

**DEPARTMENT OF HOMELAND SECURITY  
APPROPRIATIONS FOR FISCAL YEAR 2015**

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**HEARING**  
BEFORE A  
SUBCOMMITTEE OF THE  
COMMITTEE ON APPROPRIATIONS  
UNITED STATES SENATE  
ONE HUNDRED THIRTEENTH CONGRESS

SECOND SESSION

ON

**H.R. 4903/S. 2534**

AN ACT MAKING APPROPRIATIONS FOR THE DEPARTMENT OF HOME-  
LAND SECURITY FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2015,  
AND FOR OTHER PURPOSES

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**Department of Homeland Security**

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**DEPARTMENT OF HOMELAND SECURITY  
APPROPRIATIONS FOR FISCAL YEAR 2015**

**WEDNESDAY, MARCH 12, 2014**

U.S. SENATE,  
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,  
*Washington, DC.*

The subcommittee met at 2:07 p.m., in room SD-138, Dirksen Senate Office Building, Hon. Mary L. Landrieu (chairman) presiding.

Present: Senators Landrieu, Leahy, Tester, Coons, Coats, Cochran, Murkowski, and Moran.

**DEPARTMENT OF HOMELAND SECURITY**

**STATEMENT OF HON. JEH JOHNSON, SECRETARY**

**OPENING STATEMENT OF SENATOR MARY L. LANDRIEU**

Senator LANDRIEU. Welcome to this afternoon's meeting. I would like to call the Homeland Security Subcommittee of Appropriations to order to consider the budget of this Department. Welcome, Secretary Johnson. This is your inaugural presentation before our Committee on the budget, and we welcome you.

Let me begin by, of course, noting to the members of the Committee that the Secretary has been on the job for 3 months. A lot of this budget was put together before he arrived, but he will be, of course, presenting it to us today, and we look forward to a very robust and helpful discussion.

Let me just begin by pointing out just a couple of priorities that I have as chair. Some of these priorities are shared by other members of the Committee and we have worked very well with Democrats and Republicans alike. I want to thank my ranking member, Senator Coats, for all of his cooperation as we have built these budgets.

First, let me point out a couple of very important priorities as I review the budget for this year for me and others. We talk about Customs and Border Protection (CBP), which is very, very important. In last year's budget we plussed up that number to secure our borders. You will hear some discussion about that this morning. But when we talk about CBP, we sometimes overlook Customs. And I want you and the members of the Committee to know, I am going to be focusing on the resources in this budget that help our Customs officers to make sure that our business are treated fairly in these global markets. So when we are talking about crawfish farmers in Breaux Bridge, Louisiana, Mr. Secretary, I want to

make sure that we are using the tools that are available to us to make sure that if illegal dumping is occurring, if their businesses are being constricted, if their abilities to make a profit and hire people in America are being restricted because Customs officers are not either bringing cases that are valid or collecting fees, it is something that this Committee is going to be focused on this year.

We have had some problems in the past. I know Senator Cochran has shared those concerns with some fishery issues along the gulf coast, and I am sure there are members that have issues with some of their home State products. So we are going to be focused on that.

Number two, flood insurance. The Senate is right now in the final stages of passing a reform of a bill that had good intentions. But in the view of the vast majority of Senators and over 300 Members of the House of Representatives, the flood insurance bill that falls under the jurisdiction of this Committee with the Federal Emergency Management Agency (FEMA) had good intentions, but it had absolutely draconian consequences to middle class families, over 5 million flood insurance policy holders. We have or are in the process of rebuilding that program, restructuring it to give immediate relief to middle class families so that they can stay in communities, whether they are in Vermont, Louisiana, Mississippi, or New York.

So I am going to be conducting some hearings and expect your help and cooperation—I know we will have it—to make sure that as this bill passes and gets signed by the President, which looks like it will, that we implement it with FEMA, giving them the resources, flood maps, accurate flood maps, and accurate community input.

Third, I am going to continue my work as chair here with my members to continue to help build a smarter and better FEMA. Now, I came to this as an unwilling participant. As a Senator from Louisiana, I did not want Hurricane Katrina to hit. Senator Cochran did not enjoy the experience of Hurricane Katrina that devastated our two States. But then we have had to live through that. More recently Superstorm Sandy and some other terrible storms have struck the east coast, and there are wild fires out west. And so we feel like we are surrounded here by disasters. We keep our eyes on trying to mitigate against them, preventing them from happening where we can, but giving quick and able help. Our budget is what stands between communities either rebuilding or not.

I am not going to go through verbally this morning all of the things that we have done through this Appropriations Committee and through the authorizing committee on which I serve to help build a stronger FEMA but you can be sure that that is a bipartisan priority of this Committee. I am proud of the arbitration panel that has been created, the ability for relief of loan forgiveness. We will continue to work on that.

A fourth priority which Senate Coats and I most certainly share, and you do as well—I noticed in your testimony—is cybersecurity and cybercrime. The members of this Committee may be shocked to know that Norton, which is a premier, global software security company, has estimated that the cost of cybercrime is \$398 billion—\$114 billion direct, another \$274 billion in consequences concerning that. But what is alarming about this is that this is more

than the total global black market in marijuana, cocaine, and heroin combined. So again, this is a priority to deal with cybercrime that is being committed to try to reduce it, minimize, respond to it, and protect not only our Government operations, but as far as we can to help our private sector.

Let me just end 1 or 2 minutes on a few things that are specifically in the budget that I want to make note of because this was our work in the past year, too, which I am proud of. Today, 35 percent of the traveling public receives expedited security screenings due to a number of risk-based initiatives being undertaken by the Transportation Security Administration. This Committee was very aggressive in making sure that we were screening people smartly for their safety, for their security, but for their convenience, Mr. Secretary, and for our promotion of global trade and travel, which to many States, not just Louisiana, not just Indiana, not just New York and California, and Illinois, but to many States people being able to travel freely is important to the development of their business.

This budget includes full funding for future disasters, \$7 billion, with an ability to draw down another five if necessary in the emergency fund. So I believe starting this year, Senator Coats, that we are prepared for whatever disasters may come our way. And hopefully if we need additional funding, the Congress will step up. But we should have adequate funding for us to deal with what this year may present.

A couple of just comments about concerns. Our budget is below last year's budget. While it is promoted that it is a 2.8-percent cut, without being able to raise the fees that are required in the President budget, which are quite a lot—almost \$1 billion. If we are not able to do some of that, which I do not believe we will be able to do all of it, and perhaps not even some of it, we will be almost 6 percent below where we were last year without some important priorities like Coast Guard recapitalization, et cetera.

I am going to submit the rest of my statement for the record. Immigration and customs enforcement, Coast Guard aging fleet continues to be a challenge. And then, of course, the financial operations of the Department itself, making sure that we are cutting out waste, fraud, and abuse, streamlining operations, and moving into the second 10 years of this virtually newest department of the U.S. Government.

[The statement follows:]

PREPARED STATEMENT OF SENATOR MARY L. LANDRIEU

Good afternoon. I call the subcommittee to order.

This afternoon, I am pleased to welcome Secretary Johnson for his inaugural hearing in front of this subcommittee to kick off our review of the Department of Homeland Security's fiscal year 2015 budget and ongoing activities. Secretary Johnson, you have been on the job for about 3 months now. And you have been tasked with taking a fresh look at where the Department of Homeland Security (DHS) has been and setting its course for the future.

From the U.S. Customs and Border Protection (CBP) agents who make sure that the crawfish producers in Breaux Bridge, Louisiana, are able to compete fairly and the Transportation Security Administration (TSA) officers who keep travelers secure—whether visiting New York for business or Florida for vacation—to the communities like Moore, Oklahoma, and Hoboken, New Jersey, that are still rebuilding after disasters—this budget impacts Americans' daily lives.

In thousands of community newspapers across the country, there has been story after story about the impacts one agency of this Department is having in particular: the Federal Emergency Management Agency (FEMA). My office, along with many of my colleagues, has heard from many of the 5.5 million working, middle-class families facing skyrocketing flood insurance rate increases due to a well-intentioned—but flawed—law that Congress passed in 2012 to reform the National Flood Insurance Program (NFIP). That law, Biggert-Waters, which I raised objections about before it passed, removed affordability as a centerpiece of our National Flood Insurance Program.

In January, the Senate—with strong support from Members of both parties—passed a fix that received 67 votes. Last week, the House passed a compromise bill that reestablishes affordability as a critical and necessary cornerstone of the NFIP, and I urge my colleagues to pass that bill this week.

While far from perfect, the bill will stop the most draconian rate increases and reestablish affordability as a critical element of the program. I am proud that we were able to include an annual limit on individual rate increases and an overall affordability target to protect people against \$20,000 and \$30,000 premiums. FEMA will have to effectively coordinate with local, State and Federal stakeholders throughout the implementation process, and I will work with you to ensure FEMA has the resources it needs to accomplish this in a timely and transparent manner.

