lot in the past year, working on election security issues, and trying to get to a better place than what we were in 2016, both clearances and getting security clearances for state leaders, working in coronation, helping people to think through the "what if's" and trying to be able to have that ongoing dialogue that's much needed.

So I appreciate that very much. And if you could pass that on to your team as well, because they've done a lot of work on that.

NIELSEN: Thank you.

LANKFORD: Let me ask some specific appropriation questions. One of them is about the dollars that were given during -- for 2018 for wall construction -- the wall system. Can you give us a progress report

of what's happening? And I have a ton of questions to be able to go through, so if you can give me just a brief update on what's happening on that wall construction -- the wall system for 2018?

NIELSEN: Sure. So what we're doing right now, as you know, is building a 30 foot new bollard-style wall in Plaxico. We are then moving to Santa Teresa. After that, we will move to RGV. So we have, as you know, about 650 for existing miles now.

And we're -- 980 we're looking at. But over the next three years, we'd get to that 200. So we're moving forward as expeditiously as we can. As you know, it's a complicated process with the land acquisition, and working with state and locals. We work very closely with the governors, the ranchers, and others, who along the border own the property, to understand where and when we need the wall.

LANKFORD: OK. But that's moving expeditiously at this point?

NIELSEN: Yes, sir.

LANKFORD: Great. So \$276 million has been requested for Calexico to finish up that port of entry as well? Help me understand what those dollars would go towards. That's a chunk of money to be able to finish off that port of entry there. That's -- and I believe that's the second year of that funding for that. What would happen with Calexico if that money is allocated?

NIELSEN: If the money is allocated, we'd build up the rest of the wall system. So it's not just that infrastructure, and impence, but it's also the surveillance. It's also looking at how to connect it to the nearest port of entry, and some of the technology -- it's the integrated towers. And it's the training of personnel, and additional personnel who would then be needed to work at that location.

LANKFORD: So Calexico, itself, is a border crossing port of entry? How -- give me a ballpark, not just for that facility, but for all of our southern border, the number of legal crossings that happen a day, or a year, whichever one you want to do there?

NIELSEN: It's 360 million a year that DHS encounters, and that's northern and southern border. But of course, it's mostly southern.

LANKFORD: Mostly southern?

NIELSEN: Yes, sir.

LANKFORD: So easily estimate half a million -- one way, half a million people cross from Mexico into the United States every day?

NIELSEN: Yes, San Ysidro -- which has been in the news a lot lately, as you know -- we process 100,000 people a day in San Ysidro, alone.

LANKFORD: It -- it is always interesting to me the number of times I get into a conversation with people and they talk about the only way to get into the country is illegally crossing into the country, that that's the only route, when we have half a million people a day, legally crossing into the United States...

NIELSEN: Yes, sir.

LANKFORD: ...working through the process the right way. So it's not as if the only way to be able to cross our southern border is to illegally cross that border.



NIELSEN: Correct, and it's much, much safer to go through the ports of entry for the immigrant.

LANKFORD: Let me ask you your vision for the St. Elizabeth's facility. Who do you think would move there, as -- what part of your office? I know there's been some debate on where that will go, and who will go there for that St. Elizabeth's facility.

NIELSEN: St. Elizabeth's has been a bit of a difficult construction project. We were very much restricted in how we can build. As you know, we had to build within a building, if you will, to observe the historical requirements that D.C. laid out. And so what that means is we're constantly rejiggering who can go there at what time, because we're trying to get people there as quickly as possible.

So the Coast Guard is there. The headquarters elements (ph) fortunately are now not slated to go there until about March 2019, but we continue to work with GSA to move forward as quickly as we can.

LANKFORD: OK. Do you anticipate FEMA moves there?

NIELSEN: FEMA is -- is still slated to move there, yes sir.

LANKFORD: OK.

NIELSEN: Now, that could change, and we would definitely let you know if that's the case.

LANKFORD: Let me run through a couple of quick things as well. I visited with folks from the Coast Guard and Customs and Border Patrol about the steps that they have to go through in the process of interdicting drugs on the water. They're -- they have the same steps, but a very different process. Customs and Border Patrol can move very rapidly through those steps, Coast Guard may take 30 to 40 minutes to be able to move through the exact same steps.

If you wouldn't mind, take a look at that, and try to figure out why Customs and Border Patrol can move much faster than Coast Guard can. That makes -- makes it very, very difficult for them, and is also a large cost savings if we can actually make those two consistent on it.

I know that there is -- from the omnibus bill, there was a decision that was requested to be on (ph) H-2B Visas. You were given additional authority to be able to increase those numbers, and we're still waiting for that process to work through that.

And one last quick question from you: are there asylum laws in Costa Rica, and Belize, and Ecuador, and Brazil, and other countries? Because there's a lot of talk about people from Central America coming to the United States. It's my understanding Costa Rica's a very peaceful country as well, Belize's a very peaceful country, what -- what -- what's the belief of why they would come here rather than there for asylum?

NIELSEN: What I can say is we encourage anybody who is in fear for their life to go to the first safe country that they enter. That is the international approach, the G7 approach, the Five Eyes (ph) approach, the UNHCR approach. So we continue to encourage those to do it. Under our laws, the only way that we can stop people is if we have safe third (ph) agreements with other countries. We are working towards those, we have -- we'll have one with Canada.

LANKFORD: OK. Thank you.

CAPITO: Thank you. Senator Murkowski.



MURKOWSKI: Thank you, Madam Chair, and Madam Secretary, welcome. Nice to see you here. I'm not going to ask questions on immigration, but I -- I do want to acknowledge, as you say, we are a nation of laws, absolutely.

We are also a nation filled with very compassionate hearts, and I am going to share with you a letter that I received from the Alaska Catholic Conference, with specific requests to programs such as the Refugee Assistance and Immigration Services, where we have helped, in Alaska, to -- to establish about 130 refugees, as -- as well as some other -- some other measures that they have asked to be brought to -- to the attention of not only the committee, but to yours as well. So I will be forward -- forwarding that to you.

NIELSEN: Thank you.

MURKOWSKI: You mentioned in your comments the northern border, and I would like to speak to the northern border. In your F.Y. '19 budget request, you state, "Our great nation has always been shielded by threats -- from threats by distance and by two oceans. And we can no longer have confidence in that protection." I need to you amend that statement because we have three oceans that we need to be aware of. It's the Atlantic, it's the Pacific and it is the Arctic.

And I would argue that, as an arctic nation, in the past that sea ice, up north, has really acted as that shield, to provide protection for our northern-most border. But as we're seeing the rapid diminishment of the Arctic sea ice that once protected us and then the heightened international interest that is, certainly, focused in the region, coming from Russia, coming from China and other, other nations. We are -- we are more and more vulnerable to, to, not only, domestic, but international threat.

The importance of protecting our political, our economic, our energy, environmental, other interests in the region, I think need to be a priority. And yet, the, the department's budget, in my view, doesn't reflect the Arctic as a priority, now, having said that. Thank you, thank you for the recognition that as an Arctic nation, we do need a polar icebreaker and the resources that are in this budget are significant and important and, absolutely, welcomed.

But we, also, recognize that what the Coast Guard needs to achieve its statutory mission in the Arctic is a fleet of icebreakers. And it's been recommended that there be three heavy and three medium icebreakers. So, we're making momentum. I'm not complaining about that, but I am worried that we're not setting ourselves up to do more than to address the needs for one icebreaker, something that we recognize is going to take many of years to construct.

So, how do we expedite the construction of the remaining two heavies and then the subsequent three medium icebreakers that we need? Do we need to look to, to block buying? How can we be smart about this? Because I think we need to be smart.

NIELSEN: We are looking at block buying. The good news is, as you very well know, the Coast Guard is now positioned to accept money through the DHS budget or through the Navy. That makes a very big difference. The 30750 (ph), together, there will get us the next icebreaker. But I share your concerns.

China is much more strategic than we are in this area, Russia, much more strategic than we are in this area.

This is the way to defend our sovereignty and we need to take it seriously. So, I, very much, look forward to working with you on other creative ways that we can get the money faster, into the private sector and encourage the industry to build faster.

MURKOWSKI: Well, we, we will work with you on that because I am fearful that we're taking this one at a time. And one at a time means that we're not going to be prepared. And it will be just extra costly. As I'm speaking about Coast Guard, we have -- we have been working hard with the Coast Guard to deal with replacing some, some aging assets that we have up north.

And we've got new, new offshore patrol cutters coming our way, as well as patrol boats and that's good. But where we're lacking is the, is the shore-side infrastructure. So, we need to know that we can work with you in ensuring that we're able to bring these assets online without being delayed because we haven't provided for the necessary resources for the, for the shore-side infrastructure. So...

NIELSEN: Thank you. Yes, you have my commitment.

MURKOWSKI: Good. Thank you. And I'm moving quickly because I need to get this last one in. And Secretary Lankford - Secretary - Senator Lankford mentioned the H-2B visas and you have received yet another letter from the Alaska delegation on the H2B Visa situation.

We are coming up against the beginning of our season. If we don't get an answer really within this next week, we're in a situation where once again our processors are not able to be on the ready to -- to receive the fish when they hit.

We can control lots of things. We cannot control when the fish come. So this is -- this is a priority for us and we are -- we are asking you -- urging you politely and then forcefully to -- to address this very, very quickly. We can't be in the same situation that we were last year. Where in the assistance came after the fish had already come.

NIELSEN: I agree. If I could just ask in return to work with you. I've talked many members of Congress on this issue. Because of our appropriations cycle as you know does not correspond to the seasons of -- the seasonality of the H2B. So I just like to request formally that Congress please put the sealing (ph) number in law.

It's the only thing that is fair to these companies who are trying to plan for understand what they will have each year. So you have me now. I will make a decision. The decision is working its way through the international -- or inner agency process, but I can't guarantee what the next secretary will say neither can the companies.

So the fairest thing to do for these companies to insure their survivability is to put the number in law. Not to give it up to the discretion of process that then has to go through the inner agency. We have to write a reg. Takes a long time.



So you have both my commitment to get this done as quickly as possible. I should be able to give you an update here very shortly on that. But also I would like to work with you to just get this in law so that companies know what they can do.

MURKOWSKI: I appreciate that and we'll look for that very -- very promptly. Thank you. Thank you, madam Chair.

CAPITO: Thank you. Senator Tester's being very generous here and yielding his questioning time to his friend Senator Boozman now.

BOOZMAN: What's happened?

TESTER: New chair.

BOOZMAN: Very good. Well, first of all I want to congratulate the new Chair and I know that you're going to do an outstanding job as you do in everything you, you know sink your teeth into around here. So congratulations. You do have a very, very good partner.

And then certainly; Adam, Peter, Chris and Christian, you're staff do a great job as does Senator Tester. So thank you all for helping us be successful. And we really do appreciate all of your hard work. And thank you Secretary Nielsen for being here.

I've enjoyed working with you and you're staff and then visiting all over lots of men and women that are working very, very hard in lots of different components. I think with Homeland Security, you know we tend to concentrate on the border in this (ph). We forget all of the other things whether it's cyber, you know, international gangs, all of those kind of things that you all work so, so very hard and really do an outstanding job.

NIELSEN: Thank you.

BOOZMAN: So, we do appreciate it. Let me ask you about -- the Department is considering reorganization actions that would involve programs within the science and technology directorate. We started being supportive of D.H. cargo -- DHS cargo and poor security research.

How will the reorganization change the cargo and border security research program -- programs that are currently underway within DHS and ...

NIELSEN: Yes. Let me -- if I could, let me give you a -- a high-level answer and then would love to have (inaudible) folks then brief you in detail. What we're trying to do writ large is take the S&T portfolio and have it be driven by requirements.

So there is a bit of a -- there has been a bit of a disconnect in the past. So what we've done is we've moved some of the requirements; identification, the piloting, some of the research and development into the components which includes in this case cargo.

So we're actually looking at increasing our capabilities in National Targeting Center. As you know, we're working towards the National Vetting Center which will enable us to get the information from either department.

So the mission still remains. It's just an efficiency question of the best way to make that it very quickly follows from the requirements. But happy to come and break it down for you very specifically as to how we're doing that.

BOOZMAN: No, that would be helpful. And again, I guess as things go forward if you just kind of keep us updated. You know kind of give us where we're at and where we're going. And then again, update us as we get there.

NIELSEN: Happy to.

BOOZMAN: That'll be very, very helpful. I hear a lot as I'm out and about with our local fire departments and emergency service organizations that benefit from FEMA grants. And such as the assistant to Fire Fighters Grant, the staffing for adequate fire and emergency response grant, the President's Budget cuts those significantly.

I guess what I'd like to know is what the cuts are based on and then also how is the Department insuring that these local organizations -- they really do work very, very hard stretching their dollars, you know better than anybody stretches them. How do they -- how can we insure that they have the tools to keep their community safe?

NIELSEN: I think part of the answer is one of partnership. So what we've endeavored to do since I've been here is to reach out -- and I spent actually quite -- quite a bit of time with the fire community asking what is the best way they can receive support from us.

So we continue to remain support of the Safer Grantson (ph) AFG Grants but they also need additional training, they need additional guidance, they need additional protective action information. For example, we've recently published something on fentanyl and how to, you know not to be infected by that, dogs. So there's other things we're doing to try to supplement the pure grant of money to help them most effectively build the capacity. But the need is there. I would very much look forward to working with you. Have spent quite a bit of time with them. Again, we -- we will continue to support SAFER and AFG in particular.

BOOZMAN: Very good. And again, I would appreciate you looking at that and -- and whoever's -- you know is in charge of those. Since -- Congress is probably going to be helpful in that regard and we do want plus (ph) dollars being used as wisely as they can.

I would argue that -- that again nobody stretches those dollars any -- any -- anymore than those local -- local budgets. They do a very, very good job in our community. So with that I yield back. Thank you very much.

CAPITO: Thank you. Senator Kennedy. Questions?

KENNEDY: You caught me off guard Madam Chairman. Thank you.

CAPITO: Part of my strategy.

KENNEDY: I understand. You're good at it. Madam Secretary, I'm going to deal a preliminary issue out of the way first. The impoverished pregnant women in our detention centers who came here from

Guatemala, Nicaragua, Mexico, where do you think they get better medical treatment, in our detention centers or back home?

NIELSEN: I would offer per what they have told us in our detention centers.

KENNEDY: OK. Let me ask you this. Is there a country on God's green earth that let's in more immigrants legally than the United States of America?

NIELSEN: Not close. No, sir.

KENNEDY: OK. How many illegal immigrants came into America last year?

NIELSEN: Well, we had 50,000 just the last month and the month before that I don't have the total figure but a substantial number.

KENNEDY: OK. While (ph), you're the Secretary of the Department, 500,000?

NIELSEN: Sure. That would be about right.

KENNEDY: OK. You're -- you're a National Security expert and you're Secretary of the Department. I want you to forget about the politics for a moment, I can't believe I'm saying this but forget about the money for a moment, forget about trying to make somebody happy for a moment.

I want you to -- to -- to take your expertise and tell me one, two, three, four, five, six, what we have to do to cut that 500,000 in half.

NIELSEN: OK, putting the other two aside, what we need to do is agree as a country that we are going to enforce the laws that Congress has passed.

KENNEDY: OK, I -- I understand that, Madam Secretary. I'm not trying to be rude, but I try to --

NIELSEN: Do you want me to go through the loopholes?

KENNEDY: -- stay within my time, and -- and I want to come down from -- from the -- the platitudes, tell me as secretary what we need to do. One, two, three, four, five.

NIELSEN: Sure, so we need to get rid of the floor as a settlement, we need to revise --

KENNEDY: Get rid of the what?

NIELSEN: The floor as settlement. We need to revise TVPRA, we need to get rid of --

KENNEDY: What is TVPRA?

NIELSEN: That is the -- trafficking prevention act -- victims prevention act. So what that does is unfortunately through the court cases, they way that they have --

KENNEDY: It's OK, I'll look it up later.

NIELSEN: OK, got it. Zebidos (ph), which is a court case that requires us to release illegal aliens back into the communities, we need a safe third country agreement with Mexico.

We need to increase the penalties for asylum fraud, all the fraud does is ruin the chances of people who really need asylum. We need to change the way in which we process UACs so that we discourage the smuggling and the TCOs, and we need to go ahead and very closely focus on dismantling the smuggling in TCOs from beginning to end.



I think that's six, I can keep going, but those six would get us probably 75 percent of the way there if not 80 percent.

KENNEDY: Now we're talking. Thank you for being candid. I'm going to have my -- my team get in touch with your team so we can go into that in a little more detail. I want to talk about the wall for a second.

We've got about 1,900 miles of border with Mexico. I know that all of it doesn't need a wall, I get that, and some of it is already walled. We've already built a wall in -- in America, 2,700 miles of walls along the interstate, spent about \$5 billion.

Now that's not how I would've spent the money, put walls along the interstate. I'd have spent the money fixing the interstate, but they did it anyway. We built 2,700 miles of walls along our interstates in America.

And they're tall walls, and they're thick walls. They cost \$1.8 million a mile. How come the wall with Mexico costs \$25 billion -- million -- \$25 million a mile?

NIELSEN: So I -- I'd be happy to come break it down with you. The border security investment plan goes section by section, not all sections are the same. We have some parts in the desert where we have floating wall.

We have other parts in Calexico where we need a 30 foot wall. We have parts in Yuma where the wall is very different. So first of all I just want to be clear, the -- the wall is not the same.

When you're filling in a wall in an area like Smuggler's Gulch, it's very expensive, excuse the numbers because you literally are building, you know, in a -- in a ravine. It's also the wall systems, so when we put the numbers together it's not just the infrastructure, but it's everything that makes that infrastructure work (ph).

KENNEDY: Suppose we told you look we understand that, we don't want a Cadillac wall, we want a Chevy wall. And we said how about -- how does \$12.5 million dollars a mile sound?

NIELSEN: What -- what --

KENNEDY: You can give a -- a Chevy wall, can't you?

NIELSEN: Well I don't know that we can, sir, because again this is all based on the needs that the men and women who have experience and do this for a living have told us that they need to ensure...

(AUDIO GAP)

NIELSEN: ... works, nobody can scale it, nobody can tunnel under it, nobody can bust through it. I don't that the (inaudible) for the walls on highways, I don't know. But be happy to sit down with you in detail and determine if there is a Chevy version that will meet their operational needs.

KENNEDY: Chevy's a good car.

NIELSEN: Absolutely.

KENNEDY: Am -- am I done? I am done.

CAPITO: I think you are.

KENNEDY: I stayed within -- almost within my time. Thank you, Madam Secretary.

NIELSEN: Thank you, sir.

CAPITO: Senator Tester.

TESTER: Yes, thank you, Madam Chair. Thank you for being here, Madam Secretary. Through the previous questions there's about -- between '17, '18 and '19 there's about 200 miles of wall planned (ph). Is that correct?

NIELSEN: Yes, sir.

TESTER: Recent -- in recent discussions we've had, both with folks familiar with the southern border and -- and I -- I don't want to (inaudible) but even (ph) you, I think the biggest advantage we get out of a wall is folks are restricted once they get -- it takes them awhile to get across the border, by that time you can get folks there.

So that 200 miles, where's it going? Can you tell us today? Is this going to be going in populated areas?

NIELSEN: So it's in Calexico, San Diego, Santa Teresa.

TESTER: OK, these are all towns then, right?

NIELSEN: Some of them, some of the replacement wall for example --

TESTER: OK, I'm talking about the new wall.

NIELSEN: OK, so 200 includes both.

TESTER: OK, the new wall portion?

NIELSEN: But yes, the new wall is in mostly urban areas where the vanishing time is highest.

TESTER: That's -- and that's exactly -- that's the word I was thinking of, vanishing time. So you (inaudible) you said you -- you -- you're working with the ranchers and the farmers along the border where that may happen.

Are you working with the cities and towns?

NIELSEN: Absolutely, yes.

TESTER: (Inaudible) ask this is because I -- on a totally different issue, because I'm on the Banking Committee, I had...

(AUDIO GAP)

TESTER: ... noxious weeds that are on the banks of the Rio Grande and how they need to be controlled, because folks can hide in them. And I told them that they weren't going to have to worry about that because there was probably going to be a wall. There's two towns, one on each side of the Rio Grande right there, because that's mostly where it was.

They were shocked, they didn't believe me, they didn't think it was possible. They in fact said that can't be, and so the question is -- is -- and -- and I do this more for the two senators from Texas than I do myself, but if the folks on the border don't know that this is coming, there's going to be an incredible price to pay from a P.R. standpoint.

Are you OK with that?



NIELSEN: No, sir, I'm not. I think the outreach is vital. So if -- if you'd be willing, I'd love to talk to them myself, but we do spend a tremendous amount both through the governors, through the Sheriff's Association, through a whole variety of associations to try to work with everybody in those -- in those state and local areas.

And as you say, we do spend quite a bit of time removing those more nefarious species down there.

TESTER: And -- and -- and the other thing I would say is, is if you could -- you don't have to give it to me today, although if you have it at your fingertips I'd love to have it, but I need you to have -- give this to committee where those miles are going.

NIELSEN: Yes, happy to.

TESTER: And also as long as you're doing it, where the existing fence is going to be replaced at too.

NIELSEN: Happy to.

TESTER: OK, I appreciate that. Let me talk a little bit about another issue that was already talked this morning, and that is the request for pre-disaster mitigation in the case of wildfires. I don't need to give you the statistics, but I will.

52,000 fires this last year, 9 million acres burnt, 1.3 in Montana, yet the budget proposes only \$39 million for pre-disaster mitigation. And I will tell you, there are plenty of folks like the National Institute of Building Sciences that every dollar you put into pre-mitigation is worth -

NIELSEN: Is six.

TESTER: -- six. You got it. You got the figure. This 39 million is about 200 million less than '18. And I will grant (ph) we plussed '18 up pretty healthy. But even off of '17, it's -- it's about 60 percent cut. What's the plan there?

I mean, because it doesn't make a lot of sense to me. The fires are going to burn. The climate's changed. We heard Senator Murkowski talk about the Arctic Ocean going away.

And I can tell you that we burnt 1.3 (ph) million acres in Montana last year. Pre-mitigation monies are important. Are you -- what's the plan?

NIELSEN: The plan is to (inaudible) be frank here. The plan is to work with you all to try to (inaudible) relook overall at the grant program. As you know, people are embedded in the state program that you asked (inaudible), et cetera.

We at DHS though very much do believe that money spent at the front end, to help the communities become more resilient to all hazards, the way not only to best protect them, but to best use limited resources.

TESTER: OK.

NIELSEN: Though I would be happy to come and talk to you about how we can do that.

TESTER: So (inaudible) be great. And we need to do that. We really do.

NIELSEN: Yes, sir.

TESTER: So thank you.

Election security, very quickly and then I'll turn it back to the chairwoman. You talked about audits and provisional ballots, and physical attacks. I want talk about the voting machines for a second.

NIELSEN: Yes.

TESTER: And who's (ph) responsibility it is to make the determination. Because we -- we had a classified briefing a while back, and they talked a little bit about what had transpired in the 2016 election. It's concerning. And I'm not going to get into that.

But what I am going to get into is who's responsibility is it to make sure the states are doing what they need to do to make sure (inaudible). There are some folks in some of the states think think election tampering is going to help one side or the other, which is crazy, because, quite frankly, the Democracy is at risk.

So can you tell me whose responsibility is to make sure the voting machines are -- I mean -- Chairwoman Capito said, you know, we've got a charge a paper trail with ours, which is great, by the way. Give credit, to -- where credit is due. Is there somebody telling these states what they need to do to be able to stop this tampering? Because I -- it's serious business.

NIELSEN: Yes, it's -- it's very serious. I mean all Americans should know that their vote is counted, and it's counted correctly.

TESTER: That's correct.

NIELSEN: I mean its -- so I'm in full agreement.

It's the -- ultimately, constitutionally, it's the responsibility of the state and locals. Having said that, DHS is pushing very forward in prioritizing any request we get from the state to do a whole variety of things. On the voting machines, themselves, we've encouraged them as a best practice to unplug it. It does not need to be connected to the internet. It should not be connected to the internet. So we've offered vulnerability assessments. We've given clearances. We do classified briefings. We're doing information sharing.

TESTER: What if they don't (inaudible)?

NIELSEN: Well, we -- we have had instances where that is the case. They have either worked with third-party vendors into (ph) provide their cyber security, or they remain concerned about what they consider to be interference of the federal government, as we've tried to assist them.

But what I would like to just mention quickly is I am going to host a day on the Hill. I'd invite all members to come. I'd like to walk you through very clearly what we at DHS are doing, but to also ask you help us message to the state and local officials what they need to do to secure the election.

TESTER: Well, and I've got take to kick it back. But I'll just tell you very quickly, I'm not absolutely sure that people know the threat that's out there, because some have tried to minimize that threat. And so, some (inaudible) really has to take the bull by the horns. And I don't know if it's you, or if it's Department of Justice, or who it is. But we've got to be able to hold somebody accountable on this.

Thank you, and I would sure like another round if I could.



CAPITO: Senator Shaheen?

SHAHEEN: Thank you, madam chair, and thank you Secretary Nielsen for being here.

I understand that Senator Murkowski has already raised with you the issue of H-2B visas, so I apologize for raising it again. But, let me just start by saying that the employment rate in New Hampshire is 2.6 percent. We are the second lowest in the country.

We have businesses, particularly in the agriculture sector, in the tourism sector, who cannot find workers, to the extent that last summer we had restaurants and business in our tourism industry who were closing an additional day a week because they couldn't find people. And what we're hearing now that they are desperate to get those workers who have come here on H-2B visas.

I talked to a landscaper last week who has the same folks from Jamaica who have come here for the last 10 years. They have bank accounts in the United States. They have drivers licenses in New Hampshire. They come here, they work hard for the summer, and then they go back.

And yet, right now he has no idea whether these folks are going to be able to come to the country or not. So what can I tell these businesses who are desperately calling to say, what are we going to do about workers, because we don't know what the governments going to do?

NIELSEN: What I'd say is we have to balance two things. We want to make sure that Americans who need jobs have them, but we also do not...

SHAHEEN: Well, let me just say in New Hampshire that is not an issue.

NIELSEN: As I said -- if you could let me finish ma'am? What I was going to say was, it is not the intent of the Department of Homeland Security to administer any visa program that inadvertently puts companies out of business because we are not giving them the visas that they need. So the decision should be coming out very shortly, and I'm happy to give you a call, even later today, to talk to you a bit about it further.

But what I would say again is -- I ask Congress to put the ceiling in law then countries can, countries -- excuse me, companies can understand how many they'll get, they can plan towards it, they'll have sustainability, there'll be predictability and transparency in the system.

Every time Congress kicks the can to DHS we have to wait for an appropriations, we have to do an independent review, we have to do a reg -- the system doesn't work. The best -- my best thing that I can ask you to do is please put the amount in law to help the companies who need the help.

SHAHEEN: I think we'd be delighted to do that. And in fact as you know, the Senate did that when we passed a comprehensive immigration bill in 2013. So I would hope that we could do that as well, and provide some certainty.

Let me ask you about refugees to this country. We have an Indonesian community in New Hampshire who came to this country fleeing religious persecution. We had an agreement with ICE during the Obama administration, as long as those folks checked in regularly that they would be allowed to stay as long, as they were holding jobs, not getting in to trouble.



And yet this administration has prioritized those individuals, many of whom have been here for over 10 years, who have children who are American citizens -- they've been prioritized for deportation. Can I -- can you explain that? And can I have your commitment that you will relook at this issue? Because they are facing very real dangers if they go back to Indonesia because of the persecution of Christians in Indonesia.

NIELSEN: You do have my commitment to relook at it. DHS does not send anybody -- and actually we don't make the final decision. As you know, an immigration judge does, but collectively we do not send anyone back to their deaths, so...

SHAHEEN: Well let me just say these folks until they recently were able to get a stay from the court, had not been before an immigration judge. They were targeted by, as I said, by ICE for deportation. Just were asked -- they reported in as they had been doing for years under this agreement. When they reported in, they were told come back the next time on a given date with your ticket because you're going back to Indonesia, even though you may be in danger of being killed.

NIELSEN: You have my commitment to look into this.

SHAHEEN: Thank you. As you know, the number of refugees who have been admitted during 2018 has been set at 45,000. That's an historical context where we have under the refugee act, accepted about 95,000 refugees a year, it's my understanding.

I understand that despite the target of 45,000 for 2018, that so far this year, as of April 1st, so more than halfway through the fiscal year, we've only accepted 10,548 refugees for resettlement. That's just 23 percent of the admissions determination and 73 percent fewer than the same time period last year. Can you talk about what the reason is for this reduction and whether you expect we will get to the 45,000 number by the end of the fiscal year?

NIELSEN: We will process whatever applications we've received. As you know, we work with UNHCR and there's a whole refugee resettlement process. I would like to work with this committee and other members of congress. There's some confusion in the U.S., because in the U.S., we're the rare country that combines asylees and refugees.

The only difference is a refugee applies aboard and an asylee applies at point of entry who's already here. We have 300,000 asylees in backlog. So when you put the whole number together, it's not only a very large number, but the number of refugees that we accepted in 2017 were more than the top other three countries combined.

The summary in here is the right math and the right way to think about this, but most countries do not -- they just consider it as one number or they don't accept asylees. So we either have to decide do we want to accept refugees that go through the formal refugee process, or do we want to accept those claiming asylum on our border.

As you know, we've had a 1,750 percent increase in asylum claims in the last five years. So to put it in perspective, it's the same resources that look at asylees and refugees. So I would like to have a further conversation with you about how we want to work it as a country.

SHAHEEN: That would be very helpful. Madam chair, I know that I'm out of time but could I just ask for a clarification? So the 10,548 refugees, is that number on top of a number of asylees?

NIELSEN: Yes, ma'am, 300,000.

SHAHEEN: That have been accepted into the country?

NIELSEN: We had -- I'll get that to you. I want to say there's about 100,000 last year. We have 300 currently being processed. But, yes, I'll be happy to get you the number.

CAPITO: Thank you. Senator Baldwin.

BALDWIN: Thank you, Madam Chair. Secretary Nielsen, I want to follow up with you on an issue we discussed last month. According to Citizenship and Immigration Services data, as of March 31st, there were more than 9,000 pending DACA renewal applications for individuals whose deferred status and work authorization had expired.

Some of them have undoubtedly faced the impossible choice faced the impossible choice between stopping work, including teachers needing to quit in the middle of an academic semester the, or continuing to do so without authorization.

I wanted to, again, ask you on the record what I raised with you previously is, will those individuals seeking to renew their DACA status be penalized in that process if they have continued to work without authorization?

NIELSEN: Will they be penalized? If they have the application in, which I believe is what we discussed the last time, then we're giving them that benefit of the doubt, if you will, and we will not take any prosecutory decisions above them.

So that's above and beyond what we're required to do by the court, but I do understand that there were those who have applied late in the process because of previous court decisions. So if you have an application in, we will not target you for deportation and we will not prosecute you if you're continuing your status while you're waiting for the formal renewal.

BALDWIN: So if you continue working, say you're that third grade teacher, and you're waiting for your DACA status to be renewed, that will not be viewed as a factor of somehow being, you know, in or out of compliance?

NIELSEN: Right. We will not target you for deportation because of that.

BALDWIN: But how about would the renewal be rejected?

NIELSEN: If the application is in, we are processing all renewal applications, not new applications but all renewal applications under the current court case. So as long as you haven't committed a crime or otherwise fallen out of status, I mean, you should be approved.



BALDWIN: So the second question I have is, will the administration be asking any of the courts that have made orders in this matter to clarify whether applicants for renewal can receive work authorizations at the time that their cases are pending?

NIELSEN: I'm not aware if DOJ is asking for that specific clarification, but I'm happy to find out and get back to you.

BALDWIN: And that's not something that your department has requested?

NIELSEN: No, ma'am. Partially because we're -- we have court cases telling us to stop, court cases telling us to restart, so we're just waiting, unfortunately. What we're doing is complying with all final judicial orders at the moment. One of them, as you know, includes the direction that we must continue to execute the program as it was executed before September of last year.

BALDWIN: That's the most recent one.

NIELSEN: Yes, ma'am.

BALDWIN: And they didn't have any comment in that order about work authorization?

NIELSEN: Not that I'm aware, but I'll get that to you.

BALDWIN: Yeah, please do. I'm happy to.

NIELSEN: Last month, senator Cassidy and I introduced legislation that gives the Food and Drug Administration more tools to reduce illicit fentanyl and other drugs from entering through our international mail facilities including by strengthening coordination with CBP. This measure was included in a broader opioid crisis response measure that has been approved by the help committee. We introduce this measure because international shipping is a major source of illicit fentanyl. Particularly from China.

According to a report by the U.S. China Economic and Security Review Commission, China is the largest source of illicit fentanyl entering the U.S. with Chinese manufactures shipping fentanyl products to small scale distributors and criminal organizations across the United States.

Do you agree that China is a major source of illicit fentanyl that enters the United States and do you believe that more must be done to combat the shipment of illicit fentanyl from China to our international mail facilities?

NIELSEN: Yes, to all the above.

BALDWIN: OK. Thank you. I see my time has expired.

CAPITO: Thank you. I think I have an additional question or two and then so we'll go a quick second round and I -- I thank you for your patients and for your questions and so I'm going to go ahead start. I want to kind of follow up on Senator Baldwin on counter drug efforts through DHS.

Senator Shaheen and I worked on a number of issues surrounding fentanyl as all of us have but our states are particularly highly affected by this. So I'm very interested and we're going to be having a hearing in this subcommittee where we're going to be talking about the department's effort, more specifically on opioid trafficking.



But if you could talk a little bit in more depth on -- I know we've passed the INTERDICTION Act, we -- we put \$65 million into that, what you're doing with that, and then I know in combination of what the Coast Guard is doing.

But I'm really interested more on the fentanyl coming across the border and -- and what -- how this has developed and how you're using the \$65 million.

NIELSEN: Sure, and I -- I thank you for your continued focus on this area, this really is one where we all have to work together and unfortunately it just keeps getting worse. And so we -- we -- there's a lot more we can do.

So at DHS, we work to stop it at source, we're working on international agreements. China does remain the main source, without question, of fentanyl, but China also has recently signed an agree -- or passed a law a couple months ago to stop to (ph) the precursors of fentanyl.

So we're working as much as we can in the international community. In terms of stopping it at the border, we do so by land, sea and air. The Coast Guard plays a role, CBP plays a role, ICE plays a role, we have border enforcement security teams, 58 throughout the country. They work with state and locals to combat opioid trafficking.

In the mail, I'm happy to announce that in November we have canines now at every international mail facility. Canines, as we know, when imprinted correctly, are actually the best source of detection.

We also are using money that you have provided us in the omnibus for non-intrusive detection equipment. We have an additional ask in '19 that will help with the ports of entry so that we can see even smaller and smaller amounts.

We also have provided guidance on a medical preventive perspective for first responders to take care, and then finally we're also doing things through S&T. So we're about -- through our (inaudible) technology director to issue a contract for a wearable fentanyl detector, so that first responders can also be even more protected when they are looking at packages.

CAPITO: (Inaudible) I hadn't that final -- your final thought there, I'd be interested in maybe when it moves forward to see a -- a demonstration on how it works. Just last question I have is on cyber security, and we haven't talked about that a whole lot, but that is obviously part of our nation's critical infrastructure.

And the president's FY2019 budget called for a transfer of approximately \$48 million cyber security research and development to the national protection and programs directorate.

Without this transfer, the fiscal year 2019 request is actually a \$28 million net decrease from the fiscal year. So I -- that's concerned to us and -- and it raises a question. What is the status of the department's effort to secure federal networks and why does the budget request propose a relatively stagnant level of funding for cyber operations?

NIELSEN: So the good news is in many of our systems and programs, they were necessarily front loaded, in other words the first phase and second phase of programs such as continuous diagnostic monitoring (ph) or what we call the Einstein program required a capability build on the front end.

The back end is really maintenance and operation and then agreements with the departments and agencies on how to employ it in training. So actually the -- the -- the initial influx of cash, if you -- if you would, was required and now we have gone down. What we're looking to do now though is we're looking much more at systemic risk. We're changing the way that we look at the protection of critical infrastructure, we're doing so with sector specific agencies and owners and operators themselves so that we can understand through the interdependencies what we need to do better to fill those gaps.

So it's sort of a -- what I would say is a general evolution of the maturation of -- of what we need to do. We do need to do more. Everyday we're looking at gaps and -- and -- and following the threat indicators to see the patterns and -- and then to come back to you to see what else we will need.

CAPITO: Well I appreciate that, I would say just in the form of a comment, it's -- it's a little -- when you -- when you see the threat -- the threat you see today is not -- and you can tell me a lot more about this, is not the threat we're going to see tomorrow.

So I -- I would -- I would think that resources to -- in an anticipatory fashion or research and development is going to be critical to be able to -- so we're not just always looking at what happened and trying to fix that, we're -- we're looking ahead to see -- to prevent what that next threat could be.

So I appreciate that. Senator Tester.

TESTER: Thank you, Madam Chair. Just real -- real quickly, I referenced this in my opening remarks, there's a contract out there that -- that -- that the CBP has entered into on hiring, and -- and I want the contract. I'll just be honest with -- your -- your 43 million bucks, supposed to hire 7,500 people, they haven't hired anybody.

And by the way, if they would have hired the 7,500 people, it would have been \$39,000 per person, would have been the cost. It's one of those things that people go to the Senate floor and make speeches on, and I just want to know why is this happening, and are you going to stop it?

And I -- I just don't see the positive. I mean, I see a positive for trying to get people on board, we need to do that, but this seems a bit beyond the pale.

NIELSEN: Yes, sir -- Senator, let me just start by -- you and I have had many conversations about the border security and the hiring, and I really appreciate your support, always.

TESTER: Yes, absolutely.

NIELSEN: And I know that you're asking the question for the purposes of trying to get us the focus that we need in the most effective way possible.

TESTER: Yes.

NIELSEN: The way the contract works is a sentry (ph) does not get paid until we have entry on duty, until there's an EOD. The 13,000 is meant to capture the full life cycle of hiring, so it's everything from

the advertising through to the training, through the onboarding; in CBP's case, it's the polygraph, it's the physical test, so our...

TESTER: And the -- and the 297 -- 297 million is for the 13,000 people to be hired?

NIELSEN: Yes, sir, as far as I believe, I'll get back -- I've got numbers wrong in my mind, but I believe so, yes sir.

TESTER: OK.

NIELSEN: So we're -- we're happy to show you our modeling. CBP and our HR folks did quite a bit of work on what is the most effective way to do this...

TESTER: Yes.

NIELSEN: ...and at least the figures showed that rather than hiring up our HR department to be able to have all the people we need to process this, it was more cost-effective to do it by EOD, so again, they're not paid unless we actually bring somebody on board.

TESTER: OK, so just -- OK, at that rate it's 43,000 bucks a person; 13,000 by 297 million. Here -- here -- here's the rub: you signed the contract in November, it says you've allocated 43 million, you said they get no money until they bring on the person and they're actually on board, but -- but the question is they haven't done anything yet. I mean, it -- we're -- November, hell, we're 7, 8 months into this thing.

NIELSEN: So some of this was the strategy around, for example, looking at how we could add mobility into the process. As you know, there are some places in front of our border areas where people do not necessarily -- it's not a draw. So...

TESTER: I -- I got it.

NIELSEN: OK.

TESTER: I understand that. What I don't understand -- and there's plenty of folks out there, there's third-party administrators that do all sorts of things for the government, and I could tell you a lot of them I've had some pretty bad experience with, because they promise, they don't deliver. And this doesn't look like they're delivering.

Whether they're delivering in Washington D.C. or Whitefish, Montana, or Minot, North Dakota, anywhere, hard places, easy places, but we obviously want to try to get some more people on board, and I just -- I've gotta tell you, when I look at this, it appears to be just a total boondoggle. I mean, I'm just going to tell you.

NIELSEN: Well I -- you know, I share your view on holding -- holding accountable...

TESTER: Yes.

NIELSEN: So why don't we come talk to you this week, and just walk you through...

TESTER: We'd love to.

NIELSEN: ...and let's figure out how to make it better.



TESTER: We'd love to. And then I've got a number of questions, just want to touch on one real quick, and that's TSA -- TSA's cut, getting rid of some VIPR units, getting rid of a number of other things, it's pretty important. That's all I'm going to tell you.

I mean, those guys do a hell of a job, and we need to make sure that's beefed up just as much as we do on our ports and borders, which I think we all agree to. Thank you for being here.

NIELSEN: Thank you.

CAPITO: Senator Shaheen?

SHAHEEN: Thank you, Madam Chair. I want to pick up on Senator Capito's questions about cyber-security, because I was pleased to hear recently that all federal agencies were able to comply with DHS's directive to remove Kaspersky Lab products from their systems.

Now, as you know, when we passed the Defense Authorization Act, we went a step farther, Section 1634 of that directive requires that the federal government remove Kaspersky software from third parties when they are using Kaspersky products. Can you talk about what the status is of the implementation of that piece of the directive?

NIELSEN: Yes. I can't get you the exact figures, which I'm happy to do later today. Potentially (ph) what we're doing is we're -- we're looking at it from a supply chain perspective, which is what you're describing and what was in the NDAA. So it's very important for us to understand not only who our contractors are contracting with, but when they provide a service or a software, what's embedded there within.

So we've done a lot of assessment and modeling to understand where it can be found. Unfortunately, for many of the third party providers, they weren't even aware that they had Kaspersky...

SHAHEEN: Right.

NIELSEN: ...on their systems and within their products.

So we're pretty advanced on that. We're also working with other parts of the federal interagency to determine how to be more forward-pushing and consequences for not pulling Kaspersky out of all systems.

But I'm happy to get you the numbers later today.

SHAHEEN: And is there any thought going forward to make sure that any foreign parties are also required to disclose the identity -- any foreign parties that we're doing business with are also required to disclose the identity of the service providers that they work with, so we know that they also are not using Kaspersky software or other software that we might have concerns about?

NIELSEN: We are -- yes, is the short answer. We're working very closely with the intel community, so that as soon as there is a flag or a concern, we can work very quickly within the federal interagency to do that. We also at DHS are looking throughout our contracting process; it has to be that we can pause and turn off contracts the moment we have a concern. If someone's been hacked, if someone's vulnerable, or if somebody's using software that we know will put us at risk.

So we'd love to come talk to you about that. We're doing a full review, and working within the authorities we have to find out ways to do that.

SHAHEEN: That'd be great. Thank you. I heard Attorney General Sessions' announcement about taking children from their families when they're apprehended at the southern border. I had a chance to visit the southern border during the -- 2015, and to visit some detention centers down there where children were staying with their families, and there was a great deal of concern about the potential impact on the children of that.

Do we have any projections about how many children -- I think I heard the number 700 or 800 children who had already been taken from their families when they had come across the border -- do we have any sense of how many we're projecting for the next fiscal year, what kind of situation they're going to be in, whose -- how many foster families are going to be needed, what the cost of that is going to be?

I -- I -- I am -- as former governor who used to worry about how we kept children in their families when there were difficult family situations, and remember that the research that I had shows that children were better off with their families in terms of their long-term development; do we have any idea what the potential is for us to have an impact on these kids for years to come because we will have taken them away from their families?

NIELSEN: We are working with the community to understand the science. I think another member had referenced studies that are available. As you know, we turn over all children to the Health and Human Services, that then goes through a process to find a custodial relationship or some other sponsor.

I was very concerned when I came back to the department to learn that in many cases we did not do any sort of check before we turned over children, and so we now are making sure that those children are going to safe places, which I think is very -- for obvious reasons, very important.

In terms of separating, I just would make one more plea to everyone who can help me message: if you are fleeing and you have a need to come to the United States, please come to the ports of entry. You -- you -- you know, we will process your claim there. But if you come across the border illegally, you've -- you've broken the law and we have to prosecute. It's the only way to keep our border -- to have a border.

So if you have a claim, you have children, you're concerned for your life, go to a port of entry. You'll be processed. We have asylum laws. But when you break the law, that's where it gets very difficult because we have to prosecute those who break the law.

But we'd love to work with you more, if you have other ideas on -- on how to do that.

SHAHEEN: Are we messaging that to the Central American countries where many of these refugees are coming from?

NIELSEN: We -- we are. We have a youth outreach program, we're doing an internship with the Department of State, we also are working with local radio stations as well with the Department of State to try to message this. Certainly the embassies are messaging this. But again, if you have a legitimate claim and you come to a port of entry, you haven't broken the law.



SHAHEEN: Right, that's why I'm asking...

NIELSEN: Yes

SHAHEEN: ...but are we messaging that piece of it?

NIELSEN: Yes. We need to do more and more, but yes, that is a campaign that we are -- we are in the midst of executing, yes.

SHAHEEN: Thank you very much (ph).

CAPITO: Thank you. Senator Baldwin?

BALDWIN: Thank you. In the fiscal year 2018 funding bill, I worked with my colleagues on a \$10 million set aside within FEMA's State Homeland Security Grant Program for nonprofits that are at risk of terrorism.

Previously, nonprofits in Wisconsin and those located in most of the states represented on this subcommittee were ineligible for that type of funding.

FEMA will now be able to help enhance the security vulnerable targets in smaller communities. This is important because the terrorist threat is not limited to America's big cities. I think of the 2012 tragic shooting at a Sikh temple in Oak Creek, Wisconsin, in which six people were killed and four wounded. In 2016, a planned terrorist attack at a Milwaukee Masonic temple was thwarted, thankfully, by the great work of the FBI, and the multiple bomb threats that have been received by the Milwaukee Jewish community center last year. Setting up this program is, therefore, a top priority of mine, and it has been for years, so I'm eager to learn when the Department of Homeland Security already stands it up and open up an application period to start awarding funds.

NIELSEN: Thank you. It is very important. As you know, there's 50 million set aside traditionally in (inaudible), but to your exact point that was -- that pretended that the attacks and those funds that are needed by non-profits only existed in urban areas. So this will help us make sure that non-profits in other areas throughout the country, you know, have the funding that they need to protect.

The short answer is, the time schedule that we normally follow per law in the appropriations cycle will be making those notices later this summer but I just received a brief talked to my folks on it this past Friday, so we're happy to come and talk about our plans of how we'll implement it and what we're looking at in terms of allocations and -- and, you know, going towards the date in the normal cycle of grant funding.

BALDWIN: OK, I'll look forward that follow-up. Thank you.

CAPITO: Well, I see there are no further questions. This concludes today's hearing. Secretary Nielsen, we appreciate you appearing for the subcommittee and your frank and open and honest answers.

The hearing record will remain open for two weeks from today. I think you did mention you were going to do a lot of follow-up with members so that will be appreciated. Senators must submit written questions for the record. We ask that the department respond to them within a reasonable amount of time.



The subcommittee will meet again -- this subcommittee next Wednesday, May 16th, to more closely exit role of the department in countering the flow of opioids and other dangerous drugs into our country. With that, the subcommittee stands in recess.

END

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FYSA. Please feel free to share with others in PLCY.

Please find attached and appended below the *Bloomberg Government* transcription of the following S1 hearing held Tuesday, May 15, 2018:

**“Authorities and Resources Needed to Protect and Secure the United States”**

Senate Committee on Homeland Security and Governmental Affairs

Witness: **DHS Secretary** Kirstjen Nielsen

2:30 p.m., 342 Dirksen WEBCAST

JOHNSON: This hearing will come to order. I want to welcome Secretary Nielsen. Thank you for your service. I did read your press release on National Police Week, and I think it is fitting and proper that we pay tribute to law enforcement officers killed in action, and just, really, honor the -- the families for their service as well.

According to National Law Enforcement Officers Memorial Fund, since 1791 (ph), 21,500 -- 21,541 law enforcement officials have paid the ultimate price, sacrificed their lives. Last year, 129, year-to-date, this year, 53, so I think it'd be fitting and proper if we just recognize a moment of silence, to honor those and their families.

Thank you. I would ask you unanimous consent that my written statement, be entered into the record.

The title of the series "Authorities and Resources Needed to Protect and Secure the United States," and I know, Secretary Nielsen, you've testified before the Appropriation Committee, so, obviously the Senators can ask any questions they want, but from my standpoint, I'm -- I'm -- cause we are the authorizing committee, I really want to concentrate on the authorities part of that -- that hearing title. And you know, I'd just kind of like to go down the list of things that are, certainly, on my mind and hopefully yours as well.

But I think this committee did a very good job. We're kind of known for a very bipartisan, nonpartisan approach, to try and find areas of agreement. And we did exactly that, with the DHS Authorization Act, which I am hoping we can pass through the senate, as quickly as possible, marry up with a House bill, to provide you the authorities that have basically become obsolete in many cases.

I know, in the Omnibus, of section 782, the flexibility of reorganizing parts of your department was actually taken away, which is important when we take a look at NPPD, turn that into the Cybersecurity and Infrastructure Security Act, or agency.

These are the things that you need to do, to do your job, to keep this nation safe. In cooperation with your department we're working with a number of members. I see two of them, they're co-sponsors, right now, to the Preventing Emerging Threats Act of 2018, which a big part of that is, really addressing, countering unmanned aircraft systems, which is a growing threat.

It's a real threat, and it's confusing. It's -- they're conflicting authorities; no authorities, from your standpoint, in terms of addressing those and being able to take those out the air, and, again, it's a complex situation. And of course, I think it's just crucial that we fix our completely broken immigration system. The fact that we have laws, legal precedent, loopholes, that, because you follow the law, really prevent you from deterring additional illegal immigration.

A class example of how that would actually work was in 2005, under Secretary Chertoff, we had a flow of illegal immigrants coming in from Brazil because they had a Visa waiver system with Mexico.

So we had over 30,000 Brazilians come in 2005 and Secretary Chertoff, by utilizing his authorities, apprehended, nearly called the program Texas Hold'em -- apprehended those Brazilians, held them in detention until their case could be adjudicated and then returned them.



By the following year less than 2,000 Brazilians came in here. So the goal of his actions were to reduce, if not stop, the flow as opposed to -- you know right now we've got -- unfortunately you are forced to apprehend, process and disperse. And that is a huge incentive for additional illegal immigration.

So I -- those are the types of authorities that I want to hopefully discuss in this committee. Those types of authorities I want to provide you as Secretary of Homeland Security so you can actually fulfill your mission of providing greater security for our Homeland.

So with that I'll turn it over to my Ranking Member, Senator McCaskill.

MCCASKILL: Chairman and thank you Secretary Nielsen for being here. I -- I'd like to talk about DHS's budget and authorities and policies in two important areas today. And one is on the border as it relates to border patrol staffing. I am concerned about Border Patrol staffing.

I think the men and women of the Border Patrol do an amazing job. I think they are brave and courageous and hard working and this is law enforcement week in Washington and I think it's important to recognize all of the men and women in uniform across this country who protect us.

But it's interesting because when you look at the staffing along the border, the diagram of the staffing it has been on a downward trajectory since President Trump took office. In September of 2016, there were 19,828 border patrol agents along our southern -- along the borders.

And in April of 2018, it's actually down 500, 400 and some staff. And that is spite of the fact that there's an authorization for many more as you are painfully aware of I'm sure. We have an authorization for 21,370.

So we're you know hundreds and hundreds lower than we were when President Trump took office and we are many more under for what are authorized and we keep debating addition authorizations as if that's somehow going to solve the problem.

And we've talked about this in various hearings and I know everyone wants to point it to the polygraph but it doesn't seem reasonable to me that that is the only reason. You can't keep up attrition right now.

You can't hire and we've got some outrageous, I think, contracts for recruitment. One of the things I want to talk about today is, are we missing the vote here in terms of improving pay and working conditions?

MCCASKILL: I mean many times people leave a job because they don't feel that they are getting adequate pay or they're not being asked to perform in ideal working conditions and I know that it's impossible to make this work always ideal because it -- law enforcement, you have to take what comes.

But there's a real problem that clearly we're not getting at. And that's one of the things I want to talk about today. The other things I want to talk about today is the difference between Border Patrol agents and Border Patrol officers.

And I don't think most Americans understand that we use those -- those terms, and for most people they probably think they're the same thing. I don't know how that happened, I don't know how we named them that way.

But it's terribly misleading, because of course the officers are the ones that are at the port of entries. The agents are the ones along the border. And unlike the Border Patrol agents, we are not authorizing significantly new officers.

Even though it is very clear in a report I released from the minority staff of this committee.

Analyzing what is happening, we found that 88 percent of all the opioids seized over the past five years were seized at ports of entry, not along the border.



So close to 90 percent of what is being seized in terms of dangerous opioids is happening with our Border Patrol officers at ports, not along the border, not in the desert, not along the river, not as has been described sometimes by people in this administration.

That this is a problem of people trying to enter illegally with drugs. It's actually coming in through the ports. And I -- the fentanyl seizure increases on two fronts are in the ports of entry on the southern border and in mail facilities.

And in both instances, you are also woefully understaffed. And so that's -- these are the two areas I want to talk about. Where your staffing demands are clearly not being met, and we've got to figure out this problem. Because you know we can -- people can give speeches and talk about you know that we've got to you know turn back illegal immigrants and there are too many illegal immigrants coming across.

And nobody is disagreeing with wanting to secure the border. But when you can't hire the people you need. And when the people you hire are leaving more quickly than you can hire replacements, there is a more fundamental problem here than just adding more personnel.

And I'd like us to try to get -- see if we can get to the bottom of that today. And I would ask that my written statement be made part of the record.

JOHNSON: Without objection. It is the tradition of this committee to swear in witnesses, so if you'd stand and raise your right hand. Do you swear the testimony you give before this committee will be the truth, the whole truth and nothing but the truth, so help you God?

NIELSEN: I do.

JOHNSON: Please be seated. Secretary Kirstjen Nielsen is the sixth Secretary for the Department of Homeland Security. And the first former DHS employee to become the Secretary. Prior to joining the department, Ms. Nielsen served as the Deputy Principal White House Chief of Staff to President Trump.

Secretary Nielsen also served as the Chief of Staff to then Secretary John Kelly at the Department of Homeland Security. Secretary Nielsen served in the Bush administration as a special assistant to the President, and Senior Director on the White House Homeland Security Council from 2004 to 2007.

She holds a Bachelor Degree from Georgetown University School of Foreign Service, and a JD from the University of Virginia School of Law. Secretary Nielsen?

NIELSEN: Thank you. Well good afternoon Chairman Johnson, Ranking Member McCaskill and other distinguished members of the committee. I appreciate the opportunity to appear before you today, and I'd like if I could to submit my full written testimony for the record.

JOHNSON: Without objection.

NIELSEN: I want to begin by thanking you. As the Chairman mentioned, we greatly appreciate your advancing the DHS authorization bill earlier this year. As you know we have not been reauthorized since our creation 15 years ago.

This results in critical -- critical gaps that effect our ability to protect the American people. I also want to thank you in general and to the full committee for being strong supporters of DHS, for listening to our analysis of emerging threats and listening to what we need to do our jobs.

NIELSEN: A lot has changed in 15 years. The threats have evolved, our enemies have adapted and -- and our adversaries are resurgent. In the meantime, our authorities have not kept pace. So today, I want to highlight several areas where DHS request your support, in order to help us better secure our country, including achieving border security and closing immigration loopholes, transforming our cyber agency within DHS, authorizing the Countering Weapons of



Mass Destruction Office, providing authorities to help us counter unmanned aerial systems, and supporting the president's 2019 budget proposal for DHS.

First and foremost, border security is national security, and while we have made vast improvements, make no mistake, we do face a crisis. We see unacceptable levels of illegal drugs, dangerous gangs, criminal activity, and illegal aliens flow across our southern border. That is why, last month, we deployed the National Guard to our southern border.

Anyone who thinks this is a stunt should look at the stats. Our officers have apprehended more than 2,000 people attempting to illegally enter our country, and they are interdicting drugs that would likely, otherwise, have gone undetected. At the same time, my message to smugglers, traffickers, and criminals is clear. If you try to enter our country without authorization, you've broken the law.

The attorney general has declared that we have zero tolerance for all illegal border crossings, and I stand by that. Anyone crossing the border illegally or filing a fraudulent asylum claim will be detained, referred for criminal prosecution, and removed from the United States, as appropriate. But our National Guard deployment, zero tolerance policy, border wall construction, and other actions will only get us partway there.

We urgently need congress to pass legislation, to close the legal loopholes that are fueling this crisis, in the first place. Those, coming illegally, know it's easier to get released into America if they claim asylum. They know it's easier to get released if they're part of a family or if they're unaccompanied children, so it should as no surprise that we seeing a spike in all of these categories.

Word is getting out. Asylum claims are up 200 percent in the past years, family unit apprehensions are up nearly 600 percent, compared to this time, last year, and UAC apprehensions are up, more than 300 percent. In fact, five years ago, apprehensions of families and UACs were less than one, out of every 10 apprehensions. Now, they approach almost half of 40 percent.

Some say these increases are the result of spreading crime or failing economies in source (ph) countries, but in those places, we are actually seeing economic growth and lower homicide rates. The reality is, that their economies are -- that their economies are cratering. It's that our -- excuse me. The reality is not that their economies are cratering, it's that, ours is booming.

America is the land of opportunity, and that's a pull factor for anyone, but we if have a legal system of immigration, for those who want to come here, for economic reasons, they should do so legally. Asylum is for people fleeing persecution, not those, searching for a better job, yet, our broken system, with it's debilitating court rulings, are crushing backlog and gaping loopholes, allows illegal migrants to get into our country, anyway and for whatever reason they want.

This scamming of the system is acceptable. We need urgent action from congress, to close these dangerous legal loopholes that are making our county vulnerable. I would also note, and it's important, I try to say this at every opportunity, that the journey, itself, to our borders is risky. It endangers the illegal aliens, themselves, the communities they pass through, our agents at the border, and U.S. communities, in our homeland.

To be clear, human smuggling operations are lining the pockets of transnational criminals. They are not humanitarian endeavors. Smugglers prioritize profits over people, and when aliens pay them to get here, they are contributing \$500 million, a year or more, to groups that are fueling greater violence and instability in America and the region.

There are other options. If migrants have a legitimate need to flee, they should seek protection in the first safe county they enter, including Mexico. They should not subject themselves to a long



and dangerous journey. This is not and should not be a political or partisan issue, and I hope that we can discuss real solutions, today.

The past four presidents have pleaded with congress to act on this security challenge, but this administration is tired of waiting, so in the meantime, we are doing everything within our authorities to secure the border and enforce our laws.

Turning to the cyber domain, I want to make clear, today, that we've reached a turning point in cyber threat evolution, where digital security is converging with personal and physical security. Cybersecurity can no longer be relegated to the IT department and thought of as a nuisance.

Now, it's a matter of preserving our lives, our livelihoods, and our American way of life.

One of the most critical parts of the DHS Authorization Bill is it's elevation of our cybersecurity and infrastructure security resilience mission, transforming the National Protection and Programs Division, NPPD, into a new operational component. The Cybersecurity and Infrastructure Security Agency is imperative to our success on the frontlines, of the digital battlefield.

It will be a clear focal point for our interagency industry and international partners, it will help DHS recruit and retain employees with critical skill sets, and it will clarify DHS' Role, as national risk manager for cybersecurity and critical infrastructure security. I ask and thank for the committee's continued support and the transformation of this component.

I also want to take this opportunity to mention the department's cybersecurity strategy, which is being rolled out, today. The strategy is built on the concepts of mitigating systemic risk and strengthening collective defense. Both will inform our approach to defending U.S. networks and supporting governments, at all levels in the private sector, in increasing the security and resilience of critical infrastructure. I do look forward to discussing that with you further, today. I am also seeking your support to confront another category of evolving threats, weapons of mass destruction.

From the chemical attacks in Syria, to Russian's Brazen assassination attempt against a U.K. defector, we have seen the damage that these agents can do, and we know that terrorists are not only using them on the battlefield but are working to incorporate them into western attacks.

In December, I announced the establishment of a DHS Countering Weapons of Mass Destruction Office, which is, now, leading a response to these threat streams and incidents, but the office still lacks critical authorities. While we currently have the ability to respond comprehensively to nuclear threats, we lack comparable authorities for chemical and biological threats.

I ask this committee and all of congress to work with me, to permanently authorize this office and to equalize the authorities we possess across all threat vectors. Further, our enemies are exploring other technologies, as well, such as drones, to put our country in danger. ISIS has used armed drones to strike targets in Syria, and we are increasingly concerned that they'll try the same tactics on our soil.

We have also seen drones used to smuggle across our borders and to conduct surveillance on sensitive government locations. So, today, I'd like to particularly thank Chairman Johnson, Ranking Member McCaskill, Senator Heitkamp, and Senator Hoeven for responding to our request and introducing a bill to help DHS counter the growing threat posed by UAS.

DHS needs clear legal authority to identify, track, and mitigate drones that could pose a danger to the public and to DHS operations. Our proposal and your bill would authorize DHS and the Department of Justice to conduct limited counter-UAS operations, for a narrow set of important and prioritized missions, all the while, importantly protecting privacy and civil liberties.



We are grateful for your leadership on this and look forward to working with you as the legislation moves forward.

Finally, I would like to ask for the committee's support for the president's 2019 budget. The budget for DHS requests \$47.5 billion in net discretionary funding, and an additional \$6.7 billion for the disaster relief fund for response and recovery to major disasters.

This budget sustains and strengthens out most critical programs and capabilities. It emphasizes protecting our nation from terrorism, encountering threats, securing and managing our borders, enforcing our immigration laws, preserving and upholding the nation's prosperity and economic security, securing cyber space and critical infrastructure, and strengthening homeland preparedness and resilience.

Throughout all of these missions, the budget also prioritizes my goal of putting our dedicated employees first and maturing DHS operations. I ask the committee to support this budget, to continue supporting our employees and our missions, and to continue to help us make our country more secure.

I thank you very much for your time, and I look forward to your questions.

JOHNSON: Thanks, Secretary Nielsen. Before I turn questioning over to Senator McCaskill, I do want to put up and draw everybody's attention to a couple charts. The first one is UAC apprehensions.

The reason I'm doing this is to make the point that regardless of what a particular loss says, we within our laws, our prestance (ph), our legal loopholes, create incentives for people who come this country illegally.

And I think the first example was the Deferred Action for Childhood Admissions -- or Arrivals. If you take a look at the number of children coming in here from Central America in 2009, '10, '11, '12, it was relatively minimal and in June 2012 we had the Deferred Action for Childhood Arrivals.

And you can see what happened afterwards. I don't have the figures year to date 2018, but I think we're on pace for an increase again over 2017. The next chart has five and a half years of apprehension history at the border.

And again, nothing's definitive, this isn't scientific, but it's pretty indicative that when President Trump came into office, obviously dedicated to securing our border and Secretary Kelly -- Kelly I think said all the right things in terms of being dedicated and -- and giving CBP and ICE the authority to enforce law.

There was a dramatic drop in apprehensions, which indicates the number of people coming in illegally. Unfortunately, the reality of what our laws are has -- has gotten into the -- the fabric of people's consciousness and the result being people realize that they can still go up to the border, has an unaccompanied child, we apprehend them, we process them, we disperse them.

We've only returned three and a half percent of unaccompanied children from Central America, I believe, if my numbers are right. And of course we still have the issue of people walking up claiming credible fear and going through a similar type of process.

Not showing up for their -- their hearings, that type of thing. So that's the reality of our law, and so a deterrent factor worked for about a year, but until we actually change those laws, then I think we're going to have a real tough time actually deterring illegal immigration.

But with that, I'll turn it over to Senator McCaskill.

MCCASKILL: Well first I would not call the DACA recipients -- the unaccompanied minors apprehensions, the vast majority of the unaccompanied minors are walking across this (ph) saying help us please.

I think apprehension is a weird word to use (inaudible) --

JOHNSON: Well that -- that's precisely my point, though. They can just walk in and turn themselves in.

MCCASKILL: OK, the second point I'd make -- the second point I'd make is DACA was wiped off the books by this administration in March of this year, and since March the number of people coming across the border has increased, not decreased.

So DACA is gone, it is no longer the law, and we went from having 36,000 people apprehended at the border in February to 50,000 in March and then almost to 51,000 in April.

So if DACA was the magic thing that is causing this, it seems to me we'd see -- and by the way, DACA doesn't even apply to these kids. None of them are qualified for DACA, none of them.

So I -- you know, I think we've got problems securing our borders, and I don't want to argue about that because I think we all agree that we have to secure our borders.

I want to focus in on this -- once again, your opening statement, you talked about the drugs at the southern border. Ninety percent of the opioids that are being seized are being seized at the ports of entry, correct Secretary Nielsen?

NIELSEN: I don't have that exact figure, but yes, the majority --

MCCASKILL: We do, we got it from you.

NIELSEN: -- the majority of drugs that we see are coming through the ports of entry.

MCCASKILL: Like 90 percent, 85 percent of the fentanyl, which is killing all of our constituents every day, 85 percent of it is coming in through the ports, not across the southern border.

So whenever this talking point that it's the people coming across the southern border that are bringing all the drugs, it's like fingernails on a blackboard because it's just not accurate. And here's the thing I don't get, there has been zero requests for additional port officers, zero, last year or this year, to be used at these critical places.

You did ask for 60 this year, but it was all for a training center, not for actually deployment into these ports, and according to your own staffing, your own staffing studies, you are short by over 4,000 officers at these ports.

Our citizens are dying from fentanyl, everyday our emergency rooms are overloaded. There isn't a week that goes by that I told talk to a parent in Missouri who has lost a child to fentanyl overdose that's (ph) coming in in this manner.

Can you explain why we're continuing to ask for more agents along the border when we can't hire enough but there's no request for this critical, critical need in our country.

NIELSEN: Yes, Senator, first I'd just like to say it is a -- a huge problem. It's one, as you know, that we take seriously, the full administration. Let me give you a short answer and a long answer.

The short answer is it's not just the people at the ports. So what we have done is we've asked for additional technology, as you know we have now trained canines at every port of entry to actually find the drugs.

What we find is far, far and away the best way to detect the drugs coming through the ports is through that non-intrusive technology and through canines. So we have increased that and we continue to ask for additional resources.

What we've also done, though, is taken the approach to try to push the borders out. So rather than waiting for the drugs to come here, we're working much more forward -- in a forward deployed fashion through GTTFs, through what we have in Key West, which as you know JIATF-South is



a multi 20, 30 country effort to identify and track the drugs before we ever reach our shores, before they ever reach the ports of entry.

We also -- you mentioned in your opening remarks, the vast increase in mail. We thank you for the INTERDICT Act, we're working with you on the STOP Act, we need to do more there, absolutely because that's the other way that fentanyl is getting in.

So we're trying to look at it as a system of systems, in other words what are all the different interdiction points that we can best get after this. Another one we have asked for budget on, are our cyber capabilities within ICE and Secret Service, because most of these drugs and marketplaces are on the dark web.

So we've increased our capability to take them down to track the TCOs to their source and to turn off not only their market but their ability to get the drugs. So yes, we have to continue to do more but we're trying to do it in a layered approach so it's a system of system approach.

MCCASKILL: Is there a good answer as to why there was zero requests for additional port officers when you are 4,000 staff members under your staffing model, and yet there were 750 additional agents requested along the Southern border even though you can't even fill -- or the attrition that you're having now? Is there a good reason as to why there would be that dichotomy?

NIELSEN: The good news I'll mention quickly is that the attrition's down and we can talk more about hiring because I know that was a concern of yours in general. But happy to -- happy to come in myself or have folks come and walk you through the model.

The other part about drugs that I didn't mention is what we tend to see is the drugs themselves will be smuggled through the ports of entry. Again we use the technology and K-9s. But the people, the actually TCO members who will then sell the drugs, come in between the ports of entry because they know if they come in at the port of entry they'll be stopped.

So it's a -- you know we need to stop the people and the drugs. But in terms of the staffing model that you're discussing, I'm happy to come talk to you about it in detail.

MCCASKILL: Yes. It doesn't -- it doesn't -- and if you look at your staffing at the United States in terms of mail facilities it's even worse. I mean, you've got 17 officers covering two shifts in Cincinnati, screening almost 46 million import shipments in one year. I mean that's just overwhelming. I just think somebody has got to get off the political speeches and get to the problem and be pragmatic.

You know all of us want to support what you need along the border. But this notion that if we can just say look over here, look over here, it's all about people coming across the border and totally ignore the biggest public health crisis this country has ever faced by not adequately staffing the places where the drugs are coming in, is just heart breaking to me.

NIELSEN: But ma'am I'm not -- I'm not saying that. What I'm suggesting is that what we find is the best way to identify those drugs is through technology and K-9s and that's what we're increasing.

MCCASKILL: But you have to have people to run both technology and K-9.

NIELSEN: We have to have ...

(CROSSTALK)

MCCASKILL: Every dog has a handler.

(CROSSTALK)

NIELSEN: We have to have people as well.

MCCASKILL: In fact, more than one handler.

NIELSON: -- so that we had those secondary lanes so we can pull people over we suspect.

HASSAN: Right.

NIELSON: So we're doing more. We're working on agreements back and forth. And then we're working on some modeling and data that would lead us to a resource request to come to you.

HASSAN: Well, that would be excellent. What I heard loudly and clearly from our wonderful subject matter experts at the border was that they need more people.

And I think that echoes what you heard from Senator McCaskill. We need more people at the ports of entry, we need them south bound as well as north bound. And I also know there were some infrastructure issues for those second lanes of traffic and the like. But I would look forward to working with you on that.

I also wanted to touch on another issue that we heard about on the border. As you know, last year Congress passed the INTERDICT Act which requires DHS to increase the number of fentanyl screening devices available to CBP officers.

The officers have faced a shortage of these devices, which are essential to identifying correctly fentanyl and other drugs as well as keeping CBP officers safe from these toxic chemicals.

Despite the passage of the INTERDICT Act, the port personnel I spoke with made clear that the devices were still in short supply. When I spoke to them about the INTERDICT Act, legislation and its mission, they were encouraged by the possibility of more devices heading their way.

But they had clearly not received the benefits that we intended when we passed this bill and when the president signed it into law and now that was I think in December. So why aren't the devices getting in to the hands of these port officers? What accounts for the delay and what are our plans to get more devices there?

NIELSON: Well, first of all that's unacceptable. So, you have my commitment to look in to it and get that to you this week. I am not aware that they don't have the devices. They need to be trained --

HASSAN: Yes.

NIELSON: -- they need their protective gear to, as you know, touch packages. And they also need the devices, so.