Even after this bill passes, it will be the responsibility of this subcommittee, as well as other Committees in the Senate and House, to craft a program that works decade to decade so generation after generation can continue to affordably and safely live along our coasts and inland waterways where they work to power our Nation's economy.

I look forward to talking more about the NFIP and ensuring that flood maps are reliable and accurate later in the question and answer session. As chair of this subcommittee, I intend to hold one of my first hearings on the implementation of the new flood insurance fix.

I represent a State that has experienced its fair share of disasters, some natural and others of our own making. During the last 9 years, I have worked tirelessly to create a more agile and responsive FEMA and provide it with the right tools that allow communities to recover faster and rebuild smarter. One of those tools is an arbitration process created to provide Americans impacted by disasters a fair and unbiased third party to resolve disputes between FEMA and local communities. Since I established this arbitration panel in 2009, it has ruled on dozens of cases ensuring the right people receive the assistance they need to rebuild smarter and stronger. Even today, the arbitration panel is considering a case involving Livingston Parish in Louisiana. The long delay has had a serious financial impact on the parish and local contractors, many of whom are small and family-owned. It is a victory that we have gotten to this point, but the battle is not finished. I am confident that the arbitration panel will review the merits of the parish's claims and find favorably on behalf of the people of Louisiana.

In addition to the arbitration panel, I changed the way FEMA calculates the impact of disasters to allow recovering communities the ability to accurately measure the devastation in the parish, county, and municipality when Federal funds are loaned to them for recovery. Through this change, communities in Louisiana have had \$233 million in Community Disaster Loans forgiven, and that total will continue to rise. Finally, I continue to advocate for smart mitigation programs that save taxpayers \$4 for every dollar spent for actions like elevating a home or office building. In this budget, I was encouraged to see a request for \$400 million to promote resiliency before disaster strikes through Predisaster Mitigation Grants—I share this as a priority of the Administration—however I am disappointed that this request was not in the base appropriations bill but instead comes from a proposed funding source that is unlikely to be enacted.

After reviewing some of your recent speeches and trip reports, I was pleased to find that you and I share many common goals when it comes to homeland security. I believe we are both firmly committed to strengthening our borders, deploying an agile and professional Coast Guard, as well as effectively training and educating our cyber workforce. In the budget I noticed a \$379 million or 4.4-percent decrease in discretionary spending for the Coast Guard. We must be careful where we cut our national maritime defense, especially as we increase exports and trade through our waterways. In Louisiana where our shipbuilding industry is second to none, we are proud to build some of the finest cutters in the Coast Guard fleet, and I look forward to working closely with you to ensure that our Coast Guard has a robust and modernized fleet.

According to Norton [software security company], the annual cost of global cybercrime is \$114 billion with another \$274 billion lost in terms of time spent on



cybercrime and its effects. That total is more than the global black market in marijuana, cocaine, and heroin combined. During previous conversations, you expressed the need for a robust cyber education push from the Department of Homeland Security. I echo those sentiments and look forward to building on the groundwork I've already laid in the fiscal year 2014 appropriations bill.

In the last year, we have faced multiple threats to our homeland. The Boston Marathon bombing was followed by serious chemical incidents in Texas and West Virginia. A physical attack on electrical substations in California was also uncovered. Daily, we face a constant onslaught of cyber intrusions and attacks on our Government networks and critical infrastructure. While we must defend ourselves against these attacks and strengthen our borders, those same borders must also welcome travel and trade. We must strengthen acquisition and procurement practices and foster research and development partnerships with the private sector and academia so that we can outpace our adversaries.

[Submit from here to the next bracket for the record if short on time.]

After reviewing the budget, there are many commendable items and efforts:

- Currently over 35 percent of the traveling public receive expedited security screening due to a number of risk-based initiatives being undertaken by TSA. By moving away from a one-size-fits-all approach to security, screening is expedited for all, shortening wait times and improving efficiencies, including a reduction in screening staff levels. I look forward to further expansion of this program, with up to 50 percent of the traveling public receiving some form of expedited screening by the end of 2014.

- The budget includes full funding to respond to future disasters and recover from disasters of the past through \$7 billion in the FEMA Disaster Relief Fund.

- The budget includes \$75.8 million to begin replacing aging inspection and detection equipment used by CBP, the Coast Guard and TSA to keep our ports secure from illicit radioactive and nuclear materials.

- The budget includes \$45 million to continue modernizing the Department's financial systems for more accurate and timely reporting of fiscal data. It should be noted that for the first time ever, DHS received a clean financial audit in fiscal year 2013, which is a significant milestone for this maturing Department.

[Continue delivery from here forward.]

While this budget proposal is respectable, Secretary Johnson, I have a number of serious reservations about the fiscal year 2015 budget you are presenting today. This budget is more than \$1 billion below the level we enacted for your Department less than 2 months ago. Yet what you claim is a 2.8-percent cut is really just the tip of the iceberg. The budget before us assumes the collection of new fees and taxes that have been rejected by this Committee previously. Notably:

- This request reinstates the \$420 million air carrier security fee, which was repealed in the bipartisan budget agreement the President signed less than 3 months ago. Couple this with an increase in aviation passenger security fee means that TSA has a \$615 million shortfall that this subcommittee will have to fill with appropriated funds if these fee proposals are not adopted.

- The request assumes \$332 million more in CBP fees, nearly half of which are out of this subcommittee's jurisdiction. This means that in order to hire the additional 2,000 CBP officers you have requested, we will need to take unacceptably deep cuts in other DHS accounts.

- The budget reduces funding for Immigration and Customs Enforcement by \$255 million as compared to fiscal year 2014. This request reduces detention beds by over 10 percent when the agency has shown a need for a substantial number of beds due in part to a 73-percent increase in the apprehension of illegal immigrants coming through the Rio Grande Valley this year compared to last year. Many of these individuals are requesting asylum, which requires longer stays in our detention system.

- Desperately needed acquisitions to update the Coast Guard's aging fleet continue to receive less funding than is necessary to keep these upgrades on track. For the second year in a row, the budget only requests two fast response cutters (FRCs); yet for the past 3 years, this Committee has funded six FRCs, saving more than \$30 million annually with these block purchases.

- This request assumes a new grant structure, which for the past 2 years Congress has clearly stated must be enacted by the appropriate authorizing committees before we will consider change. We need to work together with the Chairman Carper and Ranking Member Coburn to enact these changes before we can consider them in the Appropriations Committee. In doing so, we can provide a clear path for our first responders to acquire the resources they need to do the hard work we demand from them every day.

Since this subcommittee was established, we have striven to do our work professionally, collaboratively, and in a bipartisan fashion. I look forward to continuing this strong, bipartisan working relationship with Senator Coats and the Department this year. With that, I will turn to my ranking member, Senator Coats, for his opening statement.

After that, we will hear from Secretary Johnson. Once the Secretary concludes his statement, each member will be recognized in order of arrival for up to 5 minutes for remarks and questions. I now recognize Senator Coats for any opening remarks he may wish to make.

Senator Coats.

Mr. Secretary, thank you for being here today. I appreciate your commitment to tackling our many diverse and prolific homeland challenges head on. And I look forward to welcoming you to my great State of Louisiana in the months to come. Please proceed with your statement.

[Recognize members in order of arrival for 5 minutes of remarks and questions.]

Senator LANDRIEU. So we look forward to having you as a partner to work with you. We will try to be as honest and as forthright in our assessments of what this budget is reflecting. We share some of these priorities, but we will push you on some other things that are not as, shall I say, high up on the priority list as I think some of the members of this Committee would like to have.

And with that, let me turn this over to Senator Coats for his opening statement, and then we will hear your opening testimony, Mr. Secretary, and then do a round of questions for the members that are here.

Senator Coats.

#### STATEMENT OF SENATOR DANIEL COATS

Senator COATS. Mr. Secretary, welcome. First of all, I congratulate you. Though I wonder if it is really congratulations given the work yet to be done. But congratulations to you for assuming this vital position, and best wishes to you as we go forward with a number of important issues and threats to address.

You know, a year ago when your predecessor was here testifying before us, it was the week when the Boston Marathon attack took place. A Texas fertilizer plant exploded. There was a mysterious attack on a power substation in California and ricin incidents, and at the time, we were discussing immigration reform. That was all in 1 week. Are you sure you want this job? Let us hope you do not have weeks like that going forward.

But I do appreciate and I know the chairman appreciates the way you have reached out to us. You have been in my office. You have been in Senator Landrieu's office. We had breakfast yesterday. Starting a good relationship, dialoguing with each other about the breadth of homeland security and all that encompasses, and working together at a time when budgets are tight. There are things that we would all like to do that we cannot afford to do. We have to find a way to do those things better, more efficiently and in a cost-effective way.

I have a number of things that I want to ask you about. I want to second the chairman's mention of the passenger security fees that present a potential budget problem for us over and above the cuts already taken. It may not be politically feasible to impose those fees, particularly since the Murray-Ryan budget that we just enacted included an increase of these same fees. And that increase has not even kicked in yet. So imposing new fees on top of the in-

crease being implemented is very problematic. So we are going to have to look at where we find money to pay for aviation security, unless we are successful in advancing fee changes, and I do not believe we will be.