HASSAN: Right. They have -- you know, I saw one of the devices. The issue is they just don't have enough for them all to use. And I think our intent was to get --

NIELSON: Absolutely, I will look in to this.



HASSAN: -- this technology to our personnel as quickly as we could. And then another issue that came up, because I went from the border then down to Mexico City.

And in my meetings with U.S. embassy personnel in Mexico City, and with key Mexican government officials, we discussed how Mexico has to significantly grow its federal police force if it's going to have success against these -- the drug cartels.

While the Mexican government has to find the resources and the will to expand its federal police force, the United States can certainly play a key role in helping to train and professionalize the police force.

In a meeting with the National Security Commissioner Sales, I conveyed how every law enforcement officer in the state of New Hampshire attends the same training facility in order to standardize and professionalize their training.

And I also shared how DHS runs the federal law enforcement training center, or FLETC, in order to integrate and standardize law enforcement training for over 90 federal law enforcement units.

Has DHS considered working with its Mexican counterparts to help provide trainings to Mexican federal law enforcement?

NIELSON: Absolutely, and we actually do. We have graduated some already from training facilities. We're continuing to expand that. We also work with Sumar (ph) and Sudona (ph), parts of the military --

HASSAN: Right.

NIELSON: -- which, as you know play, a huge role.

HASSAN: Right.

NIELSON: We've done a lot of training with them. We do a lot of joint operations back and forth across the border. But yes, this would be a priority for us.

HASSAN: And so, when you say a lot of joint training, do we open up parts of FLETC to our Mexican counterparts? Can they come over and train, with us?

NIELSON: We do offer courses for Mexican counterparts, yes ma'am. I will get you the locations. I believe it's at FLETC, but if not, it's a DHS owned facility.

HASSAN: OK, well thank you very much. I will have more questions for a second round, but I'm happy to yield now, thank you.

JOHNSON: Senator Harris.

HARRIS: Thank you. Secretary Nielsen, as I sit here today I'm extremely concerned about the administration's repeated attacks on some of the most vulnerable communities and in particular children and pregnant women as it relates to the work of DHS. And in particular under your leadership, DHS has rescinded the DACA program and under the leadership of the administration predating your arrival as secretary.

DHS has rescinded the DACA program, putting 700,000 young people Everest's (ph) of deportation. It has separated 700 children from their parents at the border since October 2017, including more than 100 children who are under the age of four. The agency has released a directive that allows for more detention of pregnant women to immigrant detention facilities. The agency has instituted a new information sharing system between the office of refugee resettlement and ICE that is likely to have a chilling effect on sponsors who otherwise would be willing to come forward to provide care for unaccompanied minors.

And instead of allowing the children to -- to remain in detention, the agency has dramatically increased enforcement actions that have left an untold number of both immigrant and U.S. citizen children without one or both parents, leaving some of those children in the child welfare system. And then just last Wednesday, the Washington Post reported that you are considering undermining the Flores agreement; an agreement that ensures standards of care for immigrant children, such as the provision of meals and recreation and that they are placed in a least restrictive setting as possible.

In the course of carrying out these actions, the administration has routinely provided misleading information to this committee and has even gone so far as to claim that policy such as routinely separating families are carried out in the best interests of the child which many consider to be cruel.

So my question to you is last Thursday when the New York Times reported that the president has directed you to separate parents from children when they cross into the United States as a way to deter illegal immigration, is that correct? Have you been directed to separate parents from children as a method of deterrence of undocumented immigration?

NIELSEN: I have not been directed to do that for purposes of deterrence, no.

HARRIS: What -- what purpose has -- have you been given for separating parents from their children?

NIELSEN: So, my decision has been that anyone who breaks the law will be prosecuted. If you're a parent or you're a single person, or you happen to have a family, if you cross between the ports of entry, we will refer you for prosecution, you have broken U.S. law.

HARRIS: At an April 26 hearing, I asked Undersecretary James McCament to provide me with what percentage of cases exist in your agency where a child has been separated from a parent or guardian since October 2017, wherein the case resulted in trafficking charges. I've not been given the information. Can you provide that to me?



NIELSEN: I do not have it now, but yes I will provide it to you.

HARRIS: OK, can you do that by the end of next week?

NIELSEN: If we have the information, yes.

HARRIS: Thank you. I also asked that I be provided with what training and procedures are being given to CBP officers as it relates to how they are instructed to carry out family separation. I've not receive that information. Do you have that today?

NIELSEN: No, you have not asked me for it so I do not have it.

HARRIS: No, I asked you before. OK, so again, by the end of next week, please.

NIELSEN: Can you explain a little more what you're looking for?

HARRIS: Sure. So your agency will be separating children from their parents...

NIELSEN: No, what we'll be doing is prosecuting parents who have broken the law, just as he did every day in the United States of America.

HARRIS: I can appreciate that, but if that parent has a four-year-old child, what do you plan on doing with that child?

NIELSEN: The child, under law, goes to HHS for care and custody.

HARRIS: They will be separated from their parents.

NIELSEN: Just like they (ph) they do in the United States every day.

HARRIS: So, they will be separated from their parents, and my question then is, when you are separating children from their parents do you have a protocol in place about how that should be done?

And are you training the people who will actually remove a child from their parent on how to do that in the least traumatic way? I would hope you do train on how to do that.

And so the question is, and the request has been to give us the information about how you are training and what the protocols are for separating a child from their parent?

NIELSEN: I'm happy to provide you with the training information.

HARRIS: Thank you. And what steps are being taken, if you can tell me, to ensure that once separated, parent and child, that there will be an opportunity to at least sustain communication between the parent and their child?

NIELSEN: The children are at HHS. But I'm happy to work with HHS to get you an answer for that.

HARRIS: And I'd like for it to be broken down between what you're doing for children over the age of four and what you're doing for children under the age of four.

On May 4th, the president of the American Academy of Pediatrics issued a statement on behalf of the organization, stating that he is appalled by a new policy by the DHS that will forcibly separate children from their parents.

He went on to talk about that they will create stressful experiences like family separation, which can cause irreparable harm, disrupting a child's brain architecture, affecting his or her short and long term health. And these findings are generally shared by the American Medical Association and many child welfare advocates and professionals.

Last Tuesday, before Senate Appropriations, you testified that you are quote "working with the community to understand the science as it relates to the impact of such separation."

Do you dispute that separating a child from their parent will create and cause trauma for that child?

NIELSEN: I believe the question that was asked to me, if I was aware of the information. And what I said is, I would be happy to look into the studies.

Again, we do not have a policy to separate children from their parents. Our policy is, if you break the law we will prosecute you. You have an option to go to a port of entry and not illegally cross into our country.

HARRIS: Secretary Nielsen, we do have a policy in this country, as a general matter in the justice system, that if someone breaks the law they will be prosecuted.

We also have protocols about what is allowable and not in connection with an arrest, in connection with detention in a jail, in connection with how many hours or days with which we can bring charges or not.

So to suggest that the only law in this country relates to what you do at the end is really misleading.

NIELSEN: But that's not what I just said, ma'am. If you're asking if we train and we take care of them, and we work with HHS, we now have a memorandum of agreement so that we can make sure that the children go to people who are actually family members and who are not traffickers and who won't abuse them.

HARRIS: Right so that's the -- those are the policies I'd like to see.



NIELSEN: OK.

HARRIS: Thank you.

JOHNSON: Before I go to Senator Lankford, I think this is a good time -- actually Senator Daines, I see you showed up. This would be a good time to explain a little bit more, when you say that we do this every -- you know, prosecutors, law enforcement, local law enforcement does this every day.

So let's consider maybe a drug deal or a single parent with children in the home. That drug dealer is arrested. Is there any difference really, in terms of how DHS handles some of -- you're going to prosecute, you're going to detain somebody who's entered the country through the port -- other than the ports of entry; is there any difference in terms of how DHS would handle that situation, those children, than what local law enforcement -- other than different jurisdictions may have different rules?

NIELSEN: Right, so broadly speaking, not to my knowledge. The idea here is to make sure that the now unaccompanied children, or the children whose parent is incarcerated because they broke a law, are cared for.

So we transfer those to HHS. And as I just mentioned, we have now worked on a memorandum of agreement to ensure that those children are not then in turn placed in the hands of traffickers, criminals, et cetera.

JOHNSON: And again, I want to underscore, that only applies to family units, a parent that crosses illegally between the ports of entry. If they show up at the port, claim asylum, those family units are kept together because we have a process for that?

NIELSEN: In current policy, yes sir.

JOHNSON: OK. Senator Daines?

DAINES: Thank you, Mr. Chairman. Secretary Nielsen, it's good to see you again. Thank you for your service to secure our homeland.

I am thankful for the leadership you are showing, in terms of deploying National Guard resources to secure our borders, building the first border wall in 10 years, establishing a national vetting process to better target those with criminal intent who seek to enter this country.

As a father of four children myself, I sleep better knowing that you are leading in securing our homeland. Thank you.

I want to switch gears and talk about flooding in my home state of Montana. We had a tremendous snowpack this winter. The skiers were thrilled. As a fly fisherman, I can't wait. As

we say, the rivers blow out, and clear up and (inaudible) the rivers. But in the meantime we have flooding going on in Montana.

We're facing severe flooding due to rapidly melting snowpack in our mountains, combined with some recent heavy rainfalls. Surging rivers and streams affect our communities across our state, forcing families from homes, schools, businesses. Roadways are closing.

In fact, Montana has declared a statewide flooding emergency and mobilized state resources, but more flooding is yet to come. And federal aid is going to be needed.

How is DHS assisting these affected in communities in Montana now? And how can your department provide support in the coming months as we deal with additional flooding, as well as, believe it or not, the upcoming wildfire season?

NIELSEN: Yes, I can't believe we're there again already, between that and hurricane season.

So what we're doing at FEMA is we're trying to increase the capability and capacity in general towards resilience. So in part, that means we're using things called the integrated management teams. We're pushing people out into the communities to help them build their capacity for instant management.

We have conducted various reviews on alert and warning. We're reviewing the equipment needs and requirements. And then as you know, in certain cases once the thresholds of the Stafford Act are met under a national disaster, there are funds available from the Disaster Relief Fund.

So it's a combination of on the ground capacity building exercises, et cetera, and then funding, of course, when the thresholds are met.

DAINES: Thank you. And I know we'll be in touch with your team as we continue to -- excuse the (inaudible), navigate through these difficult times right now in Montana.

I want to switch gears now and talk about the National Guard on the Southwest Border. As you pointed out in your testimony, there's probably no issue more important for DHS right now than border security and immigration.

According to CBP, Southwest Border migration numbers for April, the number of illegal border crossers more than tripled in April of 2018 compared to April of 2017. Securing our borders is crucial to protecting the American people and upholding the rule of law.

I'm grateful to hear from you today in response to some of the questions; it's about the rule of law. That's what sets this great nation apart is freedom and the rule of law. You're doing an admirable job and I know you and your workforce are working tirelessly to get the job done.

More resources are needed, however. And I support President Trump's call last month for the deployment of the National Guard to enhance CBPs capacities out at our southwest border. My



question for you is what further steps will be taken by the administration to mitigate illegal activity at the border?

NIELSEN: Many things, as much as we can do within the laws. So we're changing regs, to the extent that we can, to clarify particular issues. We are doing all of this, the protection of UACs, like the MOU that I just mentioned.

We're working with the border governors. So, as you may know, I have had lots of conversations and I talk with them monthly, Governor Abbott, Governor Ducey, Governor Martinez, Governor Brown, not just on the deployment of the National Guard, but we else we can do with local communities, with border sheriffs, to make sure that when we indentify criminal aliens, that we can apprehend them and remove them.

We, also, are working through some pilot projects with Mexico, on ways that we can prevent the flows (ph) that do have a legitimate claim to come to this country. Again, I encourage all migrants, if they have a need to flee, to seek shelter in that first safe country that they -- they encounter. So we'll continue to do what we can on our side.

DAINES: Thank you. The issue of children came up in your last line of questioning. I want to probe that a bit more with you. I've introduced legislation with my colleague from New Hampshire, Senator Hassan. It's called, the Homeland Security for Children Act, which will simply ensure that DHS includes input from organizations representing the needs of children when soliciting stakeholder feedback and developing policies.

The question is do you believe it's important to indentify and integrate the needs of the children into the policies and activities of the department?

NIELSEN: I think it is our duty to protect them, to keep them in a safe environment, to provide for them when they're in our care, and to make sure that, within that 48 period -- 48-hour period, when we transfer them to HHS, that we do all we can to help HHS then take care of those children. Yes, I do.

DAINES: One thing I've seen and appreciate response here is I think we need to make sure that the necessary steps are in place so that children are kept safe during emergencies. We think about preparedness. Sometimes we don't always remember in the policies, the importance of children, and thinking about their unique needs.

Lastly, I want to talk about border wall contractors. A number of state and local governments are considering legislation that would require them discriminate against companies involved in the design or construction of any extension of the wall along our southern border.

Further, some cities are targeting contractors that provide database services supporting federal immigration priorities. This type of legislation could obstruct the federal government's lawful functions and cause private companies, contracted with the federal government, to hesitate in

fulfilling the critical roles asked of them. My question is, what is the position of the department on this issue, and how do you plan to respond?

NIELSEN: So we continue to work with border governors and government officials. You know, I would just say that border security is the most basic and necessary requirement of a country to protect its citizens. So, I do worry that the -- either, intended or unintended consequence of this would be that the federal government cannot do its most basic duty to protect its citizens.

But we're also trying to work them to explain and find out what the real concern is, because it's not always clear on its face what the concern is, other than they just don't agree with us enforcing the law.

DAINES: Thanks, Secretary Nielsen. Thanks.

JOHNSON: Senator McCaskill has a question for you real quick.

MCCASKILL: Yes, I just want to clarify something. There was -- the chairman wanted to equate the process by which children are separated from their parents, to a similar process when someone is arrested in -- let's just take a community, where I was the elected prosecutor for years. When a child is left without a parent because of breaking the law in the state system, the police hand it over to the social service agency, who then has primary responsibility ongoing through social workers, placement, a child abuse hotline, they are always in contact with the state authorities until there is some kind of permanency to their legal situation.

Let's compare and contrast what happens with DHS. DHS keeps the children for maybe 48 hours, hands off to HHS. HHS then tries to put them somewhere. And very, very, very few even household visits for sponsors. And then they're done after they find a sponsor. There is no handing off to the state social service agencies. That's why nobody's showing up for the hearing, secretary. It's because it's not like the state system.

I can assure you that if a child was supposed to show up somewhere that was in a state's care, phone - phone would ring, or the child abuse hotline would ring, or a teacher would be required to call in. That's not happening with these kids. That's why they're not coming to court. Nobody's paying any attention. So I just couldn't let it pass that we were equating those two systems, because having a great deal of experience in one of them, having handled child abuse cases for a number of years, nothing is further than (ph) the truth.

And there is still not a joint concept of operations, which was promised to Senator Portman and I at a hearing in 2016, as to how we're going to alleviate this problem. So once you start taking these children, please, I don't think any record should reflect that somehow we are - you are confident, or anybody is confident, that they're being placed in a safe and secure environment and being appropriately managed.

Because frankly, if they were, they'd come to their hearings.



NIELSEN: Can I just respond to that? I think the comparison I was trying to make was in separation of families. It's just - it's not something unique we do with illegal aliens when someone has broken the law. Having...

MCCASKILL: (OFF-MIKE) have to separate children from families, when there's been a violation.

NIELSEN: Yes, ma'am. But having said that, I just want to say, I couldn't agree with your concerns more. Period. We are working with HHS, we've done this MOA. I will look into the CONOPS. I do know that we've revised it because we now, in conjunction with HHS, are requiring various checks be made to ensure that the sponsor truly does have a custodial relationship and is not a trafficker or an abuser.

And as you know, we've had terrible instances of that occurring. It's not acceptable. It's not acceptable...

MCCASKILL: You know, the fact that there isn't a CONOPS, the fact that there is no joint concept of operations, and we are upping the number of children we're taking from families is outrageous.

NIELSEN: So, there is a CONOPS. What I'm suggesting is we...

MCCASKILL: (OFF-MIKE)

NIELSEN: Yes. And I appreciate that and we'll get it to you. We're updating it because we now have this MOA with HHS that requires both of us to share information so that we can vet the sponsor who appears to take the child, especially when that sponsor is not a parent.

MCCASKILL: (OFF-MIKE)

NIELSEN: So this is why, we just signed this MOA. I couldn't agree more, we have to do more.

JOHNSON: Of course (ph), I would completely agree, the state's going to be better than the federal government at just about anything it does. And the point I was making in terms of DACA, I mean I completely understand that that does not apply to current arrivals, but they don't know that. DACA was used as a spark, they were told once they get there, they can stay. And by the way, they have. 96.5 percent of unaccompanied children from Central America have stayed.

They use social media, that's communicated down to Central America and more come. So it's that flood into a federal system that has created the crisis. So again, the goal of policy ought to be to reduce the flow, like Secretary Chertoff did in Brazil. Senator Heitkamp.

HEITKAMP: I don't think I can let that go without at least some comment. DACA - if you say it was a magnet that pulled people because they are so connected, they certainly are connected enough to know that the program has been terminated. So we know that Central America

presents a unique problem as it relates to unaccompanied minors because of a law that was passed by the United States Congress

So the -- the wringing of hands about what is in fact the draw in to this country, is -- is -- its -- its critically important that we look at this from what is driving the factors below. And you and I have had long conversations about the need to work with the other countries in the region to allow people to refugee in place, to allow people to live with their families in a safe location somewhere within the region. We're on the verge of having a very anti-American government elected in Mexico; it's going to make your job even harder.

And so we can talk about why that is, I think we should just recognize it's going to happen. So we have to prepare for a relationship change that we're going to have that's going to create an even greater problem. But we have to be humanitarian about how we deal with this, especially as it relates to children. Now we all sat at this dais, you know, about a month ago and I think I said we're the worst foster parents in the world.

We don't keep track of these kids, and we are begging you, if in fact this is going to be the outcome, where we're separating children, in some cases, infants, from their parents we need to know where these kids are.

NIELSEN: I couldn't agree more.

HEITKAMP: Well that hasn't been...

NIELSEN: Again, in the last administration there was no MOA to even screen or vet -

HEITKAMP: I'm -- I'm not -- I'm not talking about politics here

NIELSEN: No I'm not either

HEITKAMP: I'm talking about change

NIELSEN: I'm saying what we've done to improve the situation because you're exactly right, we owe more to these children to protect them. So I'm saying I agree, we've taken steps and we will continue to strengthen what our partners do to protect these children. They're not in our custody, but I take it upon myself to work with my interagency partners to do this.

HEITKAMP: And I would share Senator Harris' concern about making sure people are trauma informed, and trauma trained, because what you're doing to children when you take them away from their parents is the most trauma-impactful thing you can do to a child.

So let's -- let's be good -- let's be good people and good Americans, as it relates to how we treat children. But I don't want to want to use my whole time; I want to talk a little bit about the northern border strategy, we figure this is going to come up. You're five months late in getting me the plan when is that plan going to happen?



NIELSEN: It should be out this week.

HEITKAMP: OK, thank you. I'll look forward to seeing it and thank you again. I think again, we such a hyper focus on the southwest boarder, a hyper focus on the open areas of the southwest boarder and as Senator McCaskill pointed out, a lot of the drug traffic is coming through the points of entry, we know that that's a problem that we need to address.

And that brings me to the second thing I want to get at, which is technology. And -- and understanding what that technology -- what's available, what we're doing right now to train, what we're doing right now to provide resources. I want to associate myself with the remarks of my senior senator, Senator Hoeven.

We -- we appreciate the work that's being done to train pilots. I think that we have a great resource in North Dakota with the co-location of Customs and Boarder Protection, air and marine, along with the air base, along with a training center for training pilots, along with a lot of great law enforcement folks who are working to try to figure out how we can embed and -- and use new technologies.

So I, again, invite you to come up to North Dakota...

(CROSSTALK)

NIELSEN: Yes. I'm looking forward to it.

HEITKAMP: ... take a look -- yeah? And -- and I think you'll find some very interesting things up on the border.

One of the unique problems that we have in North Dakota, as you know, is -- is hiring and retention. That's not just a problem in North Dakota, but it's a problem across the agency.

Senator McCaskill, I think, made a great point on retention. What -- what do you think is going to improve retention, and how do we get a better answer on how we can deal with the attrition challenge that you have?

NIELSEN: Yeah. This is -- for obvious reason, all the ones that Ranking Member McCaskill mentioned and -- and you did as well, important. But it's also important just for basic morale, right?

HEITKAMP: Mm-hmm.

NIELSEN: It's important for us to be able to do our jobs. So I do take this very seriously. And of my six priorities, one is what I call "employees first."

Now, this is a big chunk of that, you know? What -- what is it (ph), can we do to make them willing to continue to serve, and to conserve...

(CROSSTALK)

HEITKAMP: Why do you think they're leaving now...

NIELSEN: I think...

(CROSSTALK)

HEITKAMP: ... Secretary (ph)?

NIELSEN: ... you know, one of the things that we found over the last year is, the system was not built for mobility. So if you are in a -- a rural -- it's not even rural.

If you're in an area where there's just not a lot of infrastructure, particularly on the Southern border, if you are a young CBP agent, you might be willing to do that for a few years. But if the system can't allow you to move, you might just decide to leave.

So one of the things we've built in is that mobility. We've also built in cross-training. We find that particularly (ph) in some of the areas, what you are trained to do is not necessarily what you do because of the limited...

(CROSSTALK)

HEITKAMP: What -- one of the -- one of the pieces of advice that Senator Tester (ph) used to provide and I used to follow up on is, you know, there's people who live up there. There's people who...

NIELSEN: Absolutely.

HEITKAMP: ... live on the Northern Tier. They like it. That's home...

NIELSEN: Yeah.

HEITKAMP: ... they hunt, they fish, they know exactly what they're doing. You know. They -- they have friends and family. We need to do better, recruiting from the -- the local people who live there, who have lived that lifestyle.

Because if you move someone in from Tennessee, let's say, and then an ICE (ph) position comes open in Tennessee, we'll lose them from border patrol.

And -- and so we've seen this, we've talked to the folks up there. Very -- very much would like to see you look at recruiting within the -- the area. Because those are folks who are used to that lifestyle.

NIELSEN: And we (ph) -- if I could (ph) really (ph)...



(CROSSTALK)

HEITKAMP: And finally, I want to...

NIELSEN: ... quickly on that one?

HEITKAMP: Yeah.

NIELSEN: We just -- we found that we weren't very good at that, which is partly why...

HEITKAMP: Yeah.

NIELSEN: ... we're working with Accenture. And I know Ranking Member had some concerns that she mentioned at the front end. Happy to come and -- and speak to you both about that.

But part of the concept of that Accenture contract is to go into those areas and recruit there for people that we need there, because of exactly what you're saying.

HEITKAMP: No, I think you -- yeah, I think you'd be more successful, in terms of retention. And I'm out of time. I'll probably submit some additional questions for the record and -- and you probably know I'm concerned and -- and aware of some challenges we have with the border sheriffs.

That's a critical relationship, both in the northern border and the southern border. And we want to follow up on some of the -- some of the issues that we've had with the local law enforcement.

NIELSEN: Yes.

And, Chairman, do you mind if I just respond to that quickly?

JOHNSON: No, fine.

NIELSEN: I -- you and I had a brief conversation. I couldn't agree more. I spoke with the sheriff in Cochise (ph) County, I've met with a variety of sheriffs when I was in Texas, met with the National Sheriffs Association last week...

HEITKAMP: Good.

NIELSEN: ... will continue to meet with them. But, yes, we look to their expertise, their experience. They're a very important part of understanding the needs.

HEITKAMP: And they can be an incredible resource for you in terms of intel if you have a relationship with them.

NIELSEN: Yes. I agree. Thank you.

HEITKAMP: Thank you.

JOHNSON: Now I just want to offer clarification. I think Senator Heitkamp, you said DHS does this to the children or families when a parent brings a child illegally into this country between the ports of entry, DHS is responding, reacting to that illegal act.

I hate to give advice but, you know, if those parents want to do it legally, they can go right up to the port of entry, claim asylum and then, you know, basically have to make the case.

But they're -- they're coming across illegally because they don't want to have to go through that process, the legal process. So we're -- Secretary Nielsen, DHS is enforcing the laws and if we don't like the laws, we're going to have to try and change them.

But, again, I -- it's not what DHS is doing to them. DHS is forced to react, and is forced to follow the law.

NIELSEN: Yes, sir.

JOHNSON: Senator Peters?

PETERS: Thank you, Mr. Chairman, Secretary Nielsen.

NIELSEN: Good afternoon.

PETERS: Thank you for being here. Secretary Nielsen, I think you're well aware of probably the most significant threat that we have to our national security comes from cyber-attacks, and we're seeing these cyber-attacks increase in frequency as well as in sophistication.

And as this -- as this committee has discussed this issue on numerous occasions, we always talk about a whole-of-government approach, that we have to bring all of our resources to bear in order to thwart this -- this threat.

And yet, oftentimes, we operate in silos. Different agencies are doing their own thing, and there isn't any kind of communication between them.

And so there's been a pretty concerted effort to try to harmonize the responsibilities as well as understand those whole-of-government capabilities that may exist across the -- the breadth of government.

And I know that DHS, along with a number of other civilian and military entities, have certainly made some significant progress in this area.

But we also need to have leadership from the White House to make sure that this actually happens, and that's why I was disappointed to hear reports that National Security Advisor John



Bolton is considering eliminating the White House cyber coordinator position within the -- the White House.

What impact would this change in leadership have, do you think, on the -- the national cyber mission?

NIELSEN: So I have not had a conversation with Ambassador Bolton about that particular issue. What I would suggest, at least from a DHS perspective, we have strengthened all of our relationships with the silos that you referenced, to make sure that we're bringing all to bear.

Not just through a sharing of capacity and capabilities, but clarifying and re-clarifying our roles and responsibilities from policy efforts.

So your underlying point is valid. It's top-of-mind for me because no one entity has all of the authorities, capability and capacity to address this. So we have to bring everything we have to bear.

Within DHS, I find that we have pockets of excellence within the Secret Service, within ICE, within the Coast Guard, within TSA and, of course within NPPD. So we're trying to knit all that together so that we have best-in-class services, sort of that collective of -- collective defense model.

PETERS: So you mentioned, you weren't aware of this -- this -- or -- statement that John Bolton made. Could you tell me a little bit about the kind of coordination that goes on between DHS, cyber leadership and the White House, in relation to cyber-security? Is there ongoing communication coordination?

NIELSEN: Since Ambassador Bolton has come to the job, he and I speak regularly. We spoke over the weekend about events that were emerging in Tennessee, for example, and the alleged cyber-attack.

So we continue to -- to work together, if there are any issues that we ever have, that we need to raise to their attention, we do so.

We are working hand-in-glove on the National Cyber Security Strategy. We released the DHS cyber security strategy today. We did that in close coordination with NSC.

PETERS: It's been reported that the -- the United States may see increased cyber-attacks from Iran in the coming weeks and months. Has the department seen an increase in Iranian cyber-attacks in the past week?

NIELSEN: We have not, but we are looking. We have something that -- a posture that we call "shields up." We're in close coordination with state and local governments, private sector, critical infrastructure owners and operators and the intel community, constantly asking and assessing to see if we see any uptick in -- in activity.

PETERS: So you're anticipating it may be a -- a reality?

NIELSEN: We're anticipating it's a possibility; and, therefore, we will be prepared.

PETERS: I would discuss the northern border, pickup on Senator Heitkamp, coming from a northern border up in Michigan. We have two of the nation's border crossings in Michigan, one up in Port Huron with Canada and Sanria, and down in Detroit. We have had a number of issues in terms of staffing and capacity.

Those border crossings are particularly important from an economic standpoint, and I know the difficult balancing act that the -- the department has to -- to keep us safe by -- at the same time, making sure that commerce moves efficiently across those borders. Right now, we are in the process of building a second bridge in the Detroit-Windsor, which is one of the top crossings in the country, in North America, the Gordie Howe Bridge

In fact, it's been funded by the Canadian Government, but looking from resources from the United States to make sure that our customs plaza is fully funded. Now, do I have your commitment that that will be fully funded and properly staffed so that we can achieve that twin goal of keeping us safe, while -- while at the same time allowing commerce to move efficiently across that border?

NIELSEN: Yes, we would like to facilitate legal trade and travel, as you know. I'm not as familiar with this, but, yes. We would want to make sure that it allows legal trade and travel and facilitates that.

PETERS: Well, I would like to have a further discussion with you...

NIELSEN: Happy to.

PETERS: ... Or your staff as well. This is a critical issue for us. And I can appreciate you may not be fully up to speed on this particular one, but it's one that I think we need to pursue and I'd love to have that conversation.

And it goes, actually, with the other border crossing which is the Blue Water Bridge, which is between Sarnia and Port Huron. Now, that's a border crossing that needs to be expanded. In fact, the government came in and condemned a number of houses with eminent domain, cleared out land because of a customs expansion that should have taken place years ago. It still has not occurred.

It's an incredibly problematic situation to say the least, for the city of Port Huron. And it's a piece of critical infrastructure. Do you have any idea when that plaza will be completed and -- and is that something that you're prepared to talk about today?

NIELSEN: No, but we'll get you an answer this week.



PETERS: Well, I would appreciate that as well, we'll follow-up. And the -- the other final piece of major infrastructure in Michigan is the Soo Locks, which are -- connect Lake Superior with the rest of the Great Lakes system.

DHS reported in 2016 that if the Poe Lock -- which is the major lock that can allow the large freighters to move through there. If anything happens to that lock, within a matter of weeks the entire U.S. economy would go into a recession. You would have production facilities shut down, factories, mines, auto parts would have difficulty being constructed. So, it certainly fits the definition of -- of critical infrastructure in -- in no uncertain terms.

Now, we had President Trump in our state recently, who's made a statement that we're going to fix the Soo Locks, we're going to construct the additional lock that we've been looking for, for some time. Could you give us an update on that?

NIELSEN: Sure. So we -- what we've done at DHS is look at the modeling, because as you say, it's a concentrated point of dependency and some might even argue it's a single point of failure when it comes to trade. So we're doing the modeling and then we're also working with our counterparts in commerce, the Council of Economic Advisers at the White House, to make sure that we understand all of the consequences.

It is critical infrastructure. We treat it as such. So we're continuing that voluntary relationship to make sure that we have the redundancy and resiliency built in, but happy to come give you a more detailed brief about what specifically we're doing.

PETERS: Well, I would like to -- a brief on what has happened since the president's statement. We have the -- the report from DHS, which clearly states that it's critical infrastructure...

NIELSEN: Yes.

PETERS: ... That could lead to a recession. The Army Corps of Engineers are finishing a study that we expect to see shortly, that will also come to what I believe will be a similar conclusion. But it's something that we need to focus on and look forward to meeting with your folks to talk further about it.

NIELSEN: Thank you.

JOHNSON: I agree, Senator Peters, on that one. Senator Portman.

PORTMAN: Thank you, Mr. Chairman. And, Secretary Nielsen, thank you for...

NIELSEN: Good afternoon.

PORTMAN: ... Being here today and for being here at a critical time. You're in the process of putting your own imprint on a massive organization that was created by Congress some 16 years ago, and has never been reauthorized since. And I appreciate the fact, Mr. Chairman, that you

and the Ranking Member Senator McCaskill have worked hard on a authorization bill, again, for the first time in almost two decades. It's -- it's overdue in my view, and I think there's a lot of positive things in that bill.

So, we appreciate you working with us. I asked you earlier today in a conversation, what you thought about it. And I think you're generally supportive of it.

NIELSEN: Yes, sir.

PORTMAN: And I hope you'll work with the chair and ranking member to get that not just to the Senate floor for a vote, but to get that signed into law. There are a number of provisions in that bill that I feel strongly about; one is some of my provisions to strengthen security for nonprofit institutions, focusing research on some emerging threats as was talked earlier in the cyber-security space, also in chemical weapons as well as some important requirements to combat the illicit opiates -- opioids that are coming into our country.

You know, we here in my state of Ohio have had epidemic levels of opioid addiction, and overdoses and deaths, starting with prescription drugs and heroine. And now, it's this synthetic heroine or synthetic opioids, including fentanyl, carfentanil and others.

And it's now the big problem. I mean, we had 60 percent of the people who died in Ohio last year, our worst year ever, died because of fentanyl. Locally in Columbus, Ohio, they just issued a report from that county, Franklin Country, that two-thirds of their deaths last year were attributable to fentanyl.

It's coming in through the U.S. mail system, primarily. That's what all the experts say, including testimony before this committee and before our Permanent Subcommittee Investigations. So, our own United States mail system is providing the conduit for this poison. It's not coming over land, from Mexico as -- as heroine was. It's -- at least the vast majority of it is not.

Most of it is coming from China. We know where it's coming from. We know how it's coming. And we know that the Post Office, unbelievably, does not require the same information on packages as other private carriers have to in order for law enforcement to identify those packages.

So, the Post Office has about 900 million packages a year, by far the most; more than FedEx, UPS, DHL combined. Again, those private carriers have to give law enforcement, including your good folks at Customs and Border Protection, the information. They can then find these packages that are suspect, where it's from, what's in it, where it's going. The Post Office, for the most part, doesn't have that because we do not have a requirement on them.

The requirement was put in place on the other carriers right after 9/11. And the thought was that the Post Office would do it also, because we required that they do a study of it. They said it would take them some time, it's been 16 years and they're still studying it.



So our legislation that many members of this committee have strongly supported -- I see Senator Hassan here, for instance, she's been a big advocate of this as have others -- is just to say, let's make the Post Office, also, give your people what they say they need. And they've testified before us here that they need it and need it badly.

Senator Carper, who was here earlier, and I conducted a year-long investigation into this issue through the Permanent Subcommittee Investigations. We were able, by using some undercover folks from your department -- thank you for lending them to us -- to find out some really shocking news, which is that people are selling this stuff online freely, not worried about the enforcement side. And saying, if you send it through the Post Office, it's guaranteed; if you send it through a private carrier, it's not.

And, bottom line is, you know, in this authorization legislation we have some good things about helping with regard to working with the Chinese government, to information sharing. But the central issue here, the real gap in our defenses against this drug coming in is the delivery method. So, I hope you'll work with us.

What your people will tell you is it's like finding a needle in a haystack if you don't have this information. If you have it, at least you have a fighting chance of both stopping some of this poison from coming in that is the most powerful, potent drug ever, 15 times more powerful than heroine, but also increasing the price of the drug just by reducing some of that supply. Because one of our problems right now, in my state and others, is the fact that this is not only readily available, it's relatively inexpensive.

You're aware about the legislation because we've talked about it, the STOP Act. You're aware of the fact that we are trying very hard to get this through the process right now, not just this committee which has done, I think, a very good job on doing the research, but -- the committee of jurisdiction. I guess, my question to you would be are you willing to help us to get this done?

And, in particular, we've heard rumors that the House may move on something that is a watered down version. They by the way have 270 co-sponsors of our bill and yet the committee there, Ways and Means Committee apparently is talking about giving the Post Office more time to do this. Not having a requirement, ultimately, because there'd be no penalties associated with it.

I guess, I would ask you, are you willing to work with us and stick with us to insure that we can require the Post Office to provide this information to your law enforcement folks so we can stop more of this deadly poison from coming in?

NIELSEN: Yes, absolutely. You have my commitment and I know, as you know, you have that of Commissioner McAleenan as well.

PORTMAN: Yes, the commissioner's been great in -- as acting and now as commissioner, we appreciate it. Well, I thank you. We want to work with you on it. With regard to the H-2B Visa program, let me just read you one e-mail that I got this week -- last week actually now, from a landscaper in Ohio. You know, I've talked briefly about this issue.

He says, Rob, we've got \$8,000 in revenue per day. We are not able to capture -- or \$250,000 a month. We will close \$2 million under our budget for the year which means we will lose close to \$ 1 million this year. This is a small landscaper. This is just because he cannot rely the labor force that he has relied on in the past.

Can you just tell us briefly what your commitment is? You and I've talked about this with regard to the H-2B rule, getting a 301B (ph). And then, what you think ought to be done in terms of legislative visa cap?

NIELSEN: Yes. The difficulty with the reg process is it's the reg process, I'll just be honest. We go as fast as we can, but the APA requires us to do certain things that takes awhile.

What we've tried to do is mimic the rule from last summer so that it can go as quickly as possible. The more changes, if we had made them to that underlying reg, longer it would take. And I completely understand that time is of the essence.

So what we chose to do is do something as quickly as we can under the APA. What I had mentioned to you earlier, and I mentioned earlier in testimony, was that the best way to fix this -- the best way to fix this is to take all of the information that the members have which I'm gathering.

Everyone I've talked to, and you as well, I said please give me examples of companies that are going out of business because of either the problems with the seasonality or because there's not enough. To package it up, give it back and just put it in law. That will give the companies predictability.

They'll understand how many visas will be available and they'll understand when. Right now, as you know, it's tied to the appropriations process, which it's anyone's guess when we can get that through. So it's very difficult on businesses.

PORTMAN: Well, I would agree with your approach. My time is coming to an end, just to say that meanwhile right now we need -- we need relief. And then, finally, with regard unaccompanied kids, I don't have time to go into it.

But we have information now from you all as of 10 days ago, that on July 30, you will have a new deadline to deliver the joint concept of operations which we really need, both for the sake of these kids not to be trafficked or abused but also to be sure, as Senator McCaskill said, these kids actually show up at their court proceedings. And that's not happening now for a lot of kids.

So the Memorandum Agreement's good. We want to get this joint operations concept in place in order to insure these kids are protected. Thank you, Mr. Chairman.

JOHNSON: Thanks, Senator Portman. Before I go into the second round of questions I just have -- I kind of want to walk through -- I will, by the way, reinforce what Senator Portman talked about the HB -- H2-B Visas. There's not one manufacturing plant in Wisconsin, not one dairy



farm, not one resort that can hire enough people. So that really is a pressing need and I understand the problems you have with the rules and regulations.

I do want to give you the opportunity. I just put my UAC chart up there that, again, I think kind of shows that DACA sparked it. But I want you to go through three different examples and talk about the laws that you have to follow. That, in the case of UACs result in only three and a half percent being returned, which, again, from my stand point, when you come and you get to stay, that's a huge incentive for more to come.

But I want you to cover an example of UAC. I want you -- family units, and then an adult that claims credible fear. All under the backdrop, according to my calculations and this is an estimate, since 2013 about 750,000 unaccompanied children and a parent and one child, in terms of numbers we have, have entered this country illegally, and most of them are still probably in this country. But just -- just go through exactly what is the process? UAC show up and let's say they do it legally.

NIELSEN: Sure. So, a UAC, if they're unaccompanied we -- they come and they're put -- OK, let me back up.

JOHNSON: And, again, I want the laws or the precedence that actually...

NIELSEN: I understand.

JOHNSON: ... Force you to do what you do.

NIELSEN: So if they are Mexican children of Mexican origin, we can put them into expedited removal if they have no legal reason to be here. So that means they haven't claimed asylum, they don't have a legal visa, and they're not part of the legal immigration system. If they are other than Mexican which is the phrase in the law, so that's normally we talk about the northern triangle country. We do not put them in expedited removal.

In any case, we only keep the child for 48 hours. After 48 hours, we turn them over to HHS. We now have this process by which will help HHS vet the sponsors to help place the child in a safe place and safe care.

So that's the UACs. The UACs, though, important to know that overall under current court cases, we can only hold UACs for 20 days, which does quite a few things. It puts a lot of pressure, time pressure, on making sure that we find as a community, a suitable sponsor. But it also serves as a tremendous pull factor because they will only be apprehended for 20 days, even if there's no valid reason to be here.

JOHNSON: Can -- just quick talk about the laws, the legal precedents that force you -- you've got to give -- DHS has to give up an unaccompanied child within 48 hours to HHS. And then HHS can only hold them for 20 days.

NIELSEN: Yes, sir. That's under the Flores Settlement. It's a combination of the Flores Settlement and the Trafficking Act. The Trafficking Act is, in part, why we give them over to HHS.

JOHNSON: OK. Now, family units.

NIELSEN. So family units, they come if they are claiming asylum. We do all we can to keep them as a family as they go through the process, I mentioned earlier. Sometimes they're detained if we don't believe they're a risk, on a case-by-case basis, we do other methods such as, you know, we have alternatives to the detention process.

The difficulty there is the backlog. So we have a 600,000 person backlog. We've had an increase of 1,700 percent in asylum claims over the last -- you know, 10, 15 years. So, what that means as they go through the system is 80 percent of the people coming in past that initial credible fear.

But only 20 percent are actually granted asylum by a judge. So our concern is that there's just a lot of fraud. It doesn't mean that you made a fraudulent claim, it could just mean that you believe that you can seek asylum, for example, for family reunification. But our laws don't allow you to seek asylum for the sole purpose of family reunification.

JOHNSON: But of the family units that have come here since 2013, how many have been returned because they don't qualify for asylum?

NIELSEN: Again, if they're with the children, we have to release the children. So that often means we release the parents as well and almost (inaudible) --

JOHNSON: So -- so -- so, a vast majority are still in this country?

NIELSEN: Yes, sir.

JOHNSON: OK, so now an adult with credible fear?

NIELSON: So an adult with credible fear we process - well it's interesting. We have ongoing litigation that prevents us in some cases from detaining them; in some cases we must - must let them go on parole. There are certain exceptions to that but we do not have the ability to detain until we can process them and determine if they need to be removed.

They claim asylum, they go into the asylum bucket. Again, the problem with the asylum bucket is the backlog and it's very heavily abused by those who actually do not seek asylum there by putting those who need asylum in jeopardy of not receiving it in a timely manner.

JOHNSON: OK, thank you. Senator McCaskill.

MCCASKILL: (off mic)



First of all, I - I think you are really working hard at trying to address some of the shortcomings of these children and I - I - oversight sometimes is unpleasant but it doesn't mean that any of us up here don't respect how difficult your job is.

I am really worried about a case involving a whistleblower at TSA. And what is really upsetting to me about this particular case as you know there's been a lot of coverage about morale at TSA and problems of drugs and drinking and inappropriate behavior.

This is an actual complaint that was investigated by the office of the Inspector General at Homeland Security. And this activity predated you so I want to be clear about that. But following this investigation by the I.G. four charges were brought against an SES employee including poor judgment for maintaining an inappropriate relationship; basically lying about an intimate and sexual relationship during the investigation; inappropriate conduct by violating hiring practices and there's more details there; unprofessional conduct by forwarding an email to a subordinate employee in which he referred to an assistant administrator in inappropriate language I won't use in this hearing.

So what was really most concerning about this OIG report and I've got the report here and I'd like to make it a part of the record just so we have it. Mr. Chairman, if there's without objection I hope.

JOHNSON: Without objection.

MCCASKILL: But what is really scary about this review is that they found a series of deviations from standard policy in terms of how this was handled. Allowing the employee to receive unusually favorably treatment and as know one of the biggest problems you have with morale is the rules have to apply to everybody. OIG specifically identified three members of senior leadership at TSA that interfered with the disciplinary process in a way that promoted favoritism. This was the Deputy Administrator, the Former Assistant Administrator of the Office of Personal -- Professional Responsibility and the current Chief Counsel.

So imagine my surprise when I find out that we're working on this and who is in charge, the Chief Counsel, and by the way the table of penalties required this SES be removed according to the Table of Penalties at TSA.

Instead, they offered a suspension, permitted the employee to continue to receive the same salary that he was receiving the ranking -- excuse me, the Chairman of this committee and I have sent a letter to you in February asking about what disciplinary actions have been taken against the senior leadership that interfered in the disciplinary process involving a complaint by a whistleblower that has been investigated by the I.G. and found to be valid.

And I'm particularly worried that we put the fox in charge of the henhouse if this Chief Counsel, that was part of the problem is cited in this report is in fact the one that is supposedly now helping making sure this does not happen again. So you're welcome to take this for the record Secretary if you have an answer today, but this is why you have bad morale.

NIELSON: I -- I would like to get into more detail and on the record - or excuse me - to take and return to get back to you. But let me just say this, whistleblowers need to be protected. Period. The I.G. needs to be listened to. The I.G. serves an extraordinarily important function, particularly at a department the size of DHS.

I would say that if the policy is such that a person who is part of the complaint is then put in charge of rectifying the situation that's wholly inappropriate, I will for sure look into that. You're right, that's - that's not acceptable. And accountability, you've heard me say it many times before. The vast majority of people, men and women who work at DHS are dedicated professionals.

When something like this occurs, we need to all hold them accountable as a community; it's as simple and as complicated as that. It needs to be done. I'm not as familiar with the particular one but I can guarantee you I will look into it and get back to you.

MCCASKILL: I would love that and I - I should just tell you that this staff, this committee has been talking to a number of whistleblowers from the federal marshal program. Did I say TSA? I didn't mean TSA. It's the federal marshal program.

NIELSEN: Oh, I see, OK.

MCCASKILL: If I said the wrong thing. These are all the air marshals and there is - you got trouble there. There are inequities that are occurring, there is favoritism that's occurring, there is abusive behavior that is occurring, and we have got a string of whistleblowers that have been coming to us about various problems.

So if you get back to us specifically on this case involving an investigation by the Inspector General as it relates to the Federal Air Marshal Program and I -- I would like your take on now that you have been there a short period of time, but nonetheless long enough, I would like what your view is of the Federal Air Marshal Program and whether or not it is being utilized effectively and whether or not we are putting marshals on the right flights? Are we putting marshals on too many flights? You know I have always questioned some of the procedures because you know flying back and forth to D.C. on commercial airlines as often as I do for many years, it was really obvious to the marshals were.

They were the two guys in jeans that got on first. You know and so if there was some effort to, you know, have them intermingle and be effective at detecting and shutting down, it was like OK everybody is standing in line at Southwest all of us that were waiting to be herded on standing by our station.

"Well, there goes marshals. They're going to load us pretty soon," and then I would say something, "Have the marshals gone on yet?" And everybody would look at me like I said a dirty word, oh what? "What are you talking about," like it was some secret. So it just has always worried me that we are not staying on top of what is the most effective way for us to put security in the air and I would love your take on that from your view as the Secretary of Homeland Security.



NIELSEN: Yes, I -- I appreciate that. I -- what we're in the process of doing with the Administrator right now is actually looking at that full program. You know, how should it work, does it make sense, is the modeling right? The example that you are using is at least as I understand it was a procedure under the belief that deterrence was the most important.

So to some extent if the marshals were obvious as to who they were there would be a deterrent value...

MCCASKILL: Shouldn't they have been in uniforms then?

NIELSEN: So I'm not disagreeing, I'm just explaining...

MCCASKILL: Yes.

NIELSEN: as I...

MCCASKILL: Yes.

NIELSEN: ...understand it.

MCCASKILL: Yes.

NIELSON: But your point is valid, which is as long as we're resourcing this way, we want it to be effective. So we -- the Administrator and I are happy to come to talk to you about our initial findings and what we're looking at that yes. But yes, it needs to be looked at from soup to nuts to make sure that it's effective, yes.

MCCASKILL: And we'll be glad in the appropriate time to share with you some of the whistleblower investigations that are ongoing.

But I would like your specific response to that I.G. investigation where people in the highest levels of management were skewing the process in favor of somebody that was SES as opposed to someone who had been abused.

JOHNSON: Senator Hassan.

HASSAN: Thank you very much, and again good afternoon, Secretary. I wanted to touch on homegrown terrorism for a minute and our efforts to prevent it. According to the president's budget request, the Office of Terrorism Prevention Partnerships currently is staffed by 12 people.

Its predecessor office - the Office of Community Partnerships had 16 positions. And through a reprogramming of appropriations requested by then Secretary Johnson was able to use support staff to build an outreach team that could build relationships with community groups, with civic leaders and law enforcement throughout the country.

According to the budget request for fiscal year '19, the Office of Terrorism Prevention Partnerships is quote dedicated to the mission of countering violent extremism and the building of community partners necessary to support countering violent extremism efforts, that's the quote.

So given that the budget and personnel for this office is smaller, but the overall mission is still the same, it would seem that this office would be hard pressed to build partnerships across the country with no field staff. Has DHS budgeted for field staff for this office?

NIELSEN: There is some field staff, I'm happy to get you the specific numbers. Just more broadly very quickly, what we've done is we've put the office within the larger Office of Public Engagement. So we've actually first multiplied --

HASSAN: Right.

NIELSEN: -- the office, if you will, to make sure that we do as a whole group, as a whole part of DHS, look to build those community relationships.

HASSAN: OK, well I'd love to have our offices follow-up and get full information about that. And as a follow-up to that, DHS co-leads the Interagency Task Force on counter and violent extremism along with the Justice Department.

The task force was created to help coordinate the government's ability to tackle homegrown terrorism. In 2015, this task force was staffed by representatives from 11 different departments. Can you tell me how many different federal agencies currently provide staff to this Interagency Task Force?

NIELSEN: I do not know the specific number, but happy to get back to you this week.

HASSAN: OK, I would appreciate that greatly, because obviously -- especially when it comes to homegrown terrorism. The name of the game is coordination and communication among agencies --

NIELSEN: Absolutely.

HASSAN: -- and with local authorities and state authorities. I also wanted to touch on a New Hampshire specific issue. In my state, we have a significant Indonesian community, many of whom came to New Hampshire fleeing religious persecution against Christians in Indonesia.

They have become members of the community, they have worked jobs and paid taxes. And they have raised their families in the sea coast area of New Hampshire.

Now after many years of them living in this country, the Department of Homeland Security has prioritized them for deportation, a decision that could put their lives at risk if they return to a country where violence against religious minorities remains a serious issue.



Last week, you publicly pledged to my fellow New Hampshire Senator Jeanne Shaheen that you'd take another look at this issue. When you went back and looked again at this issue, what did you find? Have you asked immigration and customs enforcement to review and reconsider their efforts to deport members of this community?

NIELSEN: We have asked them to review it. On the face of it, we don't have an instance. I'd love to work with both of you to get some additional facts. We don't have an instance that they have moved in any way from prioritization.

Again, our prioritization as you know, is criminals. We don't prioritize groups, nationalities, religious groups. So yes, we're looking in it. We're particularly concerned, as you know, given the recent terrorist events in Indonesia against Christians, Catholics in particular case.

HASSAN: And let me just be clear that these are people who regularly went in for their check ins at ICE on a regular basis and all of a sudden last year they got tickets, leave, and if it weren't for a federal district court telling your department that they could not deport these people, they would be deported.

So if there was a read (ph) -- and these people are not criminals, so there was some level of new prioritization there that has put this community at risk and I think there is a strong feeling in New Hampshire, and I'm -- I'm glad to hear your response that we need to get some predictability and sustainability here for these people and they really do face persecution back home.

And so we'd love to work with you on that, and it would be really good if you could make a commitment to finalize an answer on that in the near term.

NIELSEN: Yes -- yes ma'am.

HASSAN: OK, thank you. Lastly, I know there's been a lot of discussion while I was at another hearing on the issue of not only unaccompanied minors but families with minor children. I'll just add my support to the line of questioning you heard from members of the committee about our concerns about this when we had a hearing just a couple of weeks ago about the handling of minors, especially as they to sponsors -- sponsor families and the like.

It was very clear that the department does not -- neither DHS or HHS, they don't coordinate at all with local authorities and with the states as we look at how we're going to address the needs of children generally who come to this country and are unaccompanied or separated from their families.

And I don't support the separation of children from their families, I'll add my comments in support of what you heard from my colleagues on that issue. But if children are placed away from their families, I think it's imperative that the department and HHS work with the states.

States have interstate compacts about how to protect children who aren't with their families, it's important for local school districts for instance to know to expect these children at school, not

only for the local school district's planning purposes, but so that if these kids don't show up, there's somebody somewhere who knows to go look for them and find out what's happened to them.

So I just think, you know, to -- to echo what you've heard from both sides of the aisle this afternoon, we need to see planning and we need to see a better system for addressing the needs of children who come to this country. Thank you.

JOHNSON: Senator Harris.

HARRIS: Thank you. Secretary Nielsen, how many children have been separated from their parents at ports of entry since January of 2017?

NIELSEN: So I understand you've referenced 700 before, which I believe was an HHS number. Our figures are not the same as theirs, but we're happy to come give you our numbers and explain why they differ.

HARRIS: OK, great and can you submit that by the end of next week with the other information? And do you know --

MCCASKILL: Could you share that with the committee? I think that's something --

NIELSEN: Of course.

MCCASKILL: -- if you guys have different numbers of children, that's something that just on its face is rather alarming. So I'd like to figure out why.

NIELSEN: Yes, I think it's in part because when HHS does the interview, they don't ask the child why they're unaccompanied. So their numbers are different than ours if you're asking at the border for example.

So it's -- it's not necessarily that they conflict, it's just they're asking different questions, but yes of course we'll provide you (inaudible) explaining you (ph) that.

HARRIS: OK and -- and again, I've asked these questions of Undersecretary McHamot (ph) before, so perhaps everyone's working on it and I would expect that we should get it by the end of next week.

And can you also give us information about what the average length of separation has been between those children and their parents, and that would be -- those -- that number that you are now going to bring to us.

NIELSEN: OK.



HARRIS: And also what timelines, in terms of the policy that you have, exists to establish a parental relationship or to reunify families? I'm hoping and will assume that your protocols would have such a goal in mind or at least a timeframe.

NIELSEN: Yes, ma'am, they do. Part of it is a voluntary DNA test, if it's a family member. The concern that I have with that, and we do offer that, but the concern of course is you could still have a custodial relationship and not be a blood relative.

So it's not dispositive to an appropriate custodian. But yes, of course that is our goal.

HARRIS: And then as it relates to the number of children who have been separated from their parents at points of entry, again I would like also for the committee, information on how many of those cases resulted in trafficking charges.

In regarding detention conditions, Secretary, are you aware that multiple federal oversight bodies, such as the OIG and the JAO have documented medical negligence of immigrants in the detention system in particular, that ICE has reported 170 deaths in their custody since 2003? Are you familiar with that?

NIELSEN: No, ma'am.

HARRIS: Are you aware that they also found that pregnant women in particular receive insufficient medical attention while in custody, resulting in dehydration and even miscarriages?

NIELSEN: I do not believe that is a current assessment of our detention facilities.

HARRIS: OK, can you please submit to this committee a current assessment on that point.

NIELSEN: Yes, I'm happy to. So we provide neonatal care, we do pregnancy screening from ages 15 to 56. We provide outside specialists should you seek it. We do not detain any women past their third trimester, once they enter the third trimester, we provide them separate housing.

So yes, we're happy to detail all of the things we do to take good care of them.

HARRIS: And did you submit that to the OIG in response to the findings?

NIELSEN: We have been in -- yes, of course, working in conjunction with the OIG. I'm not sure exactly what the date is of the OIG report that you're referencing, but I will look into it after this.

HARRIS: And then also between fiscal year '12 and March of 2018, it's our understanding -- before I go on, the OIG report is from December of this past year, 2017, so it's very recent, five months ago.

Also between FY12 and March 2018, ICE received, according to these reports, 1,448 allegations of sexual abuse in detention facilities, and only a small percent of these claims have been investigated by DHS -- OIG. Are you familiar with that?

NIELSEN: I'm not familiar with that number, no.

HARRIS: OK, can you please provide to this committee an analysis of what is going on and what plan you have to investigate those cases of sexual abuse and what is the protocol in place in terms of what is being done to allow the victim to be in a safe place during and pending any investigation, what kind of services are these victims getting in terms of treating their trauma, much less any medical attention they may need as a result of what might be the sexual abuse?

NIELSEN: I will. What I have done is I've talked to the International Committee of the Red Cross and I had them visit some of our detention facilities. I'm sure they would be happy to come brief you on that, but their determination is that based on nothing but appropriate detention, and in fact, much better detention that they, in their experience, have seen in other areas.

HARRIS: I'm sorry, is this in response to the concern that you have received 1,448 allegations of sexual abuse in detention facilities?

NIELSEN: No, ma'am. This is in response to my wanting to ensure that the detention centers are taking appropriate care of anybody who is detained.

HARRIS: OK, well obviously sexual abuse would not fall in that category.

NIELSEN: It would not. I guess what I'm saying is that just happened. I don't know when these results are that you're talking about. So I will look into them, of course.

HARRIS: FY12 through March of 2018 this year.

NIELSEN: We will look into it.

HARRIS: Thank you.

And regarding your treatment in the facilities of pregnant women; on December 14, again in this report, ICE issued a new directive that terminated a previous policy of presumptive release for pregnant women which were apprehended or transferred to ICE.

ICE adopted a policy for a presumption of release in August of 2016 in recognition of the clear health risks that detaining pregnant women in jail-like conditions pose.

I was alarmed frankly, Secretary, by your statement to Senator Murray before the Senate Appropriations Committee last Tuesday, that pregnant women in ICE detention were receiving quote, "much better care than when they're living in the shadows."



So, are you aware that this statement contradicts the views of the American College of Obstetricians and Gynecologists, the American Academy of Family Physicians and the American Academy of Pediatricians, who have all criticized the harmful affects of immigration detention on the medical and mental health of pregnant women?

NIELSEN: What I do know is that if you cross between points of entry, you will be detained and prosecuted. I also know that of the only 35 people that we have currently in detention who are pregnant, 33 are statutorily required to be detained. I also know that we go above and beyond to provide them adequate healthcare.

The questioning was whether or not they received adequate healthcare. I was saying yes they do, and it's paid for. So if they are coming here and they're fleeing persecution, and they don't have adequate funds and they're trying to get equivalent care in the shadows, it was my discussion that we were providing care within the detention centers.

HARRIS: So is it your intention to continue with ending a program that allowed for presumptive release for pregnant women?

NIELSEN: If you're in your third trimester you will be released. But if you break the law you will be detained.

HARRIS: So when in the third trimester exactly? How many weeks?

NIELSEN: When it begins. When it begins.

HARRIS: At the beginning of the third trimester?

NIELSEN: Yes, ma'am.

HARRIS: And is there a directive that has gone out?

NIELSEN: Yes.

HARRIS: Will you supply the committee, please, with a copy of it (ph)?

NIELSEN: Yes, it's the same policy we've always had. The only thing we are doing now is we are no longer exempting classes of people from the law. If you break the law, you will be prosecuted.

HARRIS: Thank you.

JOHNSON: As long as we're talking about UAC still, is there any -- and you're going to be providing some data. I've just got a couple requests. In terms of family units, the best numbers I can come up with since 2013, about 225,000 family units. You just take the minimum one child. That's basically 450,000 additional individuals.

If you're -- you're saying about 700 are -- we've seen separations of parents from -- exempt from 2013? Or is that just currently in detention?

NIELSEN: That's -- I believe the HHS number was a year long number.

JOHNSON: A year? OK. So, yes, I kind of just liked all that data together. As long as you're also providing that, I'd like to know which of those separations are due because you simply aren't aware, is that really the parent?

NIELSEN: Understood.

JOHNSON: Is there some -- is there some question? So you're really taking that step to protect the child so we're not dealing with a human trafficking situation.

We had a whistle blower in May of 2017. Referred to him, I think it's in 2014, 18 self admitted MS-13 members were apprehended and just released. At that PSI hearing, I brought some more information. I don't have it right here. But it was actually a rather alarming number of MS-13 members that had been captured and some of them had been deported. Do you have -- DHS, are you keeping more accurate figures on MS-13?

NIELSEN: Yes, we are in conjunction with the Department of Justice. One of the other loopholes that I would just mention quickly is a court case called Zadvydas. Zadvydas requires us to release criminal aliens back into the communities after six months, if their country's not willing to take them back. Many countries, such as China, Cuba, are not willing to take them back. The criminals go back into the community. We had 1700 of these last year.

JOHNSON: OK, I was going -- so that was last year. Do you have that information going back a number of years?

NIELSEN: I'm happy to.

JOHNSON: OK, I'd like that type of data.

Working on the peace legislation, in terms of authorities on unidentified aircraft systems, this is a really complex issue. It really is. And I guess I'd just kind of like to give you the ability to just kind of describe the complexity of it, where you are constrained.

I mean, I think we are so far behind the curve on this thing, as these drones have become far more prevalent and are a real danger. And they're being used in the battlefield and they're dropping -- again, I really don't want to put any ideas in people's head.

But can you just talk about what you want to do in working with DHS? I was trying to at least get a discussion -- kind of a more robust response. And again, I realize there are jurisdictional issues, that type of thing.



I just want to have you talk a little bit more of the complexities of the issue and baseline what you're asking for in terms of authority, what you absolutely need?

NIELSEN: Sure. So right now we do not have the ability to interdict or monitor, or actually in some cases identify in a traditional sense. The Department of Defense has such authorities.

So what we have done is we've mimicked our request, and then the bill this committee's introduced -- oh, go ahead.

JOHNSON: So real quick, what is the department -- you know -- name the facilities the Department of Defense has? Is it just around their facilities? I mean what -- how limited is their ...

NIELSEN: Theirs is limited as well, yes. So I wouldn't say all of their -- I defer to the Department of Defense, of course. But it doesn't cover all of their facilities. So it's very specific and limited cases, yes.

JOHNSON: So we have sports stadiums and we have a number of venues that simply have -- there's no authority whatsoever; not local, not state, not federal?

NIELSEN: Correct.

JOHNSON: OK.

NIELSEN: So it's soft targets, is a big concern, and then of course the border. So we're already seeing them being used. I also don't want to put any ideas in people's minds, but we're already being -- we already see them being used in various ways on the border.

JOHNSON: The Department of Energy has some authority as well?

NIELSEN: The Department of Energy does. DHS and DOJ are the two departments that are currently lacking any authority.

In terms of what we're doing, you're right, we have -- because we lack authority we have limitations on testing. We have limitations on research and development. We have limitations on purchasing and using. The authority that would be in the bill that you both have introduced would go a very long way in helping us to get on top of this threat.

JOHNSON: The more I continue to work with you I think this is absolutely crucial.

MCCASKILL: I just need to correct something for the record. In the section of my book, I had a whole section on the morale and whistle blower issues at the federal martial's (inaudible).

Then I had a separate section on the IG report where there was problems with an SES employee that was manipulated by senior management. That was TSA.

NIELSEN: OK, thank you.

MCCASKILL: So, I wanted to make sure ...

NIELSEN: Appreciate it.

MCCASKILL: ... we didn't close the hearing without me explaining that I was -- I got them conflated as we were talking about it. I wanted to clarify that before we closed out the hearing.

JOHNSON: OK, not a problem.

Let's quick turn to election security; we've held a briefing on this. We've certainly talked about this in other venues during other hearings as well.

From my standpoint, there are three areas that are at risk. It's affecting the voter tally -- I mean the actual vote. And then you also have affecting the voter file.

And then, finally, just because of the disruption, the public not having faith that it was a legitimate election.

It's my understanding -- I just -- first of all, that the department has all the authorities you believe you need to address all three. Is that correct?

NIELSEN: Yes. Yes, that's correct.

JOHNSON: Voter tallies, because elections machines are not tied into the internet, although there are some with Wi-Fi that (ph) are disabled, but...

NIELSEN: Right. Our best practice that we recommend is, "Do not connect to the internet..."

(CROSSTALK)

JOHNSON: And then they just -- they really aren't. Unless it's done through nefarious means or something, correct?

NIELSEN: Yes.

JOHNSON: So it'd be really very difficult to change the vote tally for an outside actor through a cyber-attack or something, to actually change the vote tally. Is that your understanding?

NIELSEN: That is my understanding. I think what is more likely is the counter-influence question. You know, would they change the minds of Americans through propaganda and -- et cetera? So that's something the FBI has lead on, we're (ph) working (ph) with (ph) them (ph).

(CROSSTALK)



JOHNSON: That'd -- that'd be the Facebook, where they're...

(CROSSTALK)

NIELSEN: Yes. Yes, sir.

JOHNSON: ... OK. Basically illegally campaigning. Voter files, that's a concern. But, again, we have different controls and things in place that -- we know that. It'd be disruptive in election, and then that would turn into, "Is this a legitimate election?"

NIELSEN: What we recommend there is redundancy. So if you have -- if you don't use a paper ballot, then make sure that you have an audit function.

So at the end of the day, we can all assure ourselves that Americans have voted and their voted -- vote counts, and is counted correctly.

JOHNSON: One of the reasons I'm pointing this out and then I'll -- I'll be finished, is I think that the biggest threat, really, is just the public perception, is this a legitimate election.

And if we overstate the ability of a bad -- the ability of a bad actor to vote -- affect the voter file or the vote tally, we actually do the -- the -- the, you know, malign actors' job for them.

So I think it's very important that we are very honest in terms of what is the threat, in terms of the first two. So we don't affect the third.

NIELSEN: I -- sir, I agree with that. What we're doing at DHS, as you know, the responsibility, first and foremost, belongs to state and local election officials. We're working with them.

We're hosting a meeting for all members of Congress. I understand the Senate might not be able to attend on Thursday. But to answer any questions, talk about what DHS is doing, talk about the threat .

We'll do it again for the Senate. I think it's very important that (ph) everyone understands what we are doing. But also what the states are doing and what, in some cases, they need to do to make sure that they assure their public that they are doing everything they can.

JOHNSON: But, again, you believe you have the authorities and resources...

(CROSSTALK)

NIELSEN: We have all the authorities we need.

JOHNSON: ... to counter this?

NIELSEN: Yes.

JOHNSON: Secretary -- or, Senator McCaskill, you have any further questions?

(CROSSTALK)

MCCASKILL: Did (ph) you (ph) just (ph) call me "Secretary"?

JOHNSON: No. No, I didn't finish it.

(LAUGHTER)

MCCASKILL: (OFF-MIKE) ... appreciate the secretary being (ph).

JOHNSON: Well, then we'll close out the hearing.

Secretary Nielsen, again, thank you for your service. Certainly appreciate your taking the time here, and -- and your forthright answers to our questions.

The hearing record will remain open for 15 days until May 30th at 5 p.m. for the submission of statements and questions for the record. This hearing is adjourned.

END

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|------------------|---------------------------|
| <b>From:</b>     | Smith, Ian (b)(6)         |
| <b>To:</b>       | "Dromgoole, Alexis (b)(6) |
| <b>CC:</b>       | (b)(6)                    |
| <b>Subject:</b>  | FW: Follow-Up             |
| <b>Date:</b>     | 2018/06/21 12:54:32       |
| <b>Priority:</b> | Normal                    |
| <b>Type:</b>     | Note                      |

This memo is a dense six pages. Given the time allotted we simply cannot convert it. Our only option is to include it as an attachment.

Ian M. Smith  
Office of Policy  
Department of Homeland Security

(b)(6)

---

**From:** Dougherty, Michael  
**Sent:** Thursday, June 21, 2018 12:44 PM  
**To:** Immigration Policy (b)(6)  
**Subject:** FW: Follow-Up

Michael T. Dougherty  
Assistant Secretary  
Border, Immigration and Trade Policy  
Department of Homeland Security

(b)(6)

---

**From:** Mitnick, John  
**Sent:** Thursday, June 21, 2018 5:16:52 PM  
**To:** McCament, James  
**Cc:** Shah, Dimple; Fulghum, Chip; (b)(6) Asher, Nathalie R;  
Dougherty, Michael; Petyo, Briana; (b)(6)  
**Subject:** RE: Follow-Up

ATTORNEY-CLIENT PRIVILEGED

OGC's initial draft is attached. I have not had an opportunity to review beyond the first two pages. Nader is available to work with Policy.

John M. Mitnick  
General Counsel  
U.S. Department of Homeland Security

(b)(6)

---

**From:** McCament, James  
**Sent:** Thursday, June 21, 2018 11:31 AM  
**To:** Taylor, Miles (b)(6)  
**Cc:** Shah, Dimple (b)(6); Albence, Matthew (b)(6); MCALEENAN, KEVIN K (b)(6); Mitnick, John (b)(6); Fulghum, Chip (b)(6); Lim, Evelyn (b)(6); Asher, Nathalie R (b)(6); Dougherty, Michael (b)(6); Petyo, Briana (b)(6)  
**Subject:** RE: Follow-Up

Yes, however noting that we will not have those questions until noon from the OGC full review. John, are you comfortable with Dimple/Nader circulating to all on this chain at noon so that there can be an assessment by this group of potential next steps/recommendations?

Thanks all,

James W. McCament  
Deputy Under Secretary for Strategy, Policy and Plans  
Department of Homeland Security

(b)(6)

---

**From:** Taylor, Miles  
**Sent:** Thursday, June 21, 2018 11:28:00 AM  
**To:** McCament, James  
**Cc:** Shah, Dimple; Albence, Matthew; MCALEENAN, KEVIN K; Mitnick, John; Fulghum, Chip; Lim, Evelyn; (b)(6); Asher, Nathalie R; Dougherty, Michael; Petyo, Briana  
**Subject:** Re: Follow-Up

That works but we need to have recommendations ready, not just open policy Qs.

M

Miles Taylor  
Deputy Chief of Staff  
U.S. Department of Homeland Security

(b)(6)

On Jun 21, 2018, at 11:26 AM, McCament, James (b)(6) wrote:

Dimple, thanks for clarifying further on the scope of the work product. John, if not at decision memo stage, we'll need to use the outline as the basis of the briefing to the Secretary.

Miles, I also want to be sure there is calibration of S1's expectations that she will be receiving a briefing memo, and an outline of issues, per OGC, on which her steer is needed. From which a draft implementation memo, in accordance with her direction, can then be drafted by the combination of OGC/Policy with the necessary additional input from CBP/ICE. Please flag with any concerns with that approach.

Thanks all,

James W. McCament  
Deputy Under Secretary for Strategy, Policy and Plans  
Department of Homeland Security

(b)(6)

---

**From:** Shah, Dimple  
**Sent:** Thursday, June 21, 2018 10:11:23 AM  
**To:** McCament, James; Albence, Matthew; MCALEENAN, KEVIN K; Mitnick, John; Fulghum, Chip; Taylor, Miles; Lim, Evelyn  
**Cc:** (b)(6) Asher, Nathalie R; Dougherty, Michael  
**Subject:** RE: Follow-Up

To clarify, (b)(5)  
(b)(5)

---

**From:** McCament, James  
**Sent:** Thursday, June 21, 2018 10:01 AM  
**To:** Albence, Matthew (b)(6) MCALEENAN, KEVIN K  
(b)(6) Mitnick, John (b)(6)  
Fulghum, Chip (b)(6) Taylor, Miles (b)(6)  
Lim, Evelyn (b)(6)  
**Cc:** Shah, Dimple (b)(6)  
(b)(6)  
Asher, Nathalie R (b)(6) Dougherty, Michael  
(b)(6)  
**Subject:** RE: Follow-Up

ATTORNEY-CLIENT PRIVILEGED  
DELIBERATIVE  
ATTORNEY WORK PRODUCT

All, thank you for the input to date. Process-wise, and as discussed again this morning with Dimple, OGC will be providing the thorough legal/policy analysis memo by noon or so. Given the timing that will need to be the core of the draft implementation memo. (OGC is working to frame as high level decision points). Policy will then add any points to the memo, particularly the information provided by Management. Separately, Policy is building the briefing memo to insert the key points for decision once available from OGC. Turnaround time by 1:00 so that there is material for S1 review at 2:00.

Thanks all for the quick and thorough turn-around.

James W. McCament  
Deputy Under Secretary for Strategy, Policy and Plans  
Department of Homeland Security

(b)(6)

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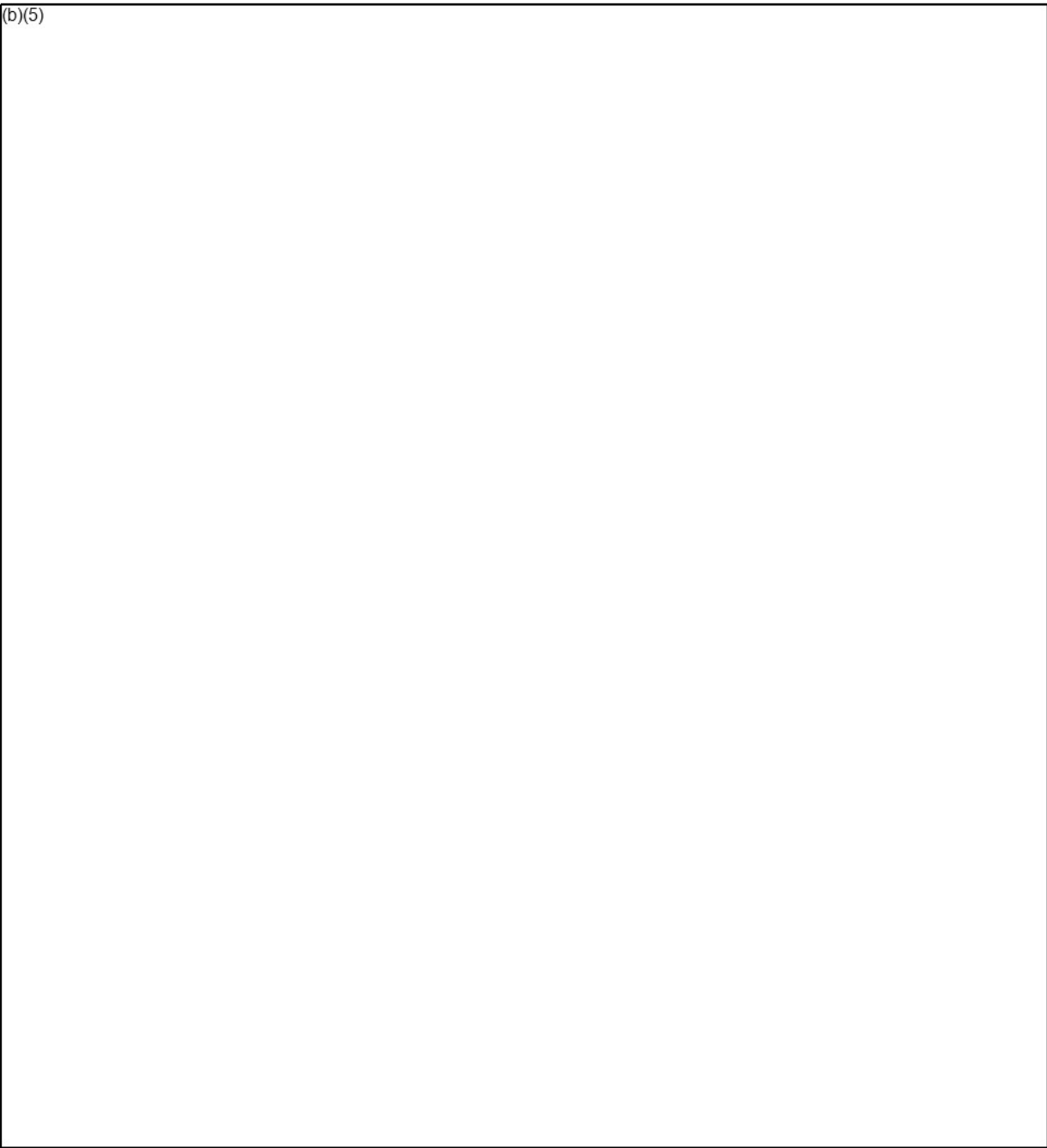
**From:** Albence, Matthew (b)(6)  
**Sent:** Thursday, June 21, 2018 7:51 AM  
**To:** MCALEENAN, KEVIN K (b)(6); Mitnick, John  
(b)(6); McCament, James (b)(6)  
Fulghum, Chip (b)(6); Taylor, Miles (b)(6)  
**Cc:** Shah, Dimple (b)(6)  
(b)(6)  
Asher, Nathalie R (b)(6)  
**Subject:** RE: Follow-Up

To add to Kevin's input below, (b)(5)

(b)(5)



(b)(5)



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**From:** MCALEENAN, KEVIN K

**Sent:** Wednesday, June 20, 2018 11:45 PM

**To:** Mitnick, John (b)(6) McCament, James

(b)(6) Albence, Matthew (b)(6)

Fulghum, Chip (b)(6) Taylor, Miles (b)(6)

**Cc:** Shah, Dimple (b)(6)

(b)(6)

**Subject:** RE: Follow-Up

ATTORNEY-CLIENT PRIVILEGED  
DELIBERATIVE  
ATTORNEY WORK PRODUCT

(b)(5)

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**From:** Mitnick, John

**Sent:** Wednesday, June 20, 2018 9:03 PM

**To:** McCament, James (b)(6) MCALEENAN, KEVIN K

(b)(6) Albence, Matthew

(b)(6) Fulghum, Chip (b)(6)

**Cc:** Dougherty, Michael (b)(6) Petyo, Briana

(b)(6) Shah, Dimple (b)(6)

**Subject:** RE: Follow-Up

ATTORNEY-CLIENT PRIVILEGED  
DELIBERATIVE  
ATTORNEY WORK PRODUCT

James,

As I mentioned on this evening's call, (b)(5)

(b)(5)

John

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**From:** McCament, James  
**Sent:** Wednesday, June 20, 2018 8:56:00 PM  
**To:** Mitnick, John; MCALEENAN, KEVIN K; Albence, Matthew; Fulghum, Chip  
**Cc:** Dougherty, Michael; Petyo, Briana  
**Subject:** Follow-Up

PRE-DECISIONAL WORK PRODUCT

All,

(b)(5)

Thanks all,

James W. McCament  
Deputy Under Secretary for Strategy, Policy and Plans  
Department of Homeland Security

(b)(6)

**Sender:** Smith, Ian (b)(6)  
(b)(6)

|                        |                                     |
|------------------------|-------------------------------------|
| <b>Recipient:</b>      | "Dromgoole, Alexis (b)(6)<br>(b)(6) |
| <b>Sent Date:</b>      | 2018/06/21 12:54:30                 |
| <b>Delivered Date:</b> | 2018/06/21 12:54:32                 |

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**CALL WITH UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES  
FILIPPO GRANDI  
June 25, 2018**

**Objective:**

- Understand what the United Nations High Commissioner for Refugees (UNHCR) is currently doing in the Western Hemisphere to address the regional protection crisis in Central America.
- Gauge how UNHCR prioritizes the situation in Central America relative to other refugee crises.
- Convince UNHCR to prioritize their work in Central America to match the magnitude of the crisis.

**Key Messages**

The United States has endured five consecutive years of high levels of Central American legal and illegal migration, thereby bogging down the asylum and immigration court systems with no sign of abatement. Given the amounts of unaccompanied alien children (UACs) and family units that are making the dangerous journey to the United States, it is imperative that DHS and UNHCR each act within its mission and engage in parallel tracks to meet the same goal of finding solutions that allow Central Americans to remain closer to their countries of origin.

**Key Issues:**

DHS Priorities for Meeting

*Cooperation with UNHCR*

- DHS Office of Policy (PLCY) and U.S. Citizenship and Immigration Services (USCIS) have a significant history of collaborating and communicating with UNHCR.
- UNHCR has significantly increased its engagement in the Western Hemisphere in response to the Venezuelan migration crisis, but further expansion is contingent on funding from the U.S. government (USG).
- DHS's ability to work directly with UNHCR is limited to individuals that both parties consider to be refugees under the 1951 Refugee Convention since UNHCR's specialized mandate does not extend to migrant populations beyond refugees and internally displaced persons (IDPs).
  - Due to this specialized mandate limited by population, any collaboration with UNHCR must be accompanied by public-private partnerships, asylum capacity building, prosperity and security initiatives, etc. A partnership limited to refugee resettlement would only partially address migration issues on the U.S. Southwest Border (SWB).

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**Previous Collaboration:**

*Central American Minors (CAM)*

- In December 2014, DHS and USCIS partnered with UNHCR to develop the CAM program in response to an influx of UACs arriving at the U.S. border.
  - The program intended to provide a legal option for Central Americans who have family members with legal status in the United States to be resettled in the United States.
- In practice, few Central Americans qualified for the program because many of the UACs traveling to the United States were attempting to join family members without legal status in the United States.
  - Only 25 percent of those who did qualify for an interview met the U.S. refugee definition. The majority were paroled into the United States under USCIS's discretionary parole authority.
  - Any refugee resettlement program among Central Americans would likely result in the same number of denials due to the nature of the claims not meeting the U.S. refugee definition.

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**Existing Collaboration:**

*Protection Transfer Agreement (PTA)*

- The PTA was set up in 2014 to help find a legal method for eligible nationals of the Northern Triangle to be resettled in the United States.
- UNHCR and the International Organization for Migration (IOM) pre-screen vulnerable Salvadoran, Honduran, and Guatemalan applicants and transport applicants who qualify for protection to Costa Rica, where USCIS refugee officers conduct interviews and determine eligibility for resettlement to the United States.
  - Refugees have also been resettled to Australia and Canada through the PTA program.
- PTA has yielded a high approval rate (approximately 89 percent), largely because a) USCIS shared with UNHCR a list of case profiles that were determined to have a higher likelihood of success, and b) USCIS and DOS review the cases prior to accepting them.
  - In total, 215 cases (478 individuals) have been accepted for processing via the PTA since July 2016. Of those, 59 cases (129 individuals) have been approved and traveled. Eight cases (20 individuals) have been denied, and 18 cases (37 individuals) have been interviewed but are pending a final decision. There are 130 cases (292 individuals) pending USCIS interview.

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*Asylum Capacity Building in Mexico and Central America*

- Since 2014, USCIS has partnered with Immigration, Refugees Citizenship Canada (IRCC), Canada's Immigration Review Board (IRB), and UNHCR to provide technical assistance to the Mexican Refugee Assistance Commission (COMAR) in order to expand its capacity to host asylum seekers by developing and delivering training, providing mentorship, advising on case management, and developing more robust country-of-origin information for adjudicators.



- USCIS, IRCC, IRB and UNHCR developed a Joint Plan of Action for future capacity-building activities and meet biannually at the working level. The next meeting will likely take place in September/October 2018.
- UNHCR has expressed interest in replicating the aforementioned capacity-building measures in Belize, Costa Rica, Guatemala and/or Panama so that these countries can share some of the regional burden of providing asylum protection to Northern Triangle migrants.
  - USCIS is open to the idea of expanding to some or all of these countries, but has not yet communicated that to UNHCR.
- USCIS has invited protection officers from Belize, Trinidad and Tobago, Antigua and Barbuda, Aruba, the Bahamas, the Cayman Islands, Guyana, Jamaica, and Suriname to attend its Refugee, Asylum and International Operations (RAIO) Combined Training Program to equip these individuals with the legal and technical skills they need to fortify their asylum systems.
- DHS is currently engaging in a reciprocal information exchange with COMAR and Mexico's National Migration Institute (INM) to better understand each other's asylum systems.
  - DHS has invited INM and COMAR representatives to tour Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE) facilities to understand expedited removal processing, in addition to witnessing a USCIS credible fear interview. These visits will likely take place in July 2018.

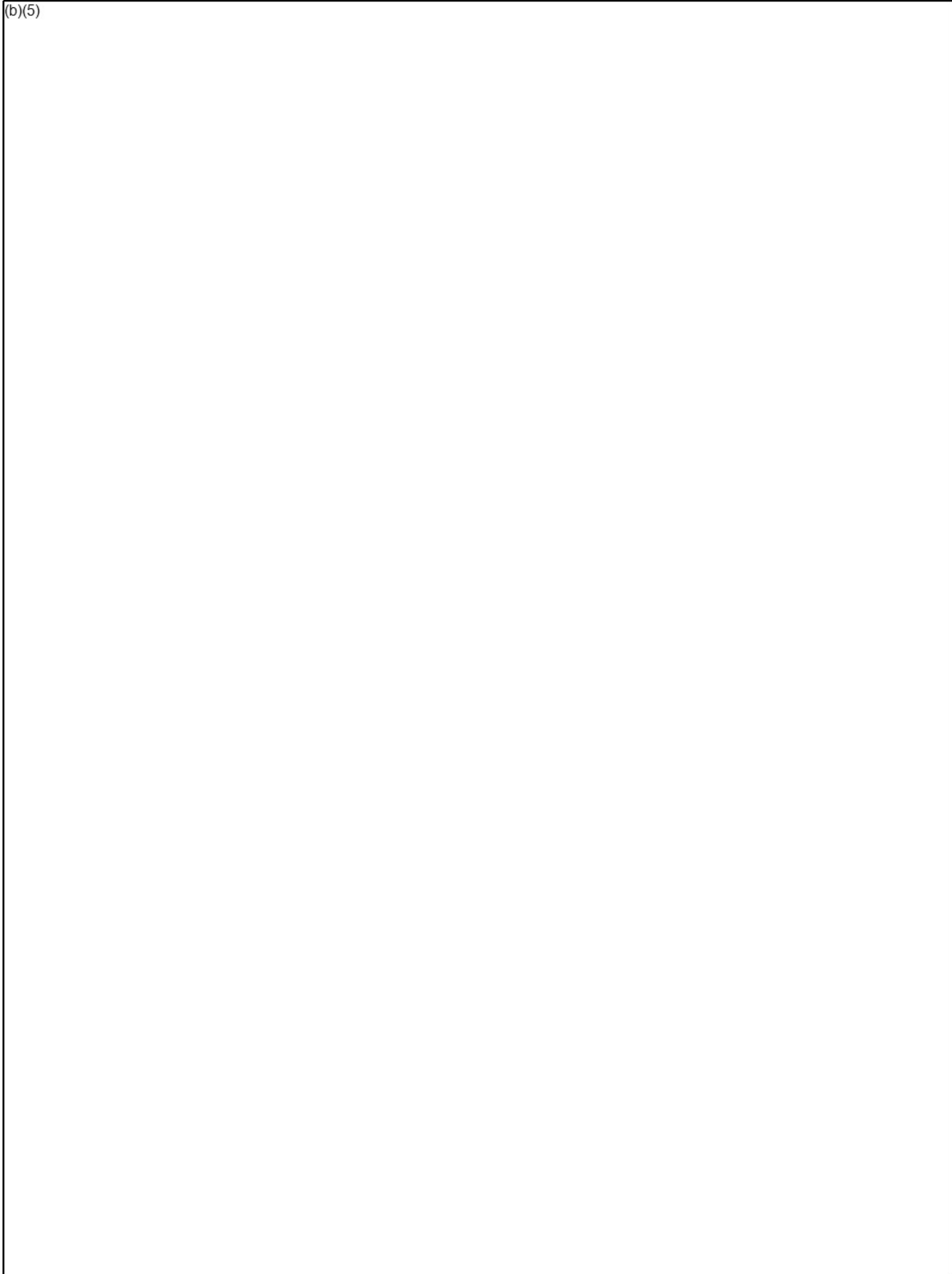
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**Potential New Options for Collaboration:**

*Safe Zones in Honduras and Mexico*

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**History:**

- You met with High Commissioner Grandi on the sidelines of the World Economic Forum in January 2018.
- Former Acting Secretary Elaine Duke attended a U.S.-UNHCR High Level Dialogue on Forced Displacement from Central America on September 27-28, 2017.
- Deputy Under Secretary (DUS) for Policy James McCament met with Assistant High Commissioner Volker Turk on April 16, 2018, and with Deputy Regional Representative for USA and Caribbean Chiara Cardoletti Carroll on May 30, 2018.
- Americas PLCY and USCIS staff maintain a constant working relationship with UNHCR representatives in Washington D.C. and throughout the hemisphere.

**Attachments:**

- A. Talking Points
- B. Biography
- C. Applying the Comprehensive Refugee Response (CRRF) in North and Central America

**Staff Responsible for Briefing Memo:** (b)(6) Mexico, PLCY,  
(b)(6)

|                   |  |
|-------------------|--|
| <b>Question#:</b> | 1  |
| <b>Topic:</b>     | Wall vs. Ports of Entry  |
| <b>Hearing:</b>   | Oversight of the United States Department of Homeland Security |
| <b>Primary:</b>   | The Honorable Dianne Feinstein                                 |
| <b>Committee:</b> | JUDICIARY (SENATE)   |

**Question:** According to the Drug Enforcement Administration (DEA), the bulk of drugs smuggled over the southwest border are transported through Ports of Entry rather than between the ports. (2015 National Drug Threat Assessment, DEA, Oct. 2015)

Given this observation, would your agency prioritize the design and construction of a wall over the strengthening of our established Ports of Entry?

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| <b>Question#:</b> | 2  |
| <b>Topic:</b>     | Cross Border Tunnel  |
| <b>Hearing:</b>   | Oversight of the United States Department of Homeland Security |
| <b>Primary:</b>   | The Honorable Dianne Feinstein                                 |
| <b>Committee:</b> | JUDICIARY (SENATE)   |

**Question:** According to Customs and Border Protection, since 1990, 201 illicit cross border tunnels have been discovered in the United States. Seventy-five of these were located in California - nearly half included lights, ventilation, and rails to transport narcotics. Because Mexico does not permanently close them upon discovery as the U.S. does, many tunnels have been reused.

What, if any, steps has the Department taken to encourage the Mexican government to immediately and permanently close cross-border tunnels upon discovery?

If the Department has not engaged with the Mexican government directly on this issue, will you commit to doing so?

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| <b>Question#:</b> | 3  |
| <b>Topic:</b>     | Establish Standard Operating Procedures                        |
| <b>Hearing:</b>   | Oversight of the United States Department of Homeland Security |
| <b>Primary:</b>   | The Honorable Dianne Feinstein                                 |
| <b>Committee:</b> | JUDICIARY (SENATE)   |

**Question:** A May 2017 GAO Report titled "Border Security: Additional Actions Could Strengthen DHS Efforts to Address Subterranean, Aerial, and Maritime Smuggling," found that between fiscal years 2011 and 2016, 67 cross-border tunnels were discovered. Additionally, 534 ultralight aircraft incursions and 309 drug smuggling incidents involving panga boats and recreational vessels along U.S. mainland borders were detected. The report further found that the agencies tasked with border security lack a comprehensive, collaborative approach. The report recommended that the Department of Homeland Security direct Customs and Border Protection-U.S. Immigration and Customs Enforcement tunnel committee to convene regularly and establish standard operating procedures to address cross-border tunnels and information sharing. It is my understanding that while Customs and Border Protection and Immigration and Customs Enforcement both agreed with this recommendation, the Department did not. Instead, the Department believes appropriate procedures are already in place.

Please explain the procedures that are in place and how these specifically address the concerns raised in the GAO report.

(b)(5)

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| <b>Question#:</b> | 3  |
| <b>Topic:</b>     | Establish Standard Operating Procedures                        |
| <b>Hearing:</b>   | Oversight of the United States Department of Homeland Security |
| <b>Primary:</b>   | The Honorable Dianne Feinstein                                 |
| <b>Committee:</b> | JUDICIARY (SENATE)   |

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| <b>Question#:</b> | 4  |
| <b>Topic:</b>     | Border Fencing Contributions                                   |
| <b>Hearing:</b>   | Oversight of the United States Department of Homeland Security |
| <b>Primary:</b>   | The Honorable Dianne Feinstein                                 |
| <b>Committee:</b> | JUDICIARY (SENATE)   |

**Question:** A February 2017 Government Accountability Office (GAO) report found that Customs and Border Protection (CBP) needs to improve its ability to measure how border fencing contributes to general border security operations. ("Southwest Border Security - Additional Actions Needed to Better Assess Fencing's Contributions to Operations and Provide Guidance for Identifying Capability Gaps," GAO, Feb. 2017)

What changes, if any, has the agency undertaken to address the recommendations in the GAO report?

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| <b>Question#:</b> | 5  |
| <b>Topic:</b>     | Asylum-Seekers at the Border                                   |
| <b>Hearing:</b>   | Oversight of the United States Department of Homeland Security |
| <b>Primary:</b>   | The Honorable Dianne Feinstein                                 |
| <b>Committee:</b> | JUDICIARY (SENATE)   |

**Question:** The San Diego Union-Tribune reported that a processing backlog at ports of entry in San Diego has left some asylum-seekers stranded in Tijuana. (Asylum seekers overwhelming U.S. processing in San Diego ports, SAN DIEGO UNION-TRIBUNE, Dec. 26, 2017) In July, I wrote a letter to then-DHS Secretary John Kelly expressing strong concerns over reports that asylum seekers were being turned away when they arrived at the border. The recently reported backlog has renewed my concerns on this issue.

To your knowledge, have immigration officials turned away any asylum seekers or left them stranded in Mexico as a result of the recent surge?

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**Question:** Does the agency track the number of asylum seekers it turns away?

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**Question:** What measures is the agency taking to address the recent processing backlog?

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| <b>Question#:</b> | 5  |
| <b>Topic:</b>     | Asylum-Seekers at the Border                                   |
| <b>Hearing:</b>   | Oversight of the United States Department of Homeland Security |
| <b>Primary:</b>   | The Honorable Dianne Feinstein                                 |
| <b>Committee:</b> | JUDICIARY (SENATE)   |

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**Question:** What is the agency doing to ensure that Customs and Border Protection officers are complying with the law in light of the processing backlog?

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| <b>Question#:</b> | 6  |
| <b>Topic:</b>     | Adapting to Climate Change                                     |
| <b>Hearing:</b>   | Oversight of the United States Department of Homeland Security |
| <b>Primary:</b>   | The Honorable Dianne Feinstein                                 |
| <b>Committee:</b> | JUDICIARY (SENATE)   |

**Question:** A recent GAO report highlighted the serious costs that global warming will incur in the coming decades because of increased flooding and more severe storms. ("Information on Potential Economic Effects Could Help Guide Federal Efforts to Reduce Fiscal Exposure," GAO, Sept. 2017) In spite of this, an executive order that required a new flood risk reduction standard for projects that receive federal funding was rolled back by President Trump in August, and members of his administration have questioned the scientific consensus on climate change. As we saw in Houston, doubting the reality of climate change has dire consequences for people who live in vulnerable communities.

What steps is the Department taking to help states and communities adapt to climate change?

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| <b>Question#:</b> | 6  |
| <b>Topic:</b>     | Adapting to Climate Change                                     |
| <b>Hearing:</b>   | Oversight of the United States Department of Homeland Security |
| <b>Primary:</b>   | The Honorable Dianne Feinstein                                 |
| <b>Committee:</b> | JUDICIARY (SENATE)   |

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| <b>Question#:</b> | 6  |
| <b>Topic:</b>     | Adapting to Climate Change                                     |
| <b>Hearing:</b>   | Oversight of the United States Department of Homeland Security |
| <b>Primary:</b>   | The Honorable Dianne Feinstein                                 |
| <b>Committee:</b> | JUDICIARY (SENATE)   |

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| <b>Question#:</b> | 7  |
| <b>Topic:</b>     | Refugees Admitted  |
| <b>Hearing:</b>   | Oversight of the United States Department of Homeland Security |
| <b>Primary:</b>   | The Honorable Dianne Feinstein                                 |
| <b>Committee:</b> | JUDICIARY (SENATE)   |

**Question:** The Wall Street Journal recently reported that only about 5,000 refugees were admitted into the United States during the first three months of fiscal year 2018. (Refugee admissions to U.S. off to slow start in fiscal year 2018, WALL STREET JOURNAL, Jan. 7, 2018) If this trend continues, the Trump Administration will fail to reach its goal of admitting 45,000 refugees, which is already a historic low.

What explains the delay in processing refugees?

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**Question:** What plans does the Department have to meet the refugee cap of 45,000 this fiscal year?

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| <b>Question#:</b> | 8  |
| <b>Topic:</b>     | Sources of Refugees and Circuit Rides                          |
| <b>Hearing:</b>   | Oversight of the United States Department of Homeland Security |
| <b>Primary:</b>   | The Honorable Dianne Feinstein                                 |
| <b>Committee:</b> | JUDICIARY (SENATE)   |

**Question:** Of the refugees admitted thus far in fiscal year 2018, what are the top six source countries, and how many refugees from each of these source countries have been admitted?

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**Question:** How many circuit rides have been scheduled for fiscal year 2018 thus far and where will these circuit rides take place?

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| <b>Question#:</b> | 8  |
| <b>Topic:</b>     | Sources of Refugees and Circuit Rides                          |
| <b>Hearing:</b>   | Oversight of the United States Department of Homeland Security |
| <b>Primary:</b>   | The Honorable Dianne Feinstein                                 |
| <b>Committee:</b> | JUDICIARY (SENATE)   |

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| <b>Question#:</b> | 9  |
| <b>Topic:</b>     | Family-Based Petitions   |
| <b>Hearing:</b>   | Oversight of the United States Department of Homeland Security |
| <b>Primary:</b>   | The Honorable Dianne Feinstein                                 |
| <b>Committee:</b> | JUDICIARY (SENATE)   |

**Question:** A Reuters analysis and report of data provided by U.S. Citizenship and Immigration Services (USCIS) revealed that the approval of family-based petitions has dropped to its lowest level in more than a decade. (Fewer family visas approved as Trump toughens vetting of immigrants: Reuters review, REUTERS, Jan. 4, 2017) It further noted that there have been significant delays in the adjudication of I-130 applications.

What is the explanation for the sharp decrease in adjudications and approvals of family-based petitions?

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| <b>Question#:</b> | 9  |
| <b>Topic:</b>     | Family-Based Petitions   |
| <b>Hearing:</b>   | Oversight of the United States Department of Homeland Security |
| <b>Primary:</b>   | The Honorable Dianne Feinstein                                 |
| <b>Committee:</b> | JUDICIARY (SENATE)   |

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| <b>Question#:</b> | 9  |
| <b>Topic:</b>     | Family-Based Petitions   |
| <b>Hearing:</b>   | Oversight of the United States Department of Homeland Security |
| <b>Primary:</b>   | The Honorable Dianne Feinstein                                 |
| <b>Committee:</b> | JUDICIARY (SENATE)   |

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| <b>Question#:</b> | 9  |
| <b>Topic:</b>     | Family-Based Petitions   |
| <b>Hearing:</b>   | Oversight of the United States Department of Homeland Security |
| <b>Primary:</b>   | The Honorable Dianne Feinstein                                 |
| <b>Committee:</b> | JUDICIARY (SENATE)   |

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| <b>Question#:</b> | 9  |
| <b>Topic:</b>     | Family-Based Petitions   |
| <b>Hearing:</b>   | Oversight of the United States Department of Homeland Security |
| <b>Primary:</b>   | The Honorable Dianne Feinstein                                 |
| <b>Committee:</b> | JUDICIARY (SENATE)   |

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**Question:** Has the Department issued new guidance or policies regarding the adjudication and approval of family-based petitions? If so, summarize those changes.

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**Question:** What new anti-fraud or screening measures has the Department adopted, which affect the adjudication or approval of family-based petitions?

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| <b>Question#:</b> | 9  |
| <b>Topic:</b>     | Family-Based Petitions   |
| <b>Hearing:</b>   | Oversight of the United States Department of Homeland Security |
| <b>Primary:</b>   | The Honorable Dianne Feinstein                                 |
| <b>Committee:</b> | JUDICIARY (SENATE)   |

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| <b>Question#:</b> | 10   |
| <b>Topic:</b>     | Searching Electronic Devices at the Border                     |
| <b>Hearing:</b>   | Oversight of the United States Department of Homeland Security |
| <b>Primary:</b>   | The Honorable Dianne Feinstein                                 |
| <b>Committee:</b> | JUDICIARY (SENATE)   |

**Question:** Customs and Border Protection (CBP) recently provided new guidance about searching electronic devices at the border.

What measures is the Department taking to ensure that this incredible authority is not abused?

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**Question:** What training is CBP providing to its employees with respect to the implementation of this new guidance?

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| <b>Question#:</b> | 10   |
| <b>Topic:</b>     | Searching Electronic Devices at the Border                     |
| <b>Hearing:</b>   | Oversight of the United States Department of Homeland Security |
| <b>Primary:</b>   | The Honorable Dianne Feinstein                                 |
| <b>Committee:</b> | JUDICIARY (SENATE)   |

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| <b>Question#:</b> | 11   |
| <b>Topic:</b>     | CAM Program  |
| <b>Hearing:</b>   | Oversight of the United States Department of Homeland Security |
| <b>Primary:</b>   | The Honorable Dianne Feinstein                                 |
| <b>Committee:</b> | JUDICIARY (SENATE)   |

**Question:** Last year, Acting Secretary of Homeland Security, Elaine Duke, announced the termination of the Central American Minors Program (CAM) parole program. The administration also announced that it would stop accepting new applications for the CAM refugee program in November 2017.

How many minors have lost their parole status as a result of the CAM program's termination? Out of those whose parole has expired, how many have re-applied for parole or any other immigration status?

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**Question:** Have any minors who received parole under the CAM parole program been removed from the country? If so, how many and to which countries?

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| <b>Question#:</b> | 12   |
| <b>Topic:</b>     | Commission Data  |
| <b>Hearing:</b>   | Oversight of the United States Department of Homeland Security |
| <b>Primary:</b>   | The Honorable Dianne Feinstein                                 |
| <b>Committee:</b> | JUDICIARY (SENATE)   |

**Question:** On January 3, 2018, President Trump issued an executive order terminating the Presidential Advisory Commission on Election Integrity (Commission). In a statement that same day, the White House Press Secretary said that the President had "asked the Department of Homeland Security to review [the Commission's] initial findings and determine next courses of action." (January 3, 2018 Statement of the White House Press Secretary) Then on January 9, the Director of White House Information Technology, Charles Herndon, submitted a sworn declaration in *Dunlap v. Presidential Advisory Commission on Election Integrity*. That lawsuit was brought by Commission member and Maine Secretary of State Matthew Dunlap, who alleged that he was prevented from obtaining Commission documents and therefore from being able to discharge his duties as a Commission member.

In his declaration, Mr. Herndon states the following about sensitive voter roll data that the Commission had requested from all 50 states: "The state voter data has never been transferred to, or accessed or utilized by, the Department of Homeland Security ('DHS') or any other agency. The state voter data will not be transferred to, or accessed or utilized by, DHS or any other agency, except to the National Archives and Records Administration ('NARA'), pursuant to federal law, if the records are not otherwise destroyed. Pending resolution of the outstanding litigation involving the Commission, and pending consultation with NARA, the White House intends to destroy all state voter data." (Second Declaration of Charles C. Herndon, *Dunlap v. Presidential Advisory Commission on Election Integrity*, January 9, 2018)

The statements of the White House Press Secretary and the Director of White House Information Technology appear to be at odds.

Has the Department received any state voter data from the Commission, the White House, or any other federal agency?

If the Department has received any such data, what has the Department done with that data? What does the Department plan to do with that data?

To date, has the Commission shared any data, information, or findings other than state voter data with the Department?

If so, which office, agency, branch, or unit within the Department received that data or information or those findings? What has the Department done with the data, information, or findings? If the Department has not yet taken any steps, what does the Department

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| <b>Question#:</b> | 12   |
| <b>Topic:</b>     | Commission Data  |
| <b>Hearing:</b>   | Oversight of the United States Department of Homeland Security |
| <b>Primary:</b>   | The Honorable Dianne Feinstein                                 |
| <b>Committee:</b> | JUDICIARY (SENATE)   |

plan to do with the data, information, or findings?

Whether or not the Department has received any data or information, has the Department been asked by the President, any member of the Commission, or any other Administration official to "determine next courses of action" in light of the Commission's dissolution, as indicated by the White House Press Secretary?

Before the dissolution of the Commission, did anyone in the Department coordinate with or communicate with any Commission members or staff about the Commission's efforts to collect sensitive voter roll data, or how the Commission intended to use data that it collected?

Has anyone in the Department communicated with any Commission members or staff about the Commission's "initial findings" or the Department's "next courses of action," as referenced in the White House Press Secretary's statement?

Does the Department have any information as to whether the White House intends to destroy the information collected by the Commission, rather than turn it over to the National Archives and Records Administration?

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| <b>Question#:</b> | 13   |
| <b>Topic:</b>     | ICE Commission Work  |
| <b>Hearing:</b>   | Oversight of the United States Department of Homeland Security |
| <b>Primary:</b>   | The Honorable Dianne Feinstein                                 |
| <b>Committee:</b> | JUDICIARY (SENATE)   |

**Question:** According to a Reuters article from January 5, 2018, Kris Kobach, vice chair of the Commission, stated that he expected Immigration and Customs Enforcement (ICE) - a branch of the Department - to continue the Commission's work. (Dustin Volz, DHS election unit has no plans for probing voter fraud: sources, REUTERS, Jan. 5, 2018)

Has Immigration and Customs Enforcement been tasked to continue the Commission's work?

Does anything in ICE's mission or jurisdiction relate to voting integrity or allegations of voter fraud? If not, what does ICE plan to do with the information provided to the Department?

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| <b>Question#:</b> | 14   |
| <b>Topic:</b>     | Illegal Votes  |
| <b>Hearing:</b>   | Oversight of the United States Department of Homeland Security |
| <b>Primary:</b>   | The Honorable Dianne Feinstein                                 |
| <b>Committee:</b> | JUDICIARY (SENATE)   |

**Question:** Do you agree with the President's claim that 3-5 million people voted illegally in the 2016 Presidential election? If so, does this represent the Department's official view?

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| <b>Question#:</b> | 15   |
| <b>Topic:</b>     | Election Security Taskforce                                    |
| <b>Hearing:</b>   | Oversight of the United States Department of Homeland Security |
| <b>Primary:</b>   | The Honorable Dianne Feinstein                                 |
| <b>Committee:</b> | JUDICIARY (SENATE)   |

**Question:** According to press reports from this past October, in late September 2017, the Department created an election security taskforce, with a mission to help protect voting infrastructure. (DHS Forms Election Security Taskforce, NEXTGOV, Oct. 3, 2017) Prior to the creation of this taskforce, the Department conducted election security operations through its infrastructure protection division. But a January 5, 2018 article suggests that the Department's election security unit - which appears to be the same as the election security taskforce - "has no immediate plan to probe allegations of electoral fraud." (Dustin Volz, DHS election unit has no plans for probing voter fraud: sources, REUTERS, Jan. 5, 2018)

Has the Department's election security taskforce or its election security unit been tasked to continue the work of the Presidential Advisory Commission on Election Integrity? If so, how does the Commission's work fit within the mission of the taskforce?

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| <b>Question#:</b> | 16   |
| <b>Topic:</b>     | Expanding the Taskforce  |
| <b>Hearing:</b>   | Oversight of the United States Department of Homeland Security |
| <b>Primary:</b>   | The Honorable Dianne Feinstein                                 |
| <b>Committee:</b> | JUDICIARY (SENATE)   |

**Question:** Does the Department plan to expand the taskforce's focus beyond its current mission to safeguard critical election infrastructure? If so, what will be the focus of that expanded mission?

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| <b>Question#:</b> | 17   |
| <b>Topic:</b>     | Commission Findings  |
| <b>Hearing:</b>   | Oversight of the United States Department of Homeland Security |
| <b>Primary:</b>   | The Honorable Dianne Feinstein                                 |
| <b>Committee:</b> | JUDICIARY (SENATE)   |

**Question:** Which findings of the Commission on Election Integrity, if any, relate to assessments of the security of our nation's election infrastructure?

What does the Department plan to do with information provided by the Commission that is unrelated to the Department's mission of protecting state and local voting infrastructure?

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| <b>Question#:</b> | 18   |
| <b>Topic:</b>     | Assimilation and Contribution                                  |
| <b>Hearing:</b>   | Oversight of the United States Department of Homeland Security |
| <b>Primary:</b>   | The Honorable Dianne Feinstein                                 |
| <b>Committee:</b> | JUDICIARY (SENATE)   |

**Question:** The Administration's Report to Congress on "Proposed Refugee Admissions for Fiscal Year 2018" states that "PRM and DHS/USCIS will work closely with UNHCR to ensure that, in addition to referrals of refugees with compelling protection needs, referrals may also take into account certain criteria that enhance a refugee's likelihood of successful assimilation and contribution to the United States."

How does the Administration measure "likelihood of successful assimilation and contribution to the United States"?

Have DHS/USCIS provided new guidance to the Refugee Corps regarding refugees' "likelihood of successful assimilation and contribution to the United States"? If so, what guidance has been provided?

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| <b>Question#:</b> | 19   |
| <b>Topic:</b>     | UAC Court Appearances  |
| <b>Hearing:</b>   | Oversight of the United States Department of Homeland Security |
| <b>Primary:</b>   | The Honorable Dianne Feinstein                                 |
| <b>Committee:</b> | JUDICIARY (SENATE)   |

**Question:** During the Senate Judiciary Committee's hearing on "Oversight of the United States Department of Homeland Security" on January 16, 2018, you testified on the topic of unaccompanied alien children (UAC). You stated that "90% of those released never show up to court."

What is the source for this statistic and what time period does it cover?

Do you believe that access to legal representation increases the likelihood that a child will appear in immigration court?

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| <b>Question#:</b> | 20   |
| <b>Topic:</b>     | Separating Families  |
| <b>Hearing:</b>   | Oversight of the United States Department of Homeland Security |
| <b>Primary:</b>   | The Honorable Dianne Feinstein                                 |
| <b>Committee:</b> | JUDICIARY (SENATE)   |

**Question:** During the hearing, I asked whether you were considering a proposal that would separate children from their parents at the border, as reported in the press. It has also been reported that the Administration is already implementing such a policy. (Trump Administration Considers Separating Families to Combat Illegal Immigration, NEW YORK TIMES, Dec. 21, 2017)

[Has the Department assessed the constitutionality of this proposal? If not, please explain why and if there a plan to do so]

[Has the Department consulted with child welfare experts about the policy's potential impact on children?]

Does the Department collect data or information on the number of children separated from their parents? If so, how many such instances has it recorded from FY 2017 to date?

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| <b>Question#:</b> | 20   |
| <b>Topic:</b>     | Separating Families  |
| <b>Hearing:</b>   | Oversight of the United States Department of Homeland Security |
| <b>Primary:</b>   | The Honorable Dianne Feinstein                                 |
| <b>Committee:</b> | JUDICIARY (SENATE)   |

[Additionally, U.S. Immigration and Customs Enforcement (ICE) does not collect data on the number of children separated from their parents.]

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| <b>Question#:</b> | 21   |
| <b>Topic:</b>     | Surge Initiative   |
| <b>Hearing:</b>   | Oversight of the United States Department of Homeland Security |
| <b>Primary:</b>   | The Honorable Dianne Feinstein                                 |
| <b>Committee:</b> | JUDICIARY (SENATE)   |

**Question:** In July, Senator Kamala Harris and I wrote to your predecessor, Mr. John Kelly, regarding reports that the federal government planned to begin a surge initiative targeting the parents and relatives of unaccompanied children fleeing violence and hardship in Central America.

How many total individuals have been arrested as part of this surge initiative?

Did any of these individuals claim a credible fear of persecution? If so, how many?

Of the individuals who have been arrested, how many have been charged with human smuggling, human trafficking, or any other federal crimes?

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| <b>Question#:</b> | 22   |
| <b>Topic:</b>     | Thwarting Cyberattacks   |
| <b>Hearing:</b>   | Oversight of the United States Department of Homeland Security |
| <b>Primary:</b>   | The Honorable Dianne Feinstein                                 |
| <b>Committee:</b> | JUDICIARY (SENATE)   |

**Question:** When I was on the Intelligence Committee, we passed a cybersecurity bill in 2015 that required voluntary sharing of cyber threat information, and for the Homeland Security portal to share information on cyber threats. Since passage of the bill, cyberattacks have grown. F-Secure labs found that in 2017, there was an overall increase of 223% of cyberattacks since 2016. That is alarming.

Can you please describe [DHS' progress in both thwarting cyberattacks] and making sure that cyber threat information is adequately shared?

Are there [additional legislative options] that should be explored to strengthen the law we passed in 2015 to encourage more sharing of cyber threat information?

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| <b>Question#:</b> | 22   |
| <b>Topic:</b>     | Thwarting Cyberattacks   |
| <b>Hearing:</b>   | Oversight of the United States Department of Homeland Security |
| <b>Primary:</b>   | The Honorable Dianne Feinstein                                 |
| <b>Committee:</b> | JUDICIARY (SENATE)   |

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| <b>Question#:</b> | 23   |
| <b>Topic:</b>     | Healthcare Cybersecurity Issues                                |
| <b>Hearing:</b>   | Oversight of the United States Department of Homeland Security |
| <b>Primary:</b>   | The Honorable Dianne Feinstein                                 |
| <b>Committee:</b> | JUDICIARY (SENATE)   |

**Question:** In the 2015 cybersecurity bill, Congress established the Health Care Industry Cybersecurity (HCIC) Task Force to address the challenges the health care industry faces when securing and protecting itself against cybersecurity incidents. A report by that task force was issued in May 2017 describing some of the key healthcare cybersecurity issues.

What work has DHS done in response to that work to counter cyberattacks on the healthcare industry?

One of the recommendations in the report indicates it is unclear which federal agency provides cybersecurity leadership and coordinates preparedness for the health care sector - can you please explain which federal agency is the lead so that the healthcare industry understands who they should turn to when they want to discuss cyber threats?

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| <b>Question#:</b> | 24   |
| <b>Topic:</b>     | Cyberhate  |
| <b>Hearing:</b>   | Oversight of the United States Department of Homeland Security |
| <b>Primary:</b>   | The Honorable Dianne Feinstein                                 |
| <b>Committee:</b> | JUDICIARY (SENATE)   |

**Question:** During one year of the last Presidential election, the Anti-Defamation League found 2.6 million tweets that had anti-Semitic language, with nearly 20,000 tweets directed at 50,000 U.S. journalists. One Jewish reporter received threats over Twitter, including a photoshopped picture of her face on a corpse in a concentration camp. (Massive Rise in Hate Speech Twitter during Presidential Election, USA Today, Oct. 21, 2016.) The photo included a message saying, "Don't mess with our boy Trump, or you will be first in line for the camp." This type of cyberhate has targeted other minority communities as well, including Muslim and immigrant communities.

What is the Department doing to address this type of cyberhate?

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**Question:** Do white nationalist groups also use online tools to grow their operations?

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| <b>Question#:</b> | 24   |
| <b>Topic:</b>     | Cyberhate  |
| <b>Hearing:</b>   | Oversight of the United States Department of Homeland Security |
| <b>Primary:</b>   | The Honorable Dianne Feinstein                                 |
| <b>Committee:</b> | JUDICIARY (SENATE)   |

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**Question:** What can Congress and policymakers do to address this?

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| <b>Question#:</b> | 25   |
| <b>Topic:</b>     | Cyber Swatting   |
| <b>Hearing:</b>   | Oversight of the United States Department of Homeland Security |
| <b>Primary:</b>   | The Honorable Dianne Feinstein                                 |
| <b>Committee:</b> | JUDICIARY (SENATE)   |

**Question:** Earlier this year, a teenager in Israel was allegedly responsible for hundreds of bomb threats on Jewish Community Centers and other religious institutions, paralyzing communities. These types of attacks have been referred to as "swatting," and appear to be growing in the hundreds according to the FBI. Recently, a man was shot and killed in Kansas due to a swatting incident. I am working on legislation to address this specific type of cyber harassment.

What can Congress and policymakers do to address this type of cyber harassment?

Will you support my effort to prohibit cases of cyber swatting?

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| <b>Question#:</b> | 26   |
| <b>Topic:</b>     | Terrorist Activities on Social Media                           |
| <b>Hearing:</b>   | Oversight of the United States Department of Homeland Security |
| <b>Primary:</b>   | The Honorable Dianne Feinstein                                 |
| <b>Committee:</b> | JUDICIARY (SENATE)   |

**Question:** Recently, British parliament's Home Affairs Select Committee released a report finding that social media platforms, such as Facebook, Twitter, and YouTube, failed to remove extremist material posted by banned jihadist and neo-Nazi groups, even when that material was reported. The committee urged tech companies to pay for and publicize online content monitoring activities, and called on the British government to strengthen laws related to the publication of such material. I am working on legislation to require tech companies to report known terrorist activity on their platforms to law enforcement. The provision is modeled after an existing law which requires technology companies to notify authorities about cases of child pornography.

Would law enforcement benefit from knowing when technology companies see terrorist plotting and other illegal activity online?

(b)(5)

**Question:** In what ways do you think that tech companies can do more to curb this type of activity occurring on their platform?

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**Question:** Do you have any ideas on how to do this, while also protecting individual free speech and privacy rights?

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| <b>Question#:</b> | 26   |
| <b>Topic:</b>     | Terrorist Activities on Social Media                           |
| <b>Hearing:</b>   | Oversight of the United States Department of Homeland Security |
| <b>Primary:</b>   | The Honorable Dianne Feinstein                                 |
| <b>Committee:</b> | JUDICIARY (SENATE)   |

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| <b>Question#:</b> | 27   |
| <b>Topic:</b>     | Using Tech Platforms to Commit crimes                          |
| <b>Hearing:</b>   | Oversight of the United States Department of Homeland Security |
| <b>Primary:</b>   | The Honorable Dianne Feinstein                                 |
| <b>Committee:</b> | JUDICIARY (SENATE)   |

**Question:** As you know, there is a relentless and growing ISIL recruitment effort through social media platforms. Recruitment is repeatedly identified in nearly all of the 100+ criminal indictments brought by federal authorities during the past two years relating to ISIL. Anwar al-Awlaki is frequently named as one of the inspirational sources in many of these indictments. I understand that civil injunction authority exists for the Attorney General to obtain orders against those who provide material support to a foreign terrorist organization, as well as to shut down websites from distributing software for spying on people.

Do you believe that this type of civil injunction authority could help prevent terrorists and extremists from using tech platforms to commit crimes?

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| <b>Question#:</b> | 28   |
| <b>Topic:</b>     | Anti-Muslim Rhetoric   |
| <b>Hearing:</b>   | Oversight of the United States Department of Homeland Security |
| <b>Primary:</b>   | The Honorable Dianne Feinstein                                 |
| <b>Committee:</b> | JUDICIARY (SENATE)   |

**Question:** Since the election in 2016, there has been a tremendous amount of rhetoric from this Administration and over the internet by hate groups, fostering intense anti-Muslim behavior and hate crimes. This deeply troubles me, and offends the core religious tolerance enshrined in our Constitution. I also believe that anti-Muslim rhetoric undercuts our national security. During our last DHS oversight hearing, then Secretary Jeh Johnson was fervent in saying that anti-Muslim rhetoric undermines our credibility among Muslim communities, thereby fracturing important law enforcement partners.

Do you agree with former Secretary Johnson's previous assessment regarding the use of rhetoric that alienates certain communities, thereby undermining national security?

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**Question:** How do you think lawmakers and political leaders can help promote better outreach to marginalized communities?

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| <b>Question#:</b> | 29   |
| <b>Topic:</b>     | Lost Status and Work Authorization                             |
| <b>Hearing:</b>   | Oversight of the United States Department of Homeland Security |
| <b>Primary:</b>   | The Honorable Dianne Feinstein                                 |
| <b>Committee:</b> | JUDICIARY (SENATE)   |

**Question:** How many DACA recipients have lost their deferred action status and work authorization since the Trump Administration terminated the program on September 5, 2017?

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| <b>Question#:</b> | 30   |
| <b>Topic:</b>     | TPS Citizenship  |
| <b>Hearing:</b>   | Oversight of the United States Department of Homeland Security |
| <b>Primary:</b>   | The Honorable Dianne Feinstein                                 |
| <b>Committee:</b> | JUDICIARY (SENATE)   |

**Question:** Your announcement terminating TPS for El Salvador stated "only Congress can legislate a permanent solution addressing the lack of an enduring lawful immigration status of those currently protected by TPS."

Does the Trump administration support legislation that would provide a path to citizenship for TPS recipients?

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| <b>Question#:</b> | 31   |
| <b>Topic:</b>     | Executive Order Report   |
| <b>Hearing:</b>   | Oversight of the United States Department of Homeland Security |
| <b>Primary:</b>   | The Honorable Dianne Feinstein                                 |
| <b>Committee:</b> | JUDICIARY (SENATE)   |

**Question:** In January 2018, the Department of Homeland Security released a report entitled "Executive Order 13780: Protecting the Nation from Foreign Terrorist Entry into the United States Initial Section 11 Report."

Of the foreign-born individuals convicted of international terrorism-related charges detailed in the report, how many were from the list of countries subject to the travel suspension in Executive Order 13780?

(b)(5)

**Question:** How many of these convictions stemmed from acts that occurred outside the United States?

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**CALL WITH UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES  
FILIPPO GRANDI  
June 25, 2018**

**Objective:**

- Understand what the United Nations High Commissioner for Refugees (UNHCR) is currently doing in the Western Hemisphere to address the regional protection crisis in Central America.
- Gauge how UNHCR prioritizes the situation in Central America relative to other refugee crises.
- Convince UNHCR to prioritize their work in Central America to match the magnitude of the crisis.

**Key Messages**

The United States has endured five consecutive years of high levels of Central American legal and illegal migration, thereby bogging down the asylum and immigration court systems with no sign of abatement. Given the amounts of unaccompanied alien children (UACs) and family units that are making the dangerous journey to the United States, it is imperative that DHS and UNHCR each act within its mission and engage in parallel tracks to meet the same goal of finding solutions that allow Central Americans to remain closer to their countries of origin.

**Key Issues:**

DHS Priorities for Meeting

*Cooperation with UNHCR*

- DHS Office of Policy (PLCY) and U.S. Citizenship and Immigration Services (USCIS) have a significant history of collaborating and communicating with UNHCR.
- UNHCR has significantly increased its engagement in the Western Hemisphere in response to the Venezuelan migration crisis, but further expansion is contingent on funding from the U.S. government (USG).
- DHS's ability to work directly with UNHCR is limited to individuals that both parties consider to be refugees under the 1951 Refugee Convention since UNHCR's specialized mandate does not extend to migrant populations beyond refugees and internally displaced persons (IDPs).
  - Due to this specialized mandate limited by population, any collaboration with UNHCR must be accompanied by public-private partnerships, asylum capacity building, prosperity and security initiatives, etc. A partnership limited to refugee resettlement would only partially address migration issues on the U.S. Southwest Border (SWB).

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**Previous Collaboration:**

*Central American Minors (CAM)*

- In December 2014, DHS and USCIS partnered with UNHCR to develop the CAM program in response to an influx of UACs arriving at the U.S. border.
  - The program intended to provide a legal option for Central Americans who have family members with legal status in the United States to be resettled in the United States.
- In practice, few Central Americans qualified for the program because many of the UACs traveling to the United States were attempting to join family members without legal status in the United States.
  - Only 25 percent of those who did qualify for an interview met the U.S. refugee definition. The majority were paroled into the United States under USCIS's discretionary parole authority.
  - Any refugee resettlement program among Central Americans would likely result in the same number of denials due to the nature of the claims not meeting the U.S. refugee definition.

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**Existing Collaboration:**

*Protection Transfer Agreement (PTA)*

- The PTA was set up in 2014 to help find a legal method for eligible nationals of the Northern Triangle to be resettled in the United States.
- UNHCR and the International Organization for Migration (IOM) pre-screen vulnerable Salvadoran, Honduran, and Guatemalan applicants and transport applicants who qualify for protection to Costa Rica, where USCIS refugee officers conduct interviews and determine eligibility for resettlement to the United States.
  - Refugees have also been resettled to Australia and Canada through the PTA program.
- PTA has yielded a high approval rate (approximately 89 percent), largely because a) USCIS shared with UNHCR a list of case profiles that were determined to have a higher likelihood of success, and b) USCIS and DOS review the cases prior to accepting them.
  - In total, 215 cases (478 individuals) have been accepted for processing via the PTA since July 2016. Of those, 59 cases (129 individuals) have been approved and traveled. Eight cases (20 individuals) have been denied, and 18 cases (37 individuals) have been interviewed but are pending a final decision. There are 130 cases (292 individuals) pending USCIS interview.

(b)(5)

*Asylum Capacity Building in Mexico and Central America*

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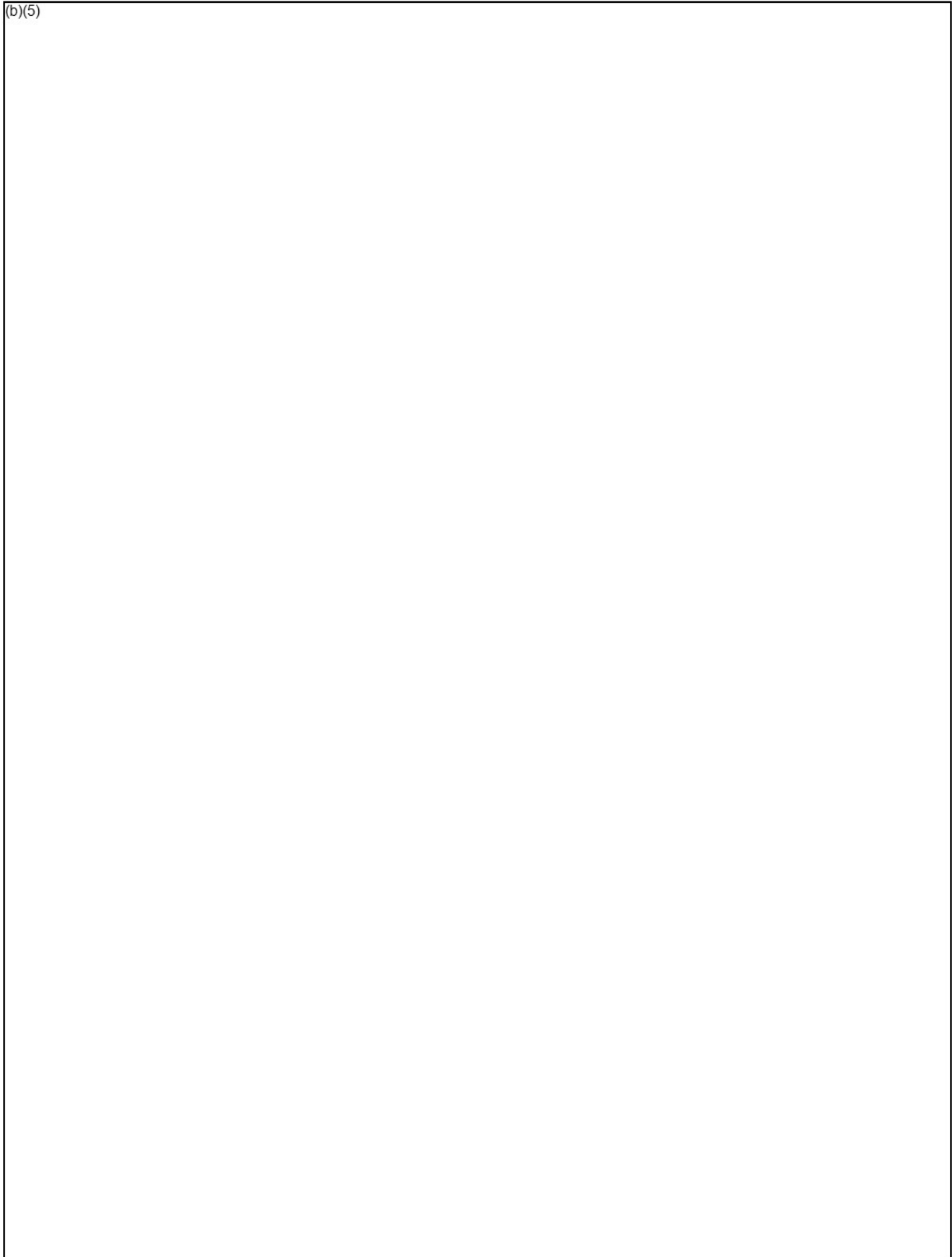
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  - USCIS is open to the idea of expanding to some or all of these countries, but has not yet communicated that to UNHCR.
- USCIS has invited protection officers from Belize, Trinidad and Tobago, Antigua and Barbuda, Aruba, the Bahamas, the Cayman Islands, Guyana, Jamaica, and Suriname to attend its Refugee, Asylum and International Operations (RAIO) Combined Training Program to equip these individuals with the legal and technical skills they need to fortify their asylum systems.
- DHS is currently engaging in a reciprocal information exchange with COMAR and Mexico's National Migration Institute (INM) to better understand each other's asylum systems.
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**Potential New Options for Collaboration:**

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**History:**

- You have never met with High Commissioner Grandi while in your current position.
- Former Acting Secretary Elaine Duke attended a U.S.-UNHCR High Level Dialogue on Forced Displacement from Central America on September 27-28, 2017.
- Deputy Under Secretary (DUS) for Policy James McCament met with Assistant High Commissioner Volker Turk on April 16, 2018, and with Deputy Regional Representative for USA and Caribbean Chiara Cardoletti Carroll on May 30, 2018.
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**Attachments:**

- A. Talking Points
- B. Biography
- C. Applying the Comprehensive Refugee Response (CRRF) in North and Central America

**Staff Responsible for Briefing Memo:**

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**CALL WITH UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES  
FILIPPO GRANDI  
June 25, 2018**

**Objective:**

- Understand what the United Nations High Commissioner for Refugees (UNHCR) is currently doing in the Western Hemisphere to address the regional protection crisis in Central America.
- Gauge how UNHCR prioritizes the situation in Central America relative to other refugee crises.
- Convince UNHCR to prioritize their work in Central America to match the magnitude of the crisis.

**Key Messages**

The United States has endured five consecutive years of high levels of Central American legal and illegal migration, thereby bogging down the asylum and immigration court systems with no sign of abatement. Given the amounts of unaccompanied alien children (UACs) and family units that are making the dangerous journey to the United States, it is imperative that the Department of Homeland Security (DHS) and UNHCR each act within its mission and engage in parallel tracks to meet the same goal of finding solutions that allow Central Americans to remain closer to their countries of origin.

**Key Issues:**

DHS Priorities for Meeting

*Cooperation with UNHCR*

- DHS Office of Policy (PLCY) and U.S. Citizenship and Immigration Services (USCIS) have a significant history of collaborating and communicating with UNHCR.
- UNHCR has significantly increased its engagement in the Western Hemisphere in response to the Venezuelan migration crisis, but further expansion is contingent on funding from the U.S. government (USG).
- DHS's ability to work directly with UNHCR is limited to individuals that both parties consider to be refugees under the 1951 Refugee Convention since UNHCR's specialized mandate does not extend to migrant populations beyond refugees and internally displaced persons (IDPs).
  - Due to this specialized mandate limited by population, any collaboration with UNHCR must be accompanied by public-private partnerships, asylum capacity building, prosperity and security initiatives, etc. A partnership limited to refugee resettlement would only partially address migration issues on the U.S. Southwest Border (SWB).

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**Background:**

*Central American Minors (CAM)*

- The CAM program came into effect on December 1, 2014, and it allowed certain nationals of Honduras, Guatemala or El Salvador who were lawfully present in the United States to request that their unmarried children, who were under age 21, receive an interview for possible refugee resettlement in the United States.
- In practice, few Central Americans qualified for the program because many of the UACs traveling to the United States were attempting to join family members without legal status in the United States.
  - Only 25 percent of those who did qualify for an interview met the U.S. refugee definition. Individuals who were ineligible for refugee status were then considered for entry into the United States under USCIS's discretionary parole authority.
  - On November 9, 2017, the Department of State (DOS) stopped accepting new applications for the CAM program. USCIS stopped interviewing new CAM cases on January 31, 2018.
  - Any large scale and untargeted refugee resettlement program among Central Americans would likely result in the same number of denials due to the nature of the claims not meeting the U.S. refugee definition.

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**Existing Collaboration:**

*Protection Transfer Arrangement (PTA)*

- The PTA was set up in 2016 to expand opportunities for eligible nationals of the Northern Triangle to be resettled in the United States.
- UNHCR and the International Organization for Migration (IOM) pre-screen vulnerable Salvadoran, Honduran, and Guatemalan applicants and transport applicants who qualify for protection to Costa Rica, where USCIS refugee officers conduct interviews and determine eligibility for resettlement to the United States.
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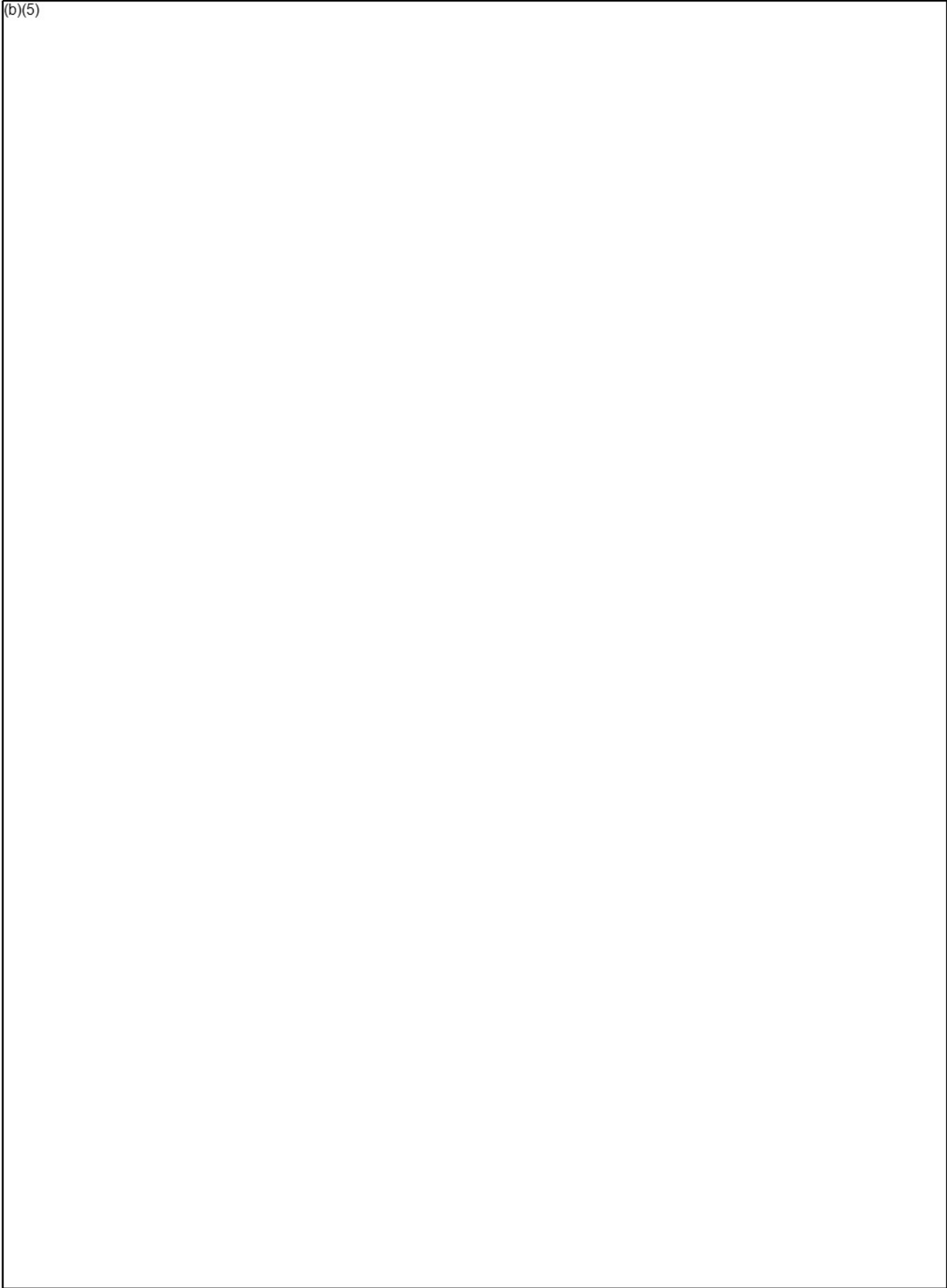
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- Since 2017, USCIS has also delivered specialized trainings on identifying, interviewing and screening vulnerable populations at the National Migration Institute's (INM) officer academy.
- UNHCR has expressed interest in replicating the aforementioned capacity-building measures in Belize, Costa Rica, Guatemala and/or Panama so that these countries can share some of the regional burden of providing asylum protection to Northern Triangle migrants.
  - USCIS is open to the idea of expanding capacity building to some or all of these countries, but has not yet communicated that to UNHCR.
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NIELSEN: But there's no suggestion that we have a lack of people to work with the K-9s or run the machines. So again, happy to walk you through but I do want to make clear we're attacking the opioid crisis from many, many levels with many capabilities.

MCCASKILL: I have questions about the air marshals, but I will hold those until the next round. Thank you, secretary.

NIELSEN: Thank you

JOHNSON: Senator Hoeven.

HOEVEN: Thank you Chairman Johnson and thank you, secretary for being here today and for the important work that you're doing every day. I'm going to follow up with some of the things we talked about at our DHS appropriation hearing, which you were at recently.

I'm pleased to cosponsor legislation with this committee's leadership that will give you authorities at DHS in regard to addressing some of the challenges with making sure that in our airspace, we managed the UAS, unmanned aerial vehicles and systems, adequately, not only to protect privacy but also security. That's very important work.

And my first question is while we're working with you to provide those authorities to track and disable threatening unmanned aircraft and as you have developed these counter UAS capabilities, do you have a plan in place to identify promising technologies from the private sector and get them validated by the department so that you can use them in this effort? And how will you go about testing and evaluating counter UAS technologies?

NIELSEN: Thank you. So we've learned quite a few lessons from the Department of Defense which as you know, has this authority already and uses it in theater. So we're looking at their testing models. The approach would absolutely be to go to the private sector. It often is at DHS. It doesn't make sense to reinvent the wheel when something already exists, so that could fill a need.

So we're specifying out the requirements, making sure we understand what it is we need to do and then work in conjunction with the private sector. As you know there's many centers of excellence, particularly those as well in your state. We're doing a lot of work there with the university as well. Everything from intern programs to other capability building exercises to get both the people and the technology.

HOEVEN: So you hit the nail on the head there. That's where I'm going. We're working with you on a time to get you out this summer to see what we're doing in counter UAS not only from the military stand point but customs and border protection as well as a private sector because you develop that plan, we think we can be very helpful in terms of you seeing some of the things that are being done.

And then leveraging some of that technology development for DHS. When Secretary Mattis was in front of our Defense Appropriations Committee, we also talked about it in terms of the military and in the same way they're both seeking authority and developing some of these counter UAS technology. So we appreciate your willingness to engage in that. We think it'll be very helpful and productive.

NIELSEN: Thank you again for the bill.

HOEVEN: The -- you have an incredible ops center in California that is managing your unmanned aircraft along the border. And so I guess my question, does air in -- that air in Marine operations center have sufficient capacity to handle all these far flung UAS activities and do you have back-up and -- we'll capacity and back-up?

That's another, I guess, area that I know you're going to continue to develop and grow. And how's that going? Can we be of help there?



NIELSEN: Yes. Thank you. So as you say, the op center in California allows us to -- to deploy, to understand and track where we are using and to help us with a model for when we need to use them, where we need to use them.

I do address we're trying to use a task force unity of effort approach. So we borrow, help if you will, from other parts of DHS that either have the technical capability to fly and to have the flight hours to use the UAS, but also in terms of their models.

As you know, we use UAS for a variety of things. We use them on the border, but we also use them for disaster response to understand, you know what it looked like before the hurricane, what it looked like after, to determine public assistance.

So there's quite a few areas within DHS that we use it. We'll continue to use this center. As you mentioned, redundancy, what we are looking at in addition to the underlining capability is making sure that we do have that redundancy. That's sort of that next phase that we're in now.

HOEVEN: There's an incredible pilot shortage both for man and unmanned aircraft. And actually I want to commend you and Commissioner McAleenan with Customs and Border Protection for developing the Pathways Program which we have at Grand Forks, which in essence provides jobs for young people that are getting their training in aviation at the University of North Dakota.

So not only does CBP get a quality employee, young -- great young person and of course they need the man power as we've talked about, but it also helps them get an education because they're working for CBP. Great program. I think it's a great way to help with a pilot shortage in the aviation industry both man and unmanned. So I want to commend you on that.

And then I want to kind of switch gears for a minute and ask about -- for -- you know, when you do detain, apprehend unaccompanied children coming across the border as well as others, what are you doing to try to address the adjudication process which is such a bottleneck in terms of trying to address this issue? You know I know you're short there. What can you do and what are you doing to try to adjudicate these individuals?

NIELSEN: So as they continue to find out every day our integration process is very complex as - as you well know. It involves many, many departments. What we've tried to do is look at it from an end to end approach. In the example you just gave, there are actually about three or four different processes that those groups would undertake. So in some cases we need additional immigration judges; DOJ is working on that. In some cases we need additional processes and agreements with other parts of the interagency family; we have done, for example with the HHS to make sure that we're appropriately taking care of UAC's and their custody.

And then there's other parts who depending if they're referred for prosecution, we hand them over to the marshals. We want to make sure that's a process that works. And then in some cases we use alternates to detention as you know rather than detaining them we will have check ins, in some cases ankle bracelets, but other ways to make sure that we have them detained while they are awaiting their removal...

HOEVEN: Is that working?

NIELSEN: It does work. It does work. It's a good combination. We do it on a case by case basis. There's lots of criteria that we look at to determine when that's appropriate and when that's not appropriate but again I think it's some of the opening remarks, perhaps the Chairman made.