There are a number of other issues that we have talked about previously, which I want you to address—first border security and the Rio Grande Valley issue. A surge of illegal immigrants is coming across the border there, and a great number of them are juveniles in particular.

And then I just want to say something about cybersecurity. I think this clearly has become an essential priority because of the threat that it poses. Whether you are talking to military officers in uniform or those representing our intelligence community or our various law enforcement agencies, cyber has moved to the top of the list as a threat to America. And the Department of Homeland Security plays a significant and essential role in all that. Working through cybersecurity issues, implementing protective measures, and establishing the right kind of coordination is very essential.

So I will wait until the question time, and if others do not bring up these topics, I will, and we can talk through these issues. Mr. Secretary, we are glad you are here. We look forward to working with you. Madam Chairman, we look forward to the hearing today.

Senator LANDRIEU. Thank you so much.

Mr. Secretary.

#### SUMMARY STATEMENT OF HON. JEH JOHNSON

Secretary JOHNSON. Thank you very much. And I want to begin by, first of all, saying you have my prepared statement for the record. In my 5 minutes, let me just say a couple of things. First of all, I appreciate the personal courtesy and friendship that I have received from the members of this Committee in this new appointment. You probably cannot appreciate how invigorating it is for someone to step into a public position like mine when I have your support and friendship and the various courtesies that you have shown me. It is a reaffirmation for me. So I very much appreciate that on a personal level.

I was chatting with Senator Leahy before we got started, and it reminded me that every time I walk into this office building, I think back to the summer of 1978 when I was a college intern for Daniel Patrick Moynihan. We worked in this building on the first floor on the other side. And one day I was on mail room duty, and it was a day when I thought the Senate was in recess. And the Senator's driver convinced me to take a ride with him on the Senators-only elevator because we thought no one would be around. It has been 36 years, so any statute of limitations has probably run out by now.

And so, we pushed the button, and I am dressed in my jeans and T-shirt. And the door opens, and I am standing in front of the door, and there—it is one of these moments you will never forget—and there is Barry Goldwater. And he looks at me eye to eye, and I cannot remember exactly what he said, but what I think he said, without batting an eye, was, "Hello, Senator," and just kept right on walking. One of those memorable moments.

Let me say this. You know the basic missions of the Department of Homeland Security (DHS). It is a large, decentralized organization. I believe it made tremendous sense in 2002 to consolidate these various functions under the broad theme of homeland security. I have already seen, in 2½ months in office, the various symmetries that are achieved by having the components that manage land, port, air, maritime security when we look at threats to the homeland.

The basic missions obviously are counterterrorism, border, port security. One of the things that has been brought home to me in my brief time in office is that the job of the Secretary of Homeland Security is to also facilitate trade at our various—lawful trade and travel at our various ports of entry. I appreciate that that is an important mission of the Department of Homeland Security. It is not just simply preventing unlawful trade and travel, but promoting lawful trade and travel.

Cybersecurity is a big priority, which I think is satisfied by this budget request. Responding to natural disasters, as the chair mentioned, is obviously an important priority. I believe that FEMA is doing a better and better job of that, and we have learned from the days of Hurricane Katrina. I hope to personally travel to places that have been affected by hurricanes, like Hurricane Katrina, very soon. I hope to travel to Louisiana, Mississippi, and other places.

Filling the various vacancies that exist at the senior levels of our Department is an important priority of mine. I spend virtually some part of every day filling vacancies, recruiting highly qualified personnel for these vacancies. I am very, very happy and pleased that the Senate last week confirmed three of our nominees to senior leadership positions: CBP, National Protection and Programs Directorate (NPPD), and our new inspector general. We have three more awaiting Senate confirmation. I believe one had his confirmation hearing this morning. The other had a confirmation hearing last week. So we are making good progress filling the vacancies there. My mission is to fill the vacancies with highly talented public servants because I believe good leadership begins with finding other good leaders.

Last, because of the environment in which we operate, I will repeat here what I have said many times. I believe I am obligated to look for, identify inefficiencies, duplications of effort wherever they exist within the Department. One of the things that we are doing is building a budget process that is very mission oriented, getting away from budget requests that are made through stovepipes from each component where we begin the process by developing the basic strategy, the basic mission; developing the requirements to satisfy that mission, and then looking at and helping the components develop their own budget requests based on the larger mission. My hope is that we reduce inefficiencies in that way.

We are developing a similar approach when it comes to acquisition, the acquisition process, to try to make it a little more department-centric so that we avoid duplications in acquisition requests, the acquisition process. And overall, one of my goals is to make the Department of Homeland Security a more efficient place, a more effective place, and to improve morale, which I believe that we are

doing every day through visible, aggressive, and effective leadership.

So I look forward to your questions.  
[The statement follows:]

PREPARED STATEMENT OF HON. JEH JOHNSON

Chairman Landrieu, Ranking Member Coats, and members of the subcommittee: I begin by thanking this subcommittee for the strong support you have provided to the Department the past 11 years. I look forward to continuing to work with you in the coming year to protect the homeland and the American people.

I am pleased to appear before the subcommittee to present President Obama's fiscal year 2015 budget request for the Department of Homeland Security (DHS). The fiscal year 2015 budget request builds on our accomplishments over the past 11 years while providing essential support to national and economic security.

The fiscal year 2015 budget reflects President Obama's strong commitment to protecting the homeland and the American people. It supports and continues our focus on preserving frontline priorities across the Department by cutting costs, sharing resources across DHS components, and streamlining operations wherever possible. It will ensure our men and women on the frontlines are well trained, equipped, and supported while continuing to maximize Department-wide efficiencies. It will also continue to make responsible investments in personnel, technology and asset recapitalization that are critical to ensuring our future security, while recognizing that difficult fiscal choices must be made.

The basic missions of DHS are and should continue to be preventing terrorism and enhancing security; securing and managing our borders; enforcing and administering our immigration laws; safeguarding and securing cyberspace; and strengthening national preparedness and resilience. The President's fiscal year 2015 budget request provides the resources necessary to maintain and strengthen our efforts in each of these critical mission areas.

In all, the fiscal year 2015 budget requests \$60.9 billion in total budget authority, \$49.0 billion in gross discretionary funding and \$38.2 billion in net discretionary funding.

The cornerstone of the Homeland Security mission is protecting our Nation against terrorist attacks. Through the efforts of both the Bush and Obama administrations, we have put al-Qaeda's core leadership on a path to strategic defeat. But the terrorist threat has continued to evolve. We must remain vigilant in detecting and preventing terrorist threats that seek to penetrate the homeland from the land, sea or air. We also must continue to build relationships with State and local law enforcement, and the first responders in our communities, to address the threats we face from those who self-radicalize to violence, the so-called "lone wolf" who may be living quietly in our midst, inspired by radical, violent ideology to do harm to Americans—illustrated last year by the Boston Marathon bombing.

The fiscal year 2015 budget strengthens the Department's antiterrorism efforts. It requests \$3.8 billion for TSA screening operations to continue improving aviation security effectiveness by aligning passenger screening resources based on risk. It also requests more than \$1 billion for FEMA's preparedness grants with particular emphasis on building and sustaining capabilities that address high consequence events that pose the greatest risk to the security and resilience of the United States and can be utilized to address multiple threats and hazards.

Border security is essential to homeland security. Good border security is both a barrier to terrorist threats, drug traffickers, transnational criminal organizations, and other threats to national security and public safety, and a facilitator for legitimate trade and travel. We are gratified by the support Congress has provided to improve security at our borders and ports of entry. With that support, we've made great progress. There is now more manpower, technology and infrastructure on our borders than ever before, and our men and women in and around the border are producing results. But we must remain vigilant.

The fiscal year 2015 budget builds on this progress by providing \$362.5 million to maintain the necessary infrastructure and technology along the Nation's borders to ensure that law enforcement personnel are supported with effective surveillance technology to improve their ability to detect and interdict illegal activity in a safer environment. The budget invests \$90 million in technology that will improve remote and mobile video surveillance systems and \$11.7 million to recapitalize non-intrusive inspection equipment. The budget will allow DHS to complete the hiring of up to 2,000 new Customs and Border Protection officers, which commenced in fiscal year 2014, and an additional 2,000 officers funded by fees in fiscal year 2015, result-

ing in faster processing and inspections of passengers and cargo at U.S. ports of entry, which is projected to add nearly 66,000 new jobs, add \$4 billion to GDP and result in more seizures of illegal items, such as drugs, guns, and counterfeit goods. The fiscal year 2015 budget supports the salaries, benefits, and operating costs for 21,370 Border Patrol agents and 25,775 CBP officers.

With respect to removals and immigration enforcement, we must continue to prioritize our resources on those who represent threats to national security, public safety and border security. The fiscal year 2015 budget will provide \$2.6 billion to support Immigration and Customs Enforcement (ICE) activities to identify, apprehend, and remove aliens from the United States. The fiscal year 2015 budget also includes \$124.8 million to continue expansion and enhancement of the E-Verify program.

We will continue to streamline and facilitate the legal immigration process while enforcing U.S. immigration laws through the smart and effective use of resources. As I have said many times, we must also take serious steps forward on immigration reform legislation and find common sense solutions to a problem we all know we have. I am committed to working with Congress to achieve that goal.

In addition, we must continue efforts to address the growing cyber threat to the private sector and the “.gov” networks, illustrated by the real, pervasive, and ongoing series of attacks on public and private infrastructure. The fiscal year 2015 budget includes \$1.27 billion for DHS cybersecurity activities, including \$377.7 million for Network Security Deployment, including the EINSTEIN3 Accelerated (E3A) program, which enables DHS to detect malicious traffic targeting civilian Federal Government networks and prevent malicious traffic from harming those networks. It also includes \$143.5 million for the Continuous Diagnostics and Mitigation program, which provides hardware, software, and services designed to support activities that strengthen the operational security of Federal civilian networks. In support of Executive Order 13636, the budget will also provide \$8.5 million to establish a voluntary program and an enhanced cybersecurity services capability.

DHS also must be vigilant in preparing for and responding to disasters, including floods, wildfires, tornadoes, hurricanes, and most recently, chemical leaks like the 2014 spill into the Elk River in West Virginia that threatened the water supply of hundreds of thousands of people. We have come a long way since the days of Hurricane Katrina. We have improved disaster planning with public and private sector partners, nonprofit organizations, and the American people. With the help of this Committee, we have also improved the Department’s emergency response agility through important changes to the structure of the Disaster Relief Fund, which brings immediate help and resources to our communities in their most dire times of need.

Of particular note, the President’s fiscal year 2015 budget funds production of national security cutter 8, as part of the recapitalization of the Coast Guard, and requests \$300 million to complete the funding necessary to construct the National Bio- and Agro- Defense Facility, a state-of-the-art bio-containment facility central to the protection of the Nation’s food supply and security.

The fiscal year 2015 budget will provide \$10.2 billion to support disaster resiliency, primarily through the grants programs that are administered by FEMA and the Disaster Relief Fund. Of this total, \$2.2 billion in total grant funding will support State and local government efforts to prevent, protect against, respond to, and recover from incidents of terrorism and other catastrophic events. Also included are Firefighter and Emergency Management Performance Grants that support local first responders in achieving their missions, and \$7 billion in DRF funding to provide immediate and long-lasting assistance to individuals and communities stricken by emergencies and major disasters.

Lastly, the budget includes the President’s Opportunity, Growth, and Security Initiative, which provides a roadmap for additional investments to help secure our Nation’s future. Specifically, this initiative funds \$300 million for FEMA’s reformed, risk-based approach to increase preparedness, mitigation, and emergency response to disasters and other threats in communities across the country. The Opportunity, Growth, and Security Initiative also dedicates significant resources to help our communities prepare for the effects of climate change, including \$400 million to support planning and pilot projects for cities and communities through FEMA hazard mitigation assistance and national preparedness grants, and \$10 million to help the National Protection and Programs Directorate identify critical infrastructure facilities and analyze their ability to remain functional after disasters.

As Secretary of Homeland Security, I am mindful of the environment in which we pursue each of these important missions. The days are over when those of us in national and homeland security can expect more and more to be added each year to our top line budgets. I therefore believe I am obliged to identify and eliminate ineffi-

ciencies, waste, and unnecessary duplications of resources across DHS's large and decentralized bureaucracy, while pursuing important missions such as the recapitalization of the aging Coast Guard fleet. Over the past 2 years, the Department has found innovative ways to reduce cost and leverage efficiencies, reducing DHS-wide expenses by over \$2.7 billion during that period. We also reached a major milestone last year when the Department achieved its first unqualified or "clean" audit opinion on its financial reporting. These are important steps in maturing the Department's management and oversight functions, but there is more to do.

As part of this agenda we are tackling our budget structure and process. DHS currently has 76 appropriations and over 120 projects, programs or activities, and there are significant structural inconsistencies across components, making mission based budget planning and budget execution analysis difficult. We are making changes to our budget process to better focus our efforts on a mission and cross-component view. I, along with the Deputy Secretary, am personally engaged to provide the necessary leadership and direction to this process. I look forward to further discussing these ideas and strategies with this subcommittee as we develop ways to refine our planning process and appropriation account structure in order to improve how the Department resources its missions.

As part of a management reform agenda, I am also doing a top to bottom review our of acquisition governance process—from how we develop our strategies, to the development of our requirements, to how we sustain our platforms, equipment and people and everything in between. Part of this will include the thoughtful, but necessary, consolidation of functions to provide the Department with the proper oversight, management and responsibilities to carry out this task. This will allow DHS to more fully ensure the solutions we pursue are responsive to our strategy, technologically mature, and cost-effective. I look forward to sharing our ideas and strategies with this subcommittee as we move forward in this area.

In closing, the Department's fiscal year 2015 budget request recognizes our current fiscal realities and works within them. It is a responsible plan that will strengthen our Nation's security while allowing the Department to continue to achieve its core objectives. I thank the Committee for inviting me to appear today. In the pursuit of our important mission, I pledge to this Committee my total dedication and all the energy I possess. I look forward to working with you to meet our shared priorities.

Senator LANDRIEU. Thank you, Mr. Secretary, very much. There have been two votes called at 2:30 p.m. I am going to start the line of questioning, and then I will go vote. Senator Coats will continue. We will try to keep the hearing moving through the voting process if we can.

Secretary JOHNSON. I can stay past 4 p.m. if you need me to.

#### NATIONAL FLOOD INSURANCE

Senator LANDRIEU. Yes, that is okay. We are going to try to do our work before 4 p.m.

Let me begin where I started, national flood insurance. And I hate to sound like a broken record, but I have got 400,000 people in Louisiana, 500 million across the country affected by this. This budget was put together before, Mr. Secretary, as you know our new bill had passed. So the budget that we are looking at now was built on an old law, which hopefully will be old in just a few weeks when the President signs a new one.

It was built on Biggert-Waters, which is happily going out, and a new bill coming in. The new bill requires limiting annual individual premium increases, putting affordability back in the formula, issuing refunds to people that were overcharged in the last year, and, as I said, reinstating affordability.

You know that only 60 percent of the people in our country that should be compliant with flood insurance are currently compliant, which is one of the problems with the program, limiting the premiums being paid into the program. So I have questions. Do you

agree that increasing program participation is critical to the long-term solvency of this overall program? What efforts do you plan to take to accomplish that objective?

Secretary JOHNSON. Yes, I agree with that basic principle. The more participants you have in an insurance program, the healthier the program ought to be. That depends in part on the nature of who the participants are, but an overall goal ought to be to broaden the base of those who participate in the program.

I think the overriding objective has to be, whether it is through Biggert-Waters or some other law that the Congress may pass, to ensure that we have a solvent program for the benefit of everyone who needs it or who might need it. So solvency has got to be the key. That was an objective of Biggert-Waters, but there are issues with affordability and I understand that.

I think one of the things that I can do on the executive branch side is to ensure that communities understand that when they have issues with the maps, there is a process, under current law at least, that they raise objections and that they work with FEMA on any issues they have with resolving the maps. There is a public process, and there is an appeal process to that.

I have had conversations with several Governors in which I thought it was not apparent to them that there was this built-in process to raise issues like this. And so, I want to make sure that we are highlighting that. But I support the overall goal of a solvent program that does not raise all kinds of affordability issues for people who need it.

#### COAST GUARD FLEET

Senator LANDRIEU. Well, I appreciate that because if people cannot afford to be in the program, then you will not have a program, and the debt will increase, and the program will collapse. So the issues of solvency and affordability are two equally important goals, and that is what our new law attempts to secure.

On the Coast Guard, your testimony notes the importance of pursuing important missions, such as recapitalizing the aging Coast Guard fleet. That is a high priority of several of us on this Committee, and thank you for mentioning that in our meetings that we have had.

Can you talk about your efforts to modernize the fleet, specifically the fast response cutters and others, and what your impressions are of our efforts to be successful in that regard? This budget includes only two. Ideally we need six. Please respond.

Secretary JOHNSON. I am convinced that there is a need for all three classes of ships—the national security cutter (NSC), the off-shore patrol cutter (OPC), and the fast response cutter (FRC). I know that the Coast Guard fleet is supposedly the most aged fleet of any navy in the world. We need to recapitalize, so I support the overall goal of recapitalization.

I am pleased that in this budget request, we have made a request to fund the last NSC. We have a funding request to continue production down the line toward production of the OPC. And we had to make some choices, but we wanted to also maintain each line of recapitalization effort. So in our request is a request for two additional FRCs. In different times, I would have preferred that we



had asked for more, but I thought it was important that we maintain that assembly line; we maintain that flow. So we have asked for two to keep each of these lines open.