If you look at UACs, 66 percent of those who receive final (ph) orders - receive the final orders purely because they never showed up for court and we find that we're only able to remove 3.5 percent of those who should be removed who a judge has said has a final. So if we can track them, it's a much more efficient process while we wait for the final adjudication.



HOEVEN: Thank you Madam Secretary and thanks for the work you're doing. I know it's challenging work; we appreciate it. Thank you Mr. Chairman.

JOHNSON: Senator Carper.

CARPER: Thanks, again Secretary Nielsen, welcome. Thank you joining us today.

NIELSEN: Thank you Sir.

CARPER: I - we got a couple of recovering governors here on this panel and I still think like one and one of the things I focus on is I do customer calls in my state. I visit businesses large and small throughout the year and our governor and I visited yesterday a fairly large financial services company in the northern part of our state. Last week I was down in the southern part of our state where we do a lot of agriculture and I don't care where I go I hear employers large and small talk about how difficult it is to find people who will come to work and actually do a job and I don't care if it's landscaping. I don't care if it's like food processing. I don't care if it's someone working in financial services. They're having a hard time getting people who can pass a drug test, who have the skills, and who will come to work.

And you and I have talked a bit about how to address at least part of this challenge and talked in fact I led (ph) a letter I think of a couple dozen Senators who wrote to you and urged you to use the - the authority that we granted in the spending bill for the balance of this fiscal year to go ahead and issue additional H-2B visas and I think you have - you're basically in the legislation we passed, we authorized doubling of that cap to maybe another 100,000 or 169,000.

And my question is not going to solve all of our problems for all of our employers as you know but you have this authority. We hear a (inaudible) this week from companies that are afraid they're going to lose their business because they don't have people come to work and do the jobs; they're seasonal jobs.

And so let me just ask, what is the timeline for releasing additional H-2B visas and when will you announce the decision? How many additional visas does the department plan to release?

NIELSEN: Thank you Sir. We - it's in final interagency processes. You know it involves regulation so the regulation should be ready here shortly and...

CARPER: Can I say something? I don't mean to be rude.

NIELSEN: Yes.

CARPER: I don't mean to interrupt you.

NIELSEN: No.

CARPER: That's just a - that's not good enough. These - these - these companies, they're highly seasonal. They need the folks now. They needed them a month ago and to say that -- and whenever I talk to you about this it's basically we're working this; we're going through the process and so forth. They need - they need the workers now.

NIELSEN: Yes, I understand. I understand.

CARPER: If they were here, they would tell you.

NIELSEN: I have been collecting evidence. I've asked everyone I've talked to -- to give me examples so that I can enter and package it and send it back to Congress to say please put -- next year please put the ceiling in law. There's no need to tie it to appropriations...

CARPER: They gave you the authority to basically double the number of visas...

NIELSEN: I understand that if you all are...

CARPER: You have the power. This Administration is not reluctant about using executive power.

NIELSON: If -- if you all are wanting to help the companies, which I know you are, the best thing that we can do is give them stability and predictability. Putting them into a situation each

year where we wait on an appropriations cycle and we wait on whichever secretary - secretary then to make a determination does not give them the ability to plan and deep their businesses open. So I would respectfully respect again that Congress work with us to put this in law. We know it's a need. Let's just put it in law then everybody knows what it is and the businesses can plan.

CARPER: We put it in law. We said there are 69,000 visas that could be issued now additional visas and all you have to do is do it. There's plenty of need. There's plenty of need. Where's that authority?

NIELSON: But Sir, if you wanted 69,000 additional, just put it in law and then there's no discretion and there's no timing. If it's already in law and everyone can plan to it. So as...

CARPER: That's a very disappointing - that's very disappointing.

NIELSON: Well it shouldn't be because I think we both want to help the companies so I'm telling you in my experience, this is the best way to help them is to give them some predictability and not tie it...

CARPER: If I - If I - pardon me. If our roles were different and you were in the Senate and I was the Secretary of the Department. We would issue those 69,000 visas. We'd put a lot of people to work and I'll say frankly, save a lot of businesses from going under.

Let me ask my second question. Thank you. The decision to extend or terminate TPS lies with the Secretary of Homeland Security as you know. In consultation with the State Department, your predecessor and Former Deputy Elaine Duke declined to end TPS for Honduras only four months ago in November. Did you speak with Ms. Duke or other former administration officials prior to terminating TPS for Honduras? Did you speak with Jim Nealon our former Ambassador to Honduras?

NIELSON: At the time before Ambassador Nealon and then Deputy Secretary Duke left, yes I did talk with them.

CARPER: And can you give us some idea what was said?

NIELSON: No. I cannot Sir. Those are predeliberative (ph) conversations.

CARPER: Former Secretary Kelly also said in an interview on NPR, I think it was last week. He said I think we should fold all the TPS people that have been here for a considerable period of time and find a way for them to a path of citizenship. Those are his words for last week. Do you agree with General Kelly's remarks?

NIELSON: I have said the same under oath.

CARPER: OK. We talk in this room oftentimes about root causes, why people come here from Honduras, Guatemala, Salvador and other places. They come here because their lives are not just difficult; their lives in many cases are horrendous. We contribute directly to that.

In the last Administration there was a fair amount of discussion about root causes. We put in place -- Congress passed the Alliance for Prosperity sort of like a Central American version, as you know, of Plan Columbia. I haven't heard much about what's going on there lately. Maybe you could bring us up to speed. As you know, Bank of Columbia has been taking a long time, 20 years. But over time, it's become very successful. And what's going on with Alliance for Prosperity and how -- how are we doing there?

NIELSEN: So as I understand it sir, the State Department is distributing funds, but as you know that is a State Department program. What we are doing at DHS is we worked in conjunction with State and the government of Mexico, Spain, Canada, others last year to host a conference with the Northern Triangle.



To talk about this issue and talk about how to increase their prosperity in addition to security. We plan to host such a conference again next month.

CARPER: When and where?

NIELSEN: In D.C. And we don't have the exact date because it'll be around the Organization of American States, so it's a bit up to them as to which day works, so we're still finalizing a date. But we are working on some interesting programs to help in the same way.

One that I have found to be very interesting is one with El Salvador, where it's a micro competition. And the company who wins receives about \$27,000 equivalent, which is the amount they would otherwise pay a smuggler to come to the United States.

It allows them to stay in country and open up a business. So we are working on creative ways to try to help. I agree with you, we have to help the countries as well with the push and pull factors. And of course as you and I have talked about before, we also have to increase our overall drug demand here so that we don't have that pull factor.

CARPER: All right. As they say at Home Depot, you can do it, we can help. They can do it, we have an obligation -- I think a moral obligation to help. Thank you.

JOHNSON: Senator Hassan?

HASSAN: Thank you Mr. Chair and thank you Ranking Member McCaskill. And Secretary Nielsen, thank you for appearing before the committee. Just a couple of weeks ago, I traveled to the U.S. southern border to meet with Border Patrol port officers and ICE detention officers. We know that people are dying on both sides of the border as a result of the drug cartel's narcotics trafficking efforts. In 2016, drug overdoses killed more than 60,000 Americans, while in 2017 Mexico hit a record of nearly 30,000 homicides.

The vast majority of which resulted from the drug trade violence. These numbers go hand-in-hand. The drug cartels use violence and money to dab in the -- their smuggling routes, killing many innocent Mexicans and migrants.

The cartels excess means that more and more drugs make their way into the United States, where Americans are dying of overdoses at unprecedented rates. I was impressed by my visits to El Paso and McAllen, Texas to see the robust screening effort conducted by CBP of incoming traffic from Mexico.

In fact, in El Paso just before I arrived, they had seized 25 pounds of cocaine because we have vigilant, excellent CBP port officers, as I know you know. However, stopping the drug cartels is not solely a matter of securing traffic coming into the United States.

We have to attack the drug cartels business model. That means stopping the flow of both money -- drug money and weapons that travel southbound into Mexico from the United States.

Unfortunately, as I saw in my trip, our southbound screening effort for traffic leaving the U.S. for Mexico pales in comparison to CBP's screening of traffic entering the U.S.

We're in a system that our officers refer to as pulse and search. So intermittent checking of southbound traffic. We were told by CBP officials that they need expanded facilities, more personnel and updated technology in order to try to strengthen our ability to stop the flow of guns and money back into the cartels hands.

So are you satisfied with the current state of southbound inspections along the southern border?

NIELSEN: No.

HASSAN: And what more do you need and what actions will you take to address these shortfalls?

NIELSEN: So the ports as you know are very different, the infrastructure. So part of what we're doing is I've had multiple conversations with the government of Mexico on this exact issue. I've committed to them that we will decrease the flow of guns and money headed their direction. But part of this agreement with them is to how we can restructure the ports --

HASSAN: Right.

NIELSEN: -- so that we had those secondary lanes so we can pull people over we suspect.

HASSAN: Right.

NIELSEN: So we're doing more. We're working on agreements back and forth. And then we're working on some modeling and data that would lead us to a resource request to come to you.

HASSAN: Well, that would be excellent. What I heard loudly and clearly from our wonderful subject matter experts at the border was that they need more people.

And I think that echoes what you heard from Senator McCaskill. We need more people at the ports of entry, we need them south bound as well as north bound. And I also know there were some infrastructure issues for those second lanes of traffic and the like. But I would look forward to working with you on that.

I also wanted to touch on another issue that we heard about on the border. As you know, last year Congress passed the INTERDICT Act which requires DHS to increase the number of fentanyl screening devices available to CBP officers.

The officers have faced a shortage of these devices, which are essential to identifying correctly fentanyl and other drugs as well as keeping CBP officers safe from these toxic chemicals.

Despite the passage of the INTERDICT Act, the port personnel I spoke with made clear that the devices were still in short supply. When I spoke to them about the INTERDICT Act, legislation and its mission, they were encouraged by the possibility of more devices heading their way.

But they had clearly not received the benefits that we intended when we passed this bill and when the president signed it into law and now that was I think in December. So why aren't the devices getting in to the hands of these port officers? What accounts for the delay and what are our plans to get more devices there?

NIELSEN: Well, first of all that's unacceptable. So, you have my commitment to look in to it and get that to you this week. I am not aware that they don't have the devices. They need to be trained --

HASSAN: Yes.

NIELSEN: -- they need their protective gear to, as you know, touch packages. And they also need the devices, so.

HASSAN: Right. They have -- you know, I saw one of the devices. The issue is they just don't have enough for them all to use. And I think our intent was to get --

NIELSEN: Absolutely, I will look in to this.

HASSAN: -- this technology to our personnel as quickly as we could. And then another issue that came up, because I went from the border then down to Mexico City.

And in my meetings with U.S. embassy personnel in Mexico City, and with key Mexican government officials, we discussed how Mexico has to significantly grow its federal police force if it's going to have success against these -- the drug cartels.

While the Mexican government has to find the resources and the will to expand its federal police force, the United States can certainly play a key role in helping to train and professionalize the police force.



In a meeting with the National Security Commissioner Sales, I conveyed how every law enforcement officer in the state of New Hampshire attends the same training facility in order to standardize and professionalize their training.

And I also shared how DHS runs the federal law enforcement training center, or FLETC, in order to integrate and standardize law enforcement training for over 90 federal law enforcement units. Has DHS considered working with its Mexican counterparts to help provide trainings to Mexican federal law enforcement?

NIELSON: Absolutely, and we actually do. We have graduated some already from training facilities. We're continuing to expand that. We also work with Sumar (ph) and Sudona (ph), parts of the military --

HASSAN: Right.

NIELSON: -- which, as you know play, a huge role.

HASSAN: Right.

NIELSON: We've done a lot of training with them. We do a lot of joint operations back and forth across the border. But yes, this would be a priority for us.

HASSAN: And so, when you say a lot of joint training, do we open up parts of FLETC to our Mexican counterparts? Can they come over and train, with us?

NIELSON: We do offer courses for Mexican counterparts, yes ma'am. I will get you the locations. I believe it's at FLETC, but if not, it's a DHS owned facility.

HASSAN: OK, well thank you very much. I will have more questions for a second round, but I'm happy to yield now, thank you.

JOHNSON: Senator Harris.

HARRIS: Thank you. Secretary Nielsen, as I sit here today I'm extremely concerned about the administration's repeated attacks on some of the most vulnerable communities and in particular children and pregnant women as it relates to the work of DHS. And in particular under your leadership, DHS has rescinded the DACA program and under the leadership of the administration predating your arrival as secretary.

DHS has rescinded the DACA program, putting 700,000 young people Everest's (ph) of deportation. It has separated 700 children from their parents at the border since October 2017, including more than 100 children who are under the age of four. The agency has released a directive that allows for more detention of pregnant women to immigrant detention facilities. The agency has instituted a new information sharing system between the office of refugee resettlement and ICE that is likely to have a chilling effect on sponsors who otherwise would be willing to come forward to provide care for unaccompanied minors.

And instead of allowing the children to -- to remain in detention, the agency has dramatically increased enforcement actions that have left an untold number of both immigrant and U.S. citizen children without one or both parents, leaving some of those children in the child welfare system. And then just last Wednesday, the Washington Post reported that you are considering undermining the Flores agreement; an agreement that ensures standards of care for immigrant children, such as the provision of meals and recreation and that they are placed in a least restrictive setting as possible.

In the course of carrying out these actions, the administration has routinely provided misleading information to this committee and has even gone so far as to claim that policy such as routinely separating families are carried out in the best interests of the child which many consider to be cruel.

So my question to you is last Thursday when the New York Times reported that the president has directed you to separate parents from children when they cross into the United States as a way to deter illegal immigration, is that correct? Have you been directed to separate parents from children as a method of deterrence of undocumented immigration?

NIELSEN: I have not been directed to do that for purposes of deterrence, no.

HARRIS: What -- what purpose has -- have you been given for separating parents from their children?

NIELSEN: So, my decision has been that anyone who breaks the law will be prosecuted. If you're a parent or you're a single person, or you happen to have a family, if you cross between the ports of entry, we will refer you for prosecution, you have broken U.S. law.

HARRIS: At an April 26 hearing, I asked Undersecretary James McCament to provide me with what percentage of cases exist in your agency where a child has been separated from a parent or guardian since October 2017, wherein the case resulted in trafficking charges. I've not been given the information. Can you provide that to me?

NIELSEN: I do not have it now, but yes I will provide it to you.

HARRIS: OK, can you do that by the end of next week?

NIELSEN: If we have the information, yes.

HARRIS: Thank you. I also asked that I be provided with what training and procedures are being given to CBP officers as it relates to how they are instructed to carry out family separation. I've not receive that information. Do you have that today?

NIELSEN: No, you have not asked me for it so I do not have it.

HARRIS: No, I asked you before. OK, so again, by the end of next week, please.

NIELSEN: Can you explain a little more what you're looking for?

HARRIS: Sure. So your agency will be separating children from their parents...

NIELSEN: No, what we'll be doing is prosecuting parents who have broken the law, just as he did every day in the United States of America.

HARRIS: I can appreciate that, but if that parent has a four-year-old child, what do you plan on doing with that child?

NIELSEN: The child, under law, goes to HHS for care and custody.

HARRIS: They will be separated from their parents.

NIELSEN: Just like they (ph) they do in the United States every day.

HARRIS: So, they will be separated from their parents, and my question then is, when you are separating children from their parents do you have a protocol in place about how that should be done?

And are you training the people who will actually remove a child from their parent on how to do that in the least traumatic way? I would hope you do train on how to do that.

And so the question is, and the request has been to give us the information about how you are training and what the protocols are for separating a child from their parent?

NIELSEN: I'm happy to provide you with the training information.

HARRIS: Thank you. And what steps are being taken, if you can tell me, to ensure that once separated, parent and child, that there will be an opportunity to at least sustain communication between the parent and their child?

NIELSEN: The children are at HHS. But I'm happy to work with HHS to get you an answer for that.

HARRIS: And I'd like for it to be broken down between what you're doing for children over the age of four and what you're doing for children under the age of four.



On May 4th, the president of the American Academy of Pediatrics issued a statement on behalf of the organization, stating that he is appalled by a new policy by the DHS that will forcibly separate children from their parents.

He went on to talk about that they will create stressful experiences like family separation, which can cause irreparable harm, disrupting a child's brain architecture, affecting his or her short and long term health. And these findings are generally shared by the American Medical Association and many child welfare advocates and professionals.

Last Tuesday, before Senate Appropriations, you testified that you are quote "working with the community to understand the science as it relates to the impact of such separation."

Do you dispute that separating a child from their parent will create and cause trauma for that child?

NIELSEN: I believe the question that was asked to me, if I was aware of the information. And what I said is, I would be happy to look into the studies.

Again, we do not have a policy to separate children from their parents. Our policy is, if you break the law we will prosecute you. You have an option to go to a port of entry and not illegally cross into our country.

HARRIS: Secretary Nielsen, we do have a policy in this country, as a general matter in the justice system, that if someone breaks the law they will be prosecuted.

We also have protocols about what is allowable and not in connection with an arrest, in connection with detention in a jail, in connection with how many hours or days with which we can bring charges or not.

So to suggest that the only law in this country relates to what you do at the end is really misleading.

NIELSEN: But that's not what I just said, ma'am. If you're asking if we train and we take care of them, and we work with HHS, we now have a memorandum of agreement so that we can make sure that the children go to people who are actually family members and who are not traffickers and who won't abuse them.

HARRIS: Right so that's the -- those are the policies I'd like to see.

NIELSEN: OK.

HARRIS: Thank you.

JOHNSON: Before I go to Senator Lankford, I think this is a good time -- actually Senator Daines, I see you showed up. This would be a good time to explain a little bit more, when you say that we do this every -- you know, prosecutors, law enforcement, local law enforcement does this every day.

So let's consider maybe a drug deal or a single parent with children in the home. That drug dealer is arrested. Is there any difference really, in terms of how DHS handles some of -- you're going to prosecute, you're going to detain somebody who's entered the country through the port -- other than the ports of entry; is there any difference in terms of how DHS would handle that situation, those children, than what local law enforcement -- other than different jurisdictions may have different rules?

NIELSEN: Right, so broadly speaking, not to my knowledge. The idea here is to make sure that the now unaccompanied children, or the children whose parent is incarcerated because they broke a law, are cared for.

So we transfer those to HHS. And as I just mentioned, we have now worked on a memorandum of agreement to ensure that those children are not then in turn placed in the hands of traffickers, criminals, et cetera.

JOHNSON: And again, I want to underscore, that only applies to family units, a parent that crosses illegally between the ports of entry. If they show up at the port, claim asylum, those family units are kept together because we have a process for that?

NIELSEN: In current policy, yes sir.

JOHNSON: OK. Senator Daines?

DAINES: Thank you, Mr. Chairman. Secretary Nielsen, it's good to see you again. Thank you for your service to secure our homeland.

I am thankful for the leadership you are showing, in terms of deploying National Guard resources to secure our borders, building the first border wall in 10 years, establishing a national vetting process to better target those with criminal intent who seek to enter this country.

As a father of four children myself, I sleep better knowing that you are leading in securing our homeland. Thank you.

I want to switch gears and talk about flooding in my home state of Montana. We had a tremendous snowpack this winter. The skiers were thrilled. As a fly fisherman, I can't wait. As we say, the rivers blow out, and clear up and (inaudible) the rivers. But in the meantime we have flooding going on in Montana.

We're facing severe flooding due to rapidly melting snowpack in our mountains, combined with some recent heavy rainfalls. Surging rivers and streams affect our communities across our state, forcing families from homes, schools, businesses. Roadways are closing.

In fact, Montana has declared a statewide flooding emergency and mobilized state resources, but more flooding is yet to come. And federal aid is going to be needed.

How is DHS assisting these affected in communities in Montana now? And how can your department provide support in the coming months as we deal with additional flooding, as well as, believe it or not, the upcoming wildfire season?

NIELSEN: Yes, I can't believe we're there again already, between that and hurricane season.

So what we're doing at FEMA is we're trying to increase the capability and capacity in general towards resilience. So in part, that means we're using things called the integrated management teams. We're pushing people out into the communities to help them build their capacity for instant management.

We have conducted various reviews on alert and warning. We're reviewing the equipment needs and requirements. And then as you know, in certain cases once the thresholds of the Stafford Act are met under a national disaster, there are funds available from the Disaster Relief Fund. So it's a combination of on the ground capacity building exercises, et cetera, and then funding, of course, when the thresholds are met.

DAINES: Thank you. And I know we'll be in touch with your team as we continue to -- excuse the (inaudible), navigate through these difficult times right now in Montana.

I want to switch gears now and talk about the National Guard on the Southwest Border. As you pointed out in your testimony, there's probably no issue more important for DHS right now than border security and immigration.

According to CBP, Southwest Border migration numbers for April, the number of illegal border crossers more than tripled in April of 2018 compared to April of 2017. Securing our borders is crucial to protecting the American people and upholding the rule of law.

I'm grateful to hear from you today in response to some of the questions; it's about the rule of law. That's what sets this great nation apart is freedom and the rule of law. You're doing an admirable job and I know you and your workforce are working tirelessly to get the job done.



More resources are needed, however. And I support President Trump's call last month for the deployment of the National Guard to enhance CBPs capacities out at our southwest border. My question for you is what further steps will be taken by the administration to mitigate illegal activity at the border?

NIELSEN: Many things, as much as we can do within the laws. So we're changing regs, to the extent that we can, to clarify particular issues. We are doing all of this, the protection of UACs, like the MOU that I just mentioned.

We're working with the border governors. So, as you may know, I have had lots of conversations and I talk with them monthly, Governor Abbott, Governor Ducey, Governor Martinez, Governor Brown, not just on the deployment of the National Guard, but we else we can do with local communities, with border sheriffs, to make sure that when we indentify criminal aliens, that we can apprehend them and remove them.

We, also, are working through some pilot projects with Mexico, on ways that we can prevent the flows (ph) that do have a legitimate claim to come to this country. Again, I encourage all migrants, if they have a need to flee, to seek shelter in that first safe country that they -- they encounter. So we'll continue to do what we can on our side.

DAINES: Thank you. The issue of children came up in your last line of questioning. I want to probe that a bit more with you. I've introduced legislation with my colleague from New Hampshire, Senator Hassan. It's called, the Homeland Security for Children Act, which will simply ensure that DHS includes input from organizations representing the needs of children when soliciting stakeholder feedback and developing policies.

The question is do you believe it's important to identify and integrate the needs of the children into the policies and activities of the department?

NIELSEN: I think it is our duty to protect them, to keep them in a safe environment, to provide for them when they're in our care, and to make sure that, within that 48 period -- 48-hour period, when we transfer them to HHS, that we do all we can to help HHS then take care of those children. Yes, I do.

DAINES: One thing I've seen and appreciate response here is I think we need to make sure that the necessary steps are in place so that children are kept safe during emergencies. We think about preparedness. Sometimes we don't always remember in the policies, the importance of children, and thinking about their unique needs.

Lastly, I want to talk about border wall contractors. A number of state and local governments are considering legislation that would require them discriminate against companies involved in the design or construction of any extension of the wall along our southern border.

Further, some cities are targeting contractors that provide database services supporting federal immigration priorities. This type of legislation could obstruct the federal government's lawful functions and cause private companies, contracted with the federal government, to hesitate in fulfilling the critical roles asked of them. My question is, what is the position of the department on this issue, and how do you plan to respond?

NIELSEN: So we continue to work with border governors and government officials. You know, I would just say that border security is the most basic and necessary requirement of a country to protect its citizens. So, I do worry that the -- either, intended or unintended consequence of this would be that the federal government cannot do its most basic duty to protect its citizens.

But we're also trying to work them to explain and find out what the real concern is, because it's not always clear on its face what the concern is, other than they just don't agree with us enforcing the law.



DAINES: Thanks, Secretary Nielsen. Thanks.

JOHNSON: Senator McCaskill has a question for you real quick.

MCCASKILL: Yes, I just want to clarify something. There was -- the chairman wanted to equate the process by which children are separated from their parents, to a similar process when someone is arrested in -- let's just take a community, where I was the elected prosecutor for years. When a child is left without a parent because of breaking the law in the state system, the police hand it over to the social service agency, who then has primary responsibility ongoing through social workers, placement, a child abuse hotline, they are always in contact with the state authorities until there is some kind of permanency to their legal situation.

Let's compare and contrast what happens with DHS. DHS keeps the children for maybe 48 hours, hands off to HHS. HHS then tries to put them somewhere. And very, very, very few even household visits for sponsors. And then they're done after they find a sponsor. There is no handing off to the state social service agencies. That's why nobody's showing up for the hearing, secretary. It's because it's not like the state system.

I can assure you that if a child was supposed to show up somewhere that was in a state's care, phone - phone would ring, or the child abuse hotline would ring, or a teacher would be required to call in. That's not happening with these kids. That's why they're not coming to court. Nobody's paying any attention. So I just couldn't let it pass that we were equating those two systems, because having a great deal of experience in one of them, having handled child abuse cases for a number of years, nothing is further than (ph) the truth.

And there is still not a joint concept of operations, which was promised to Senator Portman and I at a hearing in 2016, as to how we're going to alleviate this problem. So once you start taking these children, please, I don't think any record should reflect that somehow we are - you are confident, or anybody is confident, that they're being placed in a safe and secure environment and being appropriately managed.

Because frankly, if they were, they'd come to their hearings.

NIELSEN: Can I just respond to that? I think the comparison I was trying to make was in separation of families. It's just - it's not something unique we do with illegal aliens when someone has broken the law. Having...

MCCASKILL: (OFF-MIKE) have to separate children from families, when there's been a violation.

NIELSEN: Yes, ma'am. But having said that, I just want to say, I couldn't agree with your concerns more. Period. We are working with HHS, we've done this MOA. I will look into the CONOPS. I do know that we've revised it because we now, in conjunction with HHS, are requiring various checks be made to ensure that the sponsor truly does have a custodial relationship and is not a trafficker or an abuser.

And as you know, we've had terrible instances of that occurring. It's not acceptable. It's not acceptable...

MCCASKILL: You know, the fact that there isn't a CONOPS, the fact that there is no joint concept of operations, and we are upping the number of children we're taking from families is outrageous.

NIELSEN: So, there is a CONOPS. What I'm suggesting is we...

MCCASKILL: (OFF-MIKE)

NIELSEN: Yes. And I appreciate that and we'll get it to you. We're updating it because we now have this MOA with HHS that requires both of us to share information so that we can vet the sponsor who appears to take the child, especially when that sponsor is not a parent.



MCCASKILL: (OFF-MIKE)

NIELSEN: So this is why, we just signed this MOA. I couldn't agree more, we have to do more.

JOHNSON: Of course (ph), I would completely agree, the state's going to be better than the federal government at just about anything it does. And the point I was making in terms of DACA, I mean I completely understand that that does not apply to current arrivals, but they don't know that. DACA was used as a spark, they were told once they get there, they can stay. And by the way, they have. 96.5 percent of unaccompanied children from Central America have stayed. They use social media, that's communicated down to Central America and more come. So it's that flood into a federal system that has created the crisis. So again, the goal of policy ought to be to reduce the flow, like Secretary Chertoff did in Brazil. Senator Heitkamp.

HEITKAMP: I don't think I can let that go without at least some comment. DACA - if you say it was a magnet that pulled people because they are so connected, they certainly are connected enough to know that the program has been terminated. So we know that Central America presents a unique problem as it relates to unaccompanied minors because of a law that was passed by the United States Congress

So the -- the wringing of hands about what is in fact the draw in to this country, is -- is -- its -- its critically important that we look at this from what is driving the factors below. And you and I have had long conversations about the need to work with the other countries in the region to allow people to refugee in place, to allow people to live with their families in a safe location somewhere within the region. We're on the verge of having a very anti-American government elected in Mexico; it's going to make your job even harder.

And so we can talk about why that is, I think we should just recognize it's going to happen. So we have to prepare for a relationship change that we're going to have that's going to create an even greater problem. But we have to be humanitarian about how we deal with this, especially as it relates to children. Now we all sat at this dais, you know, about a month ago and I think I said we're the worst foster parents in the world.

We don't keep track of these kids, and we are begging you, if in fact this is going to be the outcome, where we're separating children, in some cases, infants, from their parents we need to know where these kids are.

NIELSEN: I couldn't agree more.

HEITKAMP: Well that hasn't been...

NIELSEN: Again, in the last administration there was no MOA to even screen or vet -

HEITKAMP: I'm -- I'm not -- I'm not talking about politics here

NIELSEN: No I'm not either

HEITKAMP: I'm talking about change

NIELSEN: I'm saying what we've done to improve the situation because you're exactly right, we owe more to these children to protect them. So I'm saying I agree, we've taken steps and we will continue to strengthen what our partners do to protect these children. They're not in our custody, but I take it upon myself to work with my interagency partners to do this.

HEITKAMP: And I would share Senator Harris' concern about making sure people are trauma informed, and trauma trained, because what you're doing to children when you take them away from their parents is the most trauma-impactful thing you can do to a child.

So let's -- let's be good -- let's be good people and good Americans, as it relates to how we treat children. But I don't want to want to use my whole time; I want to talk a little bit about the northern border strategy, we figure this is going to come up. You're five months late in getting me the plan when is that plan going to happen?

NIELSEN: It should be out this week.

HEITKAMP: OK, thank you. I'll look forward to seeing it and thank you again. I think again, we such a hyper focus on the southwest boarder, a hyper focus on the open areas of the southwest boarder and as Senator McCaskill pointed out, a lot of the drug traffic is coming through the points of entry, we know that that's a problem that we need to address.

And that brings me to the second thing I want to get at, which is technology. And -- and understanding what that technology -- what's available, what we're doing right now to train, what we're doing right now to provide resources. I want to associate myself with the remarks of my senior senator, Senator Hoeven.

We -- we appreciate the work that's being done to train pilots. I think that we have a great resource in North Dakota with the co-location of Customs and Boarder Protection, air and marine, along with the air base, along with a training center for training pilots, along with a lot of great law enforcement folks who are working to try to figure out how we can embed and -- and use new technologies.

So I, again, invite you to come up to North Dakota...

(CROSSTALK)

NIELSEN: Yes. I'm looking forward to it.

HEITKAMP: ... take a look -- yeah? And -- and I think you'll find some very interesting things up on the border.

One of the unique problems that we have in North Dakota, as you know, is -- is hiring and retention. That's not just a problem in North Dakota, but it's a problem across the agency. Senator McCaskill, I think, made a great point on retention. What -- what do you think is going to improve retention, and how do we get a better answer on how we can deal with the attrition challenge that you have?

NIELSEN: Yeah. This is -- for obvious reason, all the ones that Ranking Member McCaskill mentioned and -- and you did as well, important. But it's also important just for basic morale, right?

HEITKAMP: Mm-hmm.

NIELSEN: It's important for us to be able to do our jobs. So I do take this very seriously. And of my six priorities, one is what I call "employees first."

Now, this is a big chunk of that, you know? What -- what is it (ph), can we do to make them willing to continue to serve, and to conserve...

(CROSSTALK)

HEITKAMP: Why do you think they're leaving now...

NIELSEN: I think...

(CROSSTALK)

HEITKAMP: ... Secretary (ph)?

NIELSEN: ... you know, one of the things that we found over the last year is, the system was not built for mobility. So if you are in a -- a rural -- it's not even rural.

If you're in an area where there's just not a lot of infrastructure, particularly on the Southern border, if you are a young CBP agent, you might be willing to do that for a few years. But if the system can't allow you to move, you might just decide to leave.

So one of the things we've built in is that mobility. We've also built in cross-training. We find that particularly (ph) in some of the areas, what you are trained to do is not necessarily what you do because of the limited...

(CROSSTALK)



HEITKAMP: What -- one of the -- one of the pieces of advice that Senator Tester (ph) used to provide and I used to follow up on is, you know, there's people who live up there. There's people who...

NIELSEN: Absolutely.

HEITKAMP: ... live on the Northern Tier. They like it. That's home...

NIELSEN: Yeah.

HEITKAMP: ... they hunt, they fish, they know exactly what they're doing. You know. They -- they have friends and family. We need to do better, recruiting from the -- the local people who live there, who have lived that lifestyle.

Because if you move someone in from Tennessee, let's say, and then an ICE (ph) position comes open in Tennessee, we'll lose them from border patrol.

And -- and so we've seen this, we've talked to the folks up there. Very -- very much would like to see you look at recruiting within the -- the area. Because those are folks who are used to that lifestyle.

NIELSEN: And we (ph) -- if I could (ph) really (ph)...

(CROSSTALK)

HEITKAMP: And finally, I want to...

NIELSEN: ... quickly on that one?

HEITKAMP: Yeah.

NIELSEN: We just -- we found that we weren't very good at that, which is partly why...

HEITKAMP: Yeah.

NIELSEN: ... we're working with Accenture. And I know Ranking Member had some concerns that she mentioned at the front end. Happy to come and -- and speak to you both about that.

But part of the concept of that Accenture contract is to go into those areas and recruit there for people that we need there, because of exactly what you're saying.

HEITKAMP: No, I think you -- yeah, I think you'd be more successful, in terms of retention.

And I'm out of time. I'll probably submit some additional questions for the record and -- and you probably know I'm concerned and -- and aware of some challenges we have with the border sheriffs.

That's a critical relationship, both in the northern border and the southern border. And we want to follow up on some of the -- some of the issues that we've had with the local law enforcement.

NIELSEN: Yes.

And, Chairman, do you mind if I just respond to that quickly?

JOHNSON: No, fine.

NIELSEN: I -- you and I had a brief conversation. I couldn't agree more. I spoke with the sheriff in Cochise (ph) County, I've met with a variety of sheriffs when I was in Texas, met with the National Sheriffs Association last week...

HEITKAMP: Good.

NIELSEN: ... will continue to meet with them. But, yes, we look to their expertise, their experience. They're a very important part of understanding the needs.

HEITKAMP: And they can be an incredible resource for you in terms of intel if you have a relationship with them.

NIELSEN: Yes. I agree. Thank you.

HEITKAMP: Thank you.

JOHNSON: Now I just want to offer clarification. I think Senator Heitkamp, you said DHS does this to the children or families when a parent brings a child illegally into this country between the ports of entry, DHS is responding, reacting to that illegal act.

I hate to give advice but, you know, if those parents want to do it legally, they can go right up to the port of entry, claim asylum and then, you know, basically have to make the case.

But they're -- they're coming across illegally because they don't want to have to go through that process, the legal process. So we're -- Secretary Nielsen, DHS is enforcing the laws and if we don't like the laws, we're going to have to try and change them.

But, again, I -- it's not what DHS is doing to them. DHS is forced to react, and is forced to follow the law.

NIELSEN: Yes, sir.

JOHNSON: Senator Peters?

PETERS: Thank you, Mr. Chairman, Secretary Nielsen.

NIELSEN: Good afternoon.

PETERS: Thank you for being here. Secretary Nielsen, I think you're well aware of probably the most significant threat that we have to our national security comes from cyber-attacks, and we're seeing these cyber-attacks increase in frequency as well as in sophistication.

And as this -- as this committee has discussed this issue on numerous occasions, we always talk about a whole-of-government approach, that we have to bring all of our resources to bear in order to thwart this -- this threat.

And yet, oftentimes, we operate in silos. Different agencies are doing their own thing, and there isn't any kind of communication between them.

And so there's been a pretty concerted effort to try to harmonize the responsibilities as well as understand those whole-of-government capabilities that may exist across the -- the breadth of government.

And I know that DHS, along with a number of other civilian and military entities, have certainly made some significant progress in this area.

But we also need to have leadership from the White House to make sure that this actually happens, and that's why I was disappointed to hear reports that National Security Advisor John Bolton is considering eliminating the White House cyber coordinator position within the -- the White House.

What impact would this change in leadership have, do you think, on the -- the national cyber mission?

NIELSEN: So I have not had a conversation with Ambassador Bolton about that particular issue.

What I would suggest, at least from a DHS perspective, we have strengthened all of our relationships with the silos that you referenced, to make sure that we're bringing all to bear.

Not just through a sharing of capacity and capabilities, but clarifying and re-clarifying our roles and responsibilities from policy efforts.

So your underlying point is valid. It's top-of-mind for me because no one entity has all of the authorities, capability and capacity to address this. So we have to bring everything we have to bear.

Within DHS, I find that we have pockets of excellence within the Secret Service, within ICE, within the Coast Guard, within TSA and, of course within NPPD. So we're trying to knit all that together so that we have best-in-class services, sort of that collective of -- collective defense model.



PETERS: So you mentioned, you weren't aware of this -- this -- or -- statement that John Bolton made. Could you tell me a little bit about the kind of coordination that goes on between DHS, cyber leadership and the White House, in relation to cyber-security? Is there ongoing communication coordination?

NIELSEN: Since Ambassador Bolton has come to the job, he and I speak regularly. We spoke over the weekend about events that were emerging in Tennessee, for example, and the alleged cyber-attack.

So we continue to -- to work together, if there are any issues that we ever have, that we need to raise to their attention, we do so.

We are working hand-in-glove on the National Cyber Security Strategy. We released the DHS cyber security strategy today. We did that in close coordination with NSC.

PETERS: It's been reported that the -- the United States may see increased cyber-attacks from Iran in the coming weeks and months. Has the department seen an increase in Iranian cyber-attacks in the past week?

NIELSEN: We have not, but we are looking. We have something that -- a posture that we call "shields up." We're in close coordination with state and local governments, private sector, critical infrastructure owners and operators and the intel community, constantly asking and assessing to see if we see any uptick in -- in activity.

PETERS: So you're anticipating it may be a -- a reality?

NIELSEN: We're anticipating it's a possibility; and, therefore, we will be prepared.

PETERS: I would discuss the northern border, pickup on Senator Heitkamp, coming from a northern border up in Michigan. We have two of the nation's border crossings in Michigan, one up in Port Huron with Canada and Sanria, and down in Detroit. We have had a number of issues in terms of staffing and capacity.

Those border crossings are particularly important from an economic standpoint, and I know the difficult balancing act that the -- the department has to -- to keep us safe by -- at the same time, making sure that commerce moves efficiently across those borders. Right now, we are in the process of building a second bridge in the Detroit-Windsor, which is one of the top crossings in the country, in North America, the Gordie Howe Bridge

In fact, it's been funded by the Canadian Government, but looking from resources from the United States to make sure that our customs plaza is fully funded. Now, do I have your commitment that that will be fully funded and properly staffed so that we can achieve that twin goal of keeping us safe, while -- while at the same time allowing commerce to move efficiently across that border?

NIELSEN: Yes, we would like to facilitate legal trade and travel, as you know. I'm not as familiar with this, but, yes. We would want to make sure that it allows legal trade and travel and facilitates that.

PETERS: Well, I would like to have a further discussion with you...

NIELSEN: Happy to.

PETERS: ... Or your staff as well. This is a critical issue for us. And I can appreciate you may not be fully up to speed on this particular one, but it's one that I think we need to pursue and I'd love to have that conversation.

And it goes, actually, with the other border crossing which is the Blue Water Bridge, which is between Sarnia and Port Huron. Now, that's a border crossing that needs to be expanded. In fact, the government came in and condemned a number of houses with eminent domain, cleared out

land because of a customs expansion that should have taken place years ago. It still has not occurred.

It's an incredibly problematic situation to say the least, for the city of Port Huron. And it's a piece of critical infrastructure. Do you have any idea when that plaza will be completed and -- and is that something that you're prepared to talk about today?

NIELSEN: No, but we'll get you an answer this week.

PETERS: Well, I would appreciate that as well, we'll follow-up. And the -- the other final piece of major infrastructure in Michigan is the Soo Locks, which are -- connect Lake Superior with the rest of the Great Lakes system.

DHS reported in 2016 that if the Poe Lock -- which is the major lock that can allow the large freighters to move through there. If anything happens to that lock, within a matter of weeks the entire U.S. economy would go into a recession. You would have production facilities shut down, factories, mines, auto parts would have difficulty being constructed. So, it certainly fits the definition of -- of critical infrastructure in -- in no uncertain terms.

Now, we had President Trump in our state recently, who's made a statement that we're going to fix the Soo Locks, we're going to construct the additional lock that we've been looking for, for some time. Could you give us an update on that?

NIELSEN: Sure. So we -- what we've done at DHS is look at the modeling, because as you say, it's a concentrated point of dependency and some might even argue it's a single point of failure when it comes to trade. So we're doing the modeling and then we're also working with our counterparts in commerce, the Council of Economic Advisers at the White House, to make sure that we understand all of the consequences.

It is critical infrastructure. We treat it as such. So we're continuing that voluntary relationship to make sure that we have the redundancy and resiliency built in, but happy to come give you a more detailed brief about what specifically we're doing.

PETERS: Well, I would like to -- a brief on what has happened since the president's statement. We have the -- the report from DHS, which clearly states that it's critical infrastructure...

NIELSEN: Yes.

PETERS: ... That could lead to a recession. The Army Corps of Engineers are finishing a study that we expect to see shortly, that will also come to what I believe will be a similar conclusion. But it's something that we need to focus on and look forward to meeting with your folks to talk further about it.

NIELSEN: Thank you.

JOHNSON: I agree, Senator Peters, on that one. Senator Portman.

PORTMAN: Thank you, Mr. Chairman. And, Secretary Nielsen, thank you for...

NIELSEN: Good afternoon.

PORTMAN: ... Being here today and for being here at a critical time. You're in the process of putting your own imprint on a massive organization that was created by Congress some 16 years ago, and has never been reauthorized since. And I appreciate the fact, Mr. Chairman, that you and the Ranking Member Senator McCaskill have worked hard on a authorization bill, again, for the first time in almost two decades. It's -- it's overdue in my view, and I think there's a lot of positive things in that bill.

So, we appreciate you working with us. I asked you earlier today in a conversation, what you thought about it. And I think you're generally supportive of it.

NIELSEN: Yes, sir.



PORTMAN: And I hope you'll work with the chair and ranking member to get that not just to the Senate floor for a vote, but to get that signed into law. There are a number of provisions in that bill that I feel strongly about; one is some of my provisions to strengthen security for nonprofit institutions, focusing research on some emerging threats as was talked earlier in the cyber-security space, also in chemical weapons as well as some important requirements to combat the illicit opiates -- opioids that are coming into our country.

You know, we here in my state of Ohio have had epidemic levels of opioid addiction, and overdoses and deaths, starting with prescription drugs and heroine. And now, it's this synthetic heroine or synthetic opioids, including fentanyl, carfentanil and others.

And it's now the big problem. I mean, we had 60 percent of the people who died in Ohio last year, our worst year ever, died because of fentanyl. Locally in Columbus, Ohio, they just issued a report from that county, Franklin Country, that two-thirds of their deaths last year were attributable to fentanyl.

It's coming in through the U.S. mail system, primarily. That's what all the experts say, including testimony before this committee and before our Permanent Subcommittee Investigations. So, our own United States mail system is providing the conduit for this poison. It's not coming over land, from Mexico as -- as heroine was. It's -- at least the vast majority of it is not.

Most of it is coming from China. We know where it's coming from. We know how it's coming. And we know that the Post Office, unbelievably, does not require the same information on packages as other private carriers have to in order for law enforcement to identify those packages.

So, the Post Office has about 900 million packages a year, by far the most; more than FedEx, UPS, DHL combined. Again, those private carriers have to give law enforcement, including your good folks at Customs and Border Protection, the information. They can then find these packages that are suspect, where it's from, what's in it, where it's going. The Post Office, for the most part, doesn't have that because we do not have a requirement on them.

The requirement was put in place on the other carriers right after 9/11. And the thought was that the Post Office would do it also, because we required that they do a study of it. They said it would take them some time, it's been 16 years and they're still studying it.

So our legislation that many members of this committee have strongly supported -- I see Senator Hassan here, for instance, she's been a big advocate of this as have others -- is just to say, let's make the Post Office, also, give your people what they say they need. And they've testified before us here that they need it and need it badly.

Senator Carper, who was here earlier, and I conducted a year-long investigation into this issue through the Permanent Subcommittee Investigations. We were able, by using some undercover folks from your department -- thank you for lending them to us -- to find out some really shocking news, which is that people are selling this stuff online freely, not worried about the enforcement side. And saying, if you send it through the Post Office, it's guaranteed; if you send it through a private carrier, it's not.

And, bottom line is, you know, in this authorization legislation we have some good things about helping with regard to working with the Chinese government, to information sharing. But the central issue here, the real gap in our defenses against this drug coming in is the delivery method. So, I hope you'll work with us.

What your people will tell you is it's like finding a needle in a haystack if you don't have this information. If you have it, at least you have a fighting chance of both stopping some of this poison from coming in that is the most powerful, potent drug ever, 15 times more powerful than



heroin, but also increasing the price of the drug just by reducing some of that supply. Because one of our problems right now, in my state and others, is the fact that this is not only readily available, it's relatively inexpensive.

You're aware about the legislation because we've talked about it, the STOP Act. You're aware of the fact that we are trying very hard to get this through the process right now, not just this committee which has done, I think, a very good job on doing the research, but -- the committee of jurisdiction. I guess, my question to you would be are you willing to help us to get this done? And, in particular, we've heard rumors that the House may move on something that is a watered down version. They by the way have 270 co-sponsors of our bill and yet the committee there, Ways and Means Committee apparently is talking about giving the Post Office more time to do this. Not having a requirement, ultimately, because there'd be no penalties associated with it. I guess, I would ask you, are you willing to work with us and stick with us to insure that we can require the Post Office to provide this information to your law enforcement folks so we can stop more of this deadly poison from coming in?

NIELSEN: Yes, absolutely. You have my commitment and I know, as you know, you have that of Commissioner McAleenan as well.

PORTMAN: Yes, the commissioner's been great in -- as acting and now as commissioner, we appreciate it. Well, I thank you. We want to work with you on it. With regard to the H-2B Visa program, let me just read you one e-mail that I got this week -- last week actually now, from a landscaper in Ohio. You know, I've talked briefly about this issue.

He says, Rob, we've got \$8,000 in revenue per day. We are not able to capture -- or \$250,000 a month. We will close \$2 million under our budget for the year which means we will lose close to \$ 1 million this year. This is a small landscaper. This is just because he cannot rely the labor force that he has relied on in the past.

Can you just tell us briefly what your commitment is? You and I've talked about this with regard to the H-2B rule, getting a 301B (ph). And then, what you think ought to be done in terms of legislative visa cap?

NIELSEN: Yes. The difficulty with the reg process is it's the reg process, I'll just be honest. We go as fast as we can, but the APA requires us to do certain things that takes awhile.

What we've tried to do is mimic the rule from last summer so that it can go as quickly as possible. The more changes, if we had made them to that underlying reg, longer it would take. And I completely understand that time is of the essence.

So what we chose to do is do something as quickly as we can under the APA. What I had mentioned to you earlier, and I mentioned earlier in testimony, was that the best way to fix this - the best way to fix this is to take all of the information that the members have which I'm gathering.

Everyone I've talked to, and you as well, I said please give me examples of companies that are going out of business because of either the problems with the seasonality or because there's not enough. To package it up, give it back and just put it in law. That will give the companies predictability.

They'll understand how many visas will be available and they'll understand when. Right now, as you know, it's tied to the appropriations process, which it's anyone's guess when we can get that through. So it's very difficult on businesses.

PORTMAN: Well, I would agree with your approach. My time is coming to an end, just to say that meanwhile right now we need -- we need relief. And then, finally, with regard unaccompanied kids, I don't have time to go into it.



But we have information now from you all as of 10 days ago, that on July 30, you will have a new deadline to deliver the joint concept of operations which we really need, both for the sake of these kids not to be trafficked or abused but also to be sure, as Senator McCaskill said, these kids actually show up at their court proceedings. And that's not happening now for a lot of kids. So the Memorandum Agreement's good. We want to get this joint operations concept in place in order to insure these kids are protected. Thank you, Mr. Chairman.

JOHNSON: Thanks, Senator Portman. Before I go into the second round of questions I just have -- I kind of want to walk through -- I will, by the way, reinforce what Senator Portman talked about the HB -- H2-B Visas. There's not one manufacturing plant in Wisconsin, not one dairy farm, not one resort that can hire enough people. So that really is a pressing need and I understand the problems you have with the rules and regulations.

I do want to give you the opportunity. I just put my UAC chart up there that, again, I think kind of shows that DACA sparked it. But I want you to go through three different examples and talk about the laws that you have to follow. That, in the case of UACs result in only three and a half percent being returned, which, again, from my stand point, when you come and you get to stay, that's a huge incentive for more to come.

But I want you to cover an example of UAC. I want you -- family units, and then an adult that claims credible fear. All under the backdrop, according to my calculations and this is an estimate, since 2013 about 750,000 unaccompanied children and a parent and one child, in terms of numbers we have, have entered this country illegally, and most of them are still probably in this country. But just -- just go through exactly what is the process? UAC show up and let's say they do it legally.

NIELSEN: Sure. So, a UAC, if they're unaccompanied we -- they come and they're put -- OK, let me back up.

JOHNSON: And, again, I want the laws or the precedence that actually...

NIELSEN: I understand.

JOHNSON: ... Force you to do what you do.

NIELSEN: So if they are Mexican children of Mexican origin, we can put them into expedited removal if they have no legal reason to be here. So that means they haven't claimed asylum, they don't have a legal visa, and they're not part of the legal immigration system. If they are other than Mexican which is the phrase in the law, so that's normally we talk about the northern triangle country. We do not put them in expedited removal.

In any case, we only keep the child for 48 hours. After 48 hours, we turn them over to HHS. We now have this process by which will help HHS vet the sponsors to help place the child in a safe place and safe care.

So that's the UACs. The UACs, though, important to know that overall under current court cases, we can only hold UACs for 20 days, which does quite a few things. It puts a lot of pressure, time pressure, on making sure that we find as a community, a suitable sponsor. But it also serves as a tremendous pull factor because they will only be apprehended for 20 days, even if there's no valid reason to be here.

JOHNSON: Can -- just quick talk about the laws, the legal precedents that force you -- you've got to give -- DHS has to give up an unaccompanied child within 48 hours to HHS. And then HHS can only hold them for 20 days.

NIELSEN: Yes, sir. That's under the Flores Settlement. It's a combination of the Flores Settlement and the Trafficking Act. The Trafficking Act is, in part, why we give them over to HHS.

JOHNSON: OK. Now, family units.

NIELSEN. So family units, they come if they are claiming asylum. We do all we can to keep them as a family as they go through the process, I mentioned earlier. Sometimes they're detained if we don't believe they're a risk, on a case-by-case basis, we do other methods such as, you know, we have alternatives to the detention process.

The difficulty there is the backlog. So we have a 600,000 person backlog. We've had an increase of 1,700 percent in asylum claims over the last -- you know, 10, 15 years. So, what that means as they go through the system is 80 percent of the people coming in past that initial credible fear. But only 20 percent are actually granted asylum by a judge. So our concern is that there's just a lot of fraud. It doesn't mean that you made a fraudulent claim, it could just mean that you believe that you can seek asylum, for example, for family reunification. But our laws don't allow you to seek asylum for the sole purpose of family reunification.

JOHNSON: But of the family units that have come here since 2013, how many have been returned because they don't qualify for asylum?

NIELSEN: Again, if they're with the children, we have to release the children. So that often means we release the parents as well and almost (inaudible) --

JOHNSON: So -- so -- so, a vast majority are still in this country?

NIELSEN: Yes, sir.

JOHNSON: OK, so now an adult with credible fear?

NIELSEN: So an adult with credible fear we process - well it's interesting. We have ongoing litigation that prevents us in some cases from detaining them; in some cases we must - must let them go on parole. There are certain exceptions to that but we do not have the ability to detain until we can process them and determine if they need to be removed.

They claim asylum, they go into the asylum bucket. Again, the problem with the asylum bucket is the backlog and it's very heavily abused by those who actually do not seek asylum there by putting those who need asylum in jeopardy of not receiving it in a timely manner.

JOHNSON: OK, thank you. Senator McCaskill.

MCCASKILL: (off mic)

First of all, I - I think you are really working hard at trying to address some of the shortcomings of these children and I - I - oversight sometimes is unpleasant but it doesn't mean that any of us up here don't respect how difficult your job is.

I am really worried about a case involving a whistleblower at TSA. And what is really upsetting to me about this particular case as you know there's been a lot of coverage about morale at TSA and problems of drugs and drinking and inappropriate behavior.

This is an actual complaint that was investigated by the office of the Inspector General at Homeland Security. And this activity predated you so I want to be clear about that. But following this investigation by the I.G. four charges were brought against an SES employee including poor judgment for maintaining an inappropriate relationship; basically lying about an intimate and sexual relationship during the investigation; inappropriate conduct by violating hiring practices and there's more details there; unprofessional conduct by forwarding an email to a subordinate employee in which he referred to an assistant administrator in inappropriate language I won't use in this hearing.

So what was really most concerning about this OIG report and I've got the report here and I'd like to make it a part of the record just so we have it. Mr. Chairman, if there's without objection I hope.

JOHNSON: Without objection.



MCCASKILL: But what is really scary about this review is that they found a series of deviations from standard policy in terms of how this was handled. Allowing the employee to receive unusually favorably treatment and as know one of the biggest problems you have with morale is the rules have to apply to everybody. OIG specifically identified three members of senior leadership at TSA that interfered with the disciplinary process in a way that promoted favoritism. This was the Deputy Administrator, the Former Assistant Administrator of the Office of Personal -- Professional Responsibility and the current Chief Counsel.

So imagine my surprise when I find out that we're working on this and who is in charge, the Chief Counsel, and by the way the table of penalties required this SES be removed according to the Table of Penalties at TSA.

Instead, they offered a suspension, permitted the employee to continue to receive the same salary that he was receiving the ranking -- excuse me, the Chairman of this committee and I have sent a letter to you in February asking about what disciplinary actions have been taken against the senior leadership that interfered in the disciplinary process involving a complaint by a whistleblower that has been investigated by the I.G. and found to be valid.

And I'm particularly worried that we put the fox in charge of the henhouse if this Chief Counsel, that was part of the problem is cited in this report is in fact the one that is supposedly now helping making sure this does not happen again. So you're welcome to take this for the record Secretary if you have an answer today, but this is why you have bad morale.

NIELSON: I -- I would like to get into more detail and on the record - or excuse me - to take and return to get back to you. But let me just say this, whistleblowers need to be protected. Period. The I.G. needs to be listened to. The I.G. serves an extraordinarily important function, particularly at a department the size of DHS.

I would say that if the policy is such that a person who is part of the complaint is then put in charge of rectifying the situation that's wholly inappropriate, I will for sure look into that. You're right, that's - that's not acceptable. And accountability, you've heard me say it many times before. The vast majority of people, men and women who work at DHS are dedicated professionals. When something like this occurs, we need to all hold them accountable as a community; it's as simple and as complicated as that. It needs to be done. I'm not as familiar with the particular one but I can guarantee you I will look into it and get back to you.

MCCASKILL: I would love that and I - I should just tell you that this staff, this committee has been talking to a number of whistleblowers from the federal marshal program. Did I say TSA? I didn't mean TSA. It's the federal marshal program.

NIELSEN: Oh, I see, OK.

MCCASKILL: If I said the wrong thing. These are all the air marshals and there is - you got trouble there. is inequities that are occurring, there is favoritism that's occurring, there is abusive behavior that is occurring, and we have got a string of whistleblowers that have been coming to us about various problems.

So if you get back to us specifically on this case involving an investigation by the Inspector General as it relates to the Federal Air Marshal Program and I -- I would like your take on now that you have been there a short period of time, but nonetheless long enough, I would like what your view is of the Federal Air Marshal Program and whether or not it is being utilized effectively and whether or not we are putting marshals on the right flights? Are we putting marshals on too many flights? You know I have always questioned some of the procedures because you know flying back and forth to D.C. on commercial airlines as often as I do for many years, it was really obvious to the marshals were.

They were the two guys in jeans that got on first. You know and so if there was some effort to, you know, have them intermingle and be effective at detecting and shutting down, it was like OK everybody is standing in line at Southwest all of us that were waiting to be herded on standing by our station.

"Well, there goes marshals. They're going to load us pretty soon," and then I would say something, "Have the marshals gone on yet?" And everybody would look at me like I said a dirty word, oh what? "What are you talking about," like it was some secret. So it just has always worried me that we are not staying on top of what is the most effective way for us to put security in the air and I would love your take on that from your view as the Secretary of Homeland Security.

NIELSEN: Yes, I -- I appreciate that. I -- what we're in the process of doing with the Administrator right now is actually looking at that full program. You know, how should it work, does it make sense, is the modeling right? The example that you are using is at least as I understand it was a procedure under the belief that deterrence was the most important. So to some extent if the marshals were obvious as to who they were there would be a deterrent value...

MCCASKILL: Shouldn't they have been in uniforms then?

NIELSEN: So I'm not disagreeing, I'm just explaining...

MCCASKILL: Yes.

NIELSEN: as I...

MCCASKILL: Yes.

NIELSEN: ...understand it.

MCCASKILL: Yes.

NIELSON: But your point is valid, which is as long as we're resourcing this way, we want it to be effective. So we -- the Administrator and I are happy to come to talk to you about our initial findings and what we're looking at that yes. But yes, it needs to be looked at from soup to nuts to make sure that it's effective, yes.

MCCASKILL: And we'll be glad in the appropriate time to share with you some of the whistleblower investigations that are ongoing.

But I would like your specific response to that I.G. investigation where people in the highest levels of management were skewing the process in favor of somebody that was SES as opposed to someone who had been abused.

JOHNSON: Senator Hassan.

HASSAN: Thank you very much, and again good afternoon, Secretary. I wanted to touch on homegrown terrorism for a minute and our efforts to prevent it. According to the president's budget request, the Office of Terrorism Prevention Partnerships currently is staffed by 12 people. Its predecessor office - the Office of Community Partnerships had 16 positions. And through a reprogramming of appropriations requested by then Secretary Johnson was able to use support staff to build an outreach team that could build relationships with community groups, with civic leaders and law enforcement throughout the country.

According to the budget request for fiscal year '19, the Office of Terrorism Prevention Partnerships is quote dedicated to the mission of countering violent extremism and the building of community partners necessary to support countering violent extremism efforts, that's the quote.



So given that the budget and personnel for this office is smaller, but the overall mission is still the same, it would seem that this office would be hard pressed to build partnerships across the country with no field staff. Has DHS budgeted for field staff for this office?

NIELSEN: There is some field staff, I'm happy to get you the specific numbers. Just more broadly very quickly, what we've done is we've put the office within the larger Office of Public Engagement. So we've actually first multiplied --

HASSAN: Right.

NIELSEN: -- the office, if you will, to make sure that we do as a whole group, as a whole part of DHS, look to build those community relationships.

HASSAN: OK, well I'd love to have our offices follow-up and get full information about that. And as a follow-up to that, DHS co-leads the Interagency Task Force on counter and violent extremism along with the Justice Department.

The task force was created to help coordinate the government's ability to tackle homegrown terrorism. In 2015, this task force was staffed by representatives from 11 different departments. Can you tell me how many different federal agencies currently provide staff to this Interagency Task Force?

NIELSEN: I do not know the specific number, but happy to get back to you this week.

HASSAN: OK, I would appreciate that greatly, because obviously -- especially when it comes to homegrown terrorism. The name of the game is coordination and communication among agencies --

NIELSEN: Absolutely.

HASSAN: -- and with local authorities and state authorities. I also wanted to touch on a New Hampshire specific issue. In my state, we have a significant Indonesian community, many of whom came to New Hampshire fleeing religious persecution against Christians in Indonesia. They have become members of the community, they have worked jobs and paid taxes. And they have raised their families in the sea coast area of New Hampshire.

Now after many years of them living in this country, the Department of Homeland Security has prioritized them for deportation, a decision that could put their lives at risk if they return to a country where violence against religious minorities remains a serious issue.

Last week, you publicly pledged to my fellow New Hampshire Senator Jeanne Shaheen that you'd take another look at this issue. When you went back and looked again at this issue, what did you find? Have you asked immigration and customs enforcement to review and reconsider their efforts to deport members of this community?

NIELSEN: We have asked them to review it. On the face of it, we don't have an instance. I'd love to work with both of you to get some additional facts. We don't have an instance that they have moved in any way from prioritization.

Again, our prioritization as you know, is criminals. We don't prioritize groups, nationalities, religious groups. So yes, we're looking in it. We're particularly concerned, as you know, given the recent terrorist events in Indonesia against Christians, Catholics in particular case.

HASSAN: And let me just be clear that these are people who regularly went in for their check ins at ICE on a regular basis and all of a sudden last year they got tickets, leave, and if it weren't for a federal district court telling your department that they could not deport these people, they would be deported.

So if there was a read (ph) -- and these people are not criminals, so there was some level of new prioritization there that has put this community at risk and I think there is a strong feeling in New Hampshire, and I'm -- I'm glad to hear your response that we need to get some

predictability and sustainability here for these people and they really do face persecution back home.

And so we'd love to work with you on that, and it would be really good if you could make a commitment to finalize an answer on that in the near term.

NIELSEN: Yes -- yes ma'am.

HASSAN: OK, thank you. Lastly, I know there's been a lot of discussion while I was at another hearing on the issue of not only unaccompanied minors but families with minor children. I'll just add my support to the line of questioning you heard from members of the committee about our concerns about this when we had a hearing just a couple of weeks ago about the handling of minors, especially as they to sponsors -- sponsor families and the like.

It was very clear that the department does not -- neither DHS or HHS, they don't coordinate at all with local authorities and with the states as we look at how we're going to address the needs of children generally who come to this country and are unaccompanied or separated from their families.

And I don't support the separation of children from their families, I'll add my comments in support of what you heard from my colleagues on that issue. But if children are placed away from their families, I think it's imperative that the department and HHS work with the states. States have interstate compacts about how to protect children who aren't with their families, it's important for local school districts for instance to know to expect these children at school, not only for the local school district's planning purposes, but so that if these kids don't show up, there's somebody somewhere who knows to go look for them and find out what's happened to them.

So I just think, you know, to -- to echo what you've heard from both sides of the aisle this afternoon, we need to see planning and we need to see a better system for addressing the needs of children who come to this country. Thank you.

JOHNSON: Senator Harris.

HARRIS: Thank you. Secretary Nielsen, how many children have been separated from their parents at ports of entry since January of 2017?

NIELSEN: So I understand you've referenced 700 before, which I believe was an HHS number. Our figures are not the same as theirs, but we're happy to come give you our numbers and explain why they differ.

HARRIS: OK, great and can you submit that by the end of next week with the other information? And do you know --

MCCASKILL: Could you share that with the committee? I think that's something --

NIELSEN: Of course.

MCCASKILL: -- if you guys have different numbers of children, that's something that just on its face is rather alarming. So I'd like to figure out why.

NIELSEN: Yes, I think it's in part because when HHS does the interview, they don't ask the child why they're unaccompanied. So their numbers are different than ours if you're asking at the border for example.

So it's -- it's not necessarily that they conflict, it's just they're asking different questions, but yes of course we'll provide you (inaudible) explaining you (ph) that.

HARRIS: OK and -- and again, I've asked these questions of Undersecretary McHamot (ph) before, so perhaps everyone's working on it and I would expect that we should get it by the end of next week.



And can you also give us information about what the average length of separation has been between those children and their parents, and that would be -- those -- that number that you are now going to bring to us.

NIELSEN: OK.

HARRIS: And also what timelines, in terms of the policy that you have, exists to establish a parental relationship or to reunify families? I'm hoping and will assume that your protocols would have such a goal in mind or at least a timeframe.

NIELSEN: Yes, ma'am, they do. Part of it is a voluntary DNA test, if it's a family member. The concern that I have with that, and we do offer that, but the concern of course is you could still have a custodial relationship and not be a blood relative.

So it's not dispositive to an appropriate custodian. But yes, of course that is our goal.

HARRIS: And then as it relates to the number of children who have been separated from their parents at points of entry, again I would like also for the committee, information on how many of those cases resulted in trafficking charges.

In regarding detention conditions, Secretary, are you aware that multiple federal oversight bodies, such as the OIG and the JAO have documented medical negligence of immigrants in the detention system in particular, that ICE has reported 170 deaths in their custody since 2003? Are you familiar with that?

NIELSEN: No, ma'am.

HARRIS: Are you aware that they also found that pregnant women in particular receive insufficient medical attention while in custody, resulting in dehydration and even miscarriages?

NIELSEN: I do not believe that is a current assessment of our detention facilities.

HARRIS: OK, can you please submit to this committee a current assessment on that point.

NIELSEN: Yes, I'm happy to. So we provide neonatal care, we do pregnancy screening from ages 15 to 56. We provide outside specialists should you seek it. We do not detain any women past their third trimester, once they enter the third trimester, we provide them separate housing. So yes, we're happy to detail all of the things we do to take good care of them.

HARRIS: And did you submit that to the OIG in response to the findings?

NIELSEN: We have been in -- yes, of course, working in conjunction with the OIG. I'm not sure exactly what the date is of the OIG report that you're referencing, but I will look into it after this.

HARRIS: And then also between fiscal year '12 and March of 2018, it's our understanding -- before I go on, the OIG report is from December of this past year, 2017, so it's very recent, five months ago.

Also between FY12 and March 2018, ICE received, according to these reports, 1,448 allegations of sexual abuse in detention facilities, and only a small percent of these claims have been investigated by DHS -- OIG. Are you familiar with that?

NIELSEN: I'm not familiar with that number, no.

HARRIS: OK, can you please provide to this committee an analysis of what is going on and what plan you have to investigate those cases of sexual abuse and what is the protocol in place in terms of what is being done to allow the victim to be in a safe place during and pending any investigation, what kind of services are these victims getting in terms of treating their trauma, much less any medical attention they may need as a result of what might be the sexual abuse?

NIELSEN: I will. What I have done is I've talked to the International Committee of the Red Cross and I had them visit some of our detention facilities. I'm sure they would be happy to come brief you on that, but their determination is that based on nothing but appropriate

detention, and in fact, much better detention that they, in their experience, have seen in other areas.

HARRIS: I'm sorry, is this in response to the concern that you have received 1,448 allegations of sexual abuse in detention facilities?

NIELSEN: No, ma'am. This is in response to my wanting to ensure that the detention centers are taking appropriate care of anybody who is detained.

HARRIS: OK, well obviously sexual abuse would not fall in that category.

NIELSEN: It would not. I guess what I'm saying is that just happened. I don't know when these results are that you're talking about. So I will look into them, of course.

HARRIS: FY12 through March of 2018 this year.

NIELSEN: We will look into it.

HARRIS: Thank you.

And regarding your treatment in the facilities of pregnant women; on December 14, again in this report, ICE issued a new directive that terminated a previous policy of presumptive release for pregnant women which were apprehended or transferred to ICE.

ICE adopted a policy for a presumption of release in August of 2016 in recognition of the clear health risks that detaining pregnant women in jail-like conditions pose.

I was alarmed frankly, Secretary, by your statement to Senator Murray before the Senate Appropriations Committee last Tuesday, that pregnant women in ICE detention were receiving quote, "much better care than when they're living in the shadows."

So, are you aware that this statement contradicts the views of the American College of Obstetricians and Gynecologists, the American Academy of Family Physicians and the American Academy of Pediatricians, who have all criticized the harmful affects of immigration detention on the medical and mental health of pregnant women?

NIELSEN: What I do know is that if you cross between points of entry, you will be detained and prosecuted. I also know that of the only 35 people that we have currently in detention who are pregnant, 33 are statutorily required to be detained. I also know that we go above and beyond to provide them adequate healthcare.

The questioning was whether or not they received adequate healthcare. I was saying yes they do, and it's paid for. So if they are coming here and they're fleeing persecution, and they don't have adequate funds and they're trying to get equivalent care in the shadows, it was my discussion that we were providing care within the detention centers.

HARRIS: So is it your intention to continue with ending a program that allowed for presumptive release for pregnant women?

NIELSEN: If you're in your third trimester you will be released. But if you break the law you will be detained.

HARRIS: So when in the third trimester exactly? How many weeks?

NIELSEN: When it begins. When it begins.

HARRIS: At the beginning of the third trimester?

NIELSEN: Yes, ma'am.

HARRIS: And is there a directive that has gone out?

NIELSEN: Yes.

HARRIS: Will you supply the committee, please, with a copy of it (ph)?

NIELSEN: Yes, it's the same policy we've always had. The only thing we are doing now is we are no longer exempting classes of people from the law. If you break the law, you will be prosecuted.



HARRIS: Thank you.

JOHNSON: As long as we're talking about UAC still, is there any -- and you're going to be providing some data. I've just got a couple requests. In terms of family units, the best numbers I can come up with since 2013, about 225,000 family units. You just take the minimum one child. That's basically 450,000 additional individuals.

If you're -- you're saying about 700 are -- we've seen separations of parents from -- exempt from 2013? Or is that just currently in detention?

NIELSEN: That's -- I believe the HHS number was a year long number.

JOHNSON: A year? OK. So, yes, I kind of just liked all that data together. As long as you're also providing that, I'd like to know which of those separations are due because you simply aren't aware, is that really the parent?

NIELSEN: Understood.

JOHNSON: Is there some -- is there some question? So you're really taking that step to protect the child so we're not dealing with a human trafficking situation.

We had a whistle blower in May of 2017. Referred to him, I think it's in 2014, 18 self admitted MS-13 members were apprehended and just released. At that PSI hearing, I brought some more information. I don't have it right here. But it was actually a rather alarming number of MS-13 members that had been captured and some of them had been deported. Do you have -- DHS, are you keeping more accurate figures on MS-13?

NIELSEN: Yes, we are in conjunction with the Department of Justice. One of the other loopholes that I would just mention quickly is a court case called Zadvydas. Zadvydas requires us to release criminal aliens back into the communities after six months, if their country's not willing to take them back. Many countries, such as China, Cuba, are not willing to take them back. The criminals go back into the community. We had 1700 of these last year.

JOHNSON: OK, I was going -- so that was last year. Do you have that information going back a number of years?

NIELSEN: I'm happy to.

JOHNSON: OK, I'd like that type of data.

Working on the peace legislation, in terms of authorities on unidentified aircraft systems, this is a really complex issue. It really is. And I guess I'd just kind of like to give you the ability to just kind of describe the complexity of it, where you are constrained.

I mean, I think we are so far behind the curve on this thing, as these drones have become far more prevalent and are a real danger. And they're being used in the battlefield and they're dropping -- again, I really don't want to put any ideas in people's head.