CYBERSECURITY: EDUCATION

Senator LANDRIEU. We will continue to work. And my final question is on the cybersecurity education. I was really happy to hear you say that that is a concern of yours because it is a concern of mine, that the threats are obviously real and growing, and the numbers are being calculated each day. But the kinds of graduates that we see from our high schools, our technical schools, are they producing what we need to address these cyber threats? Could you comment about some of your ideas and thoughts about that? And as we have discussed, we have got a fairly robust model in Shreveport, Louisiana, actually in Bossier, a cyber innovation center. I have been pleased to have the former Secretary there who was very impressed with our cyber education component that can be scalable and moved to other areas of the country as well. Would you just take a minute to comment on your understanding of the challenge before our Nation in terms of educating the workforce in cyber defense and offense?

Secretary JOHNSON. In addition to the basic missions of securing the dot.gov world and the private cyber world, I think that a key to all of that is recruitment of the next generation of cyber specialists. And so I am personally on a recruitment tour. I have visited various colleges and universities so far to talk about this issue, to try to recruit young talent who will not only consider cybersecurity in the private sector, but also cybersecurity serving their country.

So I am on that personal mission, and I believe cyber education and recruitment of those in cyber education is crucial. It is a high priority of mine. And one way or another, I think we need to fund these programs. And I want to work with the Committee to ensure that we do that. Senator, you and I have had conversations about some of the cyber talent that exists in your State, and I definitely want to tap into that.

Senator LANDRIEU. Thank you, and believe me, there is talent all over the country outside of what we call the blast zone, which is the zone that we are sitting in.

I am going to turn it over to Senator Coats, but please note, members, that there has been an \$8 million reduction of cyber education in this budget, and I think it is very important for our budget to maintain a commitment, along with education and defense, on meeting the challenge today and working cooperatively with those other departments.

So I am going to turn it over to Senator Coats. I am going to go vote and then come back, and we will try to continue the hearing.

Senator LEAHY. And then after Senator Coats finishes, I will ask my question.

Senator LANDRIEU. Senator Leahy, okay.

Senator LEAHY. We still have time.

Senator LANDRIEU. Yes.

Secretary JOHNSON. That is fine. If you need to break, that is fine.

Senator COATS. Well, we can kind of juggle back and forth.

Senator LANDRIEU. Senator Leahy can chair.

Senator COATS [presiding]. The chairman will go and vote, and then I will go and vote. And I will try to be brief also, Mr. Secretary.

Since we ended on cyber, let me start on cyber. There is no question that DHS plays a seminal role in cybersecurity, and you are responsible for protecting the dot.gov domain, which is critical, I think, in many, many different ways. But despite the nature of the threat and the elevation of the threat, in fiscal year 2014 when it was clear that DHS could not spend all of the funds that were requested, Congress reduced the level of funding.

Would you comment on that and tell me where are we in terms of getting cybersecurity capabilities in place? Are they up and running, are they effective? If we need more, if you need more, tell us what is needed. Clearly it is a top priority, and we ought to make sure that it is adequately funded. There have been a number of question marks about whether DHS can handle this mission. I think you can. But what do you need in order to do it?

Secretary JOHNSON. We made a funding request for \$377 million for the EINSTEIN system to protect the dot.gov world. I am told that we expect to deploy that system very soon—

Senator COATS. What does “very soon” mean?

Secretary JOHNSON. Perhaps within the next year or so, I believe.

Senator COATS. Okay.

Secretary JOHNSON. So we are close to being ready with that. I, too, believe that DHS should be the coordinator of the Federal Government’s efforts in this regard, both with respect to the civilian government world and the private sector. I think DHS is the appropriate interface with the dot.com world in this regard. But we made a significant funding request so we can get EINSTEIN up and ready, and I hope to do that soon, certainly on my watch.

#### IMMIGRATION REFORM

Senator COATS. And I would just urge you—I think you are very effective in reaching out to private industry, and I would urge you to work with them. Information sharing is critical to cybersecurity. It must be done in a way that protects privacy while providing security for our Nation. We are going to make another attempt at legislation this year. I serve on the Intelligence Committee and the Commerce Committee, and both Committees feel the urgency of the need to get some legislation in place.

So I simply want to say we want to work with you. You will play an essential role in all of this. But we have to assure members and the public that the role you are playing is going to be an effective one. So I want you to keep that high on your list of priorities for the Department.

Let me just address the issue of the proposed passenger security fee increases. My suggestion is that we start working together to find a potential plan B. I am not saying that you ought to give up on the budget proposal. What I am saying is that having just gone through fee changes in the agreed-upon budget, the Ryan-Murray budget agreement, I cannot find a lot of political support for another fee increase. And I’m not pushing for any such support. So, it is likely we will not see more fee changes this year.

That creates a hole in the budget, and I think we need to start looking at where we can try to fill that hole. I am not asking you for an answer on that now, but that is something we need to work on.

I would like you to talk to me a little bit about the reduced funding for detention beds. We talked about border security and the situation in the Rio Grande Valley. If we are going to move forward on immigration reform, the public has to understand and the Congress has to understand the basis on which we have secured the border. And without that preceding comprehensive immigration reform, I do not think we are going to be successful moving forward. At least that is what I hear from the House of Representatives.

So my question is, with the decrease in funding for detention beds and with the surge that is coming across, particularly in the Rio Grande Valley, does that not potentially jeopardize our ability to arrest, detain and remove illegal immigrants?

Secretary JOHNSON. I think comprehensive immigration reform is critical as a matter of Homeland Security. Others talk about it in terms of economic growth. I agree with that. But from my perspective, as a matter of homeland security, it is critical that we have comprehensive immigration reform.

A component of that is border security. I believe that we can secure the borders in a number of ways, including detention space. You are correct that the current law for fiscal year 2014 requires us to maintain 34,000 beds—an average of 34,000 beds in the course of the fiscal year. Our best estimate is that and our best assessment is that we need space for 30.6 thousand, coupled with other things to promote border security.

We are putting an unprecedented level of assets on border security, and I think we are making good progress. And we are also asking for \$94 million for a program for alternatives to detention. So those are a number of ways in which I think we need to secure the border.

Senator COATS. Thank you. And now onto someone who has had a lot of experience chairing a committee, Senator Leahy. I am going to turn it over to you, Senator. I am going to run to the floor for the vote. Hopefully Mary will be back, but take charge. You know how to do it.

#### BORDER PATROL AGENT STAFFING

Senator LEAHY [presiding]. I am going to ask and run also, but, Secretary Johnson, I have enjoyed the times we have met and talked, including today when you talked about Barry Goldwater. In 1980, I had the second closest election in the United States. Back home right after, somebody said, “Did that election teach you nothing, the closeness?” And I said, “It must be my philosophy.” So I said I am going to call the Senator who had the closest election in the United States. So I called him up and I said, “Senator Goldwater, what is the lesson they are telling us?” After that, he asked the retiring Senator from New England, Senator Ribicoff, he said we have to change—I am moving into Senator Ribicoff’s office, you move into mine. I have been there since 1980. Senator Goldwater, he was a good friend. I can just imagine him making that comment.

You were very helpful and the Department of Homeland Security and FEMA were very helpful when we got hit with Tropical Storm Irene. And I appreciate that. I spent a lot of time with them. We have some things to be completed yet, so please tell FEMA do not forget the little State of Vermont. They have done a wonderful job, and we still have things to get done.

The other thing, Senator Coats and you talked about border staffing. Usually when we talk about our border, everybody thinks of the southern border, and when we add more people, they go to the southern border. Canada is our biggest trading partner. It's a very long border. I can drive to the Canadian border in an hour from my home in Vermont. My wife's family came from Canada, used to going back and forth. It has become far more difficult.

We included funds in the omnibus for hiring 2,000 new agents, and that is good. But we also have agents retiring. I am afraid they will all go to the southern border, and the problem we have now, even though they are our biggest trading partner, we have huge delays. People are just used to going back and forth easily on that border, even so much so that radio stations in Montreal are telling people do not go down and spend in the United States. Here is how long the border crossing is as of this moment.

They are expanding their Auto Route 35, the U.S. border in Vermont. A lot of these travelers come to upstate New York, to Vermont, New Hampshire, Boston. Can you assure me that as you fill these positions, attention will be given to the northern border?

Secretary JOHNSON. Yes, Senator, absolutely.

#### CYBERSECURITY: COLLABORATIVE EFFORT

Senator LEAHY. It has become really worrisome, and I know a lot of these people—businesspeople in Vermont and others, and people who are tourists, members of my own family, who suddenly will sit there for 2 hours to go across the border, but they are going up for just 2 hours or 3 hours.

Cybersecurity I think is very important. You submitted budget justification materials for \$1.25 billion for cybersecurity. Will you work with private institutions and public agencies and try to bring everybody together so that we do not end up with a situation where all of a sudden the day after a cyberattack, everybody is coming together?