But can you just talk about what you want to do in working with DHS? I was trying to at least get a discussion -- kind of a more robust response. And again, I realize there are jurisdictional issues, that type of thing.

I just want to have you talk a little bit more of the complexities of the issue and baseline what you're asking for in terms of authority, what you absolutely need?

NIELSEN: Sure. So right now we do not have the ability to interdict or monitor, or actually in some cases identify in a traditional sense. The Department of Defense has such authorities.

So what we have done is we've mimicked our request, and then the bill this committee's introduced -- oh, go ahead.

JOHNSON: So real quick, what is the department -- you know -- name the facilities the Department of Defense has? Is it just around their facilities? I mean what -- how limited is their

...



NIELSEN: Theirs is limited as well, yes. So I wouldn't say all of their -- I defer to the Department of Defense, of course. But it doesn't cover all of their facilities. So it's very specific and limited cases, yes.

JOHNSON: So we have sports stadiums and we have a number of venues that simply have -- there's no authority whatsoever; not local, not state, not federal?

NIELSEN: Correct.

JOHNSON: OK.

NIELSEN: So it's soft targets, is a big concern, and then of course the border. So we're already seeing them being used. I also don't want to put any ideas in people's minds, but we're already being -- we already see them being used in various ways on the border.

JOHNSON: The Department of Energy has some authority as well?

NIELSEN: The Department of Energy does. DHS and DOJ are the two departments that are currently lacking any authority.

In terms of what we're doing, you're right, we have -- because we lack authority we have limitations on testing. We have limitations on research and development. We have limitations on purchasing and using. The authority that would be in the bill that you both have introduced would go a very long way in helping us to get on top of this threat.

JOHNSON: The more I continue to work with you I think this is absolutely crucial.

MCCASKILL: I just need to correct something for the record. In the section of my book, I had a whole section on the morale and whistle blower issues at the federal martial's (inaudible).

Then I had a separate section on the IG report where there was problems with an SES employee that was manipulated by senior management. That was TSA.

NIELSEN: OK, thank you.

MCCASKILL: So, I wanted to make sure ...

NIELSEN: Appreciate it.

MCCASKILL: ... we didn't close the hearing without me explaining that I was -- I got them conflated as we were talking about it. I wanted to clarify that before we closed out the hearing.

JOHNSON: OK, not a problem.

Let's quick turn to election security; we've held a briefing on this. We've certainly talked about this in other venues during other hearings as well.

From my standpoint, there are three areas that are at risk. It's affecting the voter tally -- I mean the actual vote. And then you also have affecting the voter file.

And then, finally, just because of the disruption, the public not having faith that it was a legitimate election.

It's my understanding -- I just -- first of all, that the department has all the authorities you believe you need to address all three. Is that correct?

NIELSEN: Yes. Yes, that's correct.

JOHNSON: Voter tallies, because elections machines are not tied into the internet, although there are some with Wi-Fi that (ph) are disabled, but...

NIELSEN: Right. Our best practice that we recommend is, "Do not connect to the internet..." (CROSSTALK)

JOHNSON: And then they just -- they really aren't. Unless it's done through nefarious means or something, correct?

NIELSEN: Yes.

JOHNSON: So it'd be really very difficult to change the vote tally for an outside actor through a cyber-attack or something, to actually change the vote tally. Is that your understanding?

NIELSEN: That is my understanding. I think what is more likely is the counter-influence question. You know, would they change the minds of Americans through propaganda and -- et cetera? So that's something the FBI has lead on, we're (ph) working (ph) with (ph) them (ph).

(CROSSTALK)

JOHNSON: That'd -- that'd be the Facebook, where they're...

(CROSSTALK)

NIELSEN: Yes. Yes, sir.

JOHNSON: ... OK. Basically illegally campaigning. Voter files, that's a concern. But, again, we have different controls and things in place that -- we know that. It'd be disruptive in election, and then that would turn into, "Is this a legitimate election?"

NIELSEN: What we recommend there is redundancy. So if you have -- if you don't use a paper ballot, then make sure that you have an audit function.

So at the end of the day, we can all assure ourselves that Americans have voted and their voted -- vote counts, and is counted correctly.

JOHNSON: One of the reasons I'm pointing this out and then I'll -- I'll be finished, is I think that the biggest threat, really, is just the public perception, is this a legitimate election.

And if we overstate the ability of a bad -- the ability of a bad actor to vote -- affect the voter file or the vote tally, we actually do the -- the -- the, you know, malign actors' job for them.

So I think it's very important that we are very honest in terms of what is the threat, in terms of the first two. So we don't affect the third.

NIELSEN: I -- sir, I agree with that. What we're doing at DHS, as you know, the responsibility, first and foremost, belongs to state and local election officials. We're working with them.

We're hosting a meeting for all members of Congress. I understand the Senate might not be able to attend on Thursday. But to answer any questions, talk about what DHS is doing, talk about the threat .

We'll do it again for the Senate. I think it's very important that (ph) everyone understands what we are doing. But also what the states are doing and what, in some cases, they need to do to make sure that they assure their public that they are doing everything they can.

JOHNSON: But, again, you believe you have the authorities and resources...

(CROSSTALK)

NIELSEN: We have all the authorities we need.

JOHNSON: ... to counter this?

NIELSEN: Yes.

JOHNSON: Secretary -- or, Senator McCaskill, you have any further questions?

(CROSSTALK)

MCCASKILL: Did (ph) you (ph) just (ph) call me "Secretary"?

JOHNSON: No. No, I didn't finish it.

(LAUGHTER)

MCCASKILL: (OFF-MIKE) ... appreciate the secretary being (ph).

JOHNSON: Well, then we'll close out the hearing.

Secretary Nielsen, again, thank you for your service. Certainly appreciate your taking the time here, and -- and your forthright answers to our questions.

The hearing record will remain open for 15 days until May 30th at 5 p.m. for the submission of statements and questions for the record. This hearing is adjourned.

END

May 15, 2018 19:02 ET .EOF

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# SENATE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS HEARING ON AUTHORITIES AND RESOURCES NEEDED TO PROTECT AND SECURE THE UNITED STATES

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May 15, 2018

## SPEAKERS:

SEN. RON JOHNSON, R-WIS  
*CHAIRMAN*

SEN. JOHN MCCAIN, R-ARIZ.  
SEN. ROB PORTMAN, R-OHIO  
SEN. RAND PAUL, R-KY.  
SEN. JAMES LANKFORD, R-OKLA.  
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SEN. JOHN HOEVEN, R-N.D.  
SEN. STEVE DAINES, R-MONT.

SEN. CLAIRE MCCASKILL, D-MO.  
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SEN. GARY PETERS, D-MICH.  
SEN. MAGGIE HASSAN, D-N.H.  
SEN. KAMALA HARRIS, D-CALIF.  
SEN. DOUG JONES, D-ALABAMA

## WITNESS:

❖ HOMELAND SECURITY SECRETARY **KIRSTJEN NIELSEN**

JOHNSON: This hearing will come to order. I want to welcome Secretary Nielsen. Thank you for your service. I did read your press release on National Police Week, and I think it is fitting and proper that we pay tribute to law enforcement officers killed in action, and just, really, honor the -- the families for their service as well.

According to National Law Enforcement Officers Memorial Fund, since 1791 (ph), 21,500 -- 21,541 law enforcement officials have paid the ultimate price, sacrificed their lives. Last year, 129, year-to-date, this year, 53, so I think it'd be fitting and proper if we just recognize a moment of silence, to honor those and their families.

Thank you. I would ask you unanimous consent that my written statement, be entered into the record.

The title of the series "Authorities and Resources Needed to Protect and Secure the United States," and I know, Secretary Nielsen, you've testified before the Appropriation Committee, so, obviously the Senators can ask any questions they want, but from my standpoint, I'm -- I'm -- cause we are the authorizing committee, I really want to concentrate on the authorities part of that -- that hearing title. And you know, I'd just kind of like to go down the list of things that are, certainly, on my mind and hopefully yours as well.

But I think this committee did a very good job. We're kind of known for a very bipartisan, nonpartisan approach, to try and find areas of agreement. And we did exactly that, with the DHS Authorization Act, which I am hoping we can pass through the senate, as quickly as possible, marry up with a House bill, to provide you the authorities that have basically become obsolete in many cases.

I know, in the Omnibus, of section 782, the flexibility of reorganizing parts of your department was actually taken away, which is important when we take a look at NPPD, turn that into the Cybersecurity and Infrastructure Security Act, or agency.

These are the things that you need to do, to do your job, to keep this nation safe. In cooperation with your department we're working with a number of members. I see two of them, they're co-sponsors, right now, to the Preventing Emerging Threats Act of 2018, which a big part of that is, really addressing, countering unmanned aircraft systems, which is a growing threat.

It's a real threat, and it's confusing. It's -- they're conflicting authorities; no authorities, from your standpoint, in terms of addressing those and being able to take those out the air, and, again, it's a complex situation. And of course, I think it's just crucial that we fix our completely broken immigration system. The fact that we have laws, legal precedent, loopholes, that, because you follow the law, really prevent you from deterring additional illegal immigration.

A class example of how that would actually work was in 2005, under Secretary Chertoff, we had a flow of illegal immigrants coming in from Brazil because they had a Visa waiver system with Mexico.

So we had over 30,000 Brazilians come in 2005 and Secretary Chertoff, by utilizing his authorities, apprehended, nearly called the program Texas Hold'em -- apprehended those Brazilians, held them in detention until their case could be adjudicated and then returned them.

By the following year less than 2,000 Brazilians came in here. So the goal of his actions were to reduce, if not stop, the flow as opposed to -- you know right now we've got -- unfortunately you are forced to apprehend, process and disperse. And that is a huge incentive for additional illegal immigration.

So I -- those are the types of authorities that I want to hopefully discuss in this committee. Those types of authorities I want to provide you as Secretary of Homeland Security so you can actually fulfill your mission of providing greater security for our Homeland.



So with that I'll turn it over to my Ranking Member, Senator McCaskill.

MCCASKILL: Chairman and thank you Secretary Nielsen for being here. I -- I'd like to talk about DHS's budget and authorities and policies in two important areas today. And one is on the border as it relates to border patrol staffing. I am concerned about Border Patrol staffing.

I think the men and women of the Border Patrol do an amazing job. I think they are brave and courageous and hard working and this is law enforcement week in Washington and I think it's important to recognize all of the men and women in uniform across this country who protect us.

But it's interesting because when you look at the staffing along the border, the diagram of the staffing it has been on a downward trajectory since President Trump took office. In September of 2016, there were 19,828 border patrol agents along our southern -- along the borders.

And in April of 2018, it's actually down 500, 400 and some staff. And that is spite of the fact that there's an authorization for many more as you are painfully aware of I'm sure. We have an authorization for 21,370.

So we're you know hundreds and hundreds lower than we were when President Trump took office and we are many more under for what are authorized and we keep debating addition authorizations as if that's somehow going to solve the problem.

And we've talked about this is in various hearings and I know everyone wants to point it to the polygraph but it doesn't seem reasonable to me that that is the only reason. You can't keep up attrition right now.

You can't hire and we've got some outrageous, I think, contracts for recruitment. One of the things I want to talk about today is, are we missing the vote here in terms of improving pay and working conditions?

MCCASKILL: I mean many times people leave a job because they don't feel that they are getting adequate pay or they're not being asked to perform in ideal working conditions and I know that it's impossible to make this work always ideal because it -- law enforcement, you have to take what comes.

But there's a real problem that clearly we're not getting at. And that's one of the things I want to talk about today. The other things I want to talk about today is the difference between Border Patrol agents and Border Patrol officers.

And I don't think most Americans understand that we use those -- those terms, and for most people they probably think they're the same thing. I don't know how that happened, I don't know how we named them that way.

But it's terribly misleading, because of course the officers are the ones that are at the port of entries. The agents are the ones along the border. And unlike the Border Patrol agents, we are not authorizing significantly new officers.

Even though it is very clear in a report I released from the minority staff of this committee. Analyzing what is happening, we found that 88 percent of all the opioids seized over the past five years were seized at ports of entry, not along the border.

So close to 90 percent of what is being seized in terms of dangerous opioids is happening with our Border Patrol officers at ports, not along the border, not in the desert, not along the river, not as has been described sometimes by people in this administration.

That this is a problem of people trying to enter illegally with drugs. It's actually coming in through the ports. And I -- the fentanyl seizure increases on two fronts are in the ports of entry on the southern border and in mail facilities.

And in both instances, you are also woefully understaffed. And so that's -- these are the two areas I want to talk about. Where your staffing demands are clearly not being met, and we've got to figure out this problem. Because you know we can -- people can give speeches and talk about you know that we've got to you know turn back illegal immigrants and there are too many illegal immigrants coming across.

And nobody is disagreeing with wanting to secure the border. But when you can't hire the people you need. And when the people you hire are leaving more quickly than you can hire replacements, there is a more fundamental problem here than just adding more personnel.

And I'd like us to try to get -- see if we can get to the bottom of that today. And I would ask that my written statement be made part of the record.

JOHNSON: Without objection. It is the tradition of this committee to swear in witnesses, so if you'd stand and raise your right hand. Do you swear the testimony you give before this committee will be the truth, the whole truth and nothing but the truth, so help you God?

NIELSEN: I do.

JOHNSON: Please be seated. Secretary Kirstjen Nielsen is the sixth Secretary for the Department of Homeland Security. And the first former DHS employee to become the Secretary. Prior to joining the department, Ms. Nielsen served as the Deputy Principal White House Chief of Staff to President Trump.

Secretary Nielsen also served as the Chief of Staff to then Secretary John Kelly at the Department of Homeland Security. Secretary Nielsen served in the Bush administration as a special assistant to the President, and Senior Director on the White House Homeland Security Council from 2004 to 2007.



She holds a Bachelor Degree from Georgetown University School of Foreign Service, and a JD from the University of Virginia School of Law. Secretary Nielsen?

NIELSEN: Thank you. Well good afternoon Chairman Johnson, Ranking Member McCaskill and other distinguished members of the committee. I appreciate the opportunity to appear before you today, and I'd like if I could to submit my full written testimony for the record.

JOHNSON: Without objection.

NIELSEN: I want to begin by thanking you. As the Chairman mentioned, we greatly appreciate your advancing the DHS authorization bill earlier this year. As you know we have not been reauthorized since our creation 15 years ago.

This results in critical -- critical gaps that effect our ability to protect the American people. I also want to thank you in general and to the full committee for being strong supporters of DHS, for listening to our analysis of emerging threats and listening to what we need to do our jobs.

NIELSEN: A lot has changed in 15 years. The threats have evolved, our enemies have adapted and -- and our adversaries are resurgent. In the meantime, our authorities have not kept pace. So today, I want to highlight several areas where DHS request your support, in order to help us better secure our country, including achieving border security and closing immigration loopholes, transforming our cyber agency within DHS, authorizing the Countering Weapons of Mass Destruction Office, providing authorities to help us counter unmanned aerial systems, and supporting the president's 2019 budget proposal for DHS.

First and foremost, border security is national security, and while we have made vast improvements, make no mistake, we do face a crisis. We see unacceptable levels of illegal drugs, dangerous gangs, criminal activity, and illegal aliens flow across our southern border. That is why, last month, we deployed the National Guard to our southern border.

Anyone who thinks this is a stunt should look at the stats. Our officers have apprehended more than 2,000 people attempting to illegally enter our country, and they are interdicting drugs that would likely, otherwise, have gone undetected. At the same time, my message to smugglers, traffickers, and criminals is clear. If you try to enter our country without authorization, you've broken the law.

The attorney general has declared that we have zero tolerance for all illegal border crossings, and I stand by that. Anyone crossing the border illegally or filing a fraudulent asylum claim will be detained, referred for criminal prosecution, and removed from the United States, as appropriate. But our National Guard deployment, zero tolerance policy, border wall construction, and other actions will only get us partway there.

We urgently need congress to pass legislation, to close the legal loopholes that are fueling this crisis, in the first place. Those, coming illegally, know it's easier to get released into America if they claim asylum. They know it's easier to get released if they're part of a family or if they're

unaccompanied children, so it should as no surprise that we seeing a spike in all of these categories.

Word is getting out. Asylum claims are up 200 percent in the past years, family unit apprehensions are up nearly 600 percent, compared to this time, last year, and UAC apprehensions are up, more than 300 percent. In fact, five years ago, apprehensions of families and UACs were less than one, out of every 10 apprehensions. Now, they approach almost half of 40 percent.

Some say these increases are the result of spreading crime or failing economies in source (ph) countries, but in those places, we are actually seeing economic growth and lower homicide rates. The reality is, that their economies are -- that their economies are cratering. It's that our -- excuse me. The reality is not that their economies are cratering, it's that, ours is booming.

America is the land of opportunity, and that's a pull factor for anyone, but we if have a legal system of immigration, for those who want to come here, for economic reasons, they should do so legally. Asylum is for people fleeing persecution, not those, searching for a better job, yet, our broken system, with it's debilitating court rulings, are crushing backlog and gaping loopholes, allows illegal migrants to get into our country, anyway and for whatever reason they want.

This scamming of the system is acceptable. We need urgent action from congress, to close these dangerous legal loopholes that are making our county vulnerable. I would also note, and it's important, I try to say this at every opportunity, that the journey, itself, to our borders is risky. It endangers the illegal aliens, themselves, the communities they pass through, our agents at the border, and U.S. communities, in our homeland.

To be clear, human smuggling operations are lining the pockets of transnational criminals. They are not humanitarian endeavors. Smugglers prioritize profits over people, and when aliens pay them to get here, they are contributing \$500 million, a year or more, to groups that are fueling greater violence and instability in America and the region.

There are other options. If migrants have a legitimate need to flee, they should seek protection in the first safe county they enter, including Mexico. They should not subject themselves to a long and dangerous journey. This is not and should not be a political or partisan issue, and I hope that we can discuss real solutions, today.

The past four presidents have pleaded with congress to act on this security challenge, but this administration is tired of waiting, so in the meantime, we are doing everything within our authorities to secure the border and enforce our laws.

Turning to the cyber domain, I want to make clear, today, that we've reached a turning point in cyber threat evolution, where digital security is converging with personal and physical security. Cybersecurity can no longer be relegated to the IT department and thought of as a nuisance. Now, it's a matter of preserving our lives, our livelihoods, and our American way of life.



One of the most critical parts of the DHS Authorization Bill is its elevation of our cybersecurity and infrastructure security resilience mission, transforming the National Protection and Programs Division, NPPD, into a new operational component. The Cybersecurity and Infrastructure Security Agency is imperative to our success on the frontlines, of the digital battlefield.

It will be a clear focal point for our interagency industry and international partners, it will help DHS recruit and retain employees with critical skill sets, and it will clarify DHS' Role, as national risk manager for cybersecurity and critical infrastructure security. I ask and thank for the committee's continued support and the transformation of this component.

I also want to take this opportunity to mention the department's cybersecurity strategy, which is being rolled out, today. The strategy is built on the concepts of mitigating systemic risk and strengthening collective defense. Both will inform our approach to defending U.S. networks and supporting governments, at all levels in the private sector, in increasing the security and resilience of critical infrastructure. I do look forward to discussing that with you further, today. I am also seeking your support to confront another category of evolving threats, weapons of mass destruction.

From the chemical attacks in Syria, to Russian's Brazen assassination attempt against a U.K. defector, we have seen the damage that these agents can do, and we know that terrorists are not only using them on the battlefield but are working to incorporate them into western attacks.

In December, I announced the establishment of a DHS Countering Weapons of Mass Destruction Office, which is, now, leading a response to these threat streams and incidents, but the office still lacks critical authorities. While we currently have the ability to respond comprehensively to nuclear threats, we lack comparable authorities for chemical and biological threats.

I ask this committee and all of congress to work with me, to permanently authorize this office and to equalize the authorities we possess across all threat vectors. Further, our enemies are exploring other technologies, as well, such as drones, to put our country in danger. ISIS has used armed drones to strike targets in Syria, and we are increasingly concerned that they'll try the same tactics on our soil.

We have also seen drones used to smuggle across our borders and to conduct surveillance on sensitive government locations. So, today, I'd like to particularly thank Chairman Johnson, Ranking Member McCaskill, Senator Heitkamp, and Senator Hoeven for responding to our request and introducing a bill to help DHS counter the growing threat posed by UAS.

DHS needs clear legal authority to identify, track, and mitigate drones that could pose a danger to the public and to DHS operations. Our proposal and your bill would authorize DHS and the Department of Justice to conduct limited counter-UAS operations, for a narrow set of important and prioritized missions, all the while, importantly protecting privacy and civil liberties.

We are grateful for your leadership on this and look forward to working with you as the legislation moves forward.



Finally, I would like to ask for the committee's support for the president's 2019 budget. The budget for DHS requests \$47.5 billion in net discretionary funding, and an additional \$6.7 billion for the disaster relief fund for response and recovery to major disasters.

This budget sustains and strengthens out most critical programs and capabilities. It emphasizes protecting our nation from terrorism, encountering threats, securing and managing our borders, enforcing our immigration laws, preserving and upholding the nation's prosperity and economic security, securing cyber space and critical infrastructure, and strengthening homeland preparedness and resilience.

Throughout all of these missions, the budget also prioritizes my goal of putting our dedicated employees first and maturing DHS operations. I ask the committee to support this budget, to continue supporting our employees and our missions, and to continue to help us make our country more secure.

I thank you very much for your time, and I look forward to your questions.

JOHNSON: Thanks, Secretary Nielsen. Before I turn questioning over to Senator McCaskill, I do want to put up and draw everybody's attention to a couple charts. The first one is UAC apprehensions.

The reason I'm doing this is to make the point that regardless of what a particular loss says, we within our laws, our prestance (ph), our legal loopholes, create incentives for people who come this country illegally.

And I think the first example was the Deferred Action for Childhood Admissions -- or Arrivals. If you take a look at the number of children coming in here from Central America in 2009, '10, '11, '12, it was relatively minimal and in June 2012 we had the Deferred Action for Childhood Arrivals.

And you can see what happened afterwards. I don't have the figures year to date 2018, but I think we're on pace for an increase again over 2017. The next chart has five and a half years of apprehension history at the border.

And again, nothing's definitive, this isn't scientific, but it's pretty indicative that when President Trump came into office, obviously dedicated to securing our border and Secretary Kelly -- Kelly I think said all the right things in terms of being dedicated and -- and giving CBP and ICE the authority to enforce law.

There was a dramatic drop in apprehensions, which indicates the number of people coming in illegally. Unfortunately, the reality of what our laws are has -- has gotten into the -- the fabric of people's consciousness and the result being people realize that they can still go up to the border, has an unaccompanied child, we apprehend them, we process them, we disperse them.

We've only returned three and a half percent of unaccompanied children from Central America, I believe, if my numbers are right. And of course we still have the issue of people walking up claiming credible fear and going through a similar type of process.

Not showing up for their -- their hearings, that type of thing. So that's the reality of our law, and so a deterrent factor worked for about a year, but until we actually change those laws, then I think we're going to have a real tough time actually deterring illegal immigration.

But with that, I'll turn it over to Senator McCaskill.

MCCASKILL: Well first I would not call the DACA recipients -- the unaccompanied minors apprehensions, the vast majority of the unaccompanied minors are walking across this (ph) saying help us please.

I think apprehension is a weird word to use (inaudible) --

JOHNSON: Well that -- that's precisely my point, though. They can just walk in and turn themselves in.

MCCASKILL: OK, the second point I'd make -- the second point I'd make is DACA was wiped off the books by this administration in March of this year, and since March the number of people coming across the border has increased, not decreased.

So DACA is gone, it is no longer the law, and we went from having 36,000 people apprehended at the border in February to 50,000 in March and then almost to 51,000 in April.

So if DACA was the magic thing that is causing this, it seems to me we'd see -- and by the way, DACA doesn't even apply to these kids. None of them are qualified for DACA, none of them. So I -- you know, I think we've got problems securing our borders, and I don't want to argue about that because I think we all agree that we have to secure our borders.

I want to focus in on this -- once again, your opening statement, you talked about the drugs at the southern border. Ninety percent of the opioids that are being seized are being seized at the ports of entry, correct Secretary Nielsen?

NIELSEN: I don't have that exact figure, but yes, the majority --

MCCASKILL: We do, we got it from you.

NIELSEN: -- the majority of drugs that we see are coming through the ports of entry.

MCCASKILL: Like 90 percent, 85 percent of the fentanyl, which is killing all of our constituents every day, 85 percent of it is coming in through the ports, not across the southern border.



So whenever this talking point that it's the people coming across the southern border that are bringing all the drugs, it's like fingernails on a blackboard because it's just not accurate. And here's the thing I don't get, there has been zero requests for additional port officers, zero, last year or this year, to be used at these critical places.

You did ask for 60 this year, but it was all for a training center, not for actually deployment into these ports, and according to your own staffing, your own staffing studies, you are short by over 4,000 officers at these ports.

Our citizens are dying from fentanyl, everyday our emergency rooms are overloaded. There isn't a week that goes by that I told talk to a parent in Missouri who has lost a child to fentanyl overdose that's (ph) coming in in this manner.

Can you explain why we're continuing to ask for more agents along the border when we can't hire enough but there's no request for this critical, critical need in our country.

NIELSEN: Yes, Senator, first I'd just like to say it is a -- a huge problem. It's one, as you know, that we take seriously, the full administration. Let me give you a short answer and a long answer.

The short answer is it's not just the people at the ports. So what we have done is we've asked for additional technology, as you know we have now trained canines at every port of entry to actually find the drugs.

What we find is far, far and away the best way to detect the drugs coming through the ports is through that non-intrusive technology and through canines. So we have increased that and we continue to ask for additional resources.

What we've also done, though, is taken the approach to try to push the borders out. So rather than waiting for the drugs to come here, we're working much more forward -- in a forward deployed fashion through GTTFs, through what we have in Key West, which as you know JIATF-South is a multi 20, 30 country effort to identify and track the drugs before we ever reach our shores, before they ever reach the ports of entry.

We also -- you mentioned in your opening remarks, the vast increase in mail. We thank you for the INTERDICT Act, we're working with you on the STOP Act, we need to do more there, absolutely because that's the other way that fentanyl is getting in.

So we're trying to look at it as a system of systems, in other words what are all the different interdiction points that we can best get after this. Another one we have asked for budget on, are our cyber capabilities within ICE and Secret Service, because most of these drugs and marketplaces are on the dark web.

So we've increased our capability to take them down to track the TCOs to their source and to turn off not only their market but their ability to get the drugs. So yes, we have to continue to do more but we're trying to do it in a layered approach so it's a system of system approach.

MCCASKILL: Is there a good answer as to why there was zero requests for additional port officers when you are 4,000 staff members under your staffing model, and yet there were 750 additional agents requested along the Southern border even though you can't even fill -- or the attrition that you're having now? Is there a good reason as to why there would be that dichotomy?

NIELSEN: The good news I'll mention quickly is that the attrition's down and we can talk more about hiring because I know that was a concern of yours in general. But happy to -- happy to come in myself or have folks come and walk you through the model.

The other part about drugs that I didn't mention is what we tend to see is the drugs themselves will be smuggled through the ports of entry. Again we use the technology and K-9s. But the people, the actually TCO members who will then sell the drugs, come in between the ports of entry because they know if they come in at the port of entry they'll be stopped.

So it's a -- you know we need to stop the people and the drugs. But in terms of the staffing model that you're discussing, I'm happy to come talk to you about it in detail.

MCCASKILL: Yes. It doesn't -- it doesn't -- and if you look at your staffing at the United States in terms of mail facilities it's even worse. I mean, you've got 17 officers covering two shifts in Cincinnati, screening almost 46 million import shipments in one year. I mean that's just overwhelming. I just think somebody has got to get off the political speeches and get to the problem and be pragmatic.

You know all of us want to support what you need along the border. But this notion that if we can just say look over here, look over here, it's all about people coming across the border and totally ignore the biggest public health crisis this country has ever faced by not adequately staffing the places where the drugs are coming in, is just heart breaking to me.

NIELSEN: But ma'am I'm not -- I'm not saying that. What I'm suggesting is that what we find is the best way to identify those drugs is through technology and K-9s and that's what we're increasing.

MCCASKILL: But you have to have people to run both technology and K-9.

NIELSEN: We have to have ...

(CROSSTALK)

MCCASKILL: Every dog has a handler.

(CROSSTALK)

NIELSEN: We have to have people as well.



MCCASKILL: In fact, more than one handler.

NIELSEN: But there's no suggestion that we have a lack of people to work with the K-9s or run the machines. So again, happy to walk you through but I do want to make clear we're attacking the opioid crisis from many, many levels with many capabilities.

MCCASKILL: I have questions about the air marshals, but I will hold those until the next round. Thank you, secretary.

NIELSEN: Thank you

JOHNSON: Senator Hoeven.

HOEVEN: Thank you Chairman Johnson and thank you, secretary for being here today and for the important work that you're doing every day. I'm going to follow up with some of the things we talked about at our DHS appropriation hearing, which you were at recently.

I'm pleased to cosponsor legislation with this committee's leadership that will give you authorities at DHS in regard to addressing some of the challenges with making sure that in our airspace, we managed the UAS, unmanned aerial vehicles and systems, adequately, not only to protect privacy but also security. That's very important work.

And my first question is while we're working with you to provide those authorities to track and disable threatening unmanned aircraft and as you have developed these counter UAS capabilities, do you have a plan in place to identify promising technologies from the private sector and get them validated by the department so that you can use them in this effort? And how will you go about testing and evaluating counter UAS technologies?

NIELSEN: Thank you. So we've learned quite a few lessons from the Department of Defense which as you know, has this authority already and uses it in theater. So we're looking at their testing models. The approach would absolutely be to go to the private sector. It often is at DHS. It doesn't make sense to reinvent the wheel when something already exists, so that could fill a need.

So we're specifying out the requirements, making sure we understand what it is we need to do and then work in conjunction with the private sector. As you know there's many centers of excellence, particularly those as well in your state. We're doing a lot of work there with the university as well. Everything from intern programs to other capability building exercises to get both the people and the technology.

HOEVEN: So you hit the nail on the head there. That's where I'm going. We're working with you on a time to get you out this summer to see what we're doing in counter UAS not only from the military stand point but customs and border protection as well as a private sector because you develop that plan, we think we can be very helpful in terms of you seeing some of the things that are being done.



And then leveraging some of that technology development for DHS. When Secretary Mattis was in front of our Defense Appropriations Committee, we also talked about it in terms of the military and in the same way they're both seeking authority and developing some of these counter UAS technology. So we appreciate your willingness to engage in that. We think it'll be very helpful and productive.

NIELSEN: Thank you again for the bill.

HOEVEN: The -- you have an incredible ops center in California that is managing your unmanned aircraft along the border. And so I guess my question, does air in Marine -- that air in Marine operations center have sufficient capacity to handle all these far flung UAS activities and do you have back-up and -- we'll capacity and back-up?

That's another, I guess, area that I know you're going to continue to develop and grow. And how's that going? Can we be of help there?

NIELSEN: Yes. Thank you. So as you say, the op center in California allows us to -- to deploy, to understand and track where we are using and to help us with a model for when we need to use them, where we need to use them.

I do address we're trying to use a task force unity of effort approach. So we borrow, help if you will, from other parts of DHS that either have the technical capability to fly and to have the flight hours to use the UAS, but also in terms of their models.

As you know, we use UAS for a variety of things. We use them on the border, but we also use them for disaster response to understand, you know what it looked like before the hurricane, what it looked like after, to determine public assistance.

So there's quite a few areas within DHS that we use it. We'll continue to use this center. As you mentioned, redundancy, what we are looking at in addition to the underlining capability is making sure that we do have that redundancy. That's sort of that next phase that we're in now.

HOEVEN: There's an incredible pilot shortage both for man and unmanned aircraft. And actually I want to commend you and Commissioner McAleenan with Customs and Border Protection for developing the Pathways Program which we have at Grand Forks, which in essence provides jobs for young people that are getting their training in aviation at the University of North Dakota.

So not only does CBP get a quality employee, young -- great young person and of course they need the man power as we've talked about, but it also helps them get an education because they're working for CBP. Great program. I think it's a great way to help with a pilot shortage in the aviation industry both man and unmanned. So I want to commend you on that.

And then I want to kind of switch gears for a minute and ask about -- for -- you know, when you do detain, apprehend unaccompanied children coming across the border as well as others, what

are you doing to try to address the adjudication process which is such a bottleneck in terms of trying to address this issue? You know I know you're short there. What can you do and what are you doing to try to adjudicate these individuals?

NIELSEN: So as they continue to find out every day our integration process is very complex as - as you well know. It involves many, many departments. What we've tried to do is look at it from an end to end approach. In the example you just gave, there are actually about three or four different processes that those groups would undertake. So in some cases we need additional immigration judges; DOJ is working on that. In some cases we need additional processes and agreements with other parts of the interagency family; we have done, for example with the HHS to make sure that we're appropriately taking care of UAC's and their custody.

And then there's other parts who depending if they're referred for prosecution, we hand them over to the marshals. We want to make sure that's a process that works. And then in some cases we use alternates to detention as you know rather than detaining them we will have check ins, in some cases ankle bracelets, but other ways to make sure that we have them detained while they are awaiting their removal...

HOEVEN: Is that working?

NIELSEN: It does work. It does work. It's a good combination. We do it on a case by case basis. There's lots of criteria that we look at to determine when that's appropriate and when that's not appropriate but again I think it's some of the opening remarks, perhaps the Chairman made.

If you look at UACs, 66 percent of those who receive final (ph) orders - receive the final orders purely because they never showed up for court and we find that we're only able to remove 3.5 percent of those who should be removed who a judge has said has a final. So if we can track them, it's a much more efficient process while we wait for the final adjudication.

HOEVEN: Thank you Madam Secretary and thanks for the work you're doing. I know it's challenging work; we appreciate it. Thank you Mr. Chairman.

JOHNSON: Senator Carper.

CARPER: Thanks, again Secretary Nielsen, welcome. Thank you joining us today.

NIELSEN: Thank you Sir.

CARPER: I - we got a couple of recovering governors here on this panel and I still think like one and one of the things I focus on is I do customer calls in my state. I visit businesses large and small throughout the year and our governor and I visited yesterday a fairly large financial services company in the northern part of our state. Last week I was down in the southern part of our state where we do a lot of agriculture and I don't care where I go I hear employers large and small talk about how difficult it is to find people who will come to work and actually do a job and I don't care if it's landscaping. I don't care if it's like food processing. I don't care if it's



someone working in financial services. They're having a hard time getting people who can pass a drug test, who have the skills, and who will come to work.

And you and I have talked a bit about how to address at least part of this challenge and talked in fact I led (ph) a letter I think of a couple dozen Senators who wrote to you and urged you to use the - the authority that we granted in the spending bill for the balance of this fiscal year to go ahead and issue additional H-2B visas and I think you have - you're basically in the legislation we passed, we authorized doubling of that cap to maybe another 100,000 or 169,000.

And my question is not going to solve all of our problems for all of our employers as you know but you have this authority. We hear a (inaudible) this week from companies that are afraid they're going to lose their business because they don't have people come to work and do the jobs; they're seasonal jobs.

And so let me just ask, what is the timeline for releasing additional H-2B visas and when will you announce the decision? How many additional visas does the department plan to release?

NIELSEN: Thank you Sir. We - it's in final interagency processes. You know it involves regulation so the regulation should be ready here shortly and...

CARPER: Can I say something? I don't mean to be rude.

NIELSEN: Yes.

CARPER: I don't mean to interrupt you.

NIELSEN: No.

CARPER: That's just a - that's not good enough. These - these - these companies, they're highly seasonal. They need the folks now. They needed them a month ago and to say that -- and whenever I talk to you about this it's basically we're working this; we're going through the process and so forth. They need - they need the workers now.

NIELSEN: Yes, I understand. I understand.

CARPER: If they were here, they would tell you.

NIELSEN: I have been collecting evidence. I've asked everyone I've talked to -- to give me examples so that I can enter and package it and send it back to Congress to say please put -- next year please put the ceiling in law. There's no need to tie it to appropriations...

CARPER: They gave you the authority to basically double the number of visas...

NIELSEN: I understand that if you all are...

CARPER: You have the power. This Administration is not reluctant about using executive power.

NIELSON: If -- if you all are wanting to help the companies, which I know you are, the best thing that we can do is give them stability and predictability. Putting them into a situation each year where we wait on an appropriations cycle and we wait on whichever secretary - secretary then to make a determination does not give them the ability to plan and deep their businesses open. So I would respectfully respect again that Congress work with us to put this in law. We know it's a need. Let's just put it in law then everybody knows what it is and the businesses can plan.

CARPER: We put it in law. We said there are 69,000 visas that could be issued now additional visas and all you have to do is do it. There's plenty of need. There's plenty of need. Where's that authority?

NIELSON: But Sir, if you wanted 69,000 additional, just put it in law and then there's no discretion and there's no timing. If it's already in law and everyone can plan to it. So as...

CARPER: That's a very disappointing - that's very disappointing.

NIELSON: Well it shouldn't be because I think we both want to help the companies so I'm telling you in my experience, this is the best way to help them is to give them some predictability and not tie it...

CARPER: If I - If I - pardon me. If our roles were different and you were in the Senate and I was the Secretary of the Department. We would issue those 69,000 visas. We'd put a lot of people to work and I'll say frankly, save a lot of businesses from going under.

Let me ask my second question. Thank you. The decision to extend or terminate TPS lies with the Secretary of Homeland Security as you know. In consultation with the State Department, your predecessor and Former Deputy Elaine Duke declined to end TPS for Honduras only four months ago in November. Did you speak with Ms. Duke or other former administration officials prior to terminating TPS for Honduras? Did you speak with Jim Nealon our former Ambassador to Honduras?

NIELSON: At the time before Ambassador Nealon and then Deputy Secretary Duke left, yes I did talk with them.

CARPER: And can you give us some idea what was said?

NIELSON: No. I cannot Sir. Those are predeliberative (ph) conversations.

CARPER: Former Secretary Kelly also said in an interview on NPR, I think it was last week. He said I think we should fold all the TPS people that have been here for a considerable period of

time and find a way for them to a path of citizenship. Those are his words for last week. Do you agree with General Kelly's remarks?

NIELSON: I have said the same under oath.

CARPER: OK. We talk in this room oftentimes about root causes, why people come here from Honduras, Guatemala, Salvador and other places. They come here because their lives are not just difficult; their lives in many cases are horrendous. We contribute directly to that.

In the last Administration there was a fair amount of discussion about root causes. We put in place -- Congress passed the Alliance for Prosperity sort of like a Central American version, as you know, of Plan Columbia. I haven't heard much about what's going on there lately. Maybe you could bring us up to speed. As you know, Bank of Columbia has been taking a long time, 20 years. But over time, it's become very successful. And what's going on with Alliance for Prosperity and how -- how are we doing there?

NIELSEN: So as I understand it sir, the State Department is distributing funds, but as you know that is a State Department program. What we are doing at DHS is we worked in conjunction with State and the government of Mexico, Spain, Canada, others last year to host a conference with the Northern Triangle.

To talk about this issue and talk about how to increase their prosperity in addition to security. We plan to host such a conference again next month.

CARPER: When and where?

NIELSEN: In D.C. And we don't have the exact date because it'll be around the Organization of American States, so it's a bit up to them as to which day works, so we're still finalizing a date. But we are working on some interesting programs to help in the same way.

One that I have found to be very interesting is one with El Salvador, where it's a micro competition. And the company who wins receives about \$27,000 equivalent, which is the amount they would otherwise pay a smuggler to come to the United States.

It allows them to stay in country and open up a business. So we are working on creative ways to try to help. I agree with you, we have to help the countries as well with the push and pull factors. And of course as you and I have talked about before, we also have to increase our overall drug demand here so that we don't have that pull factor.

CARPER: All right. As they say at Home Depot, you can do it, we can help. They can do it, we have an obligation -- I think a moral obligation to help. Thank you.

JOHNSON: Senator Hassan?



HASSAN: Thank you Mr. Chair and thank you Ranking Member McCaskill. And Secretary Nielsen, thank you for appearing before the committee. Just a couple of weeks ago, I traveled to the U.S. southern border to meet with Border Patrol port officers and ICE detention officers.

We know that people are dying on both sides of the border as a result of the drug cartel's narcotics trafficking efforts. In 2016, drug overdoses killed more than 60,000 Americans, while in 2017 Mexico hit a record of nearly 30,000 homicides.

The vast majority of which resulted from the drug trade violence. These numbers go hand-in-hand. The drug cartels use violence and money to dab in the -- their smuggling routes, killing many innocent Mexicans and migrants.

The cartels excess means that more and more drugs make their way into the United States, where Americans are dying of overdoses at unprecedented rates. I was impressed by my visits to El Paso and McAllen, Texas to see the robust screening effort conducted by CBP of incoming traffic from Mexico.

In fact, in El Paso just before I arrived, they had seized 25 pounds of cocaine because we have vigilant, excellent CBP port officers, as I know you know. However, stopping the drug cartels is not solely a matter of securing traffic coming into the United States.

We have to attack the drug cartels business model. That means stopping the flow of both money -- drug money and weapons that travel southbound into Mexico from the United States. Unfortunately, as I saw in my trip, our southbound screening effort for traffic leaving the U.S. for Mexico pales in comparison to CBP's screening of traffic entering the U.S.

We're in a system that our officers refer to as pulse and search. So intermittent checking of southbound traffic. We were told by CBP officials that they need expanded facilities, more personnel and updated technology in order to try to strengthen our ability to stop the flow of guns and money back into the cartels hands.

So are you satisfied with the current state of southbound inspections along the southern border?

NIELSEN: No.

HASSAN: And what more do you need and what actions will you take to address these shortfalls?

NIELSEN: So the ports as you know are very different, the infrastructure. So part of what we're doing is I've had multiple conversations with the government of Mexico on this exact issue. I've committed to them that we will decrease the flow of guns and money headed their direction.

But part of this agreement with them is to how we can restructure the ports --

HASSAN: Right.



**Homeland  
Security**

*Privacy Office, Mail Stop 0655*

October 30, 2020

**SENT VIA E-MAIL TO: foia@americanoversight.org,  
hart.wood@americanoversight.org  
JYenouskas@goodwinlaw.com  
ASun@goodwinlaw.com**

Austin R. Evers  
Executive Director  
American Oversight  
1030 15<sup>th</sup> Street, NW  
Suite B255  
Washington, DC 20005

Re: **18-cv-02840 (2019-HQLI-00018)**  
**American Oversight v. DHS**  
**Fifth Interim Release**

Dear Mr. Evers:

This is the fifth interim release of records to your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), received on October 4, 2018.

For this production, DHS reviewed 307 pages of which 301 pages are released in full or withheld in part or in full pursuant to FOIA exemptions (b)(5), (b)(6), and (b)(7)(e). DHS has also located and sent three pages to other agencies for consultation. An additional three pages were non-responsive to the original request. The 301 pages for release are bates stamped DHS-001-02840-001033 to DHS-001-02840-001333.

If you have any questions regarding this release, please contact Assistant United States Attorney, Michael A. Tilghman II, Civil Division, United States Attorney's Office for the District of Columbia, by email at [michael.tilghman@usdoj.gov](mailto:michael.tilghman@usdoj.gov).

Sincerely,

A handwritten signature in black ink that reads "Bradley E. White".

Bradley E. White  
Senior Director, FOIA Litigation,  
Appeals, and Policy

Page 001

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

Page 002

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of the Freedom of Information and Privacy Act

Page 003

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of the Freedom of Information and Privacy Act

# House Homeland Security Committee Hearing On The F., sked FINAL

April 27, 2018 4:14PM ET

TRANSCRIPT

April 26, 2018

COMMITTEE HEARING

REP. MICHAEL MCCAUL

WASHINGTON, DC

HOUSE HOMELAND SECURITY COMMITTEE HEARING ON THE F.Y. 2019 BUDGET  
REQUEST FOR THE DEPARTMENT OF HOMELAND SECURITY

Bloomberg Government

Support: (b)(6)

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HOUSE HOMELAND SECURITY COMMITTEE HEARING ON THE F.Y. 2019 BUDGET  
REQUEST FOR THE DEPARTMENT OF HOMELAND SECURITY

APRIL 26, 2018

SPEAKERS:

REP. MICHAEL MCCAUL, R-TEXAS, CHAIRMAN

REP. PETER T. KING, R-N.Y.

REP. LAMAR SMITH, R-TEXAS

REP. MIKE D. ROGERS, R-ALA.  
REP. JEFF DUNCAN, R-S.C.  
REP. LOU BARLETTA, R-PA.  
REP. SCOTT PERRY, R-PA.  
REP. WILL HURD, R-TEXAS  
REP. JOHN KATKO, R-N.Y.  
REP. MARTHA MCSALLY, R-ARIZ.  
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REP. LOU CORREA, D-CALIF.  
REP. VAL B. DEMINGS, D-FLA.  
REP. NANETTE BARRAGAN, D-CALIF.  
REP. KATHLEEN RICE, D-N.Y.

WITNESSES:

HOMELAND SECURITY SECRETARY KIRSTJEN NIELSEN TESTIFIES

MCCAUL: Committee on Homeland Security will come to order. Committee is meeting today to hear from the Secretary of the Department of Homeland Security, Kirstjen Nielsen on the administration's priorities for the department. I now recognize myself for an opening statement.

Our homeland faces threats on multiple fronts. International terrorists seek to attack our country and kill Americans. Human traffickers, drug smugglers and gangs like MS-13 are crossing our borders and infecting our neighborhoods. Nation states and hackers are engaged in cyber warfare. And the next natural disaster can strike at any moment. We cannot let our guard down.

We need a budget that matches these most pressing needs. Fortunately, the president's F.Y. 2019 budget request addresses many of these concerns. The \$1.6 billion for a border wall and additional funds to hire more ICE officers and Border Patrol agents will help curb illegal immigration.

Securing our borders continues to be one of my top priorities. That is why I introduced legislation to get the job done. My bill authorizes \$18 billion for the construction of a border wall, ends funding for sanctuary cities, closes dangerous loopholes, and puts more boots on the ground.

It also secures ports of entry, authorizes the National Guard to provide aviation and intelligence support, and targets visa overstays, and also provides for strong technology which is desperately needed down there.

This administration has been a strong supporter of these solutions, and I commend the recent decision to deploy the National Guard to the border. I'm pleased to see that \$713 million requested for cybersecurity operations at NPPD was requested. Cybersecurity is one of the most important missions of the department as the secretary knows.

As Americans become more reliant on cyberspace, we are all targets. This committee has a strong bipartisan track record on this issue. We passed bills that expedite hiring at DHS and enhance cyber threat information sharing. We also recently secured \$26 million to support election infrastructure.

In January, the House approved our landmark bill to create a standalone organization to elevate the cybersecurity mission at DHS. I am hopeful that the Senate will get this bill to the president's desk very soon.

Another area of concern for me is aviation security. I have been very disappointed, I have to be honest, at the slow pace of installing computed tomography scans in our airports. However, I was pleased to see that we secured \$65 million in the omnibus for TSA to begin installing the technology -- this technology immediately.



These CT scanners provide 3D imagery to help stop IEDs and other threats from boarding airplanes. Compared to the technology we have now, it's a difference between an x-ray and an MRI. The F.Y. 2019 budget request also requests an additional \$71.5 million for CT, which will certainly help. But I don't believe that's enough to mitigate the threat landscape that we have currently.

Many terrorists are only one plane ride away from the United States and our aviation sector is still the crown jewel of targets. DHS must fight through all bureaucratic hurdles so CT scanners are in our airports and last point of departure airports for inbound flights as soon as possible.

Some parts of this budget request will help DHS carry out its mission, but others I believe miss the mark. The \$473 million cut to FEMA grants for state and local first responders is a major step backwards. Many parts of the country including my home state of Texas were devastated by natural disasters last year. I personally toured the devastation after Hurricane Harvey and our first responders played a key role in saving lives.

Last week our committee reviewed the lessons learned from both the Boston Marathon bombings and the recent bombings in my hometown of Austin. Our first responders were crucial in both cities and they need our support. I hope today's hearing will shed light on why these grants are targeted for cuts.

Protecting our homeland must be a unifying cause. Partisanship should end at the water's edge. Last July the House passed the first ever comprehensive reauthorization of DHS with overwhelming bipartisan support. This reauthorization reasserts Congress' authority to write laws, streamlines redundant programs, protects taxpayer dollars and supports America's front line defenders and first responders.

Unfortunately, our friends in the Senate have yet to pass our bill. I strongly urge them to do so without further delay. And madam Secretary, in this Congress alone, our committee has passed 82 bills through the House and six were signed into law. Politico named us as the hardest working committee in Congress.

A strong DHS is our goal, and we are here to support you. All of our grateful for your service and for the hardworking professionals, the men and women at DHS. And we all look -- look forward to working with you in keeping our homeland safe. The Chair now recognizes the ranking member, the gentleman from Mississippi, Mr. Thompson.

THOMPSON: Thank you, Mr. Chairman.

And welcome, Madam Secretary. Today is your first appearance before the Committee on Homeland Security, four and a half months after your swearing in as secretary.

I've served on the Committee of Homeland Security since its establishment, and have been fortunate to work with all five of your predecessors from both political parties. Each of them, including your former boss, Secretary John Kelly stopped by to establish a working relationship within days of being sworn in to the position.

That did not happen with you which is a shame. Just like you met some of the Republicans on this committee this morning, Democrats stand ready, likewise, to meet with you. Perhaps next time, another 15 minutes from your schedule and you can stop by and meet some of the wonderful Democrats who love America too and want to do all they can to continue to keep America safe.

While we fundamentally disagree with many of the Trump administration's policy, I can assure you that Democrats on this committee are just as committed as our Republican counterparts to keeping our nation secure while upholding our most important values.

Chairman McCaul has said, even in his opening statement of this committee, perhaps if others in Congress did as we do, we could in fact have a better situation. Eighty-two pieces of legislation passed by this committee is no small feat. I would say to him, however, that it's not Democrat's fault that the legislation hadn't been signed. So we'll -- we'll try to fix that too in time.

I hope that in the future, Madam Secretary, you'll make more of an effort to conduct outreach to members of -- of the Democratic side on the committee. We have former chiefs of police, county commissioners, members of the legislature, district attorneys, everyone you can name, and --and -- and they all love this country. The American people expect no less that we engage each other in these important issues.

Indeed, this is a critical time for the Department of Homeland Security. America faces threats from the troubling rise of domestic terrorism, mass shootings and foreign terrorists organizations that seek to do us harm.

Russia and other actors are likely to continue their interference in our election systems including the upcoming mid-term elections. Puerto Rico and the U.S. Virgin Islands are still devastated by Hurricane Maria and Irma and other hurricane season -- another hurricane season is just weeks away.

Meanwhile, the Department is dealing with problems of President Trump's own making. His Muslim travel ban, his decision to terminate the DACA program, his executive order on immigration enforcement and border security which seeks to make us a nation of immigrants no more.

No longer the Department's chief of staff but now its secretary, you, its leader, the buck stops with you, Madam Secretary. I am concerned that since becoming secretary, you've not always been forthcoming on certain matters. You testified before the Senate that you do not specifically remember whether President Trump used a slur to describe African countries during a White House meeting.



You claim I actually do not know that when asked at the Senate hearing whether Norway is a predominately Caucasian country after the president questioned why we could not have more immigrants from Norway. And most recently, you declined to explain the president's tweet referring to a breeding concept in sanctuary cities in California.

If this is an indication of how you as secretary interact with the White House on Homeland Security policy matters, there may be cause for concern. Your recent statements on Homeland Security matters have been less than encouraging.

Based on your press release this week, you would think the most important Homeland Security problem facing the nation is a handful of Central Americans moving through Mexico. That does not make it so. We know who they are. We know where they are. And we know they generally do not accept -- attempt to evade the Border Patrol but rather present themselves to the agents and officers above -- upon arrival.

(inaudible) fear about this so called caravan gets airtime on certain media outlets and plays well with elements of President Trump's political base. Better to distract the American people from the real issues facing the Department and perhaps from the president's own problems, too.

Likewise, we've heard a lot in recent days about so called loopholes in our immigration system as it relates to children. These are not loopholes. They are basic humanitarian protections enacted by Congress to protect vulnerable children and ensure that those who have legitimate asylum claims are heard, and those who do not are returned home safely.

We need only to look at some of the terrible cases that occurred within this legal framework which implemented to know why Congress acted. Politicizing and demonizing children should be beneath the Department, and Congress must not go down that path.

As you know, Madam Secretary, the mission of the Department of Homeland Security is to safeguard the American people, our homeland and our values. I appreciate -- I appreciate this and understand that it's no easy task and that we are living in challenging times in more ways than one. I hope that the Department under your leadership and with over 240,000 employees strong, live up to that.

With that, Mr. Chair, I yield back.

MCCAUL: Gentleman yields back. Other members are reminded that opening statements may be submitted for the record.

On December 6th, 2017, Kirstjen Nielsen was sworn in as the sixth secretary of the Department of Homeland Security. This is also the secretary's first appearance before our committee, and we thank you for being here today. Your full statement will appear in the record. The Chair now recognizes the secretary for an opening statement.

NIELSEN: Try that again. Thank you.

Chairman McCaul, Ranking Member Thompson, and distinguished members of the committee, it's a privilege to appear before you today. I'm honored to present the president's 2019 budget request for the Department of Homeland Security and discuss how that budget will help keep America safe.

Let me first take a moment to thank this committee for its support for the four -- \$48.2 billion provided to the Department in the recently passed Consolidated Appropriations Act. The support of this committee is critical to advancing the many DHS missions, and I truly thank you for your continued support.

I'd also like to thank you for your support for our reauthorization. As you know, it is critical that the men and women of the Department have the tools, resources and skill sets that they need to further the mission of this country.

The president's 2019 budget builds on the F.Y. '18 and requests \$47.5 billion in net discretionary funding for the Department of Homeland Security. It also includes an additional \$6.7 billion for the Disaster Relief Fund for response and recovery to major disasters.

Today I'd like to outline several core missions empowered by this budget. First, securing and managing our borders and enforcing our immigration laws. Two, protecting our nation from terrorism and countering threats. Three, preserving and upholding the nation's prosperity and economic security. Four, securing cyberspace and critical infrastructure. And five, strengthening homeland security preparedness and achieving resilience.

Within all of these missions, we're aiming to put our employees first and empower our front line defenders to do their job. This will help mature the department, and more importantly, help us better secure the homeland.

For border immigration, first we're focused on securing and managing our borders and enforcing our immigration laws. While, we have made vast improvements in border security over the last 15 months, we continue to see unacceptable levels of illegal drugs, dangerous gang and transnational criminal organization activity, and illegal immigration flow across our southern border.

The current statistics for last month tell a dangerous story. Overall, the number of illegal aliens encountered at the border increased more than 200 percent when compared to the same time last year. Perhaps more troubling, the number of unaccompanied alien children encountered has increased over 800 percent, and the number of families encountered increased over 680 percent.

We also saw a 37 percent increase in drug seizures at the border in March, and I am sad to report we have increase in 73 percent in assaults on our border agents. This is unacceptable and it must be addressed. We must do more to secure our borders against threats and illegal entry and close dangerous loopholes that are making our country vulnerable.



We have been apprehending gangs, TCOs and aliens at the border with historic efficiency. But illicit smuggling groups understand that our ability to actually remove those who come here illegally does not keep pace. They have discovered and continue to exploit legal loopholes to avoid detention and removal and have shown no intention of stopping.

These legal loopholes are strong pull factors that entice those looking to circumvent our laws. For border security to work, violation of the law must have consequences.

As I've said many times, interdiction without the ability to promptly remove those who have no lawful basis to enter or remain is not border security. It undermines our national security and we must work together to close these loopholes. This budget would invest in new border wall construction, technology and infrastructure to stop this illegal activity.

I would be remiss if I did not say that one of our greatest investments in our people. Recruiting, hiring and training additional U.S. Border Patrol agents, additional U.S. Customs and Immigration Enforcement officers, and additional support personal to carry out these vital missions.

Secondly, we must continue to protect our nation from terrorism and decisively counter threats. This is the reason the Department was created and it remains a cornerstone of our work.

Terrorists are adapting. They're taking an all of the above approach to spreading to violence. That includes promoting attacks on soft targets, using homemade weapons, and weapons they can bring in a bring-your-own-weapon style approach.

It includes crowdsourcing their violence through online radicalization, inspiration, direction and recruitment. But they also remain focused on conducting sophisticated attacks including using concealed weapons, weapons of mass destruction, and modifying new technologies such as drones into deadly weapons.

This budget ensures that our defenses keep up with the innovation of our enemies. For instance, it allows TSA to deploy advanced tools to detect threats. It funds new CBP initiatives to identify high-risk travelers. It ramps up our defenses against WMD, and it provides vital funding to protect soft targets from concert venues to schools against attack.

Third, we are focused on preserving and upholding the nation's prosperity and economic security. On an average day, the Coast Guard facilitates the movement of \$8.7 billion worth of goods and commodities through the nation's maritime transportation system.

Each day at our nation's 328 air, land and sea ports of entry, CBP welcomes nearly 1 million visitors, screens more than 67,000 cargo containers, arrests more than 1,100 individuals, and seizes nearly 6 tons of illicit drugs.

Annually CBP facilitates an average of more than \$3 trillion in legitimate trade while enforcing U.S. trade laws and processing more than \$2.4 trillion in international trade transactions every year.



The president's budget helps provide critical resources to these efforts to keep our country competitive and to advance the prosperity of our people. The budget also will help continue efforts to keep foreign adversaries from stealing our trade secrets, technology and innovation.

Fourth, we must secure cyberspace. This is one of my personal priorities as there is much to do in this area. Our networks are under attack constantly from all corners of the physical world.

That's why DHS is taking historic strides to address systemic cyber risk, secure .gov networks and strengthen the security and resilience of critical infrastructure. The budget would enable DHS to support state and local election officials in defending the integrity of our election systems.

As you know, the Departments' mission is to provide assistance to election officials in the form of advice, intelligence, technical support and instant response planning with the ultimate goal of building a more resilient and secure election enterprise to investing in hardware, software intrusion detection and analytical capabilities, we're better able to secure the digital ecosystem that makes our American way of life possible.

Fifth, and finally, it is a core mission of DHS to strengthen homeland security preparedness and achieve national resilience. Last year, according to NOAA, our country experienced one of the most costly and damaging seasons for natural disasters in its history with a cumulative effect costing \$3 billion.

Through the FEMA and in cooperation with state, local, tribal, and territorial governments across the country, we will devote the resources and attention needed to ensure recovery. But we must also help communities across the nation create a culture of preparedness to be more resilient to disasters.

A culture of preparedness is a national effort to be ready for the worst disasters at all levels. This budget helps us with these efforts and supports the DRF which is necessary to help state and local governments respond and recover.

In conclusion, we need to empower the men and women of the department to carry out these five missions and many others by giving them the resources they need. In addition to the various areas I mentioned today, I am also firmly committed to maturing the department and putting our employees first.

It is an honor to serve along the men and women of DHS who work tirelessly each day to secure our country and who are often unrecognized. I thank them for this service.

I thank this committee to support our budget, in supporting our employees, supporting our missions and helping to make our nation more secure. Thank you for your time and I look forward to your questions.

MCCAUL: Thank you, Madam Secretary.

I now recognize myself for questions. First, let me just say this committee passed a historic border security bill providing \$38 billion in funding for the wall, technology, personnel, joined Chairman Goodlatte and his legislation to -- to close legal loopholes. But I think before we get to that, I think you have to justify -- to justify that need, it's -- it's important to look at the threats that we face from the southern border.

Your predecessors both General Kelly and Acting Secretary Duke talked about transnational criminal organizations providing a potential means for transferring weapons of mass destruction to terrorists. There are reports today that this caravan is on its way to Tijuana. Can you tell us a little bit about the threats that we face as a nation and why border security is so important?

NIELSEN: Yes, sir. So I think the way to think about it is any threat that we face as a nation, if it can and will -- if I can get across our border, our adversaries will do all they can to bring it across the border.

So what we look at is everything from drugs to the transnational criminal organizations you mentioned to smugglers and traffickers who smuggle all kinds of illicit things, not just people, but weapons, potentially weapons of mass destruction, other illicit technology. They avoid our trade regulations putting our economic prosperity at risk. And we see increasing violence on the border.

I would also point out that we have seen ISIS in written materials encourage ISIS followers to cross our southwest border given the loopholes that they also are aware of. So we have a multitude of threats. We have emerging threats as you know. We're probably likely to talk about UAS at some point today. But UAS is yet another form of threat that we're beginning to see more and more at the southwest border.

MCCAUL: Yeah. And I recall being briefed on a -- ISIS sort bragging about the ease with which it would take to bring a weapon of mass destruction into the United States. I have to take that seriously as they appear to be warning us of -- of their intentions.

When we talk about closing legal loopholes, you know, the first bill I ever filed in Congress 14 years ago was to end the catch and release program, and here we are 14 years later still dealing with this problem. I'm very frustrated as I know you are. Can you tell me why this is so important?

NIELSEN: I can. So the -- the way that I think about this is in terms of home security. If you have an alarm in your home and you catch a burglar and you call the police and the police come, and in fact it is an illegal entry into your home. But the police then tell you that they have absolutely no ability to detain or remove those criminals and the criminals stay in your house, you would not tell me that is home security. That is what we face at the border.



We stop people, we interdict them, but we do not have the authority given the loopholes in many cases to detain and remove them. We are forced to release them back into the communities after they have committed crimes.

We have eliminated the administration -- the administrative use of catch and release, which was popular in the last administration. We do all we can to enforce the rules that you have passed. But given some of the court cases and some of the legal loopholes, we are unable to do that in all cases.

MCCAUL: And I think to most Americans, they -- they just don't understand that, how that could possibly -- you can detain but you can't deport them, and then they get released into the -- our -- our society in -- in the United States. This -- this so called described caravan as I understand it maybe already in Tijuana. In your opinion, if they cross into the United States which is their full intention, what will you be able to do?

NIELSEN: Well, I think we have made quite clear -- first of all the attorney general has made quite clear, we have a -- a zero tolerance for illegal entry. But we have advised in every way we possible that we are aware of to let those participating in this so called caravan know that participating in a caravan does not give you any additional legal rights.

If you illegally enter our country, you will be referred for prosecution. If you file a false asylum claim, you will be referred for prosecution. If you aid and abet or coach someone to break our laws, you also will be referred for prosecution. So we're very clear about this. We will enforce our laws. It's an unfortunate situation that there is a belief that by coming in groups, it affords you some sort of legal protection that is not otherwise afforded under our law.

MCCAUL: Well, my concern is with the legal loopholes which is really Congress' role to act, under Article I we have the authority under the constitution to -- to pass immigration laws. If we fail to act on these legal loopholes, my concern is they -- they will be released.

You'll have the same problem with this caravan. Once they come to the United States, they will be detained and then released into -- to our society, and that is -- that is Congress to blame, Madam Secretary, not you. And that's why it's imperative I think Congress act on this bill that we have before us.

My final question has to do with aviation security. I'm -- as you've received the threat briefings, I can say everyone on this committee has received the threats to our aviation sector, the briefing involving computer laptops and -- and poisonous gases.

I can -- I think I speak for everybody on the committee, we are very alarmed by this. And we want to do everything in our power to make sure the American people are protected on -- on flights both domestic and international.

We appropriate in the omnibus \$65 million to move this forward. We will complete that full appropriation September for 300 CT machines so that your men and women can properly screen at airports to protect Americans from explosive devices that may not be seen today.

My question is how quickly how can these machines be deployed, and then finally, I think the highest risk are the last point of departure airports coming in from Istanbul and Cairo and Riyadh and places I've been to where the air -- airport security is not as good as ours. And what is your plan to make sure this technology is also at that -- those last point of departure airports?

NIELSEN: As you said in your opening statement, sir, unfortunately, the terrorists continue to see this as a crown jewel if you will of attack vectors. We also remain very concerned about aviation security, and in particular how quickly the adversary is advancing tactics and techniques and weaponry to bring down an airplane.

So the CT machines, we thank you for your support. They are critical in our -- very critical in our ability to detect these emerging threats. As you know we're testing the machines as well as the algorithms that go with them that enable us to detect these new threats this summer. We look forward to the appropriation in 2019 so that we can in fact cover down over the United States in terms of protecting Americans here.

Last points of departure are another type of threat area that obviously a plane comes from a last point of departure to the United States. What we have done there is, you know, last year we substantially raised the bar in aviation security across the world. We have a tiered plan. We continue to work with countries to encourage them to adopt the CT technology.

In exchange for that, we pull back on other requirements that we have levied on them. So we have tremendous outreach occurring. I met with my G7 security ministers Monday/Tuesday. We talked about this again. We talk about this almost in every way we can. But you're exactly right to highlight the threat and we will continue to focus on it.

MCCAUL: Well, thank you. I think it's one of the biggest threats that we face from -- from the terrorists today. It -- it is a spectacular event that they like to talk about, not a one to two man operation or a vehicles. So it -- it would be a major event that we want to do everything we can to work with you to make sure it never happens. So thank you for being here.

I now recognize the ranking member.

THOMPSON: Thank you, Mr. Chairman.

Madam Secretary, one of the oversight responsibilities we have with DHS is to kind of see whether or not things are going according to the wishes of Congress and this committee. And to that extent, there are a number of policy deliverables that are outstanding from the Department at this point, and I'm going to go through the list and try to get some idea on when we will receive the.



The Quadrennial Homeland Security Review was due December 31, 2017. Do you have any idea when we might get that document?

NIELSEN: Yes, sir, I believe we've coordinated with your -- with this committee as well as our sister -- your sister committee on the Senate side to work through the best way to present that information.

We want to make sure that it is part of a larger national security strategy, counterterrorism strategy. As you know, we have other strategies that are due at the Department. So the idea is to get the timing right so that they actually work in parallel and we don't have one that then isn't consistent with another due to timing restrictions. So happy to come brief you further on the progress and how that nests into many of the larger requirements that we have.

THOMPSON: Madam Secretary, it's the law.

NIELSEN: No, I understand, sir. So we -- we have worked with you on the timing, but I'm happy to come brief you as I said specifically on that.

THOMPSON: So -- so you don't plan to follow the law on delivering the report? I mean that's all I'm asking. It's due. To say you coordinated, that's all right. But it's the law you have to produce the report.

NIELSEN: And respectfully, sir, I did not say that I would not follow the law. What I did say is that we're working on it. We have told you what the timing is, and I'm happy to come brief you further if you would like.

THOMPSON: Well, I'm not necessarily looking for a briefing.

NIELSEN: OK.

THOMPSON: I -- I need from you, very simple, when you plan to follow the law to present...

NIELSEN: We will get back to you.

THOMPSON: Beg your pardon?

NIELSEN: We will get back to you.

THOMPSON: Well, will you get back to us in writing?

NIELSEN: If you would prefer that instead of a greeting -- briefing, happy to do that.

THOMPSON: I would -- I would absolutely prefer it in writing. We have also a department-wide cybersecurity strategy that was due March 23rd, 2017.

NIELSEN: Yes. So we were out at the RSA conference last week. We spent quite a bit of time talking to stakeholders to finalize that as a last very important effort to make sure that we had stakeholders involved. We'll have four pillars of that strategy. We're looking to identify the risks, to reduce threats, reduce vulnerabilities and mitigate consequences. We also have it based on five trends...



THOMPSON: I -- I -- I appreciate that, but when can we as members of this committee receive the written report...

NIELSEN: Shortly.

THOMPSON: ... that's outstanding?

NIELSEN: Shortly, the strategy is (inaudible), sir.

THOMPSON: A week, two weeks? A month?

NIELSEN: It -- it should be within the next two weeks, yes sir.

THOMPSON: Within the next two weeks.

NIELSEN: Yes.

THOMPSON: Thank you. Now the long awaited update plan for the Department's major headquarters consolidation project, it was actually due August 27, 2016. When do you anticipate getting that to us?

NIELSEN: That one I'll have to get back to you, sir. I'm not as familiar. I know we continued to be in discussions. As you know we've had some funding issues as well as some construction delays given the historic nature of the property. So I will get back to you on the timing of that.

THOMPSON: Well, thank you. And those three reports, if you would provide in writing the status updates and when we can expect -- expect them, I would appreciate it. With respect to Hurricane Maria, are you satisfied with FEMA's response to -- to Hurricane Maria as it relates to Puerto Rico and the Virgin Islands?

NIELSEN: FEMA, well -- well as you know it's not over yet. FEMA will continue to provide recovery services under its statutory mission until they're complete. We continue to work very closely with the governor and the local -- the government officials, mayors in the case of Puerto Rico.

We can always do more. It was a very difficult situation as you know given, especially in Puerto Rico, the status of the infrastructure before the storm. FEMA prepositioned more than it ever had before. We had many people there in conjunction with our interagency partners, and we're going through the formal lessons learned process now. But recovery is ongoing so we should have the findings from the initial response shortly.

THOMPSON: So your testimony -- you're not satisfied with it or you are?

NIELSEN: It was a big storm, sir, I think FEMA went above and beyond in performing its statutory mission, but we always learn lessons and we always make it better for next time.

THOMPSON: What systems have you put in place so that whatever shortcomings occurred with Hurricane Maria won't occur again?

NIELSEN: One of them is the administrator or deploying -- is deploying federal integration teams. The concept here is to send steady-state people out into the field who are experts in instant management preparedness prevention mitigation to help different areas and jurisdictions be able to prepare for an event.

So what we're trying to do at this point is push resources to left of the event. As you know, recent studies have shown for every dollar of mitigation we save \$6 in -- excuse me, \$1 in prevention and mitigation we have \$6 saved in terms of response and recovery. So what we are doing is relooking at all of our systems so that we can build those cultures of resilience and preparedness.

THOMPSON: Thank you. Madam Secretary, on January 16th, you testified before the Senate that 90 percent of unoccupied alien children released never show up for court. Can you provide this committee with how you came up with that 90 percent figure?

NIELSEN: Sure. When we encounter a UIC, we register them. As you know, we, at the Department, turn them over to the Department of Health and Human Services. So we have the numbers, then we...

THOMPSON: Well, what I'm saying in writing?

NIELSEN: Oh, OK. Sure.

THOMPSON: I yield back.

MCCAUL: The gentleman yields.

Chair will recognize members who were present at the start of the hearing by seniority on the committee according to the rules. The Chair now recognizes the gentleman from New York, Mr. King.

KING: Thank you, Mr. Chairman.