Secretary JOHNSON. I agree with that. The request is for funding across the entirety of DHS, which includes, for example, Secret Service's law enforcement efforts. Secret Service is responsible for finance crimes, including the current investigations of the Target matter and the Neiman Marcus matter. So the request is significant, and I believe it should be, for purposes of cybersecurity.

#### NORTHERN BORDER

Senator, if I could just go back to your other comment about the northern border, I have had conversations with a number of Members of Congress about the importance and the emphasis on the northern border both in terms of trade and travel and border security. I have had conversations with the Canadians about this, too. I think a big milestone for us was what we did at the Peace Bridge in Buffalo a couple of weeks ago.

So I can assure you that when we make these allocations, we are paying attention to the northern border as well as the southern border.

IMMIGRATION: EMPLOYMENT CREATION IMMIGRATION VISA PROGRAM

Senator LEAHY. I will invite you to come to Vermont with me some time, not today. We are having about 20 inches of snow, and it is so bad that some of the schools will open an hour late tomorrow with that kind of snow. Some may not open, which would be unusual.

And lastly, the EB-5 program has been extremely helpful to us. We used to adjudicate applications within 6 months. It is now taking 12 to 14 months, which really cripples the program. I do not expect a full answer here, but will you look into that and find out why they have gone from 6 months to as much as 14 months to adjudicate applications?

Secretary JOHNSON. Yes, and I have already begun looking into that.

Senator LEAHY. I am sure. Thank you, and remember that invite to Vermont at some time.

Secretary JOHNSON. Thank you.

Senator LEAHY. And we will stand in recess subject to the call of the chair.

[Whereupon, at 2:46 p.m., the hearing was recessed, subject to the call of the chair.]

Senator LANDRIEU [presiding]. The subcommittee will come to order. Let me continue with the line of questioning, and members will be coming back as the votes continue on the floor of the Senate. I know that Senator Coats had his questions asked and answered. Senator Leahy, he brought up another important program, the EB-5, which is under evaluation and restructuring. Very promising program, as you know, to create jobs and spur investment here if it can be worked and improved.

Before I go into my question, could you do another 2 minutes—I can read the testimony, but 2 minutes on the EB-5 program and what you are doing to make it work effectively, transparently, and what are your hopes for, let us say, the next 18 months in terms of job creation in America?

Secretary JOHNSON. Well, we have a review ongoing of the EB-5 program that several people have asked me to do. And I agree that it is an important, worthwhile program for job creation in this country. At the same time, we have to be mindful of any security concerns that may exist around the program, which often can lead to delays in the application process.

So I think that we can always do a better job in terms of efficiency and security, and I want to look for ways to accomplish that. And so, I am waiting to hear from my people about how we might do a better job around the EB-5 program because I believe that overall, it is a very worthwhile program.

GRANTS: MITIGATION GRANTS

Senator LANDRIEU. Okay. Mr. Secretary, I noted in the President's budget the \$400 million in Pre-Disaster Mitigation Grants was included not as a part of the base budget because of restric-

tions, but as part of the aspirational budget, as I should say, should we be able to identify revenues.

Can you talk for a minute about your views or understanding of what these mitigation grants might be used for and how they would be distributed? Is it based on need or competitive proposals? Do you have any detailed information? If you do not, you could submit it. But any general ideas about how these mitigation grants might be used around the country and for what purposes?

Secretary JOHNSON. I would like to give you an informed, detailed answer. So if I could take that question for the record, I would very much appreciate doing that.

[The information follows:]

*Answer.* Enactment of the Opportunity, Growth, and Security Initiative (OGSI) would provide \$400 million for this program. Funding would support competitive grants to State, local and tribal governments through the Pre-Disaster Mitigation program. This program provides grants for eligible mitigation planning and projects that reduce disaster losses and protect life and property from future disaster damages. This includes support for adaptation planning and pilot projects for cities and communities through hazard mitigation assistance, building on administration efforts to implement the National Mitigation Framework. Furthermore OGSI provides cost-effective project grants to reduce flood losses, structure elevation, retro-fitting of existing buildings, soil stabilization; and management costs for the State to help administer mitigation programs.

Projects that propose mitigation to address climate change weather extremes such as winter storm severity; landslides; flooding; earthquake; tsunami; and drought, for example, will receive additional consideration.

Each State will receive a minimum allocation of 1 percent of total funds available. FEMA will allocate the remaining funds to States, territories and tribal governments on a competitive basis.

#### CYBERSECURITY: EINSTEIN PROGRAM

Secretary JOHNSON. If I could, and I will not take too much of your time on this, Senator, but I did want to clarify something I said earlier about the EINSTEIN program. We are right now at phase three. The program is operational in certain limited respects. We expect to complete phase three, which is the last phase, within the next year. But it is operational with respect to email and denial of services right now, and so, we are getting to the last phase. So I just wanted to clarify that. Sorry.

#### BORDER SECURITY

Senator LANDRIEU. Okay. Thank you. Let us go to illegal border crossings, which is a very important issue before our Committee and the authorizing committee as well. Members that represent States along the southern border tend to be more concerned and focused than others, but it is an issue for the Congress.

I think we have done some extraordinary work in the last couple of years securing our border, building a smarter fence, not just a higher fence, but a smarter fence. We have been apprehending—in the past at least, apprehensions have been up. But I understand that there has been a recent change—in apprehensions.

And I would like you to talk about that and explain to the Committee the ages of people that are being apprehended. Are they adults? Are they teenagers? Are they children? I understand undocumented children or unescorted children are an increasing concern to you and to your Department. The Rio Grande Valley sector has now surpassed the Tucson sector as the busiest crossing on the

Southwest border. Forty-four percent of all undocumented aliens are apprehended along this border entering through the valley. Over the past 6 months, they have grown by 72 percent compared to the same time in 2013, and again, one of the increases that is troubling is unaccompanied children.

So what we can attribute this increase in illegal border crossings to? It is good that they are being apprehended, but what are your thoughts on that? And what can we do to get a handle on it? What are some of the suggestions you have, and what is represented in this budget to address it?

Secretary JOHNSON. That is a very good and big question. Where do I start? I want to say all of the above. Border security is something that can be very fluid because there are different magnets that operate at different points of time in different regions of the border. It is a constantly evolving situation.

So right now, for example, we are seeing—we have an overall decrease in the number of apprehensions, which I regard as a good thing as reflective of overall attempts to cross the border illegally. But we have seen a recent backup again just within the last year or two of some small measure, but overall we have seen a decrease in the level of apprehensions. The spike upward some would attribute to an improving economy in the United States.

The phenomenon that I noticed that was called to my attention very vividly when I was in south Texas not long ago was the number of third country nationals who were attempting to cross our borders in south Texas from places other than Mexico. So the day I visited the detention center in Brownsville, we had 995 detainees—you and I have discussed this, Senator—and only 18 percent of those were Mexican. And there were some from 30 other nationalities there.

Senator LANDRIEU. What would be the three or four other countries that were most notable? I think you said Guatemala?

Secretary JOHNSON. Guatemala is one, but it is not at all limited to the American continent. It is nationals from the other continents as well who are coming to the American continent, working their way up through Mexico, trying to get into our border. So this is an issue that I am working with the Mexican Government on.

And the good news here is that we have devoted a lot of resources to the overall effort, an unprecedented level. Overall I think we are making good progress, but we have to remain vigilant. And we have an issue with third country nationals, as you point out. We have an issue with unaccompanied minors. By law, when we have an unaccompanied minor, we are obligated to turn that child over to the Department of Health and Human Services (HHS) to reunite with his or her family, either in the country of origin or some family unit in the United States. We try to accomplish that as quickly as possible.

I am concerned about aspects of the system that may serve as magnets for additional immigration—illegal immigration, and so we have to be mindful of that. But overall, we have to remain vigilant and monitor the challenges as they may migrate from one part of the border to the other.

And so, this budget request I think accomplishes that with new personnel and with about \$100 million, maybe \$90 million for in-

creased mobile and remote surveillance on the border. I think that is very important. And our border security specialists have told me that added surveillance equipment, in particular, is important.

Senator LANDRIEU. Thank you. I think this is shocking actually—70 percent of all Southwest border apprehensions are apprehensions other than Mexican.

So the vast majority are not Mexicans that are being apprehended. They are people from all other countries.

I noticed on the list, which I do not have in front of me, but it was over 30 or 40 additional countries. And you are right, it is not focused just on the Americas. It was from other countries and continents as well. In addition, the increase in unaccompanied alien children, that would be defined as children under the age of 17 or 16, or do we know what the cut off is? Does anybody know?

Secretary JOHNSON. I am not sure whether it is 17 or 18 or 16.

Senator LANDRIEU. Or 18?

Secretary JOHNSON. I can get that for the record for you.

[The information follows:]

*Answer.* The Homeland Security Act of 2002 first defined the term unaccompanied alien child as a child under the age of 18 years with no lawful immigration status who has no parent or legal guardian in the United States or no parent or legal guardian is available in the United States to provide care and physical custody.