Madam Secretary, thank you for your testimony here today and thank you for your service. I have basically two questions. I'll ask them together so you have more time to answer them.

First is on the issue of grants, Homeland Security grants. I live right outside New York City. New York City, Nassau and Suffolk, Westchester County are the number one terrorist target in the country by all accounts. There's more than well over 1,000 police officers work full time on counterterrorism and intelligence.

We have subways carrying over 5 million people a day, a thousand entrances and exits. We have commuter lines, Long Island Railroad and Metro North with hundreds of thousands more. And yet in the budget, your WASI (ph) grants are being cut. SISCAP (ph) grants are being cut.



And to me, and you have may be some other alternative plans, but the fact is these police departments and these fire departments and these emergency service units in these locales, and I'm not disparaging any other part of the country. They can fight and they need it too. But yet we have been attacked many times, twice just in the last six months. There's been over 20 attempted attacks against New York besides the two attacks on the World Trade Center.

So I would just, again, ask you to reconsider and look at how that money is being distributed and why we have cuts at a time like this when, again, in many ways the threats are more than they were before 9/11. They may be not at the same magnitude as 9/11, but as far as numbers and the metastasizing of Islamic terrorists, there's more threats today than there were then. That's my question is on that, an easy one.

Second one is on MS-13. MS-13 is to a large extent focused on my district. We've had over 25 murders in the last two years. They're right now digging for bodies within a mile of my house. This -- this goes on continuously. But let me commend both HSI and ICE for the work they're doing. They're working very closely with the local police, with the local district attorneys, with the FBI. So progress has been made.

But one of the deficiencies we have, and this is not really your Department's responsibility, but I think you have a say in this. This is on the question of the unaccompanied minors. It was brought to my attention last year both by federal intelligence and also local police that many of these minors who come across, I don't say many, maybe 5 or 10 percent, whatever the number would be, are actually sent here by MS-13 in El Salvador.

When they come to the border, they're apprehended by the Border Patrol but then turned over to HHS, and then HHS places those kids with families around the countries. A disproportionate amount are going to Brentwood and Central ICE up in my district.

Intelligence, as I understand, is showing that the families who are asking for these kids are either in many cases or too many cases are either supporters of MS-13 or they have relatives back in El Salvador being threatened by MS-13. In the most recent murders, of the 11 people indicted for the murders, six of them were unaccompanied minors that came across the border within the last two or three years.

When I talked to the school superintendents, they talk about how the unaccompanied minors, a number of them are recruiting within the schools. And yet, HHS, the Office of Refugee Resettlement does very little as far as notifying the local police when these children, unaccompanied minors are being placed in -- in -- in the community.

I would ask if you'll get the administration to work with HHS and your own Department to better coordinate this so the local police are told who these kids are, where they're coming from. And also a better job of vetting the families that they're being placed with and also a better job of vetting the families they came from. So those are my two questions. Thank you.

NIELSEN: Thank you, sir. As you said, grants are -- our grants are not an easy conversation. The way we're -- we're looking at this, and we'd love to work with you further, we've put out as you know about \$50 billion in grants since 9/11.

And the idea there was to help state and locals build capacity to threats that they hadn't necessarily had to address before. It was very important at that time to make sure that the state and locals had what they needed to protect their communities.

As the -- as the threat environment quickly changes, what we're trying to do is find ways to have grants, not just maintain and help state and locals continue the capacities they've built, but enable them to focus on the new and emerging threats. So what this budget proposes is a new \$525 million program, preparedness program, to focus on emerging threats.

So it's not -- I understand the question, but I just want to make the point. What we're trying to do is use the grants holistically in a way that we can cover down on the known, the threats that we know we have, but also the threats that are emerging. So it's important...

KING: I was just saying that the threats -- I realize there's new threats, but again, large amounts of this money are spent on surveillance, on programs which are ongoing, the threat is ongoing, and it's not as if that you always need new equipment. Sometimes they do.

But it's also they have to have the training and the -- and the constant work that goes on. When you 1,500 -- 1,000, 1,500 working on it, and they are working full time, you know, whether or not the threats changed, those 1,000 or 1,500 still have to work.

NIELSEN: Yes. So we need to -- we need to balance the maintenance and sustainment with the idea of the grants to begin with, which is to build capacity, to build new threats. But I did want to just take a -- a few minutes to answer your other question.

MS-13 does continue to be a problem as you know better than most in this room given the violence that has occurred in -- in -- in your area. Through Operation Matador and others, as you say, HSI does play a very active role.

We continue to work very closely with our colleges at the Department of Justice to attack this from a network perspective which means going all the way back to where they're originating, watching their travel patterns, attempting to stop them at the border of course. But should they enter, make sure that we understand where they are and where they're headed.



Happy to work with HHS to make sure that that referral process works better and more effectively. I would also say that one of the loopholes that I often talked about is that fact that we cannot based on gang affiliation alone prohibit somebody from entering the United States. It is not a legal criteria in and of itself for inadmissibility. So we also need to look at inadmissibility and removability when it comes to gangs, that we can make sure we can remove them.

The final point I would say on the UACs, we are working with HHS to better vet the sponsors and the family members so that we can understand where the children -- for the children's safety, are going and who will take care of them. But also so that we can identify other issues that might occur.

As you say, we see recruiting from the gangs in New York all the way down to Central America, and we see the push from Central America to send UACs who are gang member into the United States.

KING: Again, let me emphasize that Homeland, HSI, ICE are doing an excellent job working with the FBI and local police in...

NIELSEN: Thank you, sir.

KING: ... Nassau and Suffolk. Thanks.

MCCAUL: The gentleman yields.

Chair recognizes the gentlelady from Texas, Ms. Jackson Lee.

JACKSON LEE: Mr. Chairman, thank you so very much, and thank you for this hearing along with the ranking member.

Let me welcome you, and I don't often make this comment, but I think the ranking member made a point that I quickly want to say, and that is that I had the tragic privilege of being on this committee shortly after -- the beginnings of this committee shortly after 9/11, and was able to go to ground zero during the long extended period of the recovery of remains. And so there is nothing more than the security of this nation, and I think it's bipartisan.

I do want to acknowledge Tacala (ph) and Madisen (ph), I brought them here today. They are take your daughters to Congress, and they're in the room today, and I wanted to acknowledge them.

I'm going to put a series of questions on the record and then I'm going to ask which ones that I'd like you to do in writing or I'll indicate. I want you to tell me how many African Americans do you have in your immediate circle of staff. I don't see any in the room that seem to be with you today. So I'd be interested in that and your efforts on that.

As it relates to the wall, I'd be interested in knowing whether Mexico is going to pay for the wall, and so how the wall is going to proceed, as well as the 4,000 National Guard. You mentioned and certainly I want to respond to the assaults on Border Patrol agents. I think we should respond to that in whatever recommendations that you may have.



But the 4,000 National Guard as I understand it coming from Texas being on the border, they will be unarmed and I see no way that they'll have an impact on the protection of border security -- Border Patrol guards that are there now, and so what is the purpose of the 4,000? And did you have input into that selection?

We know that there is a recent court decision that indicts that the DACA structure right now and the president's removal of DACA status is illegal, and frankly, there has been no placement. We have a number of bipartisan bills to be put on the floor.

Would you and the president ask and demand that Paul Ryan put these bills on the floor for us to be able to vote for them? And then secondarily would you instruct your Border Patrol agents to not treat DACA eligible and/or DACA status individuals unfairly at the border by stopping them at the border and not allowing them to come back and forth?

The other question is that I have been working extensively on a young man from El Salvador who lived in this country more than half of his life, two American children, citizen wife. Manager of a paint store.

And I have repeatedly asked the Homeland Security Department to address the question of Jose Escobar (ph) who was, I would say, duped into doing what he always does is reporting to the ICE office and precipitously being deported to a place that he has no knowledge of. And we have not gotten one answer regarding the ability for him to have humanitarian parole to come back to this country and to address his status because he's DACA eligible.

TSA is in definite need -- definitive need of retention programs and salary programs because in your major airports, and I don't know if you've been to all the major airports, there is a -- a constant rotation or departure of TSOs and that needs to be fixed.

FEMA needs to be fixed in terms of bifurcating recovery as opposed to rescue. And in Houston, the reimbursement, and I want to thank FEMA and their staff, they're dedicated persons, but reimbursement monies have not yet come to schools and other facilities and people in desperate need.

Two other points, domestic terrorism, the Mark Anthony Conditt did kill other people in Austin but he also killed two African Americans initially, and I think it was appropriate for many of us to think of his inclination and call it domestic terrorism. We heard nothing from the Department of Homeland Security.

Finally, the president has gone to March-a-Lago one day out of every week that he's been president, and 110 times he's played golf. And I want to know your response to the Secret Service's long hours.

So let me ask you to answer the African American question, all the others I want in writing, the TSA retention question and the domestic terrorism, and you can just do quick sentencing. And secret Service in terms of payment and the responsibility of taking Secret Service to these joyful places and the long hours that they have to do. TSA retention...

NIELSEN: TSA...

JACKSON LEE: ... are you working on that?

NIELSEN: Yes, ma'am. That is a very -- throughout the Department, as you know, we do have some attrition problems that remain. It is a party of mine as part of maturing the department to become much more innovative. So we're looking at mobility programs.

JACKSON LEE: I'm going to let you...

NIELSEN: OK.

JACKSON LEE. ... go quickly. Domestic terrorism.

NIELSEN: Domestic terrorism, we've created an Office of Terrorism Prevention partnerships as you know to take very seriously all forms of terrorism in this country and work on (inaudible)...

JACKSON LEE: Did you speak about the incident in Austin, Texas in terms of potential of being domestic terrorism?

NIELSEN: I -- I can speak to it only to say we're working with state and local law...

JACKSON LEE: If you had anything in writing on that, I'd appreciate it. I just want to go forward. Mr. Escobar, would you look up Mr. Escobar. I've joined a bill with Mr. Green (ph) asking for him to be able to return. But more importantly this can be handled by -- administratively by Homeland Security. Will you look at the point of Mr. Escobar from Houston, Texas?

NIELSEN: We will look at the case, yes.

JACKSON LEE: Secret Service and the many trips of the president to places beyond Camp David, which is an appropriately beautiful place, and the extra hours and the tiredness of Secret Service and the need for extra staff. What is -- how are you handling that burden?

NIELSEN: We're working on hiring initiatives. We're working on cross training. We thank Congress for recently passing a bill that allows the Secret Service to be paid overtime. That will help very much with attrition and morale. We also in that case are looking to cross train and give them more ability to move within the Secret Service to reduce some of the burden that they have.

JACKSON LEE: African Americans in your staff?

NIELSEN: I don't have the exact number in front of me. We do have diversity programs. We take that very seriously. Happy to get you specifics (inaudible).

JACKSON LEE: Do you have any on your immediate staff?

NIELSEN: On my -- my immediate staff is rather -- rather large, but I don't know.

JACKSON LEE: In your office?



NIELSEN: In my -- in the personal front office, we do not.

JACKSON LEE: All right. All the other questions I'd appreciate it if you would more extensively answer in -- in writing, and I -- I do want to just conclude by emphasizing the treatment of DACA status individuals.

What is the Department's position since most courts have indicated that DACA is a legitimate status to indicate to your employees that they should not be treated precipitously and disrespectfully and detained which is what is happening?

NIELSEN: We are complying with all court orders. So what that means is if you are a currently registered DACA recipient, you will not be deported. If you have applied for recertification as a DACA individual, you also will not be deported.

JACKSON LEE: And you'll take new applications?

NIELSEN: We are not taking new applications right now, no, ma'am.

JACKSON LEE: All right. If you could give me answers to all the rest including why you're not taking new...

NIELSEN: It's not required at the moment so...

JACKSON LEE: It...

NIELSEN: ... as you know we ended the program because it was an inappropriate...

JACKSON LEE: Why (ph)?

NIELSEN: ... an inappropriate use of executive power.

JACKSON LEE: I understand. If you could just put that in writing since the courts have indicated your ending of the program was incorrect, why you're not taking new applications. (inaudible)

NIELSEN: OK. So just to be clear though, the courts have not said that. What the courts have said as of recently in the last couple days is they've asked the Department within 90 days to come and provide them additional information. Should they find that that information is not sufficient, they reserve the right to take additional action. No court has ordered me to allow new DACA recipients.

JACKSON LEE: I disagree with you, but I would prefer if you would submit that to me in writing along with the other questions that I did not specifically get. I thank the Chairman and the Ranking Member. I yield back.

MCCAUL: The gentlelady's time is expired.

The Gentleman from Alabama, Mr. Rogers, you're recognized.

ROGERS: Thank you, Mr. Chairman.

And Madam Secretary, thank you for being here and thank you for your service to our country.

On a parochial note before I get to my questions, I want to personally invite you to -- now that you're settled in, to come and visit the Center for Domestic Preparedness in Alabama.

As you know, it has done a stellar job since 9/11 in training first responders all around the country, hospital personnel. And it has the only live agent training facility for biological and chemical agents. So I think you'd find it interesting. The last secretary to be there was Janet Napolitano, and I'm sure you'll be as impressed as she was.

But in your written statement -- written testimony you stated that, quote, "Investments in our layered defense at the border would include 65 miles of new border wall construction in the highest traffic zones along the southwest border."

Yesterday, we had the CBP commissioner testify before the Transportation Security Subcommittee, and he talked about in addition to the -- the border -- the wall itself, the -- the importance of technologies associated with it to give us situational awareness at those borders. Can you describe for us what you see as your idea of a border wall system, and meaning not just the wall itself, but what -- what would that system be compromised of?

NIELSEN: Sure. So a border wall system is the infrastructure which is important for the impedance and denial capability. It's in the technology, which among other things helps us with the domain awareness, situational awareness. It's the sensors technology. It's also at the ports of entry, the non-intrusive technology that helps us detect drugs and -- and illegal entrants.

It's personnel, mission readiness and making sure we have a workforce who's trained. And the last is access and mobility, so it's very important that the Border Patrol is able to get to parts of the wall where there are areas -- parts of the border where there is a wall or there isn't a wall to be able to interdict (ph). So it's a combination of all of those things.

ROGERS: Have you been able to ascertain what percentage of the cost associated with the border security system is actually the wall, and what is the -- the rest of that system that you just described, which is substantial, the technologies and personnel are substantial.

NIELSEN: The -- yes, in fact, in -- we had asked for \$1 billion alone for some of the technology when we were talking about the \$25 billion total number for the wall system. I can get back to you on that. It changes, frankly, as we work with Congress and we're appropriated money.

And then as you know in the last omnibus bill we had some specific restrictions on how we could build the wall and where we could build it. So we're reprioritizing and reorganizing some of those funds that were given to us by Congress. So happy to give you specific figures.

ROGERS: Yeah, I'd like to get a proportion...



NIELSEN: Happy to.

ROGERS: ... because, you know, one of the things that we've heard is a lot of the critics of -- of securing the southwest border talk about the numbers being unreasonably high per mile for this wall, and in fact, we're not just talking about the wall or the fencing itself. We have to help people understand that there's a lot more that goes to it than just putting fencing up, or whether it's see-through our concrete or whatever at different points.

Let me ask this, do you feel like you have enough money right now to take on that challenge and secure the southwest border in its entirety?

NIELSEN: Not in its entirety, no, sir. So our goal is operational control of the border that would have those master capabilities I mentioned. We do not yet have funding to secure the whole border.

ROGERS: Well, one of the things that my friend and colleague from Texas, Ms. Jackson Lee requested information about a little while ago was whether or not Mexico or South America's going to help pay for the wall.

One of the things I would draw to your attention if you're not aware of it is a bill I introduced called the Border Wall Funding Act, which would assess a 2 percent fee on all remittances going to South America.

Half of that -- and it would generate right at a \$1 billion a year, half of that coming from Mexico, the other half from the other South American countries where these -- most of these illegal aliens who are coming to our country are -- are -- are leaving, which would in fact require Mexico to pay for at least half of the wall.

Now granted it's a billion a year, it wouldn't do it all but it's -- I hope that -- that you all will look at embracing that as one of several funding mechanisms to get us the money we need to -- to secure that wall. You also in your testimony said, quote, "Some critical missions are impeded by jurisdictions that refuse to cooperate with DSS -- DHS on enforcement of federal law." I think you're talking about sanctuary cities there?

NIELSEN: Yes, sir.

ROGERS: Can you tell us briefly what -- what kind of added expense do you encounter when you have to go into an area that's a sanctuary city or a county and they refuse to cooperate?

NIELSEN: I'll get you the figures, but it's additional use of technology. It's certainly an additional use of manpower. It's additional planning, additional contingencies that are built in.



But in essence what it requires us to do is rather than being able to take the criminal in a safe environment, which would be the jail, we then require our agents to go out in to the community putting themselves at risk but putting the community at risk to be able to interdict, yet again unfortunately, that criminal to be able to remove them.

ROGERS: Well, if we can get our -- our heads around that added cost, I want this committee to consider legislation that would force those sanctuary cities to reimburse the Department for those added expenses that they're imposing on you.

With that, my time's expired. Thank you very much, Mr. Chairman, I yield back.

MCCAUL: Gentleman yields back.

The gentleman from Massachusetts, Mr. Keating is recognized.

KEATING: Thank you, Mr. Chairman.

Thank you, Madam Secretary for being here. You said in your opening remarks that you have -- trying to create a -- a culture of preparedness. And in response to Congressman King's questioning, you said you want to build up a greater capability for emerging threats.

You know we'll never know where the emerging threats may come from with surety, but we're pretty sure we know where the response to those threats are coming from. And -- and those responses are coming from our front line. In fact, in my years here on the committee, I often ask, you know, what's the important aspect to our homeland security, and the answer almost always is our frontline responders.

That being said, this budget does not reflect that commitment to preparedness at all in -- in terms of those responders. There's cuts to the state, the Homeland Security Grants that states like Massachusetts my state use of \$157 million, the Urban Area Security Initiatives, which were so critical in the Boston bombing marathon and -- and the response in cities like New York, cut \$180 million.

The Transit Security Grants which is a target of -- of great concern given what's happened in other parts of the world were cut \$64 million. The Emergency Performance Grants, \$70 million. The -- the funds to our local fire departments, frontline responders have been cut. So if you could tell us how cutting this kind of funding helps America be safer.

NIELSEN: Yes, sir. So grants are part of a holistic approach to help state and locals prepare as you know. So as I mentioned earlier, it was actually the National Institute of Building Sciences that released the report. But \$1 on the front end saves us \$6 on the backend. So that's what we mean by culture of preparedness. It's capacity building. And we do a lot of that through programs that are a direct distribution of funds.

We help with exercises, we help with training. We do have money in the budget for equipment through our CWMD office to provide detection and training for those particular threats. We have money in the budget for NPPD to help state and local officials as well as critical infrastructure owners and operators in cybersecurity. We continue to invest in Plustsy (ph) to provide additional...

KEATING: No, I -- I -- I understand that, Madam Secretary. But, you know, why are you cutting where we know with certainty the response is coming from?

NIELSEN: So I...

KEATING: Those are wonderful things.

NIELSEN: Yeah.

KEATING: But...

NIELSEN: But those do that. The -- the...

KEATING: But these are the first responders...

NIELSEN: Right. But that's what the...

KEATING: ... that are going to be there.

NIELSEN: That's what all those programs do. They help local communities and first responders be ready to respond.

KEATING: But these are tried and tested.

NIELSEN: Exercises and training.

KEATING: And save lives.

NIELSEN: Yes, (inaudible).

KEATING: Those things that I mentioned have all saved lives. And so with a -- a culture of preparedness with emerging threats, how is that greater? How are we safer with that?

Those are the -- those are critical monies to police, fire that they cannot do on their own. It includes regional kind of preparedness. So I -- I'll leave it with that. But I'm concerned, and I -- I think I'm not alone on this committee on both of the aisle in terms of that concern because we have seen the effectiveness.

And if I could shift very quickly, one other area. President Trump in his private life, even though he's president, he continues in his private life and his private business life to take advantage of H2B visas for his personal businesses. They're there for him. They're not there for everyone right now because of the -- the demand.



I represent a seasonal area where small businesses really rely on this. And under the Bush administration, they merely raised the cap. Under the Obama administration, they raised the cap several times in the past responding to this demand.

But you've had the opportunity to deal with it, and the small businesses in my district are telling me that the way that rolled out last year, the regulations, the uncertainty, the burdens on a small business were so great that they didn't even dare and they were being advised by their own attorneys even not to enter into it.

Now could you tell us the timeframe for acting on these additional H2B visas? The clock's ticking and businesses are losing money. American jobs are being hurt by this because by not hiring a full complement of workers, they're closing down for weeks that they would normally be open. Days that they would be open. So it's hurting American jobs as -- as well.

And why if we're going to roll this out, why couldn't we just do what President Bush did, what President Obama did and just raise the cap on returning workers? Those are the safest workers. You don't see returning workers overstaying their visas. We have a problem with that in other visas.

But these are people that have a history of working -- pay -- by the way, paying into Social Security, and have (ph) a benefits that they're going to realize. Going home and then coming back. They're safe. They're -- they're -- this is tried and tested. This is common sense.

Why can't the Department simply have the cap raised on returning workers and -- and deal with this in a timely fashion and not leave so many revenues that -- that would be important for our economy wasted and -- and lost? Now, it doesn't affect the president but it's effecting people in my district. Could you...

NIELSEN: Yes, sir. So as you know we did raise the cap last year. I worked into...

KEATING: Yes, but excuse me. But...

NIELSEN: Yes.

KEATING: ... I told you want my businesses are telling me loud and clear. Many of them wouldn't even take advantage of it because supposedly a pro-business friendly administration made it so uncertain and (inaudible), they wouldn't even dare try. They just shut down for weeks. So...

NIELSEN: Sure.

KEATING: ... I know you did it last year. I'm asking you...

NIELSEN: No, I -- I -- I...

KEATING: ... not to do it the same way this year.

NIELSEN: Yeah. So the -- the reg is done. The reg actually was a result of talking to many members who have a concern in their district, and the concern was that the visas were being given to those who are not seasonal workers. We unfortunately have seen an increase in fraud, so what the reg was meant to do was to get...

KEATING: Again, excuse me. But that's a -- an enforcement issue. So the answer to better enforcement...

NIELSEN: It's -- no, no, no, it's not enforcement...

KEATING: ... is that -- these are (ph) better enforcement is not to scuttle the program, not to make it ineffective.

NIELSEN: Yeah (ph). Right.

KEATING: It's to do better in enforcement. And -- and, you know, the clock is ticking.

NIELSEN: Yeah, I would ask -- I would ask Congress to act. I mean I personally worked into the wee hours of night to try to get this addressed in the omnibus. It's Congress' job to legislate immigration. I have asked repeatedly for you to put the cap in law and for you to put in law that returning workers that come back...

KEATING: Excuse me, again, if I could amplify that.

NIELSEN: Sure.

KEATING: Eighty-nine members, bipartisan members that signed a letter saying -- asking the leadership to do that. Now they didn't. They gave you the authority again as they did before. But within that authority, you still have the ability to do it. So...

NIELSEN: Yes. So the visas should be...

KEATING: So I'm asking you to do it.

NIELSEN: The visas should be...

KEATING: And act in a timely way and -- and a way that businesses can -- can take advantage of this.

NIELSEN: I agree. There is no reason to have a visa program that puts Americans businesses out of business. That's not the intention.

KEATING: Well, (inaudible)...

NIELSEN: We are working, we should have it -- to have it (inaudible) much...

KEATING: If you could get back to me on -- on that, I'd really appreciate it. Thank you, Madam Secretary.

I yield back.



MCCAUL: The gentleman yields.

Gentleman from Pennsylvania, Mr. Perry is recognized.

PERRY: Thank you, Mr. Chairman.

Madam Secretary, you have a tough job, and we appreciate your service. I got four questions. I'm going to try and ask them all, and -- there's a little narrative with each one for context, and then I'm going to let you answer and try and be respectful of everybody's time.

Some cases in the past including Iraqi refugees living in Bowling Green were arrested in 2011 and a Saudi immigrant living in Oklahoma arrested in February of this year demonstrate how individuals have been able to make it through DHS vetting despite being associated with terror groups.

In both of these cases, derogatory information was then later discovered in DOD databases showing that the men in both cases were linked to Al-Qaida. Ensuring the battlefield data is available for DHS vetting is essential for Homeland Security.

And the question is essentially will the proposed National Vetting Center created by this administration in February of this year prioritize addressing this vetting vulnerability and -- and how you feel about that, if you think that's going to be adequate?

Question number two, what is it -- DHS doing to collect DNA from none-U.S. persons being detained under the United States laws, understanding that there's a requirement that they're collecting -- the collection of the DNA from detainees to send to CODIS for law enforcement purposes.

Question number three, many Americans hope we end the catch and release program, but it seems the current ICE parole policy is almost a definition of catch and release, and that -- that parole policy is not codified in law. That was enacted under the last administration and can be un-enacted so to speak under the current administration.

People with valid claims of asylum should receive it, but those who claim it unlawfully should not be paroled into our country where we rely on those individuals who were unlawful and dishonest to willingly reappear or appear at a hearing.

And then question number four, I have the privilege of chairing the Oversight Management and Efficiency Subcommittee. As the name might suggest, one of the roles is to look into what sort of financial waste could be eliminated -- eliminated in DHS.

This Congress -- in this Congress we have held hearings on the consolidation of St. Elizabeth's campus, integration and -- and updating of financial systems for some of the components at DHS, which is currently, I might add, undergoing its fourth iteration and failure. And some of the cumbersome character -- or character fitness examinations processes that contractors undergo before they can work on some project.



The problem -- here is the problem, ma'am, none of these things are particularly headline grabbing topics. They're not real sexy. And -- and while I know that the country has, and you have much bigger fish to fry, they remain systemic problems year after year.

And I'm just wondering, you know, let's just pick like -- if we look at the individual disparate parts, they all seem to be doing their job and doing it fairly well, but the integration component where leadership is required to bring them together never seems to somehow come through.

So the -- I'm wondering -- the question is this, does the agency have benchmarks in that regard for Congress to evaluate not only integration but some of these other problems and the -- and the successes. And I stand ready to re-answer -- or re-ask any of those questions if you haven't gotten them.

NIELSEN: Thank you. In the National Vetting Center, the short answer is yes. That is exactly what it -- it's created to do, it's to use both high side information and information from our allies to help us continuously screen those who seek benefits. As you say, unfortunately, sometimes between the initial screening and the granting of a status or a benefit, additional information comes to light that would necessitate us changing the original determination. So --

PERRY: We know it's hard to be perfect. But we...

NIELSEN: Yes. No, that isn't...

PERRY: ... we want to strive for that, right?

NIELSEN: And, you know, we continue to expand so called HSPD-6 agreements, which is an agreement with a foreign country to provide known and suspected terrorist lists. We have over 60 now. And we continue to work with all of our allies to implement the U.N. Security Council 2396, which as you know would include that transmission of -- of, you know, passenger name record information.

The second one, the DNA. So yes, it is required in law, but as you also know, a waiver was signed between then Attorney General Holder and then Secretary Napolitano exempting most of DHS from that.

PERRY: But do we want to -- don't we want to side on law enforcement and collect that DNA while we have those people? I mean I know there's a waiver, but shouldn't we...

NIELSEN: Yes. So we are working with the attorney general currently to form a pilot to start doing that, to start collecting the DNA so that we do have...

PERRY: When do -- what do -- you have an expected start date?

NIELSEN: We're working on the pilot right now, so I can get back to you on (inaudible)...

PERRY: Oh, the pilot's occurring right now?

NIELSEN: Yes, sir. We're -- well, we're in the planning stages and we're doing it in batches. So as you know, some of it is the processing, we want to make sure the chain of custody. And...

PERRY: OK. Yeah.

NIELSEN: But, yes, happy to get right back to you on that.

PERRY: I want to keep the conversation open on that.

NIELSEN: You got it (ph).

PERRY: All right?

NIELSEN: The third one, ICE parole. So we have eliminated what we call administrative catch and release, which I believe is what you're talking about.

PERRY: So you come and you claim a credible fear, right?

NIELSEN: Oh, I'm sorry. OK.

PERRY: Yeah.

NIELSEN: So if you claim a credible fear, we do -- you do then go into the asylum process. If it's deemed that you have a credible fear, you then go through an immigration judge and go through the...

PERRY: Right, right. But in -- in the past there wasn't the parole situation, right? So you claimed a credible fear, we detained you to determine, really, do you have a credible fear. And if you didn't then it was essentially fraudulent, and then we had the opportunity to send you back to wherever you came from because that was erroneous, right?

But now people know that they can claim a credible fear. We'll parole you, right? You're released out into our country and then we never see you again, and we don't know whether you had a -- a credible fear.

And it seems like the current parole policy is actually a magnet. People are -- people know that and they know they can just come and claim it and they'll be paroled, and they'll never have to answer for that parole. And that's what -- that's what I'm -- I think most of my constituents that are interested in ending catch and release are concerned about.

NIELSEN: Understood. Part of that is detention bed capacity. So if you're not a flight risk, there are a limited number of people who are provided essentially monitoring ankle bracelets so that we can track them in -- in different systems when we detain them and we don't have those beds.

PERRY: Do you need more money for ankle bracelets? Is that -- that...

NIELSEN: Oh, we need more money for detention beds. The numbers keep going up and...



PERRY: Why can't we -- can we use the ankle bracelets if you're going to detain -- if you're going to parole these people? Is that a viable -- is that -- is that viable? Is it not viable? Do they take them off? Or what -- what's the story there?

NIELSEN: They can evade them, yes, sir. So it does help us. It's not a silver bullet. But in terms of numbers and if we need more, happy to get back to you on -- on specific...

PERRY: Yes, ma'am.

NIELSEN: ... numbers on that. The last one was St. E's, but more broadly integration. You know, unity of effort should not be a -- a -- it's not a destination. It's a constant endeavor. We have developed some benchmarks internally. Everything from measurements to performance controls, internal controls to work on joint task force to eliminate inefficiencies. Happy to -- to give you more some stuff (ph) on that.

PERRY: Can we -- yeah, can we get that information?

NIELSEN: Happy to.

PERRY: Thank you, ma'am.

I yield, sir.

MCCAUL: Chair recognizes the gentleman from New Jersey, Mr. Payne.

PAYNE: Thank you, Mr. Chairman.

Madam Secretary, thank you for being here. I was -- apologize, initially, I wasn't sure I recognized. But when they brought up the -- the Norway -- you not knowing Norway was a Caucasian country (ph), then I remember. I knew who you were. We've had...

NIELSEN: You know, that's -- that's a funny one. I'm very proud of my heritage but I am an American. All Scandinavian countries are not the same. And I wasn't going to -- the way the question was asked, testify under oath to something that I can't guarantee was right.

PAYNE: I understand.

NIELSEN: So I'm not really sure why that became a story. I don't know why it would be a requirement of the Secretary of Homeland Secretary to know the racial makeup of every country. I do not use screening based on race, religion or creed. But thank you for raising that again, sir.

PAYNE: As we have had to do in other committees, reclaiming my time, I would think that it -- it was just -- I just saying how I remember who you were and identify related with that. Let me ask you also since we're on the topic, the -- the wall is something that seems very important to many people in this country, would you agree?

NIELSEN: Yes, sir.

PAYNE: And who's going to pay for it?

NIELSEN: The president continues to ask Congress to appropriate, and so we thank you for the funds this year. As you know we have \$1.6 billion requested in 2019.

PAYNE: But during the campaign, who was going to pay for it?

NIELSEN: I -- I can't speak to the campaign, sir. But right now we have given you are budget request.

PAYNE: No, I'll tell you. I -- I didn't even watch that much. Mexico was going to pay for the wall. How -- how much -- how much have we gotten from Mexico for the wall?

NIELSEN: We have, as I said, continued to work with you all to request money in the budget to build the wall system.

PAYNE: Not Mexico?

NIELSEN: We have -- we have requested the money from Congress through the appropriations process.

PAYNE: OK. Well, I heard a lot about Mexico paying for it. I just wanted to be clear.

You know, there are a -- a lot of issues in TSA with low morale. I can see why. What are -- what -- what -- what are you doing in terms of looking at -- at this -- this issue in the -- your organization, you know, when it comes to employee satisfaction, with their job, their pay, organization, and their willingness to recommend their organization as a good place to work?

NIELSEN: I think morale is a multifaceted issue, one that we must take very -- it's very critical. We must look at it very importantly. I think helping to understand the mission and your part in the mission is part one of morale.

Making sure that you have the training, that you understand what is available to you for retirement. Understanding the mobility that you might have within an organization. These are all things that are important.

Communications from leadership I find to be very important. I don't expect employees to learn about things in the news. I hope to always keep them in the loop and help them to understand what it is that we do on a day-to-day basis.

PAYNE: There -- there seems to be a -- a question of consistency in training new TSA officers, TSOs as opposed to old TSOs not getting the same training, and therefore creating gaps in the system which they're working in.

Also issues around, you know, not enough TSOs that they can even take bathroom breaks where I've even had a report of a TSO having an accident on herself because they weren't allowed to leave their post. Now that -- that's going, you know, you know, a bit -- a bit too far where, you know, people can't do humanly -- bodily functions because they're not allowed to leave their post. That is something I think that really needs to be looked into and addressed.



We have to make this situation where people want to come to work. They're on the front lines. They're doing -- they're doing difficult work with people that are not necessarily always patient with the processes we have to go through in order make sure that they're safe.

So there's a lot of stress on these officers ,and so we need to do what we can to identify ways of making this circumstance a little more palatable for them throughout the course of their shift.

And I see my time is up, and I'll yield back.

NIELSEN: Sir, if you could provide me the name of that employee, I'm happy to personally look into that. That's not an acceptable situation.

PAYNE: Yeah, yes. I was shocked by that myself. So I will -- I'll try to get that information to you.

NIELSEN: Thank you. Thank you.

PAYNE: (inaudible)

MCCAUL: The gentleman yields.

The gentleman from New York, Mr. Katko, is recognized.

KATKO: Thank you, Mr. Chairman.

And thank you for your testimony today and it's good to have you before the committee. I do, however, want to act on the sentiments of my colleague earlier today, the -- the -- the ranking minority member because it is something -- a problem that preceded you at the agency and that is basically ignoring deadlines, both statutory and our congressional deadlines.

I was a federal prosecutor for 20 years and I wouldn't dare ignore a deadline set by a court, and I see the same obligation with respect to your agency.

We had a similar problem with respect to TSA and we've had some very frank discussions and -- on my subcommittee, Oversight of the TSA. And I dare say that they've improved dramatically with respect to honoring deadlines.

And the culture that preceded you nevertheless is -- under you watch now and I would implore you to follow the deadlines and -- and not -- I don't think they're optional and I don't think responses such as we'll get back to you are acceptable. And I think that that's a bipartisan feeling and especially when it's a statutory deadline. That's law.

And I would -- I would ask that you treat that with less cavalierly and -- and understand that those are deadlines that should be answered. Now...

NIELSEN: Sir -- sir, if I could.

KATKO: Yes.



NIELSEN: I apologize if I misspoke earlier. What -- all I was trying to suggest is that I can't give you today a specific date, so I would get back to you on giving you a specific date. I -- I completely understand what you're saying and you have my commitment to work not only with TSA but throughout the Department to meet all statutory deadlines.

KATKO: That's all we're asking. Thank you very much.

NIELSEN: I understand (ph).

KATKO: Now, switching gears, with respect to the border, there is -- and I've spent a lot of time down there as a federal prosecutor in El Paso going after cartel-level members and I saw the border that -- for that civ (ph) that it is.

But I also spend a significant amount of my time as a prosecutor on the northern border, and I think it routinely doesn't get the attention that it deserves. About 95 to 96 percent of the northern border is unsecure. And I was just wondering how much time have you spent analyzing issue and whether you've had any -- any -- whether you've taken a look at the northern border threat assessment that was recently done?

NIELSEN: Yes, and as you know, what -- what comes after that is the Northern Border Security Strategy which we hope to release shortly. We do spend a lot of time talking about the southwest border. But we do have issues on the northern border.

I was just in Canada Monday/Tuesday talking to my counterparts there about ways in which we can coordinate better on some of the unique aspects on that northern border. But, yes, we need to keep that in mind always.

KATKO: Thank you very much. And switching gears again, well -- during my oversight at TSA, we've had much discussion with the chairman here as -- as well as others about replacing the -- having the updated technology.

We -- we all know the bad guys are getting more advanced with their technologies especially with respect to aviation and it's quite concerning. And we also believe, and I think you will agree, that the CT scanners are a new generation of helping to ameliorate that threat.

And not only does it help ameliorate the threat, it's really -- would expedite throughput at airports which is always a concern, especially coming with the -- the -- the high travel season coming.

There is about 2,500 x-ray machines nationwide, and if you replace all those with CTs, what we're doing this year is really kind of a drop in the bucket. We've asked TSA and I don't -- don't know if they're spoke with you yet, about examining whether we should reprogram some of that money from other areas of Homeland Security to plow that into getting more -- more of these x-ray scanner -- or these CT scanners up and running.

And I say that because we saw them first hand, myself and my colleagues on both sides of the aisle here on a delegation to Europe. They're already on the front lines there. They're already being used there.

And I understand the need to test these things, but there must be an expedited way to test them when they're already being used overseas. And by the way, they are American companies and they're ready to provide these to you. And I -- I -- number one, the delay. But number two, more importantly the reprogramming of that money, if you can look into where you can -- about reprogramming from other areas of Homeland Security I think it'd be a really prudent thing to do.

NIELSEN: Just to answer quickly. So as you know we did that in 2017. The current plan is if TSA is working as -- as quickly as they can with industry to deploy them, and if in fact they're able to deploy the ones that we have appropriated, we will look to reprogram as we have done before.

KATKO: Thank you very much. And lastly, with respect to TSA, there seems to be an ongoing practice here, and we've -- we've tried hard both in this committee and in my subcommittee to try and stop TSA from having people go through pre-check lines when they're not pre-check registered. The pre-check is a known and trusted traveler type program, and it's there for a reason because you minimize a risk because of our involvement in -- in a pre-check.

The practice started as manage inclusion, then they had body detection officers and they were throwing people into that lane that they shouldn't have been. Now they -- now that we told them they can't do manage inclusion, they can't do some of the things they're doing, they're just basically calling it by a different name.

And I -- we've made it clear to TSA that we're going to introduce some legislation to make it mandatory that you not do that. But I just wondered have you had any discussions with the administrator at TSA about this pre-check problem?

NIELSEN: Not this specific problem, no, sir. But pre-check as you say should be reserved to those who qualify for pre-checks. And I will work with the administrator on that.

KATKO: I'm -- I'm very glad to hear that and I thank you very much for your time.

And I yield back Mr. Chairman.

MCCAUL: Gentleman yields back.

Gentlelady from New Jersey, Ms. Watson Coleman is recognized.

WATSON COLEMAN: Thank you, Mr. Chairman.

Madam Secretary, is this budget your budget?

NIELSEN: This -- this...

WATSON COLEMAN: Did you have any input in this budget?



NIELSEN: We did, yes, ma'am. So the men and women of DHS put together their request.

WATSON COLEMAN: OK.

NIELSEN: And it goes all the way up if you will.

WATSON COLEMAN: So this happened under your watch too?

NIELSEN: This...

WATSON COLEMAN: All right.

NIELSEN: The '19 budget -- well, in...

WATSON COLEMAN: So, you know...

NIELSEN: As you know, I joined in December so we were already well into the budget...

WATSON COLEMAN: ... I think our greatest -- our greatest value statement is where we're putting our resources, and I'm not just 100 percent sure that there is -- there is a consistency between where your -- your people or your budget applies its resources and its ability to keep this homeland safe.

With regard to -- to -- to land transportation issues, there is a -- a reduction in the security grants. There is a reduction in the VIPR teams, there's a reduction or elimination of the Law Enforcement Officers grants. There is a reduction in the exit lane staffing. There is -- TSO staffing still is somewhere around 2,500 people short.

I don't know how that helps us to be more secure in those areas where we're supposed to be. I don't understand where we are addressing the fact that our -- our -- our subways and our land transportation areas are soft targets and are being targeted.

And so I'm going to ask that you respond to how this budget, in writing to me because I've got a lot of questions, how these particular issues that I raised are a reflection of more secure -- sure -- security for our homeland.

I want to know the difference or I want to know if there is a difference between refugees and illegal immigrants as far as you're concerned. I want to know is there a -- is there a written statement as to what our U.S. policy is on people who are fleeing very dangerous countries, or very oppressive countries, or famine, or whatever versus other types of people who are coming over because I get the sense that we're -- we're -- we're locking them together.

I'm particularly interested in this caravan that is coming -- reaching our borders. I got the impression that we think of them as illegal immigrants who are going to come to our border and then we're going to detain them, these are women and children.

Yet, we know who's in that caravan. If we really wanted to know if there's any danger in that caravan, you'd have the capacity right now to be vetting some of those people. So I -- I -- I want to understand what your policy is going to be when it comes to that caravan actually coming to our borders willingly acknowledging that they're here and why they're here and what they're looking for. So I'd like you to answer that in writing.

I want to understand this policy that we have where since, I guess it's December or October of 2017, we've taken more than 700 children away from their families, 100 of those children were under the age of four, and they've been taken from their parents in immigration detention. I want to know how that makes our country safer and more secure.

And I want to know what our policy is with regards to -- to dealing with the trauma that that must inflict upon both these children, these babies and these children, and as well as their families.

I have a question with regard to the Secret Service, I sent a letter asking you all to explain to us the cost associated with protecting the Trump kids going around the world doing Trump business. I -- I need to have an answer to --to that question.

I want to associate myself with Mr. Katko because I was up there on the northern border and a lot of concerns were expressed with regard to -- to trafficking as well as drugs, opioids in particular. And it just seems to me that we think that we have this responsibility to the southern border and not to any of the other areas.

And I guess the last thing I need to understand from you in writing is explain how we're justifying putting additional resources down on the southern border, particularly in the form of our National Guard when all of the data that we have been receiving, even data coming from your office is that there have been -- there has been a -- quite a significant diminishment of people coming across the border.

So what is the justification for putting more people and -- and ramping up the southern border as opposed to shoring up some of our targets, our soft targets? I mean is there really a rationale? Or is this just campaign promises being fulfilled that has absolutely no anchoring in logic or -- or consideration of where our tax dollars are going?

I see that I'm 23 minutes over my time, so, Madam Secretary, I'd just appreciate it if I could get the answers to all of my questions in writing.

And then, Mr. Chairman, I just would like to acknowledge that I do have two foster daughters here today, Amina (ph) and Lauren (ph), who are observing democracy in action. Thank you very much.

MCCAUL: Oh, and welcome to the...

COLEMAN: Thank you, Madam Secretary.

NIELSEN: Thank you.



MCCAUL: Welcome to the committee to your step-daughters. Very nice.

The Chair recognizes the gentlelady from Arizona, Ms. McSally.

MCSALLY: Thank you, Mr. Chairman.

Secretary Nielsen, good to see you again.

NIELSEN: Good to see you.

MCSALLY: Earlier this week, Yuma Sector Border Patrol apprehended 61 people who entered the U.S. illegally. During an initial interview, one of these individuals claimed to be an unaccompanied minor. He later admitted he was an adult and a part of the MS-13 gang.

UACs from El Salvador and other Central American countries are given different treatment than those from Mexico or -- or other contiguous countries -- or Canada, and are allowed to remain in the United States only to disappear into the shadows.

We also have some other data points, as you know, that in a joint DHS/DOJ MS-13 operation last year, of the 267 gang members arrested, approximately 25 percent entered the U.S. as unaccompanied minors. And in June of 2017, a spot check of one of the HHS facilities that had 138 teens being held, 39 of them, roughly 30 percent, had ties to MS-13 and other gangs.

Is it, in your view, MS-13 is actually using the loopholes in our law in order to send individuals to the United States? There's about 10,000 members of MS-13 estimated in the United States, and their motto is to kill, rape, and control. And I just want to hear your perspective on what's going on with MS-13 and how they're using these loopholes in order to further endanger communities around our country.

NIELSEN: We see them starting in their countries of origin. They recruit young children. They train them. They train them how to be smuggled across our border, how to then join up with gang members in the United States.

We similarly see gang presence within the United States reaching back down into countries within Central America and recruiting and also providing instruction. We see smugglers increasingly smuggle specific to MS-13. And we see the -- all of the resulting effects of that from violence in general across the border, but also the drugs and other illicit things that go with that smuggling.

MCSALLY: So -- thank you. So I mean, these loopholes we're talking about are -- are very real, right, because you're saying the MS-13 gang members that are here are recruiting minors and they know that they'll be able to be let into the United States.

NIELSEN: Yes.

MCSALLY: And others, probably that are adults, they either, like in this case, try and pretend they're minors or they tell them to say the right words, right? I have a credible fear.

NIELSEN: That's right.

MCSALLY: But then what's happening is they're then being released with a future court date that they never show up for, right?

NIELSEN: That's right, only we -- estimate we only have 3.5 percent of UACs that are eventually removed because they do not show up.

MCSALLY: So, you know, closing these loopholes is paramount for security, for our national security, for our -- our public safety. And the bill that Chairman McCaul and I have that we've been working diligently with you on that I know you support closes these loopholes.

And I just really want to urge our colleagues that we have to bring some form of our bill to the floor. This is just one of the many issues...

NIELSEN: Yes.

MCSALLY: ... that we're addressing in that bill to close these loopholes. This is not partisan. This is a public safety, local community, and important security issue that we're trying to address and specifically highlighting this gang issue.

So we also saw in California, according to DHS, 100 gang members, many of which belong to MS-13, were recently released from October 2016 to June 27 (sic) because of their sanctuary policies in California.

So you have these gang members and other violent felons, violent criminals, that because of the dangerous policies of California, these individuals are being released back into our communities to be a further danger to our communities instead of being handed over to federal authorities in prison where it's safer for the community and safer for your agents. Can you just speak to specifically the dangers of that and -- and what needs to be done?

NIELSEN: Yes. So sanctuary cities began as a sanctuary for victims, as you know. And what they have become over time, unfortunately, is a very contorted version of that which is a sanctuary for criminals, and we need to be very clear about that.

Sanctuary city protects criminals. It is not protecting the community. So as I mentioned earlier, what it requires us to do is send our agents not moving from a controlled environment back into the communities, putting that community at risk and other immigrants in that community that are not serious felons and putting my officers and agents at risk.

It's not -- it -- it doesn't make any sense. It's a way in which we're pitting blue against blue, federal law enforcement against state law enforcement where we should all be working together to protect our communities.



MCSALLY: Great. Thank you for clarifying that, again, because sometimes this gets misunderstood by people as to what the -- the real impact is. And again, cracking down on these sanctuary cities is also in Chairman McCaul's and I -- I bill -- in our bill and we look forward to working to move that forward.

I fully support the National Guard being deployed to support border security at the southern border. I represent a southern border district. Can you just touch on how it's going so far? And we'd love to have you back to Arizona, would love to host you there in order to be able to talk to the ranchers, local residents, and see how things are going down at the border.

NIELSEN: Well, thank you for the invite. I try to get to the border whenever I can. It's very important to learn from the people there who are on the front lines of what works and doesn't work.

The National Guard, we have about 1,000 deployed. We have around 600 actually active at the -- you know, within the border communities. What they're doing is they're supporting CBP so that we have more badges on the border so CBP can go and do their law enforcement mission. So they're helping us with surveillance, intelligence, fleet maintenance, road clearing, all of the enabling functions that helps CBP to do what CBP needs to do.

MCSALLY: Great. Thank you. I'm over my time. I yield back.

NIELSEN: Thank you.

MCCAUL: Gentlelady's time has expired.

I -- I -- I did meet with the Orange County Sheriff. It was of interest to me with sanctuary cities. And while they're barred by their state law, they do put the ICE detainees on a website that is then used publicly so ICE can make the -- the safe transfer of the prisoner to ICE custody without releasing that criminal alien into the streets. I think that's very innovative.

With that, the Chair recognizes gentlelady from New York, Miss Rice.

RICE: Thank you, Mr. Chairman.

And welcome, Madam Secretary.

NIELSEN: Good morning.

RICE: I have three questions I'll lay out for you and hopefully I'm going to do it quickly so you can answer. So my first question is what is your personal opinion in your capacity as secretary of homeland security on whether Russia interfered in our elections in 2016, and the likelihood that they will continue their attack on our democracy in 2018 and beyond? That's number one.

And number two is earlier this month, UC -- USCIS released internal documents pertaining to the decisions and temporary protected status for Haiti. The agency's report stated that many of the conditions in Haiti that prompted the 2010 original TPS designation remained and that country was still vulnerable.

So despite this report, Director Lee Cissna wrote to then acting secretary, Elaine Duke, that Haiti had made enough progress and no longer met the conditions of the TPS designations. So my two questions are why did Director Cissna, if you know, make that recommendation which was clearly in conflict with his own agency's internal findings, number one.

And number two, are there any similar internal reports from UC -- USCIS on the TPS designation for El Salvador? And if so, if you could provide those documents to this committee?

And my last question, when you testified before the House Appropriations Homeland Security Subcommittee earlier this month, you committed to ensuring that, and this is a quote from you, "Any pregnant woman in our care in detention receives adequate care based on the recent change to ICE's policy on detaining pregnant women."

So three questions, which detention facilities currently offer prenatal care? Can you define for me what DHS's definition of quote, "adequate care" is, and how you as the secretary intend to ensure each pregnant woman receives it? And how will you hold detention centers and individuals accountable? And finally, what steps, specifically, are you taking to ensure that ICE is meeting the assurances that you made?

NIELSEN: Thank you. So on Russia, yes, I don't think there's any question. Russia did attempt to interfere -- did interfere in our election system through a variety of means. As you know, they released everything from e-mails to -- to foreign influence techniques, used our social media to try to manipulate public opinion. And they did, in fact, attempt to undermine our elections by attacking our election infrastructure.

I have no doubt they will continue to try to do this. It is a priority of mine. The portion that we play is to protect -- help the state and locals. They have the primary responsibility in protecting the critical infrastructure related to elections, so we'll continue to do that.

On TPS Haiti, TPS decisions require us under law to look at, and maybe this is what you're referencing, the originating conditions that necessitated the designation of TPS. If those specific conditions no longer exist, the statute requires us to terminate TPS because it was meant to be a temporary program.

So I'm not particularly familiar with the -- the backup work that you referenced. But I can just say broadly, unfortunately what that means is some countries remain, perhaps unstable and have difficult conditions, but if they are not a result of the originating designation, that designation must be terminated. But...

RICE: I would ask if -- if you could just look into that a little because it...

NIELSEN: Yes.



RICE: ... seemed very clear that the report state -- or they say many of the conditions. I don't know if -- if -- if one doesn't exist that means that it's over, but that seems pretty arbitrary. So if you could just, you know, look for me.

NIELSEN: I will. I will. I'll look into it. With respect to your question for documents regarding to El Salvador, of course, we'll -- we'll be happy to provide any relevant ones.

And neonatal care, so I do take this very seriously. As I mentioned in my last hearing, we do screen for pregnancy for women ages 18 to 56. We do provide -- we put them in a center if they must be detained that does provide the neonatal care. I will get you the names of the specific detention.

We provide counseling and we provide access to outside experts. If they seek additional medical guidance or -- or prescriptions or -- or other things they need that we can't provide, we give them that option.

And in terms of how I'm making sure they do that, I've had many conversations with the director. We have audits in place. We're -- we're taking this very seriously. And I just would ask, as I did then, if you have any concerns or specific examples of when that is not occurring to please let me know and we will take that very seriously.

RICE: I will do that. Thank you. And -- and I appreciate you following up as we discussed. And thank you very much for the service.

And I would just like to note that I think I'm the only person that stayed under five minutes, Mr. Chairman.

MCCAUL: Oh, that's (inaudible)

RICE: Thank you for that, Secretary.

MCCAUL: Congratulations. Thank you so much for that.

The Chair recognizes the gentleman from New York, Mr. Donovan.

DONOVAN: And I thank you, Miss Rice.

Thank you, Mr. Chairman. Before I begin, I'd ask unanimous consent to insert into the record a letter from the Jewish Federations of North America discussing the importance of the Not-for-Profit Security Grant program, a program that has made a big difference to not-for-profits in my district.

MCCAUL: Without objections, so ordered.

DONOVAN: Thank you.

Madam Secretary, I hate to do this to you, but everybody's been asking you for questions answered in writing, and I have to actually go into the Speaker's chair in about four minutes to open up the legislative business. So I would just like to lay out my -- my questions and ask you to do so as well.

Earlier this week, my subcommittee held a field hearing in my district which focused on the importance of federal counterterrorism support to high-risk urban areas like New York City.

Witnesses representing law enforcement and first responders in New York and New Jersey discussed the importance of intelligence information sharing and the homeland security grant programs to their operations. We must fully fund these grant programs particularly in light of the evolving terrorist threat.

Another topic of discussion at the hearing was the difficulty in securing mass transit systems. The mass -- the Transit Security Grant program is vital to those efforts but the overall focus on surface transportation security programs dwarfs that of aviation security.

Our witnesses expressed great concern about mass transit security, and that is a concern I share especially in light of the attempted bombing at the New York City Port Authority Terminal in December. Can you please speak or write to us to what more we can do to enhance the security of this transportation mode? How is DHS supporting information sharing when it comes to threats to mass transit?

And my other question would be involving the counter -- Countering Weapons of Mass Destruction Office. The president's budget request for that office proposes changes to the Securing the Cities program, a program that has proven very successful in New York City.

We're hearing concerns from securing city jurisdictions about proposed changes in permissible equipment, to whom the equipment could -- would be provided to, and the impact that would have on the jurisdiction's ability to conduct radiological detection in response operations. This committee has long supported the Securing the City's program as it is currently operating, and the House passed my legislation authorizing the program just last year.

My three questions involving that would be what changes is the department proposing to the program? What outreach have you done to participating jurisdictions to solicit their feedback? And how are you addressing the concerns that the Department is receiving from securing the city's jurisdictions?

I thank you for your service to our nation. I thank you for answering my question. I thank you for indulging me. I have to run.

NIELSEN: OK.

DONOVAN: And I -- and I yield back and -- and, Mr. Chairman, I used less time than Rice did.

MCCAUL: Yeah. You yield back to for the record, 2 minutes 15 seconds. That -- that's a record I think. So thank you for that.

The Chair recognizes the gentleman from California, Mr. Correa, who I notice brought in three or four children to the hearing?

CORREA: Yes.



MCCAUL: And I want to welcome -- welcome them as well.

CORREA: Thank you. They're all our children. Those are survivors of our veterans that made the ultimate sacrifice...

MCCAUL: Wow.

CORREA: ... fighting for our -- our freedom around the world. So I thought it was important for them to follow us here and shadow us. So thank you very much, Mr. Chairman, for pointing them out.

MCCAUL: Yeah, and thank you for bringing them.

CORREA: Thank you, Mr. Chairman and ranking member for holding this hearing.

And -- and Commissioner Nielsen, again, thank you for being here. I wanted to follow up on some of the comments made by my colleague, Mr. Katko, from New York. I represent California, Orange County, California.

Our nation's security is very important to my constituents or the constituents (ph) to our state. These are issues that are also very important to our taxpayers. Right now, as I travel through our district, which is Democrat and very Republican as well, I -- I don't hear much talk about undocumented workers. As a matter of fact, in Central Valley, I hear the need for more farm workers.

Newport Beach area, I don't hear people talking about the nannies that are undocumented. I don't see that as a complaint. And then in Disneyland, our area is heavy in tourism, I don't hear a lot of people complaining about the undocumented workers, waiters, waitresses, and -- and cooks.

But I'll tell you what I do hear complaints about in my district, and I think throughout the country, is this opioid crisis. Some numbers have it as high as 500 percent increase in -- in usage throughout the nation. Deaths skyrocketed because of the opioids.

So my question really is according to one of your DHS reports, the northern border threat -- northern border threat, you have more and more fenetels (ph), ecstasy coming through Canada. What are we planning to do in the, you know, northern border?

As Mr. Katko said, 95, 96 percent of that border is essentially open. And so any thoughts about where we're going in terms of protecting our northern border?

NIELSEN: Yes. So as I mentioned, I just was speaking with my colleague in Canada about this, so part of it is the partnership on both sides to make sure that we facilitate legal trade and travel, but that we reduce any illicit activity including drugs. As you say, opioids continue to be a problem throughout the nation.

CORREA: And if I may?

NIELSEN: Please.

CORREA: What kind of partnerships do we have right now with people north and south of the border?

NIELSEN: They're strong. They're very strong with the Canadians, yes, sir.

CORREA: How about with the Mexicans?

NIELSEN: The Mexicans, we have a strong partnership as well.

CORREA: OK. General Kelly, who was in your position here a few months back, made some comments and I agreed on to the affect that if anything gets near our border we've essentially lost a battle.

If we're going to stop terrorists, we have to work with not only the Mexicans, not only the Canadians, but the Brazilians and some Afghanis and some of the others. Are you moving ahead and building those relationships through formalized information sharing agreements?

NIELSEN: We are, absolutely. Yes.

CORREA: So following up on that, we're looking at building a border wall in -- in the Mexican border. I presume we're going to do something like that at the northern border as well?

NIELSEN: Well, we're working with the Canadians, so we still need the...

CORREA: Are we going to build a border -- a northern border as well?

NIELSEN: In some places we need impedance and denial, yes, sir.

CORREA: So we're going to build a physical barrier as well like the one we've seen on TV, the southern border?

NIELSEN: We do not have a current plan right now to build an equivalent structure that we have on the southern border.

CORREA: Let me ask you, and again, coming back to the opioid issue, before this committee, this -- this Homeland Security was created, 30 years ago we had a lot of our drugs coming into this country through Miami, through Florida. This country did a great job of stopping those trades of illicit drugs through the Caribbean.

What we did is we shifted it inland through Mexico. As a result, we destabilized the whole country with our money that went to buy drugs, weapons, so on and so forth. So as we cut off the Mexico side, are they going to start flowing in through Canada and are they start going in through our sea ports?

And I say that to you because here a few months back our Coast Guard commandant told us that a couple years ago they identified about 600 known drug vessels bringing drugs into this country, and they did not -- the Coast Guard did not have the resources to stop, to intercede, to stop those shipments.



So again, as a taxpayer, I'm running out of time, my question is is the money best spent on a border wall or is it, you know, cooperating with the nations, or is it -- if you had a dollar, where would you spend it?

NIELSEN: If I had a dollar? I think it needs to be all of the above. I mean, the short answer is -- would be...

CORREA: But if you had a priority, ma'am?

NIELSEN: If we have a priority, we have to secure our southern borders, sir. That is where we see the greatest threat between the two borders.

CORREA: The threat in terms of?

NIELSEN: Drug smuggling terrorist, traffickers, illicit activity, and violence.

CORREA: Mr. Chair, I'm out of time but I'd like to have written information on that compared to what's coming through Canada and through the ports. Mr. Chair, I yield time.

MCCAUL: Gentleman yields back.

The gentleman from Louisiana, Mr. Higgins, is recognized.

HIGGINS: Thank you Mr. Chairman.

Madam Secretary, I appreciate you appearing before myself and my colleagues today. Thank you for your service to our country. I'm concerned about authorization of the Department of Homeland Security.

As you know, this committee crafted in the House of Representatives in July of 2017 with overwhelming bipartisan support, 386 to 41 by vote, passed the full authorization of the Department of Homeland Security, yet we've seen no action in the Senate and it -- this greatly concerns me and my colleagues on both sides of aisle in the House. How has this lack of action in the Senate injured your ability to serve and protect our nation, Madam?

NIELSEN: Well, first of all, I want to continue to thank this committee for your support. It is very important to have this reauthorization. So as you know, it would give us some additional authorities that we need. It would clarify parts of the law. It would clarify our mission sets, and it would give us the ability to more effectively manage to the mission by reorganizing within the department.

HIGGINS: And centralized command and control, isn't that, by your definition and -- and -- and by those of us that sit on this committee, we would concur that centralized command and control is -- is crucial to the -- to the efficiency of any operation. Would you not agree?

NIELSEN: I would agree because we do this based on risk. So it has to be a centralized look at risks that we can match the mission set and resources accordingly.

HIGGINS: So the effect of -- of reauthorization, would you see that as allowing your department to operate, and all the components that agencies within your department to operate more efficiently and -- and be better -- better able to serve the nation and to protect the interest of national security?

NIELSEN: Yes, sir. Not having reauthorization binds my hands and those of the men and women of DHS.

HIGGINS: Thank you, Madam. I hope my colleagues in the Senate are listening.

It's been stated by some members here of this committee today several times regarding the caravan that you know who those people are. I find that difficult to believe, Madam. Is that true? How is that possible? Have they been vetted? Have they been interviewed by -- by -- by your agents?

NIELSEN: No, sir.

HIGGINS: Well, how would you possibly know who they are then?

NIELSEN: I -- I don't know.

HIGGINS: Thank you very much for clarifying that. Regarding my -- my colleagues' request for -- for confirmation of your 90 percent number for those that have been issued a citation, it's a summons for court, is that not?

NIELSEN: Yes.

HIGGINS: Yes. And a summons for court calls for probable cause stating that -- that there's -- there's been some criminal act. And that criminal act would have been illegally entering out nation. Is that correct?

NIELSEN: Yes, illegal entry without inspection.

HIGGINS: So these illegal immigrants receive a summons for court, and then you're stating that 90 percent don't show up for court. I'd like to see the demographics of those numbers as well because I'd be surprised if 10 percent show up for court.

During the course of my career as a police officer for over a decade, I've had many interactions with illegal immigrants either in field interviews or by stopping a car with no registration, expired inspections, tag, et cetera. And there's nothing that can be done.

You stop these guys. They have no driver's license. Their driver's license is fake. There might be three or four of them in the -- in the car. You can't -- can't -- it's pointless to give them a citation for a misdemeanor traffic violation because they're certainly not returning for traffic court.

You can't tow their car because then they're on foot in your -- your jurisdiction. You get phone calls all night. You can't bring them to jail because ICE won't come pick them up. So that's what happens to us both (ph), nothing. Whereas an American citizen in the same situation would be cited, issued a

summons, or perhaps brought to -- to jail.



So I'd be surprised if 10 percent of the -- of those that are issued a summons to American court and federal court for entering our nation illegally show up. So I would be interested as well to receive the demographics.

Can you respond at all? Do you have those demographics? Who they are, their age, their gender, their nation of origin, whether or not they have an anchor family, et cetera? If you have -- can you provide that information?

NIELSEN: We -- we do have much of that, yes, sir. We're happy to provide it.

HIGGINS: I would appreciate that. I'd certainly be interested in looking at it. Thank you, Madam, for your -- for your poise and your grace during your testimony. Your continued service to our country is greatly appreciated.

Mr. Chairman, I yield back.

MCCAUL: The gentleman yields.

The gentlelady from Florida, Ms. Demings, is recognized.

DEMINGS: Thank you so much, Mr. Chairman.

And thank you to our ranking member.

Before I get into my line of questions, Madam Secretary, and welcome, it's good to meet you. I just want to follow up on a question that my colleague just asked about -- your answer was you have no way to identify who is possibly in a caravan. I just wonder why didn't you give that answer to the person who asked you that question?

NIELSEN: Because he didn't ask. He was -- it was just part of his speech and I just didn't want to interrupt him.

DEMINGS: And you didn't feel the need to clear that? Because that's a major, I think, part. You've cleared up some other things this morning. You didn't feel the need to kind of clear that up just kind of for the record?

NIELSEN: But I was happy to do it just now.

DEMINGS: OK. All right. You know, budgets are certainly, I believe, a list of priorities. Many say that they kind of express our values. And of the things we've talking about this morning, we've certainly talked about building a wall and even detention beds and immigration enforcement.

When you gave your list of your missions at the Department of DHS, it was listed first on your list. So I would just like to know, do you consider building a wall or immigration enforcement a higher priority than say restoring or increasing grant funding to local communities, local first responders who deal with violent acts and other threats every day?

NIELSEN: So I think they're both important issues. I mean, I would hope that...

DEMINGS: Do you consider one a higher priority? Because that's the business that you're in.

NIELSEN: Right, so...

DEMINGS: It's a tough job.

NIELSEN: OK. OK.

DEMINGS: Let me finish.

NIELSEN: All right. So let me -- oh, (inaudible) yeah.

DEMINGS: It's a tough job. And I just want to know, do you consider, based on your knowledge, training, and experience -- keeping our country safe and secure is a tough but a big job? And I -- I certainly believe you're capable of doing that.

I want to hear from you based on your knowledge, training, and experience, do you believe that building a wall or immigration enforcement is a higher priority, because you have to decide how those dollars are spent, than increasing or restoring funding to first responders to deal with, oh my gosh, just a myriad of threats every day?

NIELSEN: I think that if we can keep the threat out of our country through strong border security, that is the first and best way to help those state and locals prepare. So we see 15 terrorists who are known or suspected who attempt to travel or travel here every day. Border security is homeland security. If I can do my job in keeping them out of this country and thereby helping state and locals in...

DEMINGS: Can you tell me how many people have been killed as an act of violence at the southwest border during your tenure as secretary?

NIELSEN: I cannot, but I'm happy to get back to you with that figure.

DEMINGS: Can you tell me how many, if any, Custom and Border Patrol officers or agents have been killed at the southwest border, or even, let me say this, severely injured at the southwest border during your tenure?

NIELSEN: Sure. Two, and then assaults are up 73 percent.

DEMINGS: OK. And so two officers -- two CBP officers have been killed in the line of the duty...

NIELSEN: Last year, yes.

DEMINGS: ... at the -- last year. But you can't tell me overall how many persons overall have died at the southwest border through acts of violence, of course, have been killed during your tenure?

NIELSEN: I can't give you a specific number right now, no, ma'am.



DEMINGS: OK. And -- and, you know, coming from Florida where we just had a school shooting, 14 people died. In Orlando a year and a half ago, we had 49 people who were killed in what we labeled domestic terrorism.

And then folks who were just trying to go and enjoy a concert in Las Vegas died, lost their lives, 58. But you have no idea how many people overall died during your tenure at the southwest border.

But you would consider that a greater priority than the 58, the 49, or the 14, those -- those that are classified as domestic acts of terrorism? With your dollars, you -- you believe that putting them at the southwest border is a greater priority? How do you justify that? Obviously, you do, but how -- please tell me how you justify that?

NIELSEN: Sure. And I -- I apologize. I'm getting -- I'm not sure I'm following all of the -- but what I was saying is border security is a priority. And the reason for that is because if we can keep the threat from coming in our borders, whether that's drugs, whether that's terrorists, whether that's TCOs or gangs, then we eliminate part of the threat environment that the state and locals have to deal with. So that's why I was saying border security...

DEMINGS: Can you tell me very quickly, because I'm from Florida, I think FEMA has, gosh, been criticized quite a bit, as you know, about their response to Puerto Rico and housing has been an issue. You know there are multiple people in hotel rooms. You know, a hotel room, eight people, two beds. But the program that would assist them has not been utilized to assist in the Disaster Housing Assistance Program. Could you tell me if you have any plans to implement that program to help the victims in -- from Puerto Rico (inaudible)?

NIELSEN: Sure. So as you know, under the National Disaster Recovery Framework, it's actually HUD that has that recovery function for housing. It's working very closely with Secretary Carson. Actually, Governor Scott from Florida has been very helpful in providing lessons learned from Florida and what we can apply to Puerto Rico.

DEMINGS: So you are working with the secretary to utilize that program so that we...

NIELSEN: Of HUD, we're working with him and what he can do within its programs, yes, ma'am.

DEMINGS: Do you feel like we're going to be able to reach an agreement?

NIELSEN: I -- I refer you to HUD, but I'm happy to commit to you to continue to work with HUD.

DEMINGS: OK. Thank you.

Thank you so much, Mr. Chairman.

MCCAUL: Thank you. Gentlelady yields.

The gentleman from, where am I, Nebraska, the General Don Bacon is recognized.

BACON: Thank you, Mr. Chairman.

And thank you, Secretary Nielsen, for your leadership. We appreciate all the folks that work at Homeland Security and what you're trying to do for our country and keeping us safe. We're grateful.

I want to just follow up on the statement you just met -- made. You just said 15 suspected terrorists try to cross our border every day. Is that correct?

NIELSEN: Who plan to travel or travel, yes, sir.

BACON: Right. Could you just detail for us at the unclassified level obviously, how are the Sunni extremists, whether it be ISIS or Al-Qaida, what have you seen and (inaudible) with them trying to cross our borders? So if you could just -- because I think most people in our country don't realize this effort is going on every day.

NIELSEN: Yes, sir. Just much more broadly because we're at...

BACON: Right.

NIELSEN: ... an unclassified level as you say. Let me just say that, you know, we've also seen -- I'm trying to think of what I can say. So we -- we see these numbers in terrorists. We're happy to come and brief you on the breakdown.

What I can also say is ISIS in social media has encouraged its followers to utilize our refugee program to come here. They in writing have encouraged people to come across our southwestern border. So we do see an uptick in any type of terrorist groups trying to come here. But I'm happy to come brief you on the specific breakdowns.

BACON: Well, I think it would be important would be at the unclassified level, carefully vetted by you and -- and your team, to put this out to our citizens because I think it's an important topic for our border wall and border security.

But I think a lot of our folks think about the immigration issue when it comes to the wall and it becomes caught up in political controversy. But when you know that there's actual terrorists trying to cross and we have actual data, I think it would -- it would help shape this debate in a positive way. That -- that would be my...

NIELSEN: Thank you for that.

BACON: ... my -- my input. On a different topic, we know the Russians and Chinese are working to infiltrate our energy grid. And indeed, you know, the next December 7th won't be zeros with torpedoes coming in at Pearl Harbor.



It's going to be preceded by rolling blackouts and the chaos that follows and some of our bases are -- don't have the alternative power. Could you tell me what is Homeland Security doing to help build that resiliency and protection for our energy grid? And how -- how do we defend against this and how can we help?

NIELSEN: Yes. So I think you described the threat. I agree with your characterization. Unfortunately, itself is persistent. They're becoming much more nimble and creative. So what we do is we work with a variety of partners. We put out alerts.

We put out a technical alert, a joint one actually with the United Kingdom just last week, about how we have seen nation states manipulating some of our systems to do some of the things you were just describing. We work very closely with state and local operators in the Department of Energy.

We give them best practices. We share information. We've set up sector gridding councils with governance structures. We also work through fusion centers. But a lot of this is, if you'll bear with the expression, basic hygiene.

So we want to make sure that we're raising the level, everything from access control to passwords to basic malware detection. We have a system at DHS called the Automated Indicator Sharing program. We're encouraging more and more companies and entities to do that. So at machine speed we can advise them of incoming threat vectors.

BACON: Thank you. One -- one last question. We're seeing criminal organizations and -- and terrorists using more encrypted data in their communications devices. It's very hard to penetrate at times. They know what they're doing, and it impacts our -- our law enforcement. What can we do to help you with this? And two, how do you partner with say DOJ or local and state authorities? Because they're the ones often caught having to deal with this?

NIELSEN: Yeah. This is -- this is -- as we all know, this is a tough area of -- of how to balance the conversation around encryption. We do work very closely with DOJ. DHS, as you know, we have many, many law enforcement men and women with particular mission sets that require their own use of encrypted data, so we have both sides of the debate, if you will.

Part of this is increasing and going back to human intelligence so that we can really track those that we're trying to track, understand who they communicate with, who they are participating with. We certainly take that approach in TCOs, for example. So some of this is technological solutions and we're working with the private sector on that. But some of it is going to -- to good old -- you know, back to good old detective work.

BACON: Let us know, too, how we can facilitate or make this an easier problem for y'all to tackle.

NIELSEN: Thank you.

BACON: OK.

Mr. Chairman, I yield back. Thank you. And I'm under my five.

MCCAUL: Yeah, congratulations. Nice job.

The Chair recognizes the gentlelady from California, Ms. Barragan.

BARRAGAN: Thank you, Mr. Chairman.

Madam Secretary, did you testify that 90 percent of unaccompanied minors don't show up to court?

NIELSEN: So I believe what has been referenced is my testimony in the last hearing.

BARRAGAN: Was it -- what was the percentage you said a minute ago? Was it 90 percent?

NIELSEN: I hadn't said that, but I think people were -- were quoting me...

BARRAGAN: OK. I -- I -- well, I just wanted to correct the record because there's so much false information that comes out of this administration, and this is one of those. My records which is the Department of Justice Immigration Court's data states that 69 percent show up to court.

And when unaccompanied minors have counsel, 95 percent show up to court. As somebody who's actually represented an unaccompanied minor in an immigration proceeding, I think maybe that sends a message that we should make sure unaccompanied minors have access to counsel.

Your predecessor, Secretary Kelly, he committed to meeting with the Congressional Hispanic Caucus regularly. Will you commit to meeting with the Congressional Hispanic Caucus regularly like your predecessor?

NIELSEN: I'd be happy to.

BARRAGAN: Great. Hopefully, we can get that scheduled soon because I know since you've been sworn in we have not seen you come in yet. So thank you for that.

Back in mid-January, my friend, Senator Cory Booker, had asked if you had met with any DACA recipients. At that time, you mentioned you had not. Have you met with any DACA recipients since that time?

NIELSEN: I have not.

BARRAGAN: Great. Thank you.

My colleague earlier, Miss Jackson Lee, had mentioned this recent court decision that came out this week about DACA applications, and I pulled the -- the decision. Just to clarify for the record, the order says, "DHS must accept and process new as well as renewal DACA applications." This is in the court order.

Now, that is the actual court order. The court order goes on to say that they're going to have a stay for 90 days so DHS can explain why they ended the program because, you know, the court, it was arbitrary and capricious.



Madam Secretary, you are a head of Homeland Security. Do you have a better explanation?

NIELSEN: I'm sorry, for the court's decision?

BARRAGAN: Yeah. The court decision said...

NIELSEN: Yes, (inaudible)

BARRAGAN: ... that you had 90 days...

NIELSEN: Right.

BARRAGAN: ... to better explain why the program ended because what was given before was insufficient. I'm asking you...

NIELSEN: (Inaudible)

BARRAGAN: ... do you have a better explanation?

NIELSEN: The explanation is very simple. It was a -- an inappropriate use of executive power.

BARRAGAN: Do you have a better explanation? Because the court has already ruled that that explanation wasn't sufficient. Do you have a better explanation?

NIELSEN: I -- sitting here today, we're reviewing the court decision, as you know, that just came down and we will be prepared to provide the court the requested information.

BARRAGAN: OK. So you don't have one yet? Thank you. Thank you very much.

NIELSEN: I don't...

BARRAGAN: I'm looking forward (inaudible)

(CROSSTALK)

NIELSEN: ... as you know the Justice Department does, so I defer to the Justice Department on arguing the cases on behalf of the United States government as we do with all cases. But we (inaudible) to provide (inaudible)...

BARRAGAN: Correct. But the Department of Homeland Security enforces them and I think the court order is very specific that (inaudible)...

NIELSEN: We will -- we will comply. We will provide them the information requested.

BARRAGAN: Great. Madam Secretary, you are responsible for more than 240,000 employees at the Department of Homeland Security. Is that correct?

NIELSEN: Around that, yes.

BARRAGAN: And many of those employees have security clearances. Is that correct?

NIELSEN: Many of them do, yes.

BARRAGAN: OK. Back in March of -- back in March, the ranking member, Mr. Thompson, and I sent you a letter, this letter that I'm holding up here, asking you some questions about your handling of security clearance. You have not responded to that. So I'm going to go ahead and see if I can get some answers here today. Were you aware of the allegations of domestic abuse by Mr. Porter prior to his resignation in February of 2018?

NIELSEN: Was I aware? I -- I -- in -- whatever was in the press is what I was aware of.

BARRAGAN: So you're saying as a deputy chief, as -- as a deputy working under Mr. Kelly in the White House that you were not aware of allegations of domestic abuse by Mr. Porter?

NIELSEN: I -- I was the deputy chief of policy and so I did not review nor access clearance request records or adjudications. That was not part of my job.

BARRAGAN: OK, so the New York Times reporting is inaccurate about this, that you as the Deputy Chief of Staff, in November when the FBI had a detailed report that was submitted to the White House, you're saying you did not see it and were not aware of it?

NIELSEN: I did not see any FBI report. No, I did not.

BARRAGAN: OK. So you didn't take any action at all regarding Mr. Porter's security clearance?

NIELSEN: I would not have. That wasn't in my job description.

BARRAGAN: What is your -- what is the policy at Homeland Security now on interim security clearances?

NIELSEN: So we look at that very carefully. We restrict access. When somebody has an interim, there's very particular circumstances which someone might be granted, but mostly it takes a long time, as you know, to go through the adjudication process, and so we reserve bringing somebody onboard fully in most cases until their clearance is fully adjudicated.

BARRAGAN: Great. Can you commit to responding to this letter of March 5th in writing please?

NIELSEN: Yes I can.

BARRAGAN: Great, thank you.

I yield back.

MCCAUL: Gentlelady yields back.

The gentleman from Virginia, Mr. Garrett's recognized.

GARRETT: Thank you Mr. Chairman.

Thank you Madam Secretary. I want to go quickly first into a particular and specific case with regards to USCIS and a constituent of mine whose initials are J.B. I would like to hold up this documentation that -- that -- that outlines J.B.'s efforts to adopt a young woman from Senegal.



I think he might have had conversations with some of my peers as it relates to this process. I would describe it in the interest of conserving my limited time as tragic and ridiculous what this woman has been through to include over a dozen trips to the nation of Senegal.

And an order from NBC, the National Benefits Council under USCIS that suggests that they cannot complete the adoption of this young girl who has known no family but this particular woman in her life while she is in the country, thus regarding or creating a circumstance wherein this six year old child needs to be sent back to Africa to an orphanage so that we can complete the paperwork?

I don't take this time (ph) with you to be derisive, but I would ask for your specific intention. I presume there are individuals who are here with you today who are staffing you. I want to make sure this paper gets in their hand.

NIELSEN: Yes, sir.

GARRETT: And ask for your specific attention. This is a tragedy of bureaucracy that has a human toll and impact. Moving on, and so I'm going to set it there, please...

NIELSEN: Yes, you -- you have my commitment to look into that, sir.

GARRETT: I'd -- I'd genuinely appreciate it, and thank you for all you do. And I understand that there's 330 million Americans and this is but one aspiring American, but this is the right thing to do.

Moving on there's been some interest expressed by some of my colleagues in prioritization as it relates to saving American lives. In fact my good friend and colleague, Ms. Demings, pointed to tragedies in Las Vegas, Orlando and at Parkland.

Would it surprise you, Madame Secretary, if I would inform you that the federal government fatality reporting system indicates that about 20 percent of all automobile accidents fatalities involve illegal, I'm sorry, unlicensed drivers and about half of those are illegals?

NIELSEN: I'm not familiar with that statistic, but, no, that wouldn't surprise me.

GARRETT: Would it surprise you with the number of total people killed, American citizens on American highways each year by illegals is estimated to be in the range of about 3,500?

NIELSEN: No, it wouldn't surprise me.

GARRETT: OK. Would it surprise you to learn that in federal incarceration we have 709,440 illegal people detained? Would that surprise you?

NIELSEN: No.

GARRETT: Would it surprise you to learn that the best estimate of state and local incarceration figures for illegals in this country is in the neighborhood of 297,000, thus creating an incarceration of over a million people who were in this country illegally?

NIELSEN: No.

GARRETT: Would it surprise you to learn that the cost to incarcerate those individuals in federal and state facilities exceeds \$31 billion, almost \$32 billion dollars annually?

NIELSEN: That's a large number.

GARRETT: If we had \$32 billion dollars annually to construct a southern border wall, could we keep those people out of this country, thus reducing the cost to incarcerate, and also saving upwards of 3,500 lives every single year of Americans who die at the hands of people here illegally on U.S. highways?

NIELSEN: We certainly could keep most of them out if we had a full border system, yes.

GARRETT: And so if we protected our southern border and kept these million-incarcerated illegal criminal aliens out of our country, not only would we save lives, but we'd also, presumably -- if they weren't here, they couldn't be arrested and incarcerated, save about \$32 billion dollars a year in 2017 data, if the numbers that I'm giving you is correct?

NIELSEN: Yes, that's -- yes.

GARRETT: Which would amount to over three-tenths of a trillion dollars in a decade. That's -- I'd just like to do this because I'm a public-school kid, three thousand, thousand, thousand, thousand, million dollars, that we could save if we built this wall in the front end. OK.

And so, if we were able to make this one-time commitment to secure our southern border would it, in fact, be a net cost-saver paid for by, technically, I suppose, the countries from which these individuals come by virtue of the denial of admission of illegal individuals?

NIELSEN: It would save lives. It would save money, and it would protect our communities.

GARRETT: And ultimately it would be paid for by the folks who currently are breaking our laws by virtue of their absence from our country, thus reducing the cost, would it not?

NIELSEN: Yes, sir.

GARRETT: OK. I'm just having fun here. I think though that these points are points that need to be made.

As it relates to St. E, and the homeland facility consolidation plan, I would comment that I am as frustrated as anyone. Having said that, sometimes I think it's time to start anew.

I read the OIG report with jaw agape when I read, and I quote, "That perhaps too much time, energy, and money was spent on the revitalizing Washington D.C. neighborhoods in the St. E. renovations." Is it within the mission of Homeland Security to revitalize Washington D.C. neighborhoods?

NIELSEN: No, sir.



GARRETT: Is this what the American taxpayer expects their money will be spent on when they support Homeland Security's expenditures in our budget?

NIELSEN: I highly doubt it.

GARRETT: I do as well. And so I would point out, by virtue of that, I would confess my self-interest in the front-end facilities like, Vint Hill, which are very large former government facilities located within 53 miles of where we sit, where you could come and build right now, and we wouldn't have the cost of (inaudible) litigation that drive costs up. Editorial comment.

Finally, I know I'm running over, Mr. Chairman. We included in the authorizing budgetary language the ability to reinstate the waiver for returning workers under H2B, because we wanted you to be able to do it.

So allow me to join my colleague, Mr. Keating, from the other side of the aisle in saying, please help. It's not about foreign workers, it's about American businesses that have been around for decades that are shuddering because we can't create a system and circumstance wherein they have reliability and predictability. And...

NIELSEN: I -- I understand and it should be a sustained program.

GARRETT: And -- and I'm not, and again, not to attack you.

NIELSEN: No, no.

GARRETT: The reason...

NIELSEN: I agree. I asked for your help in passing it.

GARRETT: I'm all over it.

NIELSEN: ... through Congress so it's a sustained program.

GARRETT: I agree. However, just because we haven't done our jobs yet, doesn't mean given -- that we've given you the latitude within your executive purview to do this that -- that were not -- I'm asking you, humbly, to do that. And I would point out, finally, that a returning worker by definition is someone who's already demonstrated your willingness to go home. Thank you so much.

Thank you, Mr. Chairman.

MCCAUL: Gentleman yields back.

The gentleman from Rhode Island, Mr. Langevin is recognized.

LANGEVIN: Thank you, Mr. Chairman.

Madam Secretary. Thank you for being here, and -- and for your testimony here today.

So in your -- your testimony before the Appropriations Committee two weeks ago, you stated that the Department is diverting resources to help secure election infrastructure is certain. I -- I applaud the focus on election infrastructure.

Yet, the -- the budget request included a modest \$7 million dollar increase for the -- the organization that carries out this analysis and -- and support. And -- and I certainly commend the undersecretary designate, Krebs, for his prioritization of election assessments.

But I worry that -- about -- about the strain on NCATs (ph) resources, especially since they are responsible for working with other areas of critical infrastructure, making them a priority customers as well. So is the request sufficient to support important assessments in other areas of critical infrastructure sectors?

NIELSEN: Thank you for the question, sir. So, what we're doing is, we're working -- what we did receive in Omnibus was, I believe 380 that went to EAC, that -- we will, in conjunction with them, I help state and locals prepare. We also have \$26 million that went to NPPD, and we will continue to -- to work with that.

My comments on prioritization were simply that we all, and I know you share this, take the election part very seriously. So in terms of processing vulnerabilities, assessments, sending teams doing pen testing, providing clearances, we are prioritizing the election's subsector.

We will continue to work with our sector-specific agencies that also bring funding to the fight, so that we can, together, have a holistic approach.

LANGEVIN: You -- but -- all right, so what -- what data are you using to make sure that -- that the NPPD has the resource it needs to respond to other areas of critical infrastructure so that it's not being ignored? Obviously, there's many attack factors that -- that they have to defend...

NIELSEN: Yes.

LANGEVIN: ... against, and how do we make sure that -- that those priority customers are not going to be ignored at the expense of the election security (inaudible) which I certainly applaud the focus, particularly now, on security election infrastructure, but we also need to be focused on other areas of critical infrastructure.

NIELSEN: Yes, sir. You have my commitment.

LANGEVIN: OK. Thank you. Secretary Nielsen, I -- your -- your budget request shifts more than \$40 million dollars in cyber research from the science and technology director at the NPPD.

So I want to say up front that I'm -- I'm very concerned about this proposal, and -- and I'm skeptical about it. So what gives you confidence that NPPD, which has become primarily an operational organization, has the right tools and the people to take over this responsibility from S&T?



Again, because this is an R&D function, for the most part, which S&T would be the appropriate place to do this, I worry that the high op tempo (ph) at NPPD will distract from the R&D work, or that the R&D worker's going to take a -- a backseat.

NIELSEN: That's certainly not the intention, sir. Actually, it was to more closely align the needs of the critical infrastructure owners and operators in the 16 sectors to an R&D plan. So it was meant to make it more requirements-based. It's a priority to do so. As you know, the threat continues to evolve very, very quickly.

And so, we need to be continuing to do R&D as we operate, innovate as we go. And so, that was the idea behind moving it to NPPD. But happy to work with you on how we make sure that that is used in the appropriate way.

LANGEVIN: OK, I just want to be clear. I remain skeptical. This is a (inaudible)...

NIELSEN: Understood.

LANGEVIN: ... very close and on top of it to make sure that it doesn't become a -- an afterthought or ignored.

Secretary Nielsen, some of my -- my colleagues have introduced legislation to start a bug bounty program at DHS. Some in your department have criticized the idea as being premature without robust vulnerability triage processes, and I -- I certainly appreciate the concern.

However, the newly revised NIST (inaudible) security framework and other international standards, point to having a vulnerability disclosure program. So with or without a --a bounty as best -- as a best practice. And the Department of Defense and General Services Administration, have both implemented successful policies.

What in your mind would prevent DHS from having a vulnerability disclosure program that helps well-intended security researches inform DHS about problems in its own systems?

NIELSEN: First of all (ph), I agree that I think a bug bounty program is a very important tool. It's not a silver bullet, but nothing is. It's an important tool. We look forward to learning the lessons that DOD has learned in their own.

We're watching the legislation that's going through Congress very closely. And we will prepare on our side, to have the resources in planning that we need to then respond to what we find out through the bug bounty program.

LANGEVIN: OK. But we started to talk about two related, but different things. Yes, bug bounty program, but also a vulnerability as a disclosure vector so that a program -- so that when researches find a -- a vulnerability, they can report it to someone.

LANGEVIN: Right now, there's nobody home. In other words, there's the -- the security researchers don't have a -- a way to contact to DHS and make sure that DHS will then follow up on that program.

So we're -- bug bounty program is good, I want to say let's do that. But why don't you have a vulnerability disclosure program?

NIELSEN: Yep.

LANGEVIN: The Department of Defense does, the General Services Administration does, DHS does not.

NIELSEN: We do have a way in which they can contact us and actually receive calls very frequently within the NCIC (ph) or directly to US-Cert. We are formalizing the program.

LANGEVIN: OK. US-Cert helps outside agencies, OK. So if -- if someone finds a vulnerability, for example, in medical device. They would call US-Cert, and US-Cert can work to make sure that they're put in touch with the right person at the company to make sure we hear that vulnerability. The problem is, that's not the case. US-Cert does not do that for vulnerability disclosures within -- within DHS.

NIELSEN: No, they pass it to the correct people. I'm just suggesting the different ways that you can get into DHS to report things like that. But we are formalizing the program. It's very important. I don't disagree at all.

We need to be able to not only notify victims, which we do in conjunction with FBI. But we need to in an appropriate way balancing it through the inner agency process, disclose vulnerabilities.

LANGEVIN: Could you work with us to make sure...

NIELSEN: Absolutely.

LANGEVIN: ... we that they develop this type of a vulnerability disclosure program at -- at DHS?

NIELSEN: Yes.

LANGEVIN: All right. Thank you.

Thank you, Mr. Chairman. I yield back.

MCCAUL: Gentleman yields. Last but not least, the gentleman from Texas, Mr. Ratcliffe, recognized.

RATCLIFFE: Thank you, Mr. Chairman.

Madam Secretary, thank you for being here today. I very much appreciate your testimony that you've given on all aspects of how DHS is prioritizing resources to accomplish the president's agenda for safety and security of the American people.



As the chairman of the Cybersecurity Subcommittee, I want to focus my few minutes with you on this particular area. And I will start out by saying, with all due respect to your predecessors, who've had considerable talents and abilities, I'm of the opinion that you have brought with you to this office a -- a greater knowledge and appreciation, and are more steeped in cybersecurity than anyone before you.

And I want to help you take advantage of that. I know we share the -- the common goal of wanting to improve DHS's ability to -- to impact the nation's cyber posture and defense because I know we also, I think, agree that cybersecurity poses one of our greatest national security threats right now.

NIELSEN: Yes, sir.

RATCLIFFE: So in the spirit in wanting to help you be successful, one of my priorities, early in this term, has been to investigate the continuing -- or the Continuous Diagnostics and Mitigation program. We've held two hearings, we've had a number of briefings, countless meetings.

And I'm of the opinion that CDM is certainly a -- a value add to our federal cybersecurity, a -- a way to fortify our government networks and systems. So let me start out and ask you if you share that opinion?

NIELSEN: I do. I think it's a very -- and part and parcel of one of our tools to find out what's on our network, who's on our network, and as you know, we're moving now, fourth phase toward data.

RATCLIFFE: So, looking then towards the continued success, hopefully, of -- of CDM, help me make the case to appropriators, to other members on this committee, as well as to the administration about what we can do to ensure the value of the CDM program so that it's reflected in future budget cycles.

NIELSEN: Yes. Thank you. So we hope through the -- the newest vehicle, you know -- as you know, it's called the defend vehicle, we hope to be much more agile, and we hope to be able to utilize that to not only be up on the emerging threats, but to use it to understand the threat patterns that we can more quickly come to you with requests for additional resources and tools.

RATCLIFFE: One of the other priorities that the chairman and I have spent considerable time on, and we'll continue to do so, is DHS's cyber workforce.

NIELSEN: Yes.

RATCLIFFE: In light of the growing cyber threat landscape, I think it's imperative the DHS be properly staffed with an essential cyber workforce to meet the cyber mission, and to counter what are, obviously, some very highly sophisticated cyber adversaries.

I know you haven't been the secretary for that long, but early on, are there programs or initiatives that you have identified as being most effective in recruiting and retention?

NIELSEN: We have. So the NICE (ph), the acronym NICE, program out of NIST and others, which helps us identify the unique school -- excuse me, the unique skill sets that we need to hire, is part of it.

But the other part is, helping, frankly, folks within the community understand the mission. When they understand the threat and they understand the mission, I find that they're much more interested in coming to serve their government. We can't pay them the same amount, but we can provide them an opportunity to serve their country and to serve a mission.

We are looking at retention, as you know, benefits, different programs, cross-training, what we can do on the back end, and we're working on some pilots with industry to cross-train or do exchange so that we can both benefit from that experience.

RATCLIFFE: And while I appreciate that, Madam Secretary, one of the things that -- that we've already done, what Congress did in 2014, was to provide for some accepted service and expedited authorities in the -- to address this cyber shortage, if you will, and, you know, the indications are that that really hasn't been utilized or maximized to the extent that we would hope. Is that something that you're focused on?

NIELSEN: It is, and I do agree that it has not yet been utilized to the extent that it should be. So yes, we are actively looking at that. And we thank you for that, including the cyber pay that went with that.

RATCLIFFE: Well again, let me just tell you that I think we have a great opportunity under your leadership and stewardship, to improve the historical reputation of DHS, particularly as it relates to cyber issues. So I pledge to you that I want to help you in that regard to move the needle in a positive and appreciable way. So my door will be open to you in that regard.

NIELSEN: Well, thank you. I'll take you up on that. I appreciate it.

RATCLIFFE: I yield back.

MCCAUL: Gentleman yields back. You know, I also want to thank you for your leadership in cybersecurity.

And yours, Madam Secretary.

The chair recognizes the gentleman from Pennsylvania, Mr. Fitzpatrick.

FITZPATRICK: Good afternoon, Madam Secretary. Thanks for being here today, and I think we all would agree that you have a -- a very, very tough job. And I just want you to know that we do appreciate the work. We appreciate the difficulty and the long hours and the stress. So keep at it. You're doing all right.

I want -- I want to talk about school safety. And I don't know if my colleagues have addressed this earlier, but certainly there's a local role to play. Certainly there's a statewide role to play, and the federal government also has a role.

What do you view as the responsibility of the Department of Homeland Security in helping us get to the point where we can keep our kids safe and secure in their -- in their schools?



NIELSEN: We actually haven't discussed it. So thank you for raising the question. This is a very important topic and one on which we have spent a lot of focus.

So we've created internal to DHS a task force, a working group. As you know, there are many parts of DHS that are part of this mission. So we do everything from active shooter training to awareness, to helping states and locals build their alert warning capability.

We've also just released a soft target crowded places plan just a couple weeks ago, which goes through best practices on what to do and how to respond. But importantly, how to prepare.

We also are part of the Commission on School Safety that's led by the Department of Education, working very closely with the National Governor's Association and other associations.

So we're sort of bringing everything we can bear and -- bring to bear. Information sharing. We do have suspicious activity reporting, as you know. So we are updating that process. Working with the state and locals training. So it kind of goes on and on. But yes, you -- you have a full commitment from DHS.

FITZPATRICK: Is there -- is there a lack of funding that we need to be -- to be aware of (inaudible)?

NIELSEN: Much of this is what we already do, so it's just bringing it to bear and expanding the circles in which we have traditionally provided this information and this training, this exercises, et cetera. But if I find any, I will be happy to -- to reach out to you and let you know.

FITZPATRICK: Sure. I appreciate it.

Secondly, and I know this has been discussed, but I want to -- to raise it independently is the aviation security piece. We talked about the transition from the AT to the CT screening devices.

Ideally, I mean, we want these in all of our airports, right? I think there's 450 or so in the country -- airports that we have. And I certainly hope that -- and on this committee, that cost is never an issue here, because I can't -- with all the tens of billions of dollars we've spent on aviation security, I think this is money well-spent.

My question is, is there any concern about the deployment and the time it would take, given that there's only five or so suppliers of these types of machines? So even if we had the full financial commitment, and the commitment of DHS to implement, are we looking at a lag time just based on the pure supply issue and the number of machines that we would need?

NIELSEN: There is a supply issue. We're working very closely with industry to speed up the deployments. But that's what I mentioned before. Our hope is that we do deploy the full amount that we've asked for in F.Y. '19, and that we come back with a reprogramming request to do more. So part of this is not partnership with industry, and helping them in every way possible to go faster. It takes both of us together.

FITZPATRICK: I yield back, Mr. Chairman.

MCCAUL: (OFF-MIKE) Gentleman yields back. I think the ranking member would like to make some closing remarks.

THOMPSON: Thank you, Mr. Chair.

I have a -- a record signed -- for -- for the record a letter signed by a number of members of this committee, both Democrat and Republican, talking about the H2B visa program, and its speedy implementation of it for this year, (inaudible) signature on the letter to the secretary. I hope we will get some response.

I have a letter from a constituent who has -- had a business for quite a while, utilizing this program and is threatened to be closed because of their inability to access workers for this program. So I'd like to submit these two for the records.

MCCAUL: Now without objection, so ordered.

THOMPSON: Thank you.

MCCAUL: In -- in -- I mean, we have -- I'm glad you raised that issue. I -- I've had a lot of members come up to me asking about the H2B program. Would you mind addressing that in -- what -- what is the current status?

NIELSEN: Sure. So we have finalized -- as you know the law requires us to recruit the Department of Labor. We've done that. We've met with, and I've talked to a variety of members of Congress, ranking (ph), who -- who share your concerns. They have very specific companies within their districts who are at threat to go out of business if they don't receive additional visas.

So we are very aware. We have finalized our recommendation. It's working its way through the process. But we hope that we will be able to issue additional visas next month.

MCCAUL: OK. Excellent. Let me also mention -- I know UAS didn't come up today, but I know it's a very important issue to both of us and in the United States' security. These drones crossing across the border and domestically, it poses a grave threat. I can assure you that we are working on draft legislation right now, and working with your staff, Madam Secretary, to accomplish that goal.

And so I want to thank you for being here. I want to also thank you for your public service. You know, it's a tough job, and I think a lot of people look at Homeland Security, and all they think of is border and immigration, and yet, it's so many other things, as well, that you have on your plate. And -- and I want to work with you to make your job successful.

And so with that, the hearing record will be open for 10 days for -- if there are any additional questions. And without objection, the committee stands adjourned.

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| <b>To:</b>       | (b)(6)                  |
| <b>Subject:</b>  | FW: Correspondence List |
| <b>Date:</b>     | 2018/07/09 12:25:03     |
| <b>Priority:</b> | Normal                  |
| <b>Type:</b>     | Note                    |

(b)(6)

Am I wrong? I need IQ access to do this correct?

R/S

(b)(6)

---

**From:** (b)(6)  
**Sent:** Monday, July 9, 2018 12:23 PM  
**To:** (b)(6)  
**Cc:** (b)(6)  
 Nusraty, Jeffrey (b)(6); Hymowitz, Emily  
 (b)(6); Ammons, Samantha  
 (b)(6)  
**Subject:** RE: Correspondence List

I do think we need to double-check the letters to confirm there is not a meeting request built in. Also, I really like how the Reunification Chart is built. Suggest we combine the two.

(b)(6) – Will need your assistance reviewing the letters below to make sure there is not a meeting request included in the letters.

(b)(6) – We may need OLA ESEC’s assistance too

Thanks,

(b)(6)

(b)(6)

Acting Chief of Staff, Office of Legislative Affairs  
Senior Counselor for Management, Management Directorate  
U.S. Department of Homeland Security

(b)(6)

**From:** (b)(6)

**Sent:** Monday, July 9, 2018 12:12 PM

**To:** (b)(6)

(b)(6)

**Subject:** RE: Correspondence List

(b)(5)

(b)(5) (Rep. Polis and Rep. McCaul).

Thanks,

(b)(6)

**From:** (b)(6)

**Sent:** Monday, July 9, 2018 11:55 AM

**To:** (b)(6)

**Subject:** FW: Correspondence List

(b)(6)

(b)(5)

Attached are a few letters I have. Minority Whip Hoyer & Cong Hispanic Caucus Members who sent it in maybe 2 weeks ago in group letter. Pls ask OLA Exec SEC to pull up so we can count all those Members, too.

Thanks,

(b)(6)

-----

(b)(6)

Acting Chief of Staff, Office of Legislative Affairs  
Senior Counselor for Management, Management Directorate  
U.S. Department of Homeland Security

(b)(6)

**From:** (b)(6)  
**Sent:** Friday, July 6, 2018 10:02 PM  
**To:** Fauquet, Stephanie (b)(6)  
**Cc:** Ciccone, Christine (b)(6); Bobb, Christina  
 (b)(6) ESEC-  
 External Liaison <ESEC-ExternalLiaison@hq.dhs.gov>; Swain, Donald  
 (b)(6)  
**Subject:** RE: Correspondence List

Stephanie,

Much appreciated- have a nice weekend

Thanks,

(b)(6)

(b)(6)

Acting Chief of Staff, Office of Legislative Affairs  
Senior Counselor for Management, Management Directorate

(b)(6)

---

**From:** Fauquet, Stephanie  
**Sent:** Friday, July 06, 2018 5:31:31 PM  
**To:** Micone, Vincent  
**Cc:** Ciccone, Christine; Bobb, Christina; (b)(6) ESEC-External Liaison; Swain, Donald  
**Subject:** RE: Correspondence List

Hi (b)(6)

Ok, we put the list together of the congressional family separation letters:  
(special thanks to (b)(6) for putting all this together today!)

| Date Received | Document Location | Component | Member              | Issue   | Tracking # (IQ)/ES |
|---------------|-------------------|-----------|---------------------|---|--------------------|
| 1. 6/4/18     | With Component    | CBP       | Rep. Crowley (NY)   | Write regarding the separation of children from their families      | 1164039 / 18-3     |
| 2. 6/5/18     | With Component    | CBP       | Sen. Klobuchar (MN) | Write with concern regarding the separation of parents and children | 1163986 / 18-3     |

|     |         |                |     |                                      |  |                |
|-----|---------|----------------|-----|--------------------------------------|--|----------------|
| 3.  | 6/5/18  | With Component | CBP | Rep. Nadler (NY)                     | Democrats on the House Judiciary Committee write to express their disappointment in regards to the hearing being cancelled. They also are requesting answers on several humanitarian issues at the border. | 1164118 / 18-3 |
| 4.  | 6/12/18 | With Component | CBP | Rep. Crowley (NY)                    | Writes regarding recently announced decision to prosecute migrants and asylum-seekers,   | 1164420 / 18-3 |
| 5.  | 6/19/18 | With Component | CBP | Sen. Stabenow (MI)                   | Writes concerning separating children from families at the border.   | 1164844 / 18-3 |
| 6.  | 6/18/18 | With Component | CBP | Sen. Collins (ME)<br>Sen. Flake (AZ) | Writes with concerns and questions regarding the safety of children immigrating to the United States.  | 1164846 / 18-3 |
| 7.  | 6/19/18 | With Component | CBP | Sen. Wyden (OR)                      | Write regarding the separation of children from parents  | 1164856 / 18-3 |
| 8.  | 6/20/18 | With Component | CBP | Sen. Jon Tester (MA)                 | Writes to express concerns with children being separated from their parents.   | 1164936 / 18-3 |
| 9.  | 6/20/18 | With Component | CBP | Rep. Raskin (MD)                     | Writes requesting the Department end separation of children from families.   | 1164943 / 18-3 |
| 10. | 6/21/18 | With Component | CBP | Rep. Brown (OH)                      | Writes with questions regarding the separation of children and parent  | 1165027 / 18-3 |
| 11. | 6/21/18 | With Component | CBP | Sen. Wyden (OR)                      | Write regarding the treatment of asylum seekers detained in federal prisons across the United States   | 1165037 / 18-3 |
| 12. | 6/22/18 | With Component | CBP | Sen. Bennet (CO)                     | Writes with questions related to the "zero tolerance" policy following the recently signed executive order   | 1165064 / 18-3 |
| 13. | 6/21/18 | With Component | CBP | Rep. Correa (CA)                     | Writes with questions regarding the separation of children from parents  | 1165033 / 18-3 |
| 14. | 6/25/18 | With Component | CBP | Rep. Dingell +59                     | Writes regarding the separation of children from their parents at the border.  | 1165117 / 18-3 |
| 15. | 6/25/18 | With Component | CBP | Rep. Tipton (CO)                     | Writes regarding zero tolerance policy on illegal immigration and separating children  | 1165133 / 18-3 |

|     |         |                |     |                                       |  |                |
|-----|---------|----------------|-----|---------------------------------------|--|----------------|
|     |         |                |     |                                       | from their parents   |                |
| 16. | 6/25/18 | With Component | CBP | Rep. Lowey (NY)                       | Writes with questions regarding previously separated children following the Executive Order  | 1165148 / 18-3 |
| 17. | 6/25/18 | With Component | CBP | Sen. Cortez Masto (NV)                | Writes with questions about families being separated at the border   | 1165151 / 18-3 |
| 18. | 6/26/18 | With Component | CBP | Sen. McCaskill (MO)                   | Writes to request information regarding the zero tolerance policy following the Executive Order  | 1165233 / 18-3 |
| 19. | 6/26/18 | With Component | CBP | Sen. Markey (MA)                      | Writes with questions regarding the zero tolerance policy following the Executive Order  | 1165237 / 18-3 |
| 20. | 6/25/18 | With Component | CBP | Rep. Smucker (PA)                     | Writes with specific questions regarding family separation, care for minors, and operational costs of detention facilities.  | 1165236 / 18-3 |
| 21. | 6/26/18 | With Component | CBP | Rep. Larsen (WA)<br>Rep. DeFazio (OR) | Writes expressing concerns regarding family separation and poses specific questions regarding transportation of children.  | 1165242 / 18-3 |
| 22. | 6/26/18 | With Component | CBP | Rep. Meng (NY)                        | Writes thanking POTUS for the Executive Order (EO) ending the practice of separating immigrant children from their parents, and asks that the reunification process be included in the EO.   | 1165285/ 18-3  |
| 23. | 6/26/18 | With Component | CBP | Rep. Cuellar (TX)                     | Writes regarding the separation of children from their families at the U.S.-Mexico border, and invites POTUS and FLOTUS to join him on a tour of one the detention facilities.   | 1165297/ 18-3  |
| 24. | 6/26/18 | With Component | CBP | Rep. Cummings (MD)<br>+ 17            | A cohort of Congressional leaders requests information regarding how the Department intends to reunify immigrant children to their parents.  | 1165312/ 18-3  |
| 25. | 6/27/18 | With Component | CBP | Rep. Clarke (NY)<br>+17               | A cohort of Congressional leaders write regarding the location of 1,475 unaccompanied children. Further, they request information regarding the trafficking of children absent DHS and HHS' joint plan following a 2016 Senate Permanent Subcommittee on Investigations hearing.           | 1165319/ 18-3  |
| 26. | 6/27/18 | With Component | CBP | Rep. Hoyer (MD)<br>+21                | A cohort of Congressional leaders requests detailed family reunification plans from the Department, HHS, and DOJ by June 27, 2018. Further, they request that a federal official be designated as the overseer of the reunification process and serve as the point of contact to Congress. | 1165337/ 18-3  |
| 27. | 6/28/18 | With Component | CBP | Rep. Bustos (IL)<br>+107              | Writes requesting financial information regarding the costs of separating children from family.  | 1165378 / 18-3 |



|     |         |                |     |                              |  |                      |
|-----|---------|----------------|-----|------------------------------|--|----------------------|
| 28. | 6/29/18 | With Component | CBP | Sen. Duckworth (IL)          | Writes to request information regarding the "zero tolerance" policy and urges more coordination between DHS and HHS to develop interagency initiatives | 1165499 / 18-2       |
| 29. | 6/29/18 | With Component | CBP | Sen. Wyden (OR)              | Write requesting details about DHS and HHS's plans to work with Oregon agencies to reunite children who were separated from their parents.             | 1165501 / 18-3       |
| 30. | 6/29/18 | With Component | CBP | Rep. Polis (CO)              | Requests briefing regarding family separation policy of the Trump Administration   | 1165551 / 18-4       |
| 31. | 7/2/18  | With Component | CBP | Sen. Harris (CA)<br>+17      | Writes with concerns regarding the Presidents Executive Order involving family separation.   | 1165595 / 18-3       |
| 32. | 7/2/18  | With Component | CBP | Sen. Hirono (HI)             | Writes with questions regarding the "zero tolerance" policy  | 1165611 / 18-3       |
| 33. | 7/3/18  | With Component | CBP | Rep. Stivers (OH)            | Writes regarding safety and the security of families with children immigrating to the United States.   | 1165669 / 18-4       |
| 34. | 7/5/18  | With Component | CBP | Rep. Bonamici (OR)           | Writes with concern regarding the "zero tolerance" policy  | 1165680 / 18-3       |
| 35. | 7/5/18  | With Component | CBP | Sen. Inhofe (OK)             | Writes with concern regarding reports of children being separated from their parents after illegally crossing the border                               | 1165682 / 18-3       |
| 36. | 7/5/18  | With Component | CBP | Rep. Davis (CA)              | Write with questions following the Executive Order related to the "zero tolerance" policy  | 1165683 / 18-3       |
| 37. | 7/6/18  | With Component | CBP | Rep. Jackson Lee (TX)<br>+57 | Writes regarding the separation of families at the border.   | 1165765 / 18-4       |
| 38. | 7/6/18  | With Component | CBP | Rep. Masto (NV)              | Writes regarding the implementation and impact of the DHS prosecution and detention policies   | 1165807 / 18-4       |
| 39. | 6/12/18 | With Component | ICE | Rep. Smith (WA)              | Writes with concern regarding immigration detention protocol   | 1164424 / 18-3<br>** |
| 40. | 6/18/18 | With Component | ICE | Rep. Thompson (MS)           | Writes regarding recent transfer of 1,600 detainees to five federal prisons under  | 1164868 / 18-3       |

|             |                |     |                         |  |                |
|-------------|----------------|-----|-------------------------|--|----------------|
|             |                |     |                         | POTUS's zero tolerance policy.   |                |
| 41. 6/29/18 | With Component | ICE | Rep. Byrne (AL) +6      | A cohort of Congressional leaders write expressing their opposition to the use of Naval Air Station Whiting Field's Naval Outlying Field in Alabama, and NOLF Wolf in Florida as detention facilities used to house illegal immigrants | 1165509/ 18-3  |
| 42. 7/3/18  | With Component | ICE | Rep. Meng (NY)          | Writes regarding claims of the federal government's inability to quickly reunite children that were separated from their families  | 1165640 / 18-4 |
| 43. 6/27/18 | With Component | ICE | Rep. Lee (TX)           | Writes requesting certification of Shiloh Treatment Center be revoked as an approved site to house migrants and their children   | 1165328 / 18-3 |
| 44. 7/2/18  | With Component | ICE | Rep. Thompson (MS) +11  | A cohort of Congressional leaders request information about how the Department will comply with federal court order requiring the an end to the separation of immigrant children from their family.                                    | 1165588/ 18-3  |
| 45. 7/2/18  | With Component | ICE | Rep. Brown (MD) +8      | A delegation of Maryland representatives write regarding the use of Maryland's Department of Human Services facilities to help handle the overflow of separated families from facilities in 11 other states.                           | 1165591/ 18-3  |
| 46. 6/29/18 | With Component | ICE | Sen. Warren (MA)        | Writes regarding reunification of children separated from their parents.   | 1165615 / 18-3 |
| 47. 7/2/18  | With Component | ICE | Rep. Bonamici (OR)      | Write with questions regarding family reunification  | 1165624 / 18-3 |
| 48. 7/3/18  | With Component | ICE | Rep. Scott (VA)         | Writes regarding Administration's "zero tolerance" policy  | 1165647 / 18-4 |
| 49. 7/3/18  | With Component | ICE | Sen. Warren (MA) +10    | Request information from DHS and HHS on the status of efforts to reunify parents and children that have been separated at the border.  | 1165676/ 18-3  |
| 50. 7/5/18  | With Component | ICE | Sen. Richard Blumenthal | Writes regarding the separation of UAC from their parents. Specifically, two minors being detained in his state of Connecticut.  | 1165710 / 18-4 |
| 51. 7/6/18  | With Component | ICE | Rep. DeLauro (CT)       | Writes with concern and requests information regarding family reunification  | 1165769 / 18-3 |

|            |                |     |  |  |                |
|------------|----------------|-----|--|--|----------------|
| 52. 7/6/18 | With Component | ICE | Rep. Durbin (IL)   | Writes regarding family reunification efforts  | 1165804 / 18-3 |
| 53. 7/6/18 | With Component | ICE | Rep. Cedric Richmond (LA)<br><br>+26 Members of the Congressional Black Caucus | Writes with concerns and questions regarding family separation.  | 1165829 / 18-4 |
| 54. 7/6/18 | With Component | OLA | Rep. McCaul (TX)   | Writes regarding a briefing to Members of the Members of the Committee on Homeland Security on family separation and reunification | 1165762 / 18-3 |

Thank you!

## Stephanie Fauquet

Assistant Executive Secretary

for Communications and Operations

Office of the Executive Secretary

U.S. Department of Homeland Security

(b)(6)

**From:** (b)(6)

**Sent:** Friday, July 6, 2018 2:31 PM

**To:** Fauquet, Stephanie (b)(6)

**Cc:** Ciccone, Christine (b)(6) Bobb, Christina

(b)(6)

**Subject:** Correspondence List

Stephanie,

Afternoon. Need ESEC's assistance. We need to compile a list of correspondence to S1 regarding family separation issues (open and closed). We going to take that list and run it up against our list of meeting requests for S1 related to the issue.

Possible for you to get us the correspondence list, from April 1 to today? Any way we could get this Monday afternoon?

Thanks,

(b)(6)

(b)(6)

Acting Chief of Staff, Office of Legislative Affairs  
 Senior Counselor for Management, Management Directorate  
 U.S. Department of Homeland Security

(b)(6)

|                        |  |
|------------------------|--|
| <b>Sender:</b>         | (b)(6)   |
| <b>Recipient:</b>      | (b)(6)   |
| <b>Sent Date:</b>      | 2018/07/09 12:25:01  |
| <b>Delivered Date:</b> | 2018/07/09 12:25:03  |
| <b>From:</b>           | (b)(6)   |
| <b>To:</b>             | (b)(6)<br>"Wonnenberg, David (b)(6)<br>(b)(6)                        |
| <b>CC:</b>             | "Dinh, Uyen (b)(6)<br>(b)(6)<br>"Ciccone, Christine (b)(6)<br>(b)(6) |
| <b>Subject:</b>        | UPDATED: RE: Reunification briefings                                 |
| <b>Date:</b>           | 2018/07/09 12:09:58  |
| <b>Priority:</b>       | Normal   |
| <b>Type:</b>           | Note   |

Please see below.

|                             |                  |       |               | Sen |
|-----------------------------|------------------|-------|---------------|-----|
| REQUESTOR                   | MEMBER/COMMITTEE | LEVEL | REQUESTED VIA |     |
| Senate Appropriations       | Bipartisan       | Staff | E-mail        |     |
| Senate Finance (Bipartisan) | Bipartisan       | Staff | E-mail        |     |
| Senate Permanent Sub on     | Bipartisan       | Staff | E-mail        |     |

| <b>Investigations</b>  |                  |        |               |   |
|--|------------------|--------|---------------|---|
| Senate Committee on Aging  | Republicans      | Staff  | E-mail        |   |
| Senate HELP/SAC-LHHS   | Republicans      | Staff  | E-mail        |   |
| Senate HSGAC   | Dems             | Staff  | Letter        |   |
| Senate Finance/HELP  | Dems             | Staff  | E-mail        |   |
| Senate Armed Services  | Dems             | Staff  | E-mail        |   |
|  |                  |        |               |   |
| <b>Ho</b>  |                  |        |               |   |
|  |                  |        |               |   |
| REQUESTOR  | MEMBER/COMMITTEE | LEVEL  | REQUESTED VIA |   |
|  |                  |        |               |   |
| House Committee on Energy and Commerce                               | Bipartisan       | Member | E-mail        |   |
| House Committee Homeland Security (via Rep. Nanette Barragan (D-CA)) | Bipartisan       | Member | Email         |   |
| House Judiciary Democrats  | Dems             | Member | Letter        |   |
| House Appropriations   | Bipartisan       | Staff  | E-mail        |   |
| House OGR Democrats  | Dems             | Staff  | Letter        |   |
| Rep. Steny Hoyer + Congressional Hispanic Caucus Mbrs                | Dems             | Member | Letter        |   |
| House Members (93)   | Dems             | Member | Letter        |   |
| Rep. Rosa DeLauro (D-CT); HAC Ranking Mbr                            | Dems             | Member | Letter        |   |
| Rep. John Curtis (R-UT)  | Mbr              | Member | Phone/Email   |   |
| Rep. Tom Marino (R-PA)   | Mbr              | Member | E-mail        |   |
| Rep. Michelle Lujan Grisham (D-NM)                                   | Mbr              | Member | Phone         |   |
| Rep. Kathleen Rice (D-NY)  | Mbr              | Member | E-mail        |   |
|  |                  |        |               |   |
| <b>COMPI</b>   |                  |        |               |   |
|  |                  |        |               |   |
| REQUESTOR  | MEMBER/COMMITTEE | LEVEL  | REQUESTED VIA |   |
|  |                  |        |               |   |
| Rep. Dutch Ruppersberger (D-MD)                                      | Mbr              | Member | E-mail        | D |



|   |                   |               |                    |  |
|---|-------------------|---------------|--------------------|--|
| <b>Senate Judiciary (Cruz, Grassley, Feinstein, Durbin, Tillis)</b> | <b>Bipartisan</b> | <b>Member</b> | <b>Call/E-mail</b> |  |
|   |                   |               |                    |  |

Sincerely,

(b)(6)

Coast Guard Fellow  
Office of Legislative Affairs  
Department of Homeland Security

(b)(6)

**From:** (b)(6)

**Sent:** Monday, July 9, 2018 11:06 AM

**To:** Wonnenberg, David (b)(6)

(b)(6)

**Cc:** Dinh, Uyen (b)(6) Ciccone, Christine (b)(6)

**Subject:** RE: Reunification briefings

Great. (b)(6) is updating the list now – can you share with the group once you’ve done so? Thank you.

Best,

(b)(6)

**From:** Wonnenberg, David

**Sent:** Monday, July 9, 2018 11:03 AM

**To:** (b)(6)

**Cc:** Dinh, Uyen (b)(6) Ciccone, Christine (b)(6)

**Subject:** Reunification briefings

Good morning (b)(6) and (b)(6)

What is the list of requests we've received and still owe a briefing?

FO continuing to work, but looking like we may be able to schedule some for later this week.

V/r,  
David

David Wonnenberg

Acting Assistant Secretary  
DHS Office of Legislative Affairs

(b)(6)

|                        |                             |
|------------------------|-----------------------------|
| <b>Sender:</b>         | (b)(6)                      |
| <b>Recipient:</b>      | (b)(6)                      |
|                        | "Wonnenberg, David (b)(6)   |
|                        | (b)(6)                      |
|                        | "Dinh, Uyen (b)(6)          |
|                        | (b)(6)                      |
|                        | "Ciccione, Christine (b)(6) |
| <b>Sent Date:</b>      | 2018/07/09 12:09:57         |
| <b>Delivered Date:</b> | 2018/07/09 12:09:58         |

|                  |                                 |  |
|------------------|---------------------------------|--|
| <b>From:</b>     | (b)(6)                          |  |
| <b>To:</b>       | (b)(6)                          |  |
| <b>Subject:</b>  | FW: OLA Weekly Report - June 29 |  |
| <b>Date:</b>     | 2018/07/06 09:39:24             |  |
| <b>Priority:</b> | Normal                          |  |
| <b>Type:</b>     | Note                            |  |

Thanks,

(b)(6)

(b)(6)

Acting Chief of Staff, Office of Legislative Affairs  
Senior Counselor for Management, Management Directorate  
U.S. Department of Homeland Security

(b)(6)

**From:** (b)(6)

**Sent:** Friday, June 29, 2018 11:33 AM

**Subject:** OLA Weekly Report - June 29

Below is this week's report.

Thanks,

(b)(6)

## OLA Weekly Activity Reports for June 29

### **Headquarters Team:**

#### Look Ahead//Major Activities for Next Week

- •\* Continued work with HSGAC, SJC, CST, and interagency partners (NSC, DOJ, DOT/FAA, and DOD) on CUAS authority.
- •\* Roll Out on FCC Decision on China Mobile potentially next week (all calls, waiting on WH for materials) – DHS responsible for HSGAC and CHS.
- •\* Continued work with OGC and OLA leadership on Reauthorization side-by-side tasking for HQ Offices and Components.
- •\* Continued work with HOCR on the pay cap document production.

- •\* Continued work with CHS on scheduling/scoping multiple briefing requests.
- •\* Continued work on a CHS Member brief on Northern Border security.
- •\* Continued work on preparing witnesses for the July 12 SCRM hearing before CHS-CTI and CHS-OME.

#### Legislative Actions/Updates

- •\* HSGAC, SJC, CST, and interagency partners (NSC, DOJ, DOT/FAA, and DOD) conference call on CUAS authority took place this week; interagency to provide committees legislative language on Friday; with intent of weekend and Monday/Tuesday to consider. Effort is aimed at obtaining HSGAC, SJC, and CST committee clearance for NDAA conference.
- •\* Continued work with OGC and OLA leadership on Reauthorization side-by-side tasking for HQ Offices and Components.
- •\* Continued work on the Export Control and Reform Act of 2018.
- •\* Work with TSA on concerns associated S. 1896—TSA LEAP Pay Reform Act of 2017. This now also involves I&A's language for exchange (excepted to civil service and vice versa) that may be included into the Intelligence Reauthorization by HPSCI.
- •\* Approximately 30 hours of work on Congressional Notifications to Appropriators; including unique life, health, and safety waiver execution.
- •\* NBAF Briefing with USDA to Senate Agricultural, Appropriations, & Homeland Security Committees on Friday.

#### Team Accomplishments for this Week

- •\* SCRM hearing work.
- •\* Over 70 contract notifications for all of the previous week (this figure is a lagging number due to reporting time periods).

#### Congressional and Staff Delegations

- •\* None at this time.

#### Nominations

- •\* Continued work on two nomination-related matters.

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### **Border Security and Immigration (BSI) Team:**

#### Look Ahead//Major Activities for Next Week

- In response to multiple requests, anticipate continued requests for briefings/data for authorizers and appropriators regarding Executive Order on family separation, reunification, and detention facilities. Briefings would include DHS, CBP, ICE, USCIs, HHS, DOJ, and perhaps DOD.
  - Currently have over twenty outstanding briefing requests from House and Senate for Member and staff briefings.

#### Legislative Actions/Updates

- On 6/27, H.R. 6136 (Border Security and Immigration Reform Act) was defeated in the House.

Team Accomplishments for this Week

- Fielded technical immigration procedural questions relating to H.R. 6136.
- Member Engagements
  - •\* Rep. Peter King (R-NY) is requesting a call with S1 on an immigration case matter relating to Irish born screenwriter (b)(6) is working with Rep. King staff and USCIS in trying to agree on an alternative to calling S1, possibly a call with DI. (b)(6) referred this inquiry to (b)(6)
  - Rep. Crawford (R-AR) is requesting a call with S1 regarding establishment of a UAC temporary shelter in his district in Kelso, Arkansas.
  - Rep. Kathleen Rice (D-NY) is still requesting meeting with Acting ICE Director Homan regarding case of (b)(6)  
(b)(6) Rep. Rice spoke with Dave Jennings, ICE Acting Director for Field Operations (ERO), and subsequently requested a call with S1.
- Assisted CIS Ombudsman office with congressional notification of the 2018 Ombudsman's Annual Report.
- Fielded inquiries on TPS Somalia which will expire on 9/17/18.
- Answered numerous Hill questions regarding 100% prosecution, family separations, and family reunification, including multiple requests for most updated family separation/UAC data. Also received numerous requests for information on DHS/HHS detention facilities, many of which were referred to ICE or HHS.
- Senate Judiciary Briefing – Family Separation/Reunification (6/28): Representatives from DOJ, CBP, ICE, USCIS, and HHS provided a briefing for Senate Judiciary Members (Cruz, Durbin, Feinstein, Grassley, Tillis) regarding zero tolerance and family separation/reunification.

Congressional and Staff Delegations

- Recent
  - CODEL Cruz – South Texas (6/22): Senator Ted Cruz visited CBP facilities in McAllen, Texas.
  - CODEL Heinrich/Udall – El Paso, Texas (6/22): Senators Martin Heinrich (D-NM), Ted Udall (D-NM), and Richard Blumenthal (D-CT) visited CBP facilities in El Paso, Texas.
  - CODEL Harris – San Diego, California (6/22): Senator Kamala Harris (D-CA) visited Otay Mesa Detention Center.
  - CODEL Speier – South Texas (6/23): Rep. Jackie Speier (D-CA) and 15 other Members of the House toured CBP, ICE, and HHS facilities in South Texas.
  - CODEL Fitzpatrick – El Paso, Texas (6/23): Rep. Brian Fitzpatrick (R-PA) visited CBP facilities in El Paso.
  - CODEL Warren – McAllen, Texas (6/24): Senators Warren (D-MA) and Booker (D-NJ) visited the Border Patrol Station in McAllen, Texas.
  - CODEL Cortez Masto – South Texas (6/25): Senator Cathy Cortez Masto visited the Border Patrol Station in McAllen, Texas.
- Upcoming



- CODEL Merkley – South Texas (6/30): Senator Jeff Merkley (D-OR) has requested a CODEL to CBP, ICE, and HHS facilities in South Texas, to include the Border Patrol Station in McAllen.
- CODEL Gillibrand – South Texas (7/8-7/9): Senator Kirsten Gillibrand (D-NY) has requested a CODEL to South Texas to visit CBP, ICE, and HHS facilities. CBP, ICE, and HHS are currently coordinating.
- STAFFDEL HSGAC – South Texas or San Diego/San Ysidro (7/9): Minority staff from HSGAC have requested a STAFFDEL to either South Texas or Southern California.

#### Nominations

- None.

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### **Emergency Management, Aviation Security and Law Enforcement Team:**

#### Look Ahead//Major Activities for Next Week

- 7/11-7/12- FLETC Director Tom Walters will attend informal ‘meet and greets’ with Appropriations Chairs Shelley Moore Capito (R-WV) and 7/12: Kevin Yoder (R-KS).
- 7/18- FEMA Hearing with House Committee on Transportation and Infrastructure, “2017 Hurricane Recovery and 2018 Hurricane Preparedness,” Witness: Office of Response and Recovery Associate Administrator Jeff Byard.
- 7/25- FEMA Hearing with House Committee on Oversight and Government Reform, “2017 in review, the response operations of Puerto Rico and U.S. Virgin Islands,” Witness: FEMA Administrator Brock Long.
- 7/25- FEMA Hearing with House Committee on Homeland Security, Subcommittee on Emergency Preparedness, Response & Communications, “Innovation, with a focus on innovative ideas and policies,” Witness: FEMA Deputy Administrator for Resilience Daniel Kaniewski.

#### Legislative Actions/Updates

- On 6/25 TSA Administrator Pekoske hosted House Appropriations Committee, Subcommittee on Homeland Security Chairman Kevin Yoder (R-KS-3) for a tour of security operations at Ronald Regan Washington National Airport (DCA), as well as the agency’s nearby testing and security technology integration center.
- On 6/25, the U.S. House of Representatives acted on a number of bills under Suspension of the Rules, including several that are relevant to DHS, CBP and TSA (specifically). These measures were previously passed by the Committee on Homeland Security, via voice vote, and will be sent to the Senate for committee action:
  - **DHS- H.R. 5094, the Enhancing Suspicious Activity Reporting Initiative Act**; comments provided requesting amended language to clarify the types of information/factors indicative of suspicious activity.
  - **DHS- H.R. 5733, the DHS Industrial Control Systems Capabilities Enhancement Act of 2018**; no comments or objections raised
  - **DHS- H.R. 5206, the Office of Biometric Identity Management Authorization Act of 2018**; no comments or objections raised

- **CBP-H.R. 5207**, the Immigration Advisory Program Authorization Act of 2018; comments provided to clarify terms of art and IAP activity scope (recognizing host country dependency), supportive of overall bill, overall.
- **TSA- H.R. 5081**, the Surface Transportation Security and Technology Accountability Act of 2018; no comments or objections raised
- **TSA- H.R. 5730**, the Transportation Security Technology Innovation Reform Act of 2018; no comments or objections raised
- **TSA- H.R. 5766**, Securing Public Areas of Transportation Facilities Act of 2018; no comments or objections raised
- On 6/26 FEMA released a Notice of Funding Opportunity for the National Domestic Preparedness Consortium (NDPC) to Congressional delegations of the five NDPC members eligible to apply and receive funding to provide training opportunities for emergency responders:
  - •\* **Texas A&M University's Texas Engineering Extension Service**, National Emergency Response and Rescue Training Center: \$25 million.
  - •\* **Louisiana State University**, National Center for Biomedical Research and Training: \$22 million.
  - •\* **New Mexico Institute of Mining and Technology**, Energetic Materials Research and Testing Center: \$22 million.
  - •\* **Transportation Technology Center, Inc.**, National Center for Emergency Response in Surface Transportation: \$5 million.
  - •\* **University of Hawaii**, National Disaster Preparedness Training Center: \$5 million.
- Also on 6/27, TSA Administrator Pekoske briefed House Homeland Security Committee Members on current aviation threat streams and related mitigation efforts. During this classified session the Administrator also highlighted the agency's plans for vetting and screening passengers during the busy summer travel season. Lastly, the Administrator outlined the current testing and deployment schedule for Computed Tomography (CT) screening equipment at select domestic airports.
- On 6/27, the Senate Committee on Commerce, Science, and Transportation approved eight bills, 4 with a departmental nexus. SCST also approved the promotion of USCG Admiral Andrew W. McKinley.
  - S. 1896, TSA LEAP Pay Reform Act of 2017, Sponsor: Sen. Ron Johnson (R-Wis.) - To amend section 8331 of title 5, United States Code, and the Fair Labor Standards Act of 1938 to clarify the treatment of availability pay for Federal air marshals and criminal investigators of the Transportation Security Administration. TSA supports the bill.
  - H.R. 4467, Strengthening Aviation Security Act - Requires TSA to use risk-based strategies for allocating Federal Air Marshals and submit a report detailing its compliance. no comments or objections raised
  - H.R. 4559, Global Aviation System Security Reform Act - To conduct a global aviation security review, and for other purposes. no comments or objections raised
  - S. 3094, Transportation Worker Identification Credential Act of 2018 - Restricts USCG from implementing any rule requiring the use of biometric readers until after submission to Congress of the results of an assessment of the effectiveness



of the transportation security card program—note the measure is substantively identical to H.R. 5729, the *Transportation Worker Identification Credential Accountability Act of 2018*, introduced by Rep. John Katko (R-NY), and reported out of CHS on June 6, 2018. TSA/USCG/DHS oppose this bill.

#### Team Accomplishments for this Week

- *Status of House Oversight & Gov't Reform Hurricane Documents Request*—FEMA and NPPD provided responsive communications to the Committee's request. We transferred all communications onto CD ROM and hand delivered to Components (MGMT, OGC, PLCY, and ESEC-Liaison) on Monday, June 25<sup>th</sup>. MGMT and PLCY have cleared, we are currently waiting to hear from OGC.
- On 6/26 FLETC participated in its second and third transcribed interviews with the House Oversight and Government Reform Committee (HOCR)—no significant follow-ups/FLETC is working with HOCR staff on scheduling additional interviewee(s).

#### Congressional and Staff Delegations

- None at this time

#### Nominations

- Peter T. Gaynor to be Deputy Administrator, FEMA. We had an introductory call with Mr. Gaynor on Thursday, June 21<sup>st</sup>. We are in the final stages of clearing his biographical questionnaire. DHS Ethics cleared on Monday, June 25<sup>th</sup> and it is currently with Mr. Gaynor for review before sending to the White House for final clearance and transmission to HSGAC.
  - FEMA preparing briefing materials for the internal policy briefings. Initial topics will include: General Organization Overview; Response and Recovery (focusing on 2017 hurricane & wildfire season/2018 hurricane season preparedness); Resilience; NFIP & Reauthorization; FEMA's Strategic Plan; and a high-level budget overview.

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### **Intelligence and Cyber:**

#### Look Ahead//Major Activities for Next Week

- **Thursday, July 12** House CHS CTI and OME Subcommittee Hearing – Supply Chain Risk Management (SCRM) (I&A, CPO, and CIO)
- **Mid-to-Late July 2018** House CHS Full Committee Member Briefing – Northern Border Security/Counterterrorism Concerns (I&A, CBP, ICE, and PLCY)
- **Wednesday, July 25** House CHS Briefing – Monthly Threats Update (I&A, ODNI-NCTC, and FBI)

#### Team Accomplishments for this Week

- No accomplishments reported

#### Congressional and Staff Delegations

- None at this time

- Continued work with MGMT to raise awareness on the issue of personal security through employee engagement.
- Continued coordination with OCIO to track/guide the implementation of Windows 10 and AirWatch – currently scheduled for 2<sup>nd</sup> week in July.
- Planned OMB briefing on FY 2018/2019 OSEM Budget Update and EO Impacts – July 13
- Made significant progress to the SharePoint Correspondence Tracker

Team Accomplishments for this Week

- Successful Mid-cycle Performance Review close-out
- Matured the KMS with the deployment of a new security group to manage the storage of Sensitive Security Information (SSI).
- On-boarded (b)(6) Student Volunteer, on Wednesday, June 26.
- Transmitted various high-priority correspondence and executed the hand-delivery of the congratulatory letter to Senate Majority Leader, Mitch McConnell.
- Finalized OLA’s portion of the OSEM slide deck for the upcoming OMB briefing.
- Tracked and updated the Congressional Engagement metrics
  - **Week Ending, June 29, 2018:** 0 hearings, 0 witnesses & 23 engagements
  - **Year to Date:** 65 hearings, 91 witnesses & 1,005 engagements

|                        |                     |
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| <b>Recipient:</b>      | (b)(6)              |
| <b>Sent Date:</b>      | 2018/07/06 09:39:23 |
| <b>Delivered Date:</b> | 2018/07/06 09:39:24 |

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| #  | Hearing       | Member         | Getback  | Component | Date Due  | Date Completed | OLA POC | Status/Action   |
|----|---------------|----------------|--|-----------|-----------|----------------|---------|---|
| 1  | HSGAC 5/15/18 | McCaskill      | S1 offered to "come in myself or have folks come and walk you through the [staffing] model." (Re: why DHS has not made any requests for additional port officers.)   | CBP       | 5/25/2018 |                | (b)(6)  |   |
| 2  | HSGAC 5/15/18 | Hassan         | S1 promised to look in to why CBP officers have not received the fentanyl screening devices authorized under the INTERDICT Act, and to "get that to you this week."  | CBP       | 5/18/2018 | 5/18/2018      | (b)(6)  | RESPONSE FOR CLEARANCE: (b)(5)  |
| 3  | HSGAC 5/15/18 | Harris         | S1 promised the "training and procedures [that] are being given to CBP officers as it relates to how they are instructed to carry out family separation."  | CBP       | 5/25/2018 |                | (b)(6)  |   |
| 4  | HSGAC 5/15/18 | Heitkamp       | Requested a copy of the Northern Border Strategy (S1: "should be out this week").  | CBP       | 5/18/2018 | 5/21/2018      | (b)(6)  | RESPONSE FOR CLEARANCE: Currently with S1, OLA will send to the Hill when approved.   |
| 5  | HSGAC 5/15/18 | Heitkamp       | S1 offered to "speak to you both [Heitkamp and McCaskill]" about the Accenture contract, especially re: recruiting locals for the Northern Border.   | CBP       | 5/25/2018 |                | (b)(6)  |   |
| 6  | HSGAC 5/15/18 | Peters         | S1 promised to "have a further discussion" with Sen. Peters re: fully funding and staffing the Gordie Howe Bridge customs plaza (Detroit-Windsor). (S1 or staff.)  | CBP       | 5/25/2018 |                | (b)(6)  |   |
| 7  | HSGAC 5/15/18 | Peters         | S1 promised Sen. Peters an answer for when the Blue Water Bridge plaza (Port Huron) will be completed "this week".   | CBP       | 5/18/2018 | 5/18/2018      | (b)(6)  | RESPONSE FOR CLEARANCE: (b)(5)  |
| 8  | HSGAC 5/15/18 | HSGAC (Harris) | S1 promised the number of children separated from their parents at ports of entry since January of 2017, and to explain why DHS and HHS numbers differ. (McCaskill: share that with the committee.)  | CBP       | 5/25/2018 |                | (b)(6)  |   |
| 9  | HSGAC 5/15/18 | Johnson        | Sen. Johnson requested a number for how many family separations are the result of DHS not being aware of who the parent is?  | CBP       | 5/25/2018 |                | (b)(6)  |   |
| 10 | HSGAC 5/15/18 | Hoeven         | Invited S1 to visit North Dakota this summer and see "what we're doing in counter UAS."  | FO        | 5/25/2018 |                | (b)(6)  | CLOSED - ESEC forwarded to S1 Scheduler to coordinate with OLA.   |
| 11 | HSGAC 5/15/18 | Heitkamp       | Invited S1 to visit North Dakota.  | FO        | 5/25/2018 |                | (b)(6)  | CLOSED - ESEC forwarded to S1 Scheduler to coordinate with OLA.   |
| 12 | HSGAC 5/15/18 | Harris         | S1 promised the "percentage of cases [that] exist in your agency where a child has been separated from a parent or guardian since October 2017, wherein the case resulted in trafficking charges." (Same getback as one made by Undersecretary James McCament on 4/26/18.)                     | PLCY      | 5/25/2018 |                | (b)(6)  |   |
| 13 | HSGAC 5/15/18 | Harris         | S1 requested a copy of the DHS-HHS UAC MOA.  | PLCY      | 5/25/2018 |                | (b)(6)  |   |
| 14 | HSGAC 5/15/18 | McCaskill      | S1 promised a copy of the UAC Joint Concept of Operations.   | PLCY      | 5/25/2018 |                | (b)(6)  |   |
| 15 | HSGAC 5/15/18 | Peters         | S1 promised a briefing on "a brief on what has happened [with the Soo Locks] since the president's statement."   | NPPD      | 5/25/2018 |                | (b)(6)  |   |
| 16 | HSGAC 5/15/18 | McCaskill      | Sen. McCaskill is "particularly worried" that the Chief Counsel of the Federal Air Marshal Program, who was cited by the IG whistleblower report, is the person "supposedly now helping making sure this does not happen again." S1 guaranteed that she would look into this IG investigation. | OGC       | 5/25/2018 | 5/18/2018      | (b)(6)  | STATUS: Originally with TSA but not reassigned to OGC, expecting response by 5/21.  |
| 17 | HSGAC 5/15/18 | McCaskill      | S1 offered to "come talk to you [McCaskill]" about initial findings re: the effectiveness of the Federal Air Marshal program. (S1 also offered to have the Administrator come talk to the RM.)   | TSA       | 5/25/2018 | 5/18/2018      | (b)(6)  | ACTION: TSA is reaching out to Senator McCaskill to arrange a meeting with ADM and McCaskill but the meeting will not occur by the due date of May 25 as the ADM is out the next few weeks. |
| 18 | HSGAC 5/15/18 | Hassan         | S1 promised the specific number of field staff in the Office of Terrorism Prevention.  | OPE       | 5/25/2018 | 5/18/2018      | (b)(6)  | RESPONSE FOR CLEARANCE: (b)(5)  |

|    |               |                |  |       |           |           |        |                                |
|----|---------------|----------------|--|-------|-----------|-----------|--------|--------------------------------|
| 19 | HSGAC 5/15/18 | Hassan         | S1 promised the number of different federal agencies providing staff to this Interagency Task Force on countering violent extremism.   | OPE   | 5/18/2018 | 5/18/2018 | (b)(6) | RESPONSE FOR CLEARANCE: (b)(5) |
| 20 | HSGAC 5/15/18 | Hassan         | S1 committed to finalizing an answer on the issue of New Hampshire Indonesian deportations in the near term.   | ICE   | 5/25/2018 |           | (b)(6) |                                |
| 21 | HSGAC 5/15/18 | Harris         | S1 promised what steps are being taken so that the separated parent and child can sustain communication, "broken down between what [DHS is] doing for children over the age of four and what [DHS is] doing for children under the age of four."   | ICE   | 5/25/2018 |           | (b)(6) |                                |
| 22 | HSGAC 5/15/18 | HSGAC (Harris) | S1 promised information about the average length of separation has been for children separated from their parents.   | ICE   | 5/25/2018 |           | (b)(6) |                                |
| 23 | HSGAC 5/15/18 | HSGAC (Harris) | Sen. Harris requested what timelines, in terms of DHS policy, exist to establish a parental relationship or to reunify families.   | ICE   | 5/25/2018 |           | (b)(6) |                                |
| 24 | HSGAC 5/15/18 | HSGAC (Harris) | Information on how many of those cases where children who have been separated from their parents at points of entry resulted in trafficking charges.   | ICE   | 5/25/2018 |           | (b)(6) |                                |
| 25 | HSGAC 5/15/18 | HSGAC (Harris) | S1 promised the current assessment of detention conditions in DHS / ICE detention facilities (especially with regards to pregnant women).  | ICE   | 5/25/2018 |           | (b)(6) |                                |
| 26 | HSGAC 5/15/18 | HSGAC (Harris) | S1 promised to look into whether the current assessment of DHS / ICE detention facilities was submitted to OIG in response to the findings of the Dec. 2017 OIG report.  | ICE   | 5/25/2018 |           | (b)(6) |                                |
| 27 | HSGAC 5/15/18 | HSGAC (Harris) | S1 promised <b>1)</b> an analysis of what is going on with the 1,448 allegations of sexual abuse in ICE detention facilities between FY12 and March 2018, and <b>2)</b> what plan S1 has to "investigate those cases of sexual abuse and <b>3)</b> what is the protocol in place in terms of what is being done to allow the victim to be in a safe place during and pending any investigation, what kind of services are these victims getting in terms of treating their trauma [and what] medical attention they may need as a result of what might be the sexual abuse?" | ICE   | 5/25/2018 |           | (b)(6) |                                |
| 28 | HSGAC 5/15/18 | HSGAC (Harris) | S1 promised the DHS / ICE policy regarding the detention of pregnant women, including the third trimester release directive.   | ICE   | 5/25/2018 |           | (b)(6) |                                |
| 29 | HSGAC 5/15/18 | Johnson        | S1 Promised the number of MS-13 members who were apprehended and released as a result of <i>Zadvydus</i> , "going back a number of years."   | ICE   | 5/25/2018 |           | (b)(6) |                                |
| 30 | HSGAC 5/15/18 | Hassan         | S1 promised the locations (i.e. DHS facilities) where DHS trains Mexican federal law enforcement.  | FLETC | 5/25/2018 |           | (b)(6) |                                |

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### CBP - Senate HSGAC Member Get-backs

#### May 15, 2018 - Senate HSGAC Hearing on Authorities and Resources

##### Senator Gary Peters (D-MI)

| Getback Request  | Status |
|--|--------|
| S1 promised Sen. Peters an answer for when the Blue Water Bridge plaza (Port Huron) will be completed "this week". | (b)(5) |

(b)(5)

##### Senator Margaret "Maggie" Hassan (D-NH)

| Getback Request   | Status |
|---|--------|
| S1 promised to look in to why CBP officers have not received the fentanyl screening devices authorized under the INTERDICT Act, and to "get that to you this week." | (b)(5) |

##### Senator Kamala Harris (D-CA)

| Getback Request   | Status |
|---|--------|
| S1 promised the "training and procedures [that] are being given to CBP officers as it relates to how they are instructed to carry out family separation." | (b)(5) |



|                  |   |
|------------------|---|
| <b>From:</b>     | Micone, Vincent (b)(6)  |
| <b>To:</b>       | (b)(6)  |
| <b>CC:</b>       | "Rocca, Andrew (b)(6)<br>(b)(6)<br>"Licata, Laura (b)(6)<br>(b)(6)<br>"Nusraty, Jeffrey (b)(6)<br>(b)(6)<br>"Hymowitz, Emily (b)(6)<br>(b)(6)<br>"Ammons, Samantha (b)(6)<br>(b)(6) |
| <b>Subject:</b>  | RE: Correspondence List   |
| <b>Date:</b>     | 2018/07/09 12:23:19   |
| <b>Priority:</b> | Normal  |
| <b>Type:</b>     | Note  |

(b)(5)

Andrew, Laura (b)(5)

(b)(5)

Sam (b)(5)

Thanks,  
Vince

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Vince Micone  
Acting Chief of Staff, Office of Legislative Affairs  
Senior Counselor for Management, Management Directorate  
U.S. Department of Homeland Security  
OLA (b)(6)  
MGMT (b)(6)

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**From:** (b)(6)  
**Sent:** Monday, July 9, 2018 12:12 PM  
**To:** Micone, Vincent (b)(6)  
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**Subject:** RE: Correspondence List

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(b)(5) (Rep. Polis and Rep. McCaul).