Senator LANDRIEU. Okay. Let us be clear about the ages. And can you talk about children under the age of, let us say, 10, what you noticed when you went on your trips down there? Were there dozens, hundreds of children under the age of 10 that would be unaccompanied?

Secretary JOHNSON. I have not personally observed that phenomenon on my trips to the border. I know it is a phenomenon of great concern. It should be of national concern to us. And so, I want to really work on this problem with HHS to make sure that when it happens, we unite the child with a family member as quickly as possible, and that there is nothing in our process that may serve to encourage this type of migration because it is obviously not a good phenomenon.

Senator LANDRIEU. And I think it is important for the record that 65 percent of all the border juvenile apprehensions, with 65 percent is almost—well, it is 18,500. So I am assuming that is between the ages of zero and 16 or zero and 17. We put language in our budget last year on this subject because this issue came up. We have not had a major piece of legislation regarding it. I think there might have been some pieces of the immigration reform that passed the Senate addressing this.

But in our appropriations bill last year, we put in language requiring you to work with HHS on this issue because, you know, that is 19,000, 20,000 very young people. I think when people think of illegals crossing the border, they are thinking of 20-, 30-, 40-year-olds. But there are 19,000 that are under the age of 16, many of them unaccompanied. And we know what happens when children are not in the protection of the family. Horrible things happen. So let us stay focused on that.

I have got to go vote and come back. I have got two additional questions, but I am going to turn the questioning now over to Sen-



ator Coats. And I will come back, and I just have a few more questions for the record. Thank you, Mr. Secretary.

Senator COATS. Well, Madam Chairman, thank you. It just occurs to me, the Secretary and I can come to some conclusions here and wrap this baby up. But I will not do that.

Senator LANDRIEU. Okay.

Senator COATS. I promise you.

Senator LANDRIEU. I could ask my two questions.

Senator COATS. Yes, you can.

Secretary JOHNSON. Senator, really I can be flexible. So if you need to break for another vote, that is totally fine. It is at your convenience.

Senator COATS [continuing]. Madam Chairman, you can probably ask your questions, because they are going to hold the vote open for you.

Senator LANDRIEU. Okay. Well, why do we not take a recess for just a few minutes and vote, and I will have a few when I come back? Thank you, and if you want to continue you can.

Senator COATS [presiding]. Okay. We will make keep the hearing going. Well, I do not, Mr. Secretary, know exactly what you talked about while I was away. My staff has indicated that you discussed the tragic and complex issue of unaccompanied minors. And so, I will get back briefed on that discussion.

But talk a little bit about your border security strategy and how you fight this sort of Whack-a-Mole problem that happens when you secure the border in California or deal with issues in Arizona, and they find an opening in the Rio Grande Valley. How do you attempt to address this so that we put in place the security we need across the Southwest border?

Secretary JOHNSON. That is a good question. And I think the key is—you are correct. If you plug a hole one place, somebody is going to dig a hole in another place. I think the key is to stay one step ahead of the problem. Our budget includes about \$90 million for remote and mobile surveillance equipment on boats that patrol the border and the Rio Grande and other types of mobile surveillance equipment, in addition to personnel. That aligns with what patrol border agents have told me when I visited the border. And I asked them what do you need, and they talk in terms of more surveillance equipment.

So I think that surveillance is a very important way of staying one step ahead of the trends that may emerge each time you concentrate a lot of assets in any one particular place. My predecessor used to say, build a 50-foot wall, and I will build a 51-foot ladder or a tunnel. So I think we need to stay one step ahead of the issue, and I think technology goes a long way in that regard.

Senator COATS. As you know, there was a run made at that putting a “virtual” border in place with sensors and so forth, and it did not turn as effectively as people had hoped. Now we are making a second attempt. What kind of confidence do you have that that technology has now arrived and can give us the kind of border security and situational awareness that we need?

Secretary JOHNSON. I think our technology is pretty good, and we need to make further investments in it. I know from my experience

at the Department of Defense (DOD) that technology in this regard is pretty sophisticated. It exists, and we just need to invest in it.

Senator COATS. I think it is a great asset for us that you have experience with the military and with DOD. That you know who to talk to, and how to track down what works and what would be most suitable. I think that experience is going to be very valuable for DHS. Senator Cochran, have you had an opportunity to ask questions?

Senator COCHRAN. No, I have not.

Senator COATS. Well, I am going to give you that right now.

Secretary JOHNSON. Senator, the United States military for 4 years was my client. The military is a very can-do organization, and I hope I have brought some of that with me to the Department.

Senator COATS. Good. Thank you.

#### DATA CENTER CONSOLIDATION

Senator COCHRAN. Let me ask you this. Mr. Secretary, your Department has led the Federal Government in finding cost savings through the consolidation of data centers. This activity is already resulting in millions of dollars in annual savings, with even greater savings predicted for the future. How critical do you believe data center consolidation is to the Department's ability to operate effectively and efficiently? And how much can it save the taxpayers?

Secretary JOHNSON. I think consolidation of data centers and other resources we have to achieve efficiencies is important. It is important. It is one of my goals. I know we are working on data center consolidation right now. I believe we have funding adequate to complete the projects that we have in this regard. And I would like to see us do more of this kind of work for the benefit of the taxpayer.

#### NATIONAL SECURITY CUTTER: FUNDING

Senator COCHRAN. I noticed, too, in the budget request submitted by the Department there is included a request for full funding to construct a seventh national security cutter—

Secretary JOHNSON. Yes.

Senator COCHRAN [continuing]. And to begin the procurement of parts of the eighth national security cutter. With increasing concerns about border security and protection of our natural resources, the maritime domain's strategic importance continues to grow. How have the current national security cutters improved your capabilities to accomplish the missions?

Secretary JOHNSON. We have an aging fleet. As I said earlier, I am told that the current Coast Guard fleet is the most aged fleet of any navy in the world. I tend to believe that is true when you look at the age of a lot of our vessels.

I have had several conversations with the commandant of the Coast Guard about how a more modern fleet can promote maritime security, national security, and border security, and I am convinced that that is correct. I am convinced that a more modern fleet can also promote commerce, and it is something that we need to remain committed to doing.

We exist in a fiscally constrained environment, but I am determined to continue forward progress on Coast Guard recapitalization in every respect that we can.

#### CYBERSECURITY: RESEARCH

Senator COCHRAN. Mr. Secretary, recent cyberattacks have highlighted vulnerabilities in our critical infrastructure and in private companies as well. I think we all recognize the important role that cybersecurity research and development plays in keeping head of our adversaries in order to protect our national computer systems and critical infrastructure.

Because the Department is still a relatively young one and you do not have a robust laboratory network, how important is it for you to leverage other departments' laboratories and existing university capabilities to complete important research in cybersecurity?

Secretary JOHNSON. I am also interested in leveraging the assets, know-how, and experience of other agencies, and I would like to try to accomplish that. I would note also that in our budget request, there is within Science and Technology Directorate a request for an investment of \$72 million in cyber research by the Department of Homeland Security. And I do think that that is a priority.

But I agree if we can leverage experience, assets from other departments, like the Department of Defense, we should try to do that.

Senator COCHRAN. Mr. Chairman, thank you.

Senator COATS. Thank you.

Senator Murkowski.

#### ARCTIC OPERATIONS

Senator MURKOWSKI. Thank you, Mr. Chairman. Secretary, welcome. Thank you for your leadership in so many different areas. I will start off my questions to you by inviting you to Alaska. You do not need to come right now. It is still winter there, but it is actually going to be a little bit colder here in Washington, DC, than it will be back home. So any time you want to come north, it is going to be safe, and we will welcome you warmly.

I want to ask you the same question that I will be asking all of the secretaries throughout the appropriations hearings, and that is to define or clarify from your Department's perspective where this Administration is placing its budget priorities when it comes to the Arctic.

You will recall that the President released the implementation plan for the national strategy for the Arctic region in January. This plan lists the Department of Homeland Security as the lead agency for seven different objectives here, and the supporting agency for a host of others.

As I look through the budget, I see that there is \$2.1 million for Arctic operations. Of course, we are going to be stepping up next year as the United States will be chair of the Arctic Council, a leadership role that really the rest of the Arctic world and truly the globe is looking at our leadership.

Very briefly, if you can define for me what level of emphasis are you placing on the Arctic objectives, and how do you anticipate that

you will implement this Arctic plan in the next several years—and specifically in the next fiscal year.

Secretary JOHNSON. First of all, I have no trepidations about Alaska cold weather. I was in Dead Horse, Alaska exactly 3 years ago—

Senator MURKOWSKI. You are a tough one, I know.

Secretary JOHNSON [continuing]. To get on a submarine going to the ice in the Arctic. That was exactly 3 years ago in March, and I have been to Barrow, Alaska, in December—in the month of December. So I know cold.