Thanks,

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**From:** Micone, Vincent  
**Sent:** Monday, July 9, 2018 11:55 AM  
**To:** (b)(6)  
**Subject:** FW: Correspondence List

(b)(6)

We need to take the data below and create an excel spreadsheet, adding the additional columns:

- Received Request to Meet with S1
- Status of Meeting Request
- Date of Request

We need this compiled by tomorrow morning....not sure who on BSI can best handle...defer to you and Jon. Jon has the scheduling history on this issue.

Attached are a few letters I have. Minority Whip Hoyer & Cong Hispanic Caucus Members who sent it in maybe 2 weeks ago in group letter. Pls ask OLA Exec SEC to pull up so we can count all those Members, too.

Thanks,  
Vince

-----  
Vince Micone  
Acting Chief of Staff, Office of Legislative Affairs  
Senior Counselor for Management, Management Directorate  
U.S. Department of Homeland Security  
OLA (b)(6)  
MGMT (b)(6)

**From:** Micone, Vincent  
**Sent:** Friday, July 6, 2018 10:02 PM  
**To:** Fauquet, Stephanie (b)(6)  
**Cc:** Ciccone, Christine (b)(6) | Bobb, Christina

(b)(6) ESEC-

External Liaison (b)(6) Swain, Donald

(b)(6)

**Subject:** RE: Correspondence List

Stephanie,

Much appreciated- have a nice weekend

Thanks,  
Vince

---

Vince Micone  
Acting Chief of Staff, Office of Legislative Affairs  
Senior Counselor for Management, Management Directorate  
OLA (b)(6)  
MGMT (b)(6)

---

**From:** Fauquet, Stephanie  
**Sent:** Friday, July 06, 2018 5:31:31 PM  
**To:** Micone, Vincent  
**Cc:** Ciccone, Christine; Bobb, Christina; (b)(6) ESEC-External Liaison; Swain, Donald  
**Subject:** RE: Correspondence List

Hi Vince!

Ok, we put the list together of the congressional family separation letters:  
(special thanks to (b)(6) for putting all this together today!)

| Date Received | Document Location | Component | Member              | Issue  | Tracking # (IQ)/ES |
|---------------|-------------------|-----------|---------------------|--|--------------------|
| 1. 6/4/18     | With Component    | CBP       | Rep. Crowley (NY)   | Write regarding the separation of children from their families   | 1164039 / 18-3     |
| 2. 6/5/18     | With Component    | CBP       | Sen. Klobuchar (MN) | Write with concern regarding the separation of parents and children  | 1163986 / 18-3     |
| 3. 6/5/18     | With Component    | CBP       | Rep. Nadler (NY)    | Democrats on the House Judiciary Committee write to express their disappointment in regards to the hearing being cancelled. They also are requesting answers on several humanitarian issues at the border. | 1164118 / 18-3     |
| 4. 6/12/18    | With Component    | CBP       | Rep. Crowley (NY)   | Writes regarding recently announced decision to prosecute migrants and asylum-   | 1164420 / 18-3     |

|     |         |                |     |                                      |  |                |
|-----|---------|----------------|-----|--------------------------------------|--|----------------|
|     |         |                |     |                                      | seekers,   |                |
| 5.  | 6/19/18 | With Component | CBP | Sen. Stabenow (MI)                   | Writes concerning separating children from families at the border.   | 1164844 / 18-3 |
| 6.  | 6/18/18 | With Component | CBP | Sen. Collins (ME)<br>Sen. Flake (AZ) | Writes with concerns and questions regarding the safety of children immigrating to the United States.      | 1164846 / 18-3 |
| 7.  | 6/19/18 | With Component | CBP | Sen. Wyden (OR)                      | Write regarding the separation of children from parents  | 1164856 / 18-3 |
| 8.  | 6/20/18 | With Component | CBP | Sen. Jon Tester (MA)                 | Writes to express concerns with children being separated from their parents.                               | 1164936 / 18-3 |
| 9.  | 6/20/18 | With Component | CBP | Rep. Raskin (MD)                     | Writes requesting the Department end separation of children from families.                                 | 1164943 / 18-3 |
| 10. | 6/21/18 | With Component | CBP | Rep. Brown (OH)                      | Writes with questions regarding the separation of children and parent                                      | 1165027 / 18-3 |
| 11. | 6/21/18 | With Component | CBP | Sen. Wyden (OR)                      | Write regarding the treatment of asylum seekers detained in federal prisons across the United States       | 1165037 / 18-3 |
| 12. | 6/22/18 | With Component | CBP | Sen. Bennet (CO)                     | Writes with questions related to the "zero tolerance" policy following the recently signed executive order | 1165064 / 18-3 |
| 13. | 6/21/18 | With Component | CBP | Rep. Correa (CA)                     | Writes with questions regarding the separation of children from parents                                    | 1165033 / 18-3 |
| 14. | 6/25/18 | With Component | CBP | Rep. Dingell +59                     | Writes regarding the separation of children from their parents at the border.                              | 1165117 / 18-3 |
| 15. | 6/25/18 | With Component | CBP | Rep. Tipton (CO)                     | Writes regarding zero tolerance policy on illegal immigration and separating children from their parents   | 1165133 / 18-3 |
| 16. | 6/25/18 | With Component | CBP | Rep. Lowey (NY)                      | Writes with questions regarding previously separated children following the Executive Order                | 1165148 / 18-3 |

|     |         |                |     |                                       |  |                |
|-----|---------|----------------|-----|---------------------------------------|--|----------------|
| 17. | 6/25/18 | With Component | CBP | Sen. Cortez Masto (NV)                | Writes with questions about families being separated at the border   | 1165151 / 18-3 |
| 18. | 6/26/18 | With Component | CBP | Sen. McCaskill (MO)                   | Writes to request information regarding the zero tolerance policy following the Executive Order  | 1165233 / 18-3 |
| 19. | 6/26/18 | With Component | CBP | Sen. Markey (MA)                      | Writes with questions regarding the zero tolerance policy following the Executive Order  | 1165237 / 18-3 |
| 20. | 6/25/18 | With Component | CBP | Rep. Smucker (PA)                     | Writes with specific questions regarding family separation, care for minors, and operational costs of detention facilities.  | 1165236 / 18-3 |
| 21. | 6/26/18 | With Component | CBP | Rep. Larsen (WA)<br>Rep. DeFazio (OR) | Writes expressing concerns regarding family separation and poses specific questions regarding transportation of children.  | 1165242 / 18-3 |
| 22. | 6/26/18 | With Component | CBP | Rep. Meng (NY)                        | Writes thanking POTUS for the Executive Order (EO) ending the practice of separating immigrant children from their parents, and asks that the reunification process be included in the EO.   | 1165285/ 18-3  |
| 23. | 6/26/18 | With Component | CBP | Rep. Cuellar (TX)                     | Writes regarding the separation of children from their families at the U.S.-Mexico border, and invites POTUS and FLOTUS to join him on a tour of one the detention facilities.   | 1165297/ 18-3  |
| 24. | 6/26/18 | With Component | CBP | Rep. Cummings (MD)<br>+ 17            | A cohort of Congressional leaders requests information regarding how the Department intends to reunify immigrant children to their parents.  | 1165312/ 18-3  |
| 25. | 6/27/18 | With Component | CBP | Rep. Clarke (NY)<br>+17               | A cohort of Congressional leaders write regarding the location of 1,475 unaccompanied children. Further, they request information regarding the trafficking of children absent DHS and HHS' joint plan following a 2016 Senate Permanent Subcommittee on Investigations hearing.           | 1165319/ 18-3  |
| 26. | 6/27/18 | With Component | CBP | Rep. Hoyer (MD)<br>+21                | A cohort of Congressional leaders requests detailed family reunification plans from the Department, HHS, and DOJ by June 27, 2018. Further, they request that a federal official be designated as the overseer of the reunification process and serve as the point of contact to Congress. | 1165337/ 18-3  |
| 27. | 6/28/18 | With Component | CBP | Rep. Bustos (IL)<br>+107              | Writes requesting financial information regarding the costs of separating children from family.  | 1165378 / 18-3 |
| 28. | 6/29/18 | With Component | CBP | Sen. Duckworth (IL)                   | Writes to request information regarding the "zero tolerance" policy and urges more coordination between DHS and HHS to develop interagency initiatives   | 1165499 / 18-2 |
| 29. | 6/29/18 | With Component | CBP | Sen. Wyden (OR)                       | Write requesting details about DHS and HHS's plans to work with Oregon agencies to reunite children who were separated from  | 1165501 / 18-3 |



|             |                |     |                           |  |                      |
|-------------|----------------|-----|---------------------------|--|----------------------|
|             |                |     |                           | their parents.   |                      |
| 30. 6/29/18 | With Component | CBP | Rep. Polis (CO)           | Requests briefing regarding family separation policy of the Trump Administration   | 1165551 / 18-4       |
| 31. 7/2/18  | With Component | CBP | Sen. Harris (CA) +17      | Writes with concerns regarding the Presidents Executive Order involving family separation.                               | 1165595 / 18-3       |
| 32. 7/2/18  | With Component | CBP | Sen. Hirono (HI)          | Writes with questions regarding the "zero tolerance" policy  | 1165611 / 18-3       |
| 33. 7/3/18  | With Component | CBP | Rep. Stivers (OH)         | Writes regarding safety and the security of families with children immigrating to the United States.                     | 1165669 / 18-4       |
| 34. 7/5/18  | With Component | CBP | Rep. Bonamici (OR)        | Writes with concern regarding the "zero tolerance" policy  | 1165680 / 18-3       |
| 35. 7/5/18  | With Component | CBP | Sen. Inhofe (OK)          | Writes with concern regarding reports of children being separated from their parents after illegally crossing the border | 1165682 / 18-3       |
| 36. 7/5/18  | With Component | CBP | Rep. Davis (CA)           | Write with questions following the Executive Order related to the "zero tolerance" policy                                | 1165683 / 18-3       |
| 37. 7/6/18  | With Component | CBP | Rep. Jackson Lee (TX) +57 | Writes regarding the separation of families at the border.   | 1165765 / 18-4       |
| 38. 7/6/18  | With Component | CBP | Rep. Masto (NV)           | Writes regarding the implementation and impact of the DHS prosecution and detention policies                             | 1165807 / 18-4       |
| 39. 6/12/18 | With Component | ICE | Rep. Smith (WA)           | Writes with concern regarding immigration detention protocol   | 1164424 / 18-3<br>** |
| 40. 6/18/18 | With Component | ICE | Rep. Thompson (MS)        | Writes regarding recent transfer of 1,600 detainees to five federal prisons under POTUS's zero tolerance policy.         | 1164868 / 18-3       |



|             |                |     |                           |  |                |
|-------------|----------------|-----|---------------------------|--|----------------|
| 41. 6/29/18 | With Component | ICE | Rep. Byrne (AL)<br>+6     | A cohort of Congressional leaders write expressing their opposition to the use of Naval Air Station Whiting Field's Naval Outlying Field in Alabama, and NOLF Wolf in Florida as detention facilities used to house illegal immigrants | 1165509/ 18-3  |
| 42. 7/3/18  | With Component | ICE | Rep. Meng (NY)            | Writes regarding claims of the federal government's inability to quickly reunite children that were separated from their families  | 1165640 / 18-4 |
| 43. 6/27/18 | With Component | ICE | Rep. Lee (TX)             | Writes requesting certification of Shiloh Treatment Center be revoked as an approved site to house migrants and their children   | 1165328 / 18-3 |
| 44. 7/2/18  | With Component | ICE | Rep. Thompson (MS)<br>+11 | A cohort of Congressional leaders request information about how the Department will comply with federal court order requiring the an end to the separation of immigrant children from their family.                                    | 1165588/ 18-3  |
| 45. 7/2/18  | With Component | ICE | Rep. Brown (MD)<br>+8     | A delegation of Maryland representatives write regarding the use of Maryland's Department of Human Services facilities to help handle the overflow of separated families from facilities in 11 other states.                           | 1165591/ 18-3  |
| 46. 6/29/18 | With Component | ICE | Sen. Warren (MA)          | Writes regarding reunification of children separated from their parents.   | 1165615 / 18-3 |
| 47. 7/2/18  | With Component | ICE | Rep. Bonamici (OR)        | Write with questions regarding family reunification  | 1165624 / 18-3 |
| 48. 7/3/18  | With Component | ICE | Rep. Scott (VA)           | Writes regarding Administration's "zero tolerance" policy  | 1165647 / 18-4 |
| 49. 7/3/18  | With Component | ICE | Sen. Warren (MA)<br>+10   | Request information from DHS and HHS on the status of efforts to reunify parents and children that have been separated at the border.  | 1165676/ 18-3  |
| 50. 7/5/18  | With Component | ICE | Sen. Richard Blumenthal   | Writes regarding the separation of UAC from their parents. Specifically, two minors being detained in his state of Connecticut.  | 1165710 / 18-4 |
| 51. 7/6/18  | With Component | ICE | Rep. DeLauro (CT)         | Writes with concern and requests information regarding family reunification  | 1165769 / 18-3 |
| 52. 7/6/18  | With Component | ICE | Rep. Durbin (IL)          | Writes regarding family reunification efforts  | 1165804 / 18-3 |

|            |                |     |  |  |                |
|------------|----------------|-----|--|--|----------------|
| 53. 7/6/18 | With Component | ICE | Rep. Cedric Richmond (LA)<br><br>+26 Members of the Congressional Black Caucus | Writes with concerns and questions regarding family separation.  | 1165829 / 18-4 |
| 54. 7/6/18 | With Component | OLA | Rep. McCaul (TX)   | Writes regarding a briefing to Members of the Members of the Committee on Homeland Security on family separation and reunification | 1165762 / 18-3 |

Thank you!

## Stephanie Fauquet

Assistant Executive Secretary  
for Communications and Operations  
Office of the Executive Secretary  
U.S. Department of Homeland Security

(b)(6)

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**From:** Micone, Vincent  
**Sent:** Friday, July 6, 2018 2:31 PM  
**To:** Fauquet, Stephanie (b)(6)  
**Cc:** Ciccone, Christine (b)(6); Bobb, Christina  
 (b)(6)  
**Subject:** Correspondence List

Stephanie,

Afternoon. Need ESEC's assistance. We need to compile a list of correspondence to S1 regarding family separation issues (open and closed). We going to take that list and run it up against our list of meeting requests for S1 related to the issue.

Possible for you to get us the correspondence list, from April 1 to today? Any way we could get this Monday afternoon?

Thanks,  
Vince

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Vince Micone  
 Acting Chief of Staff, Office of Legislative Affairs  
 Senior Counselor for Management, Management Directorate  
 U.S. Department of Homeland Security  
 OLA (b)(6)  
 MGMT (b)(6)

|                        |   |
|------------------------|---|
| <b>Sender:</b>         | Micone, Vincent (b)(6)<br>(b)(6)  |
| <b>Recipient:</b>      | (b)(6)<br>"Rocca, Andrew (b)(6)<br>(b)(6)<br>"Licata, Laura (b)(6)<br>(b)(6)<br>"Nusraty, Jeffrey (b)(6)<br>(b)(6)<br>"Hymowitz, Emily (b)(6)<br>(b)(6)<br>"Ammons, Samantha (b)(6)<br>(b)(6) |
| <b>Sent Date:</b>      | 2018/07/09 12:23:18   |
| <b>Delivered Date:</b> | 2018/07/09 12:23:19   |
| <b>From:</b>           | (b)(6)  |
| <b>To:</b>             | (b)(6)<br>"Wonnenberg, David (b)(6)<br>(b)(6)   |
| <b>CC:</b>             | "Dinh, Uyen (b)(6)<br>(b)(6)<br>"Micone, Vincent (b)(6)<br>(b)(6)<br>"Ciccione, Christine (b)(6)<br>(b)(6)  |
| <b>Subject:</b>        | UPDATED: RE: Reunification briefings  |
| <b>Date:</b>           | 2018/07/09 12:09:58   |
| <b>Priority:</b>       | Normal  |
| <b>Type:</b>           | Note  |

Please see below.

|                  |                         |              |                      |            |
|------------------|-------------------------|--------------|----------------------|------------|
|                  |                         |              |                      | <b>Sen</b> |
| <b>REQUESTOR</b> | <b>MEMBER/COMMITTEE</b> | <b>LEVEL</b> | <b>REQUESTED VIA</b> |            |

|  |                         |              |                      |  |
|--|-------------------------|--------------|----------------------|--|
|  |                         |              |                      |  |
| Senate Appropriations  | Bipartisan              | Staff        | E-mail               |  |
| Senate Finance (Bipartisan)  | Bipartisan              | Staff        | E-mail               |  |
| Senate Permanent Sub on Investigations                               | Bipartisan              | Staff        | E-mail               |  |
| Senate Committee on Aging  | Republicans             | Staff        | E-mail               |  |
| Senate HELP/SAC-LHHS   | Republicans             | Staff        | E-mail               |  |
| Senate HSGAC   | Dems                    | Staff        | Letter               |  |
| Senate Finance/HELP  | Dems                    | Staff        | E-mail               |  |
| Senate Armed Services  | Dems                    | Staff        | E-mail               |  |
|  |                         |              |                      |  |
| <b>Ho</b>  |                         |              |                      |  |
|  |                         |              |                      |  |
| <b>REQUESTOR</b>   | <b>MEMBER/COMMITTEE</b> | <b>LEVEL</b> | <b>REQUESTED VIA</b> |  |
|  |                         |              |                      |  |
| House Committee on Energy and Commerce                               | Bipartisan              | Member       | E-mail               |  |
| House Committee Homeland Security (via Rep. Nanette Barragan (D-CA)) | Bipartisan              | Member       | Email                |  |
| House Judiciary Democrats  | Dems                    | Member       | Letter               |  |
| House Appropriations   | Bipartisan              | Staff        | E-mail               |  |
| House OGR Democrats  | Dems                    | Staff        | Letter               |  |
| Rep. Steny Hoyer + Congressional Hispanic Caucus Mbrs                | Dems                    | Member       | Letter               |  |
| House Members (93)   | Dems                    | Member       | Letter               |  |
| Rep. Rosa DeLauro (D-CT); HAC Ranking Mbr                            | Dems                    | Member       | Letter               |  |
| Rep. John Curtis (R-UT)  | Mbr                     | Member       | Phone/Email          |  |
| Rep. Tom Marino (R-PA)   | Mbr                     | Member       | E-mail               |  |
| Rep. Michelle Lujan Grisham (D-NM)                                   | Mbr                     | Member       | Phone                |  |
| Rep. Kathleen Rice (D-NY)  | Mbr                     | Member       | E-mail               |  |
|  |                         |              |                      |  |
| <b>COMPI</b>   |                         |              |                      |  |
|  |                         |              |                      |  |
| <b>REQUESTOR</b>   | <b>MEMBER/COMMITTEE</b> | <b>LEVEL</b> | <b>REQUESTED VIA</b> |  |

|   |                   |               |                    |          |
|---|-------------------|---------------|--------------------|----------|
|   |                   |               |                    |          |
| <b>Rep. Dutch Ruppersberger (D-MD)</b>                              | <b>Mbr</b>        | <b>Member</b> | <b>E-mail</b>      | <b>D</b> |
| <b>Senate Judiciary (Cruz, Grassley, Feinstein, Durbin, Tillis)</b> | <b>Bipartisan</b> | <b>Member</b> | <b>Call/E-mail</b> |          |
|   |                   |               |                    |          |

Sincerely,

(b)(6)

Coast Guard Fellow  
Office of Legislative Affairs  
Department of Homeland Security

(b)(6)

**From:** (b)(6)

**Sent:** Monday, July 9, 2018 11:06 AM

**To:** Wonnenberg, David (b)(6)

(b)(6)

**Cc:** Dinh, Uyen (b)(6); Micone, Vincent (b)(6); Ciccone, Christine (b)(6)

**Subject:** RE: Reunification briefings

Great (b)(6) is updating the list now – can you share with the group once you’ve done so? Thank you.

Best,

(b)(6)

**From:** Wonnenberg, David

**Sent:** Monday, July 9, 2018 11:03 AM

**To:** (b)(6)

**Cc:** Dinh, Uyen (b)(6); Micone, Vincent (b)(6); Ciccone, Christine (b)(6)

**Subject:** Reunification briefings

Good morning (b)(6) and (b)(6)

What is the list of requests we've received and still owe a briefing?

FO continuing to work, but looking like we may be able to schedule some for later this week.

V/r,  
David

David Wonnemberg  
Acting Assistant Secretary  
DHS Office of Legislative Affairs

(b)(6)

|                        |   |
|------------------------|---|
| <b>Sender:</b>         | (b)(6)  |
| <b>Recipient:</b>      | (b)(6)<br>"Wonnemberg, David (b)(6)<br>(b)(6)<br>"Dinh, Uyen (b)(6)<br>(b)(6)<br>"Micone, Vincent (b)(6)<br>(b)(6)<br>"Ciccione, Christine (b)(6)<br>(b)(6) |
| <b>Sent Date:</b>      | 2018/07/09 12:09:57   |
| <b>Delivered Date:</b> | 2018/07/09 12:09:58   |





DHS Office of the Chief Financial Officer

**Secretary Kirstjen Nielsen**  
U.S. Department of Homeland Security

*testifying before the*  
U.S. Senate Committee on Appropriations,  
Subcommittee on Homeland Security

Tuesday, May 8, 2018, 2:00 p.m.

(b)(6) Dirksen Senate Office Building

**Agenda for Prep Session 1**

Thursday, May 3, 2018, Time: 2:30 – 3:30 p.m. RRB

(b)(6)

1. Overview [**Mr. Allen Blume**]
2. National/Border Security [Lead: **CBP** Support: **USCG**]
  - a. **Intel based on Member History:**
    - Capito: Supports securing borders, building a wall system
    - Hoeven: Supports use of UAS to secure borders / need for counter UAS abilities / need for credible metrics to measure effectiveness
    - Manchin: Stronger customs laws to combat China steel dumping practice
    - Murkowski: Has fought against cuts to the USCG
    - Shaheen: Co-sponsored the *Border Security Accountability Act*
    - Tester: Northern Border security issues / interested in completed *Northern Border Strategy* / concept of Joint Task Force-North / low altitude radar along the Northern Border / imminent domain concerns with the wall
    - Leahy: Critic of the wall and the Administration’s pledge to make Mexico pay for it
    - Baldwin: Supports additional heavy ice-breaking capabilities in the Great Lakes
  - b. Reference Material:
    - **Component Top Issues:**  
CBP- *National Guard, Wall*  
USCG – *CG Role in Comprehensive Approach to Border Security*
    - **Issue Papers:**  
CBP - *Border Security Investments to Support Operation Control of the SWB,*  
USCG – *A Pivotal Role in Border Security*
    - **Relevant CHS Hearing Prep Issue Papers:**  
*Wall Update, Border Metrics, Combined National Vetting Center, Counter UAS Threats, Northern Border Strategy*

## 3. Immigration [Lead: USCIS Support: ICE, CBP]

a. **Intel based on Member History:**

- Baldwin: Comprehensive immigration reform / E-Verify / Asylum / Dream Act
- Boozman: Increased enforcement of federal immigration laws / Diversity Visa Lottery
- Hoeven: DACA
- Kennedy: Sanctuary Cities / Diversity Visa Lottery
- Lankford: Amnesty / Sanctuary Cities / DACA / co-sponsor of SUCCEED Act / UAC / Refugees / Visa Lottery Program / Entry-Exit system to track overstays
- Manchin: Immigration reform / Does not support amnesty / Sanctuary Cities
- Leahy: EB-5 Visas / Agriculture workers / ERO activity in Vermont / DACA / Refugees / Canadian Pre-Clearance / Sanctuary Cities
- Murkowski: DACA
- Murray: Supports providing clarity regarding how and whom employers can employ / DACA / Legal representation for UAC
- Shaheen: E-Verify / Visas for high skilled workers / DACA
- Shelby: Amnesty
- Tester: Biometric exit system

## b. Reference Material:

- **Component Top Issues:**  
USCIS – *Backlogs, H2-B Visas, DACA, Termination of TPS Designations*  
CBP – *Family Separations*  
ICE – *Beds, Pregnant Detainees, Family Separation, Catch and Release*
- **Issue Papers:**  
USCIS – *USCIS Backlog, H2-B Visa Program, Mandatory E-Verify, Termination of Temporary Immigration Programs*  
CBP – *SWB Migration Update*  
ICE – *Detention Beds*
- **Relevant CHS Hearing Prep Issue Papers:**  
*Catch and Release, DACA, Immigration Update (CBP), Immigration Update (ICE), Refugee Security Vetting, TPS, USCIS Screening and Vetting*

## 4. Opioids [Lead: CBP]

a. **Intel based on Member History:**

- Baldwin: Co-sponsor of *INTERDICT Act*
- Capito: Supports various legislative actions
- Hoeven: Former Governor that understands the severity of this threat / Receptive to operationalizing intelligence
- Lankford: Stepping up law enforcement efforts
- Leahy: Indicated interest on his web page.
- Manchin: Increase in resources to combat opioid epidemic
- Murkowski: Worked to expand access to opioid treatment via telemedicine
- Murray: Opioid epidemic funding
- Shaheen: Requested a GAO review of actions taken by the Trump Administration to address the opioid epidemic / Co-sponsor of *INTERDICT Act*

- Shelby: Praises Administration response
- b. Reference Material:
- **Component Top Issue:**  
CBP – *Drugs/Opioids*
  - **Issue Paper:**  
CBP (with input from USCG, ICE, and S&T) - *Opioids*
  - **Relevant CHS Hearing Prep Issue Paper:**  
*Opioids*
5. Human Trafficking [Lead: ICE Support CBP]
- a. **Intel based on Member History:**
- Boozman: Resources available to victims
  - Hoeven: Human Trafficking issues in Western Bakken region and on Native American reservations
  - Murkowski: Supporter of DHS Blue Campaign Grants
- b. Reference Material
- **TBD**
6. Human Capital / Hiring [Lead: CBP Support: ICE]
- a. **Intel based on Member History:**
- Hoeven: Interested in DHS personnel costs and hiring challenges.
  - Lankford: Hiring / Morale
  - Leahy: Opposes hiring additional ICE agents
- b. Reference Material:
- **Component Top Issues:**  
CBP – Hiring  
ICE – Hiring
  - **Issue Papers:**  
ICE – *Executive Order Implementation*  
USM – *DHS Hiring*
  - **Relevant CHS Hearing Prep Issue Papers:**  
*DHS Consolidation*



DHS Office of the Chief Financial Officer

**Secretary Kirstjen Nielsen**  
U.S. Department of Homeland Security

*testifying before the*  
U.S. Senate Committee on Appropriations,  
Subcommittee on Homeland Security

Tuesday, May 8, 2018, 2:00 p.m.

(b)(6) Dirksen Senate Office Building

**Agenda for Prep Session 1**

Thursday, May 3, 2018, Time: 4:15 – 5:15 p.m. RRB

(b)(6)

1. Overview [**Mr. Allen Blume**]

2. National/Border Security (b)(5)

a. **Intel based on Member History:**

- Capito: Supports securing borders, building a wall system
- Hoeven: Supports use of UAS to secure borders / need for counter UAS abilities / need for credible metrics to measure effectiveness
- Manchin: Stronger customs laws to combat China steel dumping practice
- Murkowski: Has fought against cuts to the USCG
- Shaheen: Co-sponsored the *Border Security Accountability Act*
- Tester: Northern Border security issues / interested in completed *Northern Border Strategy* / concept of Joint Task Force-North / low altitude radar along the Northern Border / imminent domain concerns with the wall
- Leahy: Critic of the wall and the Administration’s pledge to make Mexico pay for it
- Baldwin: Supports additional heavy ice-breaking capabilities in the Great Lakes

b. Reference Material:

- **Component Top Issues:**  
CBP- *National Guard, Wall*  
USCG – *CG Role in Comprehensive Approach to Border Security*
- **Issue Papers:**  
CBP - *Border Security Investments to Support Operation Control of the SWB,*  
USCG – *A Pivotal Role in Border Security*
- **Relevant CHS Hearing Prep Issue Papers:**  
*Wall Update, Border Metrics, Combined National Vetting Center, Counter UAS Threats, Northern Border Strategy*



## 3. Immigration [Lead: USCIS Support: ICE, CBP]

a. **Intel based on Member History:**

- Baldwin: Comprehensive immigration reform / E-Verify / Asylum / Dream Act
- Boozman: Increased enforcement of federal immigration laws / Diversity Visa Lottery
- Hoeven: DACA
- Kennedy: Sanctuary Cities / Diversity Visa Lottery
- Lankford: Amnesty / Sanctuary Cities / DACA / co-sponsor of SUCCEED Act / UAC / Refugees / Visa Lottery Program / Entry-Exit system to track overstays
- Manchin: Immigration reform / Does not support amnesty / Sanctuary Cities
- Leahy: EB-5 Visas / Agriculture workers / ERO activity in Vermont / DACA / Refugees / Canadian Pre-Clearance / Sanctuary Cities
- Murkowski: DACA
- Murray: Supports providing clarity regarding how and whom employers can employ / DACA / Legal representation for UAC
- Shaheen: E-Verify / Visas for high skilled workers / DACA
- Shelby: Amnesty
- Tester: Biometric exit system

b. **Letter Topics:**

- Leahy: Letter written with questions related to a report being promoted by the administration to defend its immigration priorities. (w/PLCY)
- Leahy: Letter urging DHS to safeguard info collected under DACA from being used for immigration enforcement purposes. (w/USCIS)
- Leahy / Baldwin / Murray: Letter requesting DHS expedite the DACA renewal process and respond to questions about DHS policies and DACA application renewal processing. (w/USCIS)
- Leahy: Letter urging DHS to finalize proposed regulations regarding EB-5 Immigrant Investor Program Modernization. (w/USCIS)
- Leahy / Murray: Letter regarding TPS for Honduras. (w/USCIS)
- Murray: Letter with concerns regarding TPS decisions. (w/USCIS)

## c. Reference Material:

- **Component Top Issues:**  
USCIS – *Backlogs, H2-B Visas, DACA, Termination of TPS Designations*  
CBP – *Family Separations*  
ICE – *Beds, Pregnant Detainees, Family Separation, Catch and Release*
- **Issue Papers:**  
USCIS – *USCIS Backlog, H2-B Visa Program, Mandatory E-Verify, Termination of Temporary Immigration Programs*  
CBP – *SWB Migration Update*  
ICE – *Detention Beds*
- **Relevant CHS Hearing Prep Issue Papers:**  
*Catch and Release, DACA, Immigration Update (CBP), Immigration Update (ICE), Refugee Security Vetting, TPS, USCIS Screening and Vetting*

## 4. Opioids [Lead: CBP]

- a. ***Intel based on Member History:***
    - Baldwin: Co-sponsor of *INTERDICT Act*
    - Capito: Supports various legislative actions
    - Hoeven: Former Governor that understands the severity of this threat / Receptive to operationalizing intelligence
    - Lankford: Stepping up law enforcement efforts
    - Leahy: Indicated interest on his web page.
    - Manchin: Increase in resources to combat opioid epidemic
    - Murkowski: Worked to expand access to opioid treatment via telemedicine
    - Murray: Opioid epidemic funding
    - Shaheen: Requested a GAO review of actions taken by the Trump Administration to address the opioid epidemic / Co-sponsor of *INTERDICT Act*
    - Shelby: Praises Administration response
  - b. Reference Material:
    - ***Component Top Issue:***  
CBP – *Drugs/Opioids*
    - ***Issue Paper:***  
CBP (with input from USCG, ICE, and S&T) - *Opioids*
    - ***Relevant CHS Hearing Prep Issue Paper:***  
*Opioids*
5. Human Trafficking [Lead: ICE Support CBP]
- a. ***Intel based on Member History:***
    - Boozman: Resources available to victims
    - Hoeven: Human Trafficking issues in Western Bakken region and on Native American reservations
    - Murkowski: Supporter of DHS Blue Campaign Grants
  - b. Reference Material
    - ***New Issue Paper***  
ICE – *Human Trafficking*
6. Human Capital / Hiring [Lead: CBP Support: ICE]
- a. ***Intel based on Member History:***
    - Hoeven: Interested in DHS personnel costs and hiring challenges.
    - Lankford: Hiring / Morale
    - Leahy: Opposes hiring additional ICE agents
  - b. Reference Material:
    - ***Component Top Issues:***  
CBP – Hiring  
ICE – Hiring
    - ***Issue Papers:***  
ICE – *Executive Order Implementation*  
USM – *DHS Hiring*
    - ***Relevant CHS Hearing Prep Issue Papers:***  
*DHS Consolidation*



Page 275

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

Page 276

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

Page 277

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

Page 278

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

Page 279

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(b)(5)

of the Freedom of Information and Privacy Act

Page 280

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act



Page 281

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

Page 282

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

Page 283

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

|                  |  |
|------------------|--|
| <b>From:</b>     | (b)(6)   |
| <b>To:</b>       | "Wonnenberg, David (b)(6)<br>(b)(6)<br>"Phillips, James M (b)(6)<br>(b)(6)<br>"Rocca, Andrew (b)(6)<br>(b)(6)<br>"Micone, Vincent (b)(6)<br>(b)(6)<br>"Nusraty, Jeffrey (b)(6)<br>(b)(6)<br>"Ammons, Samantha (b)(6)<br>(b)(6) |
| <b>CC:</b>       | "Dinh, Uyen (b)(6)<br>(b)(6)   |
| <b>Subject:</b>  | RE: Letters/press releases   |
| <b>Date:</b>     | 2018/05/05 13:27:36  |
| <b>Priority:</b> | Normal   |
| <b>Type:</b>     | Note   |

**Thompson:**

Release + letter (link in release) re: separation of families.

**Jayapal, Thompson, Lofgren Lead More Than 50 Members to Protect Families From Being Torn Apart at the Border**

(<https://benniethompson.house.gov/media/press-releases/jayapal-thompson-lofgren-lead-more-50-members-protect-families-being-torn-apart>)

March 20, 2018 (WASHINGTON) – 58 members of Congress led by Rep. Pramila Jayapal, Homeland Security Committee Ranking Member Bennie G. Thompson, and Judiciary Subcommittee on Immigration Policy & Enforcement Ranking Member Zoe Lofgren sent a letter to the House Homeland Security Subcommittee on Appropriations to urge the committee to reject the separation of families at the border and instead restore funding for alternatives to detention, such as the Family Case Management Program (FCMP).

**“Attorneys from around the country have communicated that family separation is currently occurring on a regular basis. We believe that the Administration is threatening to institute a blanket policy requiring the separation of all families. This is an inhumane practice that must end now,”** wrote the members. **“DHS must act with humanity and fiscal responsibility by prioritizing a spectrum of alternatives to detention, beginning by restoring the Family Case Management Program (FCMP).”**

**Link to Letter**

# # #

**Richmond:** N/A

(b)(6)

Office of Legislative Affairs

U.S. Department of Homeland Security

(b)(6)

**From:** (b)(6)

**Sent:** Saturday, May 5, 2018 1:22 PM

**To:** Wonnenberg, David (b)(6) Phillips, James M

(b)(6) Rocca, Andrew (b)(6) Micone, Vincent

(b)(6) Nusraty, Jeffrey

(b)(6) Ammons, Samantha (b)(6)

**Cc:** Dinh, Uyen (b)(6)

**Subject:** RE: Letters/press releases

**Pelosi:** N/A

**Roybal-Allard:**

Rep. Roybal-Allard Statement on Temporary Protected Status Announcement for Honduras

(<https://roybal-allard.house.gov/news/documentsingle.aspx?DocumentID=398441>)

May 4, 2018

Congresswoman Lucille Roybal-Allard (CA-40) issued the following statement today in response to the news that the Department of Homeland Security will terminate the Temporary Protected Status (TPS) designation for Honduras:

“The Department of Homeland Security is utterly wrong to terminate Temporary Protected Status for 57,000 Hondurans, many of whom have made America their home for many years. I condemn DHS’s cruel announcement in the strongest terms. We should be keeping families together, not ripping parents from their U.S.-born children. We should be strengthening our communities and businesses, not weakening them by removing hardworking TPS holders who love this country.

“Allowing TPS recipients to stay in America is the right choice for our country and our economy. That is why we must act quickly to pass Rep. Nydia Velazquez’s American Promise Act, so that individuals who have lived in the U.S. under TPS for at least three years who have met all the security requirements will be able to stay in America and pursue a path to naturalization. Let us bring this critical legislation to the floor and pass it as soon as possible.”

###

Related Roybal-Allard statement on **El Salvador TPS**: “I strongly condemn DHS’s decision to terminate TPS for Salvadorans. This decision is mind-bogglingly divorced from reality, it is devoid of any sound policy considerations, and it reinforces this administration’s long-standing anti-immigrant reputation.” (<https://roybal-allard.house.gov/news/documentsingle.aspx?DocumentID=398387>)

Roybal-Allard +letter (link in release) on separation of families:

**Democrats: DHS Separations of Immigrant Families are Wrong and Unlawful** (<https://roybal-allard.house.gov/news/documentsingle.aspx?DocumentID=398404>)

February 8, 2018

Today, 75 Democratic congressmembers, led by **Congresswoman Lucille Roybal-Allard (CA-40)** and **Pramila Jayapal (WA-07)**, Co-Chairs of the Women’s Working Group on Immigration Reform;

**Congressman Bennie G. Thompson (MS-02)**, Ranking Member of the Committee on Homeland Security; and **Congresswoman Zoe Lofgren (CA-19)**, Ranking Member of the Judiciary Subcommittee on Immigration and Border Security, sent a letter to **Homeland Security Secretary Kirstjen Nielsen** expressing profound concern with the Department of Homeland Security’s practice of separating immigrant families, both in the United States and at the U.S.-Mexico border. Numerous studies and stories have shown this practice traumatizes those seeking humanitarian relief and limits their ability to lawfully pursue legal relief. [You can read the letter here.](#)

...

“Separating children from their parents is unconscionable and contradicts the most basic of American family values,” wrote the congressmembers. “Moreover, the reported justification of this practice as a deterrent to family migration suggests a lack of understanding about the violence many families are fleeing in their home countries. More pointedly, the pretext of deterrence is not a legally sufficient basis for separating families.

“We are deeply disturbed by reports that the practice of separating families is increasing. Two recent complaints filed with DHS oversight components, the Office of Civil Rights and Civil Liberties (CRCL) and the Office of Inspector General (OIG), illustrate that DHS appears to be intentionally separating families for purposes of deterrence and punishment.

...

(b)(6)

Office of Legislative Affairs  
U.S. Department of Homeland Security

(b)(6)

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**From:** Wonnenberg, David

**Sent:** Saturday, May 5, 2018 1:10 PM

**To:** (b)(6) Phillips, James M (b)(6) Rocca, Andrew

(b)(6) Micone, Vincent (b)(6)

(b)(6) Nusraty, Jeffrey (b)(6) Ammons, Samantha

(b)(6)

**Cc:** Dinh, Uyen (b)(6)

**Subject:** RE: Letters/press releases

Take that back—(b)(6)

Anything from House members? Pelosi, Roybal-Allard, Thompson, Cedric Richmond, Pascrell ,Nydia Velazquez

V/r,  
David Wonnenberg  
Deputy Assistant Secretary  
DHS Ofc of Legislative Affairs

(b)(6)

With honor and integrity, we will safeguard the American people, our homeland, and our values.



---

**From:** (b)(6)  
**Sent:** Saturday, May 5, 2018 1:07 PM  
**To:** Phillips, James M (b)(6); Rocca, Andrew (b)(6);  
Micone, Vincent (b)(6); Wonnenberg, David  
(b)(6); Nusraty, Jeffrey  
(b)(6); Ammons, Samantha (b)(6)  
**Cc:** Dinh, Uyen (b)(6)  
**Subject:** RE: Letters/press releases

All my prev. sent emails on this attached so that it's all in one place—1. Hirono Press on TPS; 2. Feinstein press on caravan; 3. Durbin/Duckworth press on asylum; 4. Feinstein tweet on asylum.

David, is this enough for press releases, or do you need more?

Thanks,

(b)(6)

(b)(6)

Office of Legislative Affairs  
U.S. Department of Homeland Security

(b)(6)

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**From:** Phillips, James M  
**Sent:** Saturday, May 5, 2018 1:03 PM  
**To:** (b)(6); Rocca, Andrew (b)(6); Micone, Vincent  
(b)(6); Wonnenberg, David (b)(6);  
(b)(6); Nusraty, Jeffrey (b)(6); Ammons, Samantha  
(b)(6)  
**Cc:** Dinh, Uyen (b)(6)  
**Subject:** RE: Letters/press releases

Thanks!

---

**From:** (b)(6)  
**Sent:** Saturday, May 05, 2018 1:01:09 PM  
**To:** Phillips, James M; Rocca, Andrew; Micone, Vincent; Wonnenberg, David; (b)(6); Nusraty, Jeffrey;  
Ammons, Samantha  
**Cc:** Dinh, Uyen  
**Subject:** RE: Letters/press releases

Related: Feinstein tweet on separation of asylum-seeking families –

<https://twitter.com/SenFeinstein/status/977342481959288833>  
5:33 PM - 23 Mar 2018

Stories of asylum seeking children being separated from their parents continue to be reported. Not only does this fly in the face of our legal and humanitarian obligations, but it's positively un-American. [+link: <https://t.co/19bUuEqdOa>]

(b)(6)

Office of Legislative Affairs  
U.S. Department of Homeland Security

(b)(6)

**From:** (b)(6)

**Sent:** Saturday, May 5, 2018 12:56 PM

**To:** Phillips, James M (b)(6) Rocca, Andrew (b)(6)

Micone, Vincent (b)(6) Wonnenberg, David

(b)(6) Nusraty, Jeffrey

(b)(6) Ammons, Samantha (b)(6)

**Cc:** Dinh, Uyen (b)(6)

**Subject:** RE: Letters/press releases

Durbin and Duckworth on Congolese asylum/family separation:

(<https://www.duckworth.senate.gov/news/press-releases/duckworth-and-durbin-on-release-of-congolese-mother-who-was-detained-separated-from-7-year-old-daughter>)

**Duckworth & Durbin on Release of Congolese Mother Who Was Detained & Separated from 7-Year-Old Daughter | U.S. Senator Tammy Duckworth of Illinois**

March 07, 2018

[WASHINGTON, D.C.] – U.S. Senators Tammy Duckworth (D-IL) and Dick Durbin (D-IL) released the following statement after the release of a Congolese woman who was detained and separated from her 7-year-old daughter after they fled to the U.S. seeking asylum four months ago. Duckworth and Durbin wrote to U.S. Department of Homeland Security Secretary Kirstjen Nielsen last week urging the Trump Administration to immediately reunite this mother and her child. This morning Durbin spoke with Nielsen, who told him the case is under investigation and committed to report back to the Senators on the investigation's outcome.

**“While it’s a positive step that this mother is no longer detained—immigration officials found she fled to America because she feared her life was in danger—there is still a little 7-year-old girl sitting in a Chicago facility, scared and wondering whether she’ll ever see her mother again. She shouldn’t have to wait another day, and the Administration should immediately reunite them. The Trump Administration’s handling of this entire incident has been shameful. The Administration needs to explain why this happened in the first place and they must come clean about how many other families seeking asylum they have torn apart over the past year.”**

In their letter to Secretary Nielsen, the Senators also asked how many asylum-seeking children and parents have been separated and detained by the Trump Administration as well as whether DHS plans to continue this cruel and inhumane policy. The Administration has not yet responded to the Senators’ request.

(b)(6)

Office of Legislative Affairs  
U.S. Department of Homeland Security

(b)(6)

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**From:** Phillips, James M

**Sent:** Saturday, May 5, 2018 12:38 PM

**To:** (b)(6); Rocca, Andrew (b)(6); Micone, Vincent

(b)(6); Wonnenberg, David (b)(6)

(b)(6); Nusraty, Jeffrey (b)(6); Ammons, Samantha

(b)(6)

**Cc:** Dinh, Uyen (b)(6)

**Subject:** RE: Letters/press releases

Thank you, (b)(6)

---

**From:** (b)(6)

**Sent:** Saturday, May 05, 2018 12:36:28 PM

**To:** Phillips, James M; Rocca, Andrew; Micone, Vincent; Wonnenberg, (b)(6) Jon; Nusraty, Jeffrey; Ammons, Samantha

**Cc:** Dinh, Uyen

**Subject:** RE: Letters/press releases

Feinstein on the caravan/asylum:

### Feinstein Statement on Immigrants Seeking Asylum

May 01 2018

(<https://www.feinstein.senate.gov/public/index.cfm/press-releases?id=68E1F731-1C4B-4B97-9226-B9B0AF1252AD>)

*Washington*—Senator Dianne Feinstein (D-Calif.) today released the following statement in reaction to the arrival at the U.S. border of immigrants seeking asylum in the United States:

“Children and families fleeing horrific violence who reach our borders have a right to claim asylum. The United States has an obligation under domestic and international law to fairly process these claims. These families have traveled thousands of miles and deserve to be treated humanely, even if their asylum claims are ultimately denied.

“None of the families seeking asylum at the border should be intentionally separated from their children. Media reports indicate that since October as many as 700 children have been separated from their parents, including 100 under the age of 4. This is a needlessly cruel and unacceptable policy that likely infringes on parents’ constitutional rights to remain with their children.

“Let me unequivocally state that I will oppose all efforts to weaken or repeal laws relating to the processing of children who arrive at our borders. The Trump administration has used the arrival of these immigrants to again call for the repeal of protections for children, derisively claiming they are ‘loopholes.’

“These laws aren’t loopholes. I know because I helped write them. They merely guarantee that children will be treated humanely—not detained indefinitely—and have the right to seek asylum or other immigration relief available under existing law. The Trump administration shouldn’t be using families and children fleeing violence as political bargaining chips to roll back critical protections for children.”

#### Background on protections for unaccompanied children

Feinstein’s laws, enacted in the Homeland Security Act of 2002 and the Trafficking Victims Protection Reauthorization Act of 2008, require that children under 18 be placed in the least restrictive setting that is in their best interests. Rather than holding children in detention facilities that also hold adults or criminal juvenile offenders, preference is given to releasing them to family members or appropriate sponsors such as a family friend.

###

(b)(6)

Office of Legislative Affairs  
U.S. Department of Homeland Security

(b)(6)

**From:** Phillips, James M

**Sent:** Saturday, May 5, 2018 12:31 PM

**To:** Rocca, Andrew (b)(6) Micone, Vincent (b)(6)

Wonnenberg, David (b)(6)

(b)(6) Nusraty, Jeffrey (b)(6) Ammons, Samantha

(b)(6)

**Cc:** Dinh, Uyen (b)(6)

**Subject:** RE: Letters/press releases

Thanks Andrew. Many letters came in prior to the various TPS decisions, and statements were made the day of or the day after those announcements.

**From:** Rocca, Andrew

**Sent:** Saturday, May 05, 2018 12:28:56 PM

**To:** Phillips, James M; Micone, Vincent; Wonnenberg, David; (b)(6) Nusraty, Jeffrey;

Ammons, Samantha

**Cc:** Dinh, Uyen

**Subject:** RE: Letters/press releases



Will do.

There are several letters on TPS for Nepalese, Honduras, El Salvador, and Syria (signed on to by several HSGAC members). Have them listed on the raw data pull (IQ) from Thursday

Not aware of any regarding the caravan or asylum seekers.

Will be back around 1:30 and will do a pull asap.

---

**From:** Phillips, James M  
**Sent:** Saturday, May 05, 2018 12:27:16 PM  
**To:** Micone, Vincent; Wonnenberg, David; (b)(6) Nusraty, Jeffrey; Rocca, Andrew; Ammons, Samantha  
**Cc:** Dinh, Uyen  
**Subject:** RE: Letters/press releases

We've pulled letters and statements for the book so we have several I believe.

---

**From:** Micone, Vincent  
**Sent:** Saturday, May 05, 2018 12:24:59 PM  
**To:** Phillips, James M; Wonnenberg, David; (b)(6) Nusraty, Jeffrey; Rocca, Andrew; Ammons, Samantha  
**Cc:** Dinh, Uyen  
**Subject:** RE: Letters/press releases

An easy scan may be the Significant Correspondence emails that I forward daily. I checked on my deleted folder, but the emails only went back a few days so I can't find much.

Thanks,  
Vince

---

Vince Micone  
Acting Chief of Staff, Office of Legislative Affairs  
Senior Counselor for Management, Management Directorate  
OLA (b)(6)  
MGMT (b)(6)

---

**From:** Micone, Vincent  
**Sent:** Saturday, May 05, 2018 12:18:05 PM

**To:** Phillips, James M; Wonnenberg, David; (b)(6) Nusraty, Jeffrey; Rocca, Andrew; Ammons, Samantha  
**Cc:** Dinh, Uyen  
**Subject:** RE: Letters/press releases

Sam,

Pls check on letters.

Thanks,  
Vince

---

Vince Micone  
Acting Chief of Staff, Office of Legislative Affairs  
Senior Counselor for Management, Management Directorate  
OLA (b)(6)  
MGMT (b)(6)

---

**From:** Phillips, James M  
**Sent:** Saturday, May 05, 2018 11:44:04 AM  
**To:** Wonnenberg, David; (b)(6) Nusraty, Jeffrey; Rocca, Andrew  
**Cc:** Micone, Vincent; Dinh, Uyen  
**Subject:** RE: Letters/press releases

Andrew:

Can you please check on what we have and send forward to David? There have been several letters on these topics I believe. Thanks.

Jamie

---

**From:** Wonnenberg, David  
**Sent:** Saturday, May 05, 2018 11:35:09 AM  
**To:** Phillips, James M; (b)(6) Nusraty, Jeffrey; Rocca, Andrew  
**Cc:** Micone, Vincent; Dinh, Uyen  
**Subject:** Letters/press releases

Gents,

(b)(5)  
(b)(5) Do any come to mind? Please send ASAP. House or Senate side.



|                        |                           |
|------------------------|---------------------------|
| <b>Sender:</b>         | (b)(6)                    |
| <b>Recipient:</b>      | "Wonnenberg, David (b)(6) |
|                        | (b)(6)                    |
|                        | "Phillips, James M (b)(6) |
|                        | (b)(6)                    |
|                        | "Rocca, Andrew (b)(6)     |
|                        | (b)(6)                    |
|                        | "Micone, Vincent (b)(6)   |
|                        | (b)(6)                    |
|                        | "Nusraty, Jeffrey (b)(6)  |
|                        | (b)(6)                    |
|                        | "Ammons, Samantha (b)(6)  |
|                        | (b)(6)                    |
| "Dinh, Uyen (b)(6)     |                           |
| (b)(6)                 |                           |
| <b>Sent Date:</b>      | 2018/05/05 13:27:35       |
| <b>Delivered Date:</b> | 2018/05/05 13:27:36       |

| # | Hearing           | Member                  | Getback  | Component               | Date Due  | Date Completed | OLA POC | Status/Action   |
|---|-------------------|-------------------------|--|-------------------------|-----------|----------------|---------|---|
| 1 | CHS<br>04/26/2018 | Rep. Thompson (D-MS)    | S1 promised Rep. Thompson status update for when DHS will submit the Quadrennial Homeland Security Review (originally due December 31, 2017).  | PLCY                    | 5/16/2018 |                | (b)(6)  | RESPONSE FOR CLEARANCE: (b)(5)<br>(b)(5)              |
| 2 | CHS<br>04/26/2018 | Rep. Thompson (D-MS)    | S1 promised Rep. Thompson the DHS-wide cybersecurity strategy (originally due March 23, 2017) "within the next two weeks".   | FO                      | 5/10/2018 | 5/16/2018      |         | COMPLETED: OLA provided press release/report to staff |
| 3 | CHS<br>04/26/2018 | Rep. Thompson (D-MS)    | S1 promised Rep. Thompson status of the update plan for the DHS HQ Consolidated Plan (originally due August 27, 2016).   | MGMT                    | 5/16/2018 |                |         | RESPONSE FOR CLEARANCE: (b)(5)<br>(b)(5)              |
| 4 | CHS<br>04/26/2018 | Rep. Thompson (D-MS)    | S1 promised Rep. Thompson explanation of how DHS arrived at the statistic "90 percent of UACs released never show up for court" (from SJC Hearing 1/16/18).  | ICE / USCIS             |           |                |         | RESPONSE FOR CLEARANCE: (b)(5)<br>(b)(5)              |
| 5 | CHS<br>04/26/2018 | Rep. Jackson Lee (D-TX) | Rep. Jackson Lee requested a written response to a question regarding whether "Mexico is going to pay for the wall, and [if so] how the wall is going to proceed".   | CBP (MGMT/CF O support) |           |                |         | RESPONSE FOR CLEARANCE: (b)(5)<br>(b)(5)              |
| 6 | CHS<br>04/26/2018 | Rep. Jackson Lee (D-TX) | Rep. Jackson Lee requested a written response to a question regarding the purpose of the 4,000 National Guardsmen to be stationed at the border, and whether S1 had "any input into that selection"?                   | CBP                     |           |                |         | RESPONSE FOR CLEARANCE: (b)(5)<br>(b)(5)              |
| 7 | CHS<br>04/26/2018 | Rep. Jackson Lee (D-TX) | Rep. Jackson Lee requested a written response to a question asking whether S1 and the President would "ask and demand that Paul Ryan put [any bipartisan DACA bills] on the floor for us to be able to vote for them?" | OLA                     |           |                |         | RESPONSE FOR CLEARANCE: (b)(5)<br>(b)(5)              |

|    |                   |                         |  |         |           |        |   |
|----|-------------------|-------------------------|--|---------|-----------|--------|---|
| 8  | CHS<br>04/26/2018 | Rep. Jackson Lee (D-TX) | Rep. Jackson Lee requested a written response to a question asking whether S1 would "instruct your Border Patrol agents to not treat DACA eligible and/or DACA status individuals unfairly at the border by stopping them at the border and not allowing them to come back and forth". | CBP     |           | (b)(6) | AWAITING COMPONENT RESPONSE   |
| 9  | CHS<br>04/26/2018 | Rep. Jackson Lee (D-TX) | S1 promised Rep. Jackson Lee DHS will look into the deportation case of constituent Jose Escobar (open correspondence from Rep. Jackson Lee).  | ICE     | 5/2/2018  |        | COMPLETED: ICE OCR updated Rep. Jackson's staff on the status of this case via email.                 |
| 10 | CHS<br>04/26/2018 | Rep. Jackson Lee (D-TX) | Rep. Jackson Lee requested a written response to the Congresswoman's statement that FEMA needs to be "fixed in terms of bifurcating recovery as opposed to rescue", and that "reimbursement monies have not yet come to schools and other facilities and people in desperate need".    | FEMA    |           |        | RESPONSE FOR CLEARANCE: (b)(5)<br>(b)(5)  |
| 11 | CHS<br>04/26/2018 | Rep. Jackson Lee (D-TX) | Rep. Jackson Lee requested a copy of S1's statements regarding Mark Anthony Conditt (Austin, TX, serial bomber) if available.  | OPA     |           |        | RESPONSE FOR CLEARANCE: (b)(5)<br>(b)(5)  |
| 12 | CHS<br>04/26/2018 | Rep. Jackson Lee (D-TX) | Rep. Jackson Lee requested a written response to a question asking why DHS is not taking any new DACA applications "since the courts have indicated your ending of the program was incorrect".   | USCIS   | 5/17/2018 |        | COMPLETED: CHS provided question as a QFR on 5/17/2018. NO Additional action is required for DHS OLA. |
| 13 | CHS<br>04/26/2018 | Rep. Rogers (R-AL)      | S1 promised Rep. Rogers a breakdown as to what percentage of the cost associated with the border security system is actually the wall as opposed to technologies and personnel.  | CBP/CFO |           |        | AWAITING COMPONENT RESPONSE   |

|    |                   |                        |   |     |  |          |        |   |
|----|-------------------|------------------------|---|-----|--|----------|--------|---|
| 14 | CHS<br>04/26/2018 | Rep. Rogers<br>(R-AL)  | S1 promised Rep. Rogers the cost of the "added expense" incurred by DHS as a result of sanctuary jurisdictions.                               | ICE |  |          | (b)(6) | <p><b>RESPONSE FOR CLEARANCE:</b> (b)(5)</p> <p>(b)(5)</p>  |
| 15 | CHS<br>04/26/2018 | Rep. Keating<br>(D-MA) | Rep. Keating requested that S1 get back to him regarding H-2B caps.   | OLA |  | 5/7/2018 |        | <p>COMPLETED: OLA spoke with staff by phone to confirm receipt of correspondence. Office requests continued updates on H-2B decision.</p> <p>*NOTE: this get back may have been fulfilled by close of correspondence WF 1160999.</p> <p><b>RESPONSE FOR CLEARANCE:</b> (b)(5)</p> |
| 16 | CHS<br>04/26/2018 | Rep. Perry (R-PA)      | S1 promised Rep. Perry information on the DHS pilot program to collect DNA from non-U.S. persons being detained under the United States laws. | ICE |  |          |        | <p><b>RESPONSE FOR CLEARANCE:</b> (b)(5)</p> <p>(b)(5)</p>  |
| 17 | CHS<br>04/26/2018 | Rep. Perry (R-PA)      | S1 promised Rep. Perry specifics related to the use and cost of ankle monitor bracelets and detention beds for ICE detainees.                 | ICE |  |          |        | <p><b>RESPONSE FOR CLEARANCE:</b> (b)(5)</p> <p>(b)(5)</p>  |

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| 18 | CHS<br>04/26/2018 | Rep. Perry (R-PA) | S1 promised Rep. Perry information related to DHS unity of effort initiatives, including internal benchmarks, "measurements to performance controls, internal controls to work on joint task force to eliminate inefficiencies", etc. | MGMT |  | (b)(6) | RESPONSE FOR CLEARANCE (b)(5) |
| 19 | CHS<br>04/26/2018 | Rep. Payne (D-NJ) | S1 promised Rep. Payne she would personally look into an alleged report of "a TSO having an accident on herself because they weren't allowed to leave their post" if the Congressman's office would provide the name of that TSO.     | TSA  |  |        | RESPONSE FOR CLEARANCE (b)(5) |

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| 20   | CHS<br>04/26/2018 | Rep. Watson<br>Coleman (D-<br>NJ) | Rep. Watson Coleman requested that S1 respond in writing as to how proposed cuts in the DHS budget (e.g., reductions or eliminations in security grants, VIPR teams, Law Enforcement Officers grants, exit lane staffing) are consistent with protecting the homeland.                              | <b>MGMT<br/>(CFO)</b> |  |           | (b)(6) | <table border="1"> <tr> <td data-bbox="1350 133 1598 164"><b>RESPONSE FOR CLEARANCE</b></td> <td data-bbox="1598 133 1969 164">(b)(5)</td> </tr> <tr> <td colspan="2" data-bbox="1350 164 1969 695">(b)(5)</td> </tr> </table>   | <b>RESPONSE FOR CLEARANCE</b>  | (b)(5) | (b)(5) |  |
| <b>RESPONSE FOR CLEARANCE</b>  | (b)(5)            |                                   |   |                       |  |           |        |  |  |        |        |  |
| (b)(5)   |                   |                                   |   |                       |  |           |        |  |  |        |        |  |
| 21   | CHS<br>04/26/2018 | Rep. Watson<br>Coleman (D-<br>NJ) | Rep. Watson Coleman requested that S1 respond in writing to whether "there a written statement as to what our U.S. policy is on people who are fleeing very dangerous countries ... versus other types of people who are coming over because I get the sense that we're ... locking them together." | <b>PLCY</b>           |  | 5/17/2018 |        | <table border="1"> <tr> <td colspan="2" data-bbox="1350 695 1969 797"><b>COMPLETED:</b> CHS provided question as a QFR on 5/17/2018. NO Additional action is required for DHS OLA.</td> </tr> </table>                           | <b>COMPLETED:</b> CHS provided question as a QFR on 5/17/2018. NO Additional action is required for DHS OLA. |        |        |  |
| <b>COMPLETED:</b> CHS provided question as a QFR on 5/17/2018. NO Additional action is required for DHS OLA. |                   |                                   |   |                       |  |           |        |  |  |        |        |  |
| 22   | CHS<br>04/26/2018 | Rep. Watson<br>Coleman (D-<br>NJ) | Rep. Watson Coleman requested that S1 provide DHS's policy regarding the migrant caravan approaching the southern border.   | <b>CBP, ICE</b>       |  |           |        | <table border="1"> <tr> <td data-bbox="1350 797 1598 824"><b>RESPONSE FOR CLEARANCE:</b></td> <td data-bbox="1598 797 1969 824">(b)(5)</td> </tr> <tr> <td colspan="2" data-bbox="1350 824 1969 1250">(b)(5)</td> </tr> </table> | <b>RESPONSE FOR CLEARANCE:</b>   | (b)(5) | (b)(5) |  |
| <b>RESPONSE FOR CLEARANCE:</b>   | (b)(5)            |                                   |   |                       |  |           |        |  |  |        |        |  |
| (b)(5)   |                   |                                   |   |                       |  |           |        |  |  |        |        |  |



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| 23 | CHS<br>04/26/2018 | Rep. Watson<br>Coleman (D-<br>NJ) | Rep. Watson Coleman requested that S1 provide DHS's policy regarding the separation of minors from parents, and specifically DHS policy "dealing with the trauma that that [sic] must inflict upon both these children ... as well as their families".  | CBP, ICE |  | (b)(6)    | RESPONSE FOR CLEARANCE: (b)(5)<br>(b)(5)                                      |
| 24 | CHS<br>04/26/2018 | Rep. Watson<br>Coleman (D-<br>NJ) | Rep. Watson Coleman requested that S1 respond to a letter she sent requesting that DHS explain "the cost associated with protecting the Trump kids going around the world doing Trump business" (outstanding correspondence).   | OLA/USSS |  |           | OUTSTANDING CORRESPONDENCE -- (b)(5)<br>(b)(5)                                |
| 25 | CHS<br>04/26/2018 | Rep. Watson<br>Coleman (D-<br>NJ) | Rep. Watson Coleman requested that S1 explain in writing how DHS justifies "putting additional resources down on the southern border, particularly in the form of our National Guard when all of the data that we have been receiving [shows] a significant diminishment [sic] of people coming across the border." | CBP      |  |           | RESPONSE FOR CLEARANCE: (b)(5)<br>(b)(5)                                      |
| 26 | CHS<br>04/26/2018 | Rep. Rice (D-<br>NY)              | S1 promised Rep. Rice that she would provide any relevant internal documents regarding the TPS designation for El Salvador.   | USCIS    |  |           | RESPONSE FOR CLEARANCE: (b)(5)<br>(b)(5)                                      |
| 27 | CHS<br>04/26/2018 | Rep.<br>Donovan (R-<br>NY)        | Rep. Donovan requested that S1 "please speak or write to us to what more we can do to enhance the security of this transportation mode [mass transit security]"; including how DHS is "supporting information sharing when it comes to threats to mass transit?"  | TSA      |  | 5/16/2018 | COMPLETED: this question is addressed in Rep. Donovan's QFR #1. ESEC tasking. |



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| 28 | CHS<br>04/26/2018 | Rep. Donovan (R-NY)  | Rep. Donovan requested that S1 provide answers in writing to the following three questions about the Securing the Cities program:<br>1) What changes is the department proposing to the program?<br>2) What outreach have you done to participating jurisdictions to solicit their feedback?<br>3) How are you addressing the concerns that the Department is receiving from securing the city's jurisdictions? | I&A   |  | 5/16/2018 | (b)(6) | COMPLETED: this question is addressed in Rep. Donovan's QFR #2. ESEC tasking.  |
| 29 | CHS<br>04/26/2018 | Rep. Correa (D-CA)   | Rep. Correa requested written information comparing what threats are coming through Canada versus what threats are coming through ports.  | I&A   |  |           |        | RESPONSE FOR CLEARANCE (b)(5)  |
| 30 | CHS<br>04/26/2018 | Rep. Higgins (R-LA)  | S1 promised Rep. Higgins demographic information for illegal immigrants who have received a summons for court, including, "Who they are, their age, their gender, their nation of origin, whether or not they have an anchor family, et cetera?"  | USCIS |  | 5/10/2018 |        | COMPLETED: Emailed LD with POC at DOJ OLA<br><br>UPDATE 5/9 - Per USCIS, this is an issue for EOIR. USCIS checking to see if there is an appropriate Hill POC there. |
| 31 | CHS<br>04/26/2018 | Rep. Demings (D-FL)  | S1 promised Rep. Demings the number of "people have been killed as an act of violence at the southwest border during [S1's] tenure as secretary."   | CBP   |  | 5/14/2018 |        | COMPLETED: OLA sent staff an updated spreadsheet of deaths, organized by type, which was pulled together by USBP for 12/17 - 5/18.                                   |
| 32 | CHS<br>04/26/2018 | Rep. Barragan (D-CA) | Rep. Barragan requested that S1 commit to and schedule a meeting with the Congressional Hispanic Caucus; S1 replied "I'd be happy to."  | FO    |  |           |        | RESPONSE FOR CLEARANCE: Meeting tentatively scheduled for 11am on July 25th.   |

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| 33 | CHS<br>04/26/2018 | Rep. Garrett<br>(R-VA) | S1 committed to looking into Rep. Garrett's constituent issue (constituent attempting to adopt a girl from Senegal). | USCIS |  | 5/11/2018 | (b)(6) | <p><b>COMPLETED:</b> May 18, 2018: USCIS and Department of State held a call with Rep. Garrett and two of his staffers. USCIS attendees were Aaron Calkins, Chief, Office of Legislative Affairs, Dan Renaud, Associate Director, Field Operations Directorate, Monterey Rowe, Associate Chief, Office of Legislative Affairs and Tim Kirsch, Office of Legislative Affairs. USCIS informed Rep Garrett that the parole in place request had been expedited and denied. USCIS explained that resolution could be gained by Ms. Boyle and the child departing the U.S. Once the child departs the U.S. USCIS would be able to complete the adjudication of the pending I-600. The Department of State then explained the I-604 process once, which is completed once USCIS sends them the approved I-600.</p> <p>May 18, 2018: Senators Mark Warner (D-VA) and Tim Kaine (D-VA) also submitted written requests for USCIS to expedite the parole in place application. USCIS staff responded these letters.</p> <p>May 16, 2018: USCIS received notice that Ms. Boyle hired a new attorney, Mr. Dan Berger, who has submitted a request to USCIS for Humanitarian Parole in Place (PIP) in order for Ms. Boyle's child to overcome the requirement of 8CFR 204.3(k)(3) without leaving the United States. Rep. Garrett and Rep. Mark Meadows (R-NC-11) submitted a letter to Director Cissna requesting USCIS to expedite the PIP request. USCIS stated the PIP request would be expedited. USCIS ultimately denied the PIP request as USCIS cannot grant parole to a person who has been inspected and admitted. Ms. Boyle's child was inspected and admitted when she entered the U.S. on her B-2 visa.</p> <p>May 11: USCIS connected with attorney of mother.</p> <p>May 4: USCIS provided OLA internal memo that was sent to S1</p> |
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