I believe, first and foremost, that our priorities in the Arctic surround increasing commerce there. I think that people might debate the cause, but as the Coast Guard has observed less freezing over of the Arctic, more open water, that leads to more commerce. Therefore, we need an increased Coast Guard presence in the Arctic, which is why—it is one of the reasons why I think recapitalization of the Coast Guard is so important.

So that, to me, is first and foremost in my mind in terms of the importance of the Arctic region and the emphasis we ought to place in investments there.

#### NATIONAL SECURITY CUTTER: HOME PORTING

Senator MURKOWSKI. Well, I appreciate you saying that, and I appreciate your response to several different members on the significance of the recapitalization. I could not agree with you more. I also acknowledge, as I am sure that you do, the role the Coast Guard is taking on increased priority and presence as we are seeing different levels of operations in the Arctic, whether it is cruise ships coming up over the top, or whether it is container vessels through the Bering Strait. The level of activity that we are seeing there is unprecedented, and how we handle that is going to be key going forward.

We mentioned that one of the aspects of Customs and Border Patrol that perhaps many folks are not thinking about is you have some wide open border along the coast of Alaska where you might have German tourists that are disembarking off of a cruise ship coming into Barrow. How we handle that going forward is going to be something of interest. And I just want to make sure that it truly is on your radar screen.

You have mentioned the national security cutters. I would agree with you on their significance and that they are a priority. I have asked for the Coast Guard to look very, very critically at home porting a national security cutter in Kodiak. Currently, the closest home port for the national security cutter is based out of Alameda, California. I am told that it takes 24 days to get a national security cutter from Alameda up to the Chukchi Beaufort sea area. That is a long way to be underway when we have an incident that would require that type of vessel up there.

So I would ask if you would consider taking another look at the Coast Guard's home porting strategy and locating a national security cutter there in Kodiak, really closer to where we are seeing such a greater degree of activity.

Secretary JOHNSON. We could look at that, yes.

## ICEBREAKERS

Senator MURKOWSKI. I would appreciate that. And then because probably none of my colleagues are going to be asking about polar ice breakers, as you know, the Coast Guard high latitude study back in 2011 identified a need for three heavy and three medium ice breakers. Currently we have got one heavy icebreaker in the water. We have one medium strength icebreaker, the Healy, and then of course we have one heavy icebreaker that is currently out of service.

This is an issue that as we deal—as we prepare for an increasing role in the Arctic, quite honestly you have to have a way to move through the ice. The question to you is three-fold. How many heavy ice breakers do you think we need to keep us safe and protect U.S. Arctic interests, whether or not the Coast Guard has plans for additional ice breaking capability as we advance the Arctic strategy, and whether or not there are plans—further plans to recapitalize and repurpose the *Polar Sea*, which is currently up in dry dock right now.

Secretary JOHNSON. Let me try to answer the question this way. The *Polar Star* is quite old.

Senator MURKOWSKI. Yes.

Secretary JOHNSON. We need to replace it. We have a long-term acquisition plan to do that, which the cost of that will be considerable because, as you know, heavy ice breakers are big ships, and they tend to be very expensive. But we recognize the need to replace the *Polar Star*. The *Polar Sea* is not quite as old, and as you point out, it is dry docked right now. We have not made a decision yet as to what its future will be. There have been no decisions at that point.

But overall, I do recognize the importance of having heavy ice breakers, not just for maritime security, but to keep the flow of commerce open in the Arctic and other places. That is the principal reason we have them, and the ones we have are pretty effective at doing that. So I am not familiar with the particular assessment that we need three. I am happy to look at it. But it is something that I have paid close attention to in listening to the Coast Guard about what their needs are.

Senator MURKOWSKI. Well, I appreciate that, Mr. Secretary. I look forward to working with you on many of these Arctic issues. I think this is an area, again, where in many senses this is a new frontier out here. We are asking more of the Coast Guard, and yet we are not giving them sufficient assets to do what we are asking of them. And so, how we stay on top of this is going to be key, and I look forward to working with you on that.

Thank you, Mr. Chairman.

Senator COATS. Good. Senator Moran, Senator Coons has graciously offered to let you go first since—we go back and forth normally, but he has always been a gentleman and continues to be. He saw that you were here first and said my friend Jerry ought to go.

Senator MORAN. The trouble with that scenario is that now it makes me feel guilty.

Senator COATS. Good. You owe him one.

## NATIONAL BIO- AND AGRO-DEFENSE FACILITY

Senator MORAN. That also makes me nervous. Mr. Chairman, thank you very much. Senator Coats, thank you very much for the opportunity to question. I am actually going to take advantage of the offer that you have given me. Secretary Shinseki is testifying in the Veterans Committee Appropriations Subcommittee as well at this time, and I am anxious to hear and question him as well.

Mr. Secretary, thank you very much. It has been a pleasure to get to know you. I appreciate the outreach that you have provided to me and my office, and how kind and accommodating you and your staff have been to us.

Kansans and really the country have a significant issue that the Department of Homeland Security has been fully engaged in, and we are very grateful for that. Thank you for your continued support for a facility called the National Bio and Agro-Defense Facility (NBAF), and we appreciate the President's budget recommendation of an additional \$300 million with the plan of completing the construction of that project as a result of this hopefully final appropriation.

Let me just ask the general question because this is the first time at least on the record that you have been able to express your opinion about the value of this facility, what it means to the safety and security of our animal industry, our husbandry, as well as the food supply, why it is important in regard to any potential terrorist or accidental threat to the United States.

Secretary JOHNSON. Senator, as you and I have discussed privately, I am fully committed to the NBAF project. I am convinced of the need for a new facility in this regard, in part because of the capabilities or better research, more aggressive research that a brand new facility like this one would create for us.

And so, we have made a considerable ask of \$300 million to complete this facility. I am fully committed to doing that. And I very much appreciate that the State will contribute to the support and the funding of this as well, which is evidence obviously of the importance of the mission. So I am fully committed to the mission, and I want to see it get done.

Senator MORAN. I appreciate that, and I particularly appreciate it in respect to your experience and background as someone who has for a long time been involved in trying to protect the United States from a variety of threats. So thank you for your expert as well as your testimony as the Secretary.

Secretary JOHNSON. Thank you.

Senator MORAN. Let me ask the significant question of the moment. We have appropriated significant amounts of money in the past in Congress based upon, and the President has approved, a number of appropriations—last year \$404 million; previous to that \$202 million. Now, there is a request for \$300 million. And as you indicate, the State of Kansas has made a significant commitment to this project, initially \$105 million, and then followed by an additional \$202 million based upon the Department of Homeland Security's request that we increase our commitment—the State of Kansas increases its commitment as a result of the cost going up.

And it is that cost going up issue that I want to raise with you, as well as the—based upon your indication of how important this facility is. If it is important to accomplish the goals that NBAF will accomplish, my assumption is it is important to accomplish them sooner rather than later, as early as possible. As that facility is operational, the safer and more secure our country will be. Is that accurate?

Secretary JOHNSON. My experience in the Department of Defense and the Department of the Air Force, and of the Department of Homeland Security is that the longer a project takes, the more expensive it tends to become. The quicker you can complete the project, the more efficient the cost. And so, if there are ways to finish this project with funding Congress has given us sooner, I think that would be a good thing.

Senator MORAN. Well, Mr. Secretary, what I would like to ask you to agree to do is to work with perhaps it is Office of Management and Budget (OMB), the Administration, the as well as your folks at the Department of Homeland Security. We are happy to participate in that process.

What we would like to see happen is the opportunity for a contract for construction to begin based upon the amount of money already appropriated, which is that \$202 plus \$404. So there's \$606 million Congress has already appropriated, plus Kansas is prepared to release its additional \$307 million. And I think what is missing today is an ability or willingness on the part of the Department of Homeland Security to secure bids and enter into the contract.

And what I am hoping that you would agree to do is to work with us to see that we do not have to prolong that process while we accomplish the additional \$300 million appropriation that the President has requested.

Secretary JOHNSON. If it is something that will save the Federal and State taxpayer money to accomplish the same mission, then I definitely think we should look into that.

Senator MORAN. And based upon your experience, you just testified that—I do not know that you said never, but I would guess there has never been an experience in which delaying actually saves money. So based upon your previous comment, I assume that you are—

Secretary JOHNSON. I cannot think of one.

Senator MORAN. I cannot either. And we look forward to trying to accomplish that. If we can have a conversation about how to resolve this and move forward between you and OMB, let us see if we can accomplish that we mutually share.

Secretary JOHNSON. I am going to look into that.

Senator MORAN. Thank you very much.

Senator LANDRIEU [presiding]. Thank you. I believe Senator Coons is next, and I thank the members for being so cooperative on attending in between votes.

Senator Coons.

#### IMMIGRATION: ALTERNATIVES TO DETENTION

Senator COONS. Thank you, Madam Chair. And it is always a delight when I have the opportunity to facilitate Senator Moran doing

his duty on behalf of the people of Kansas, so I was happy to defer on the previous round. And great to have you with us, Madam Chair and ranking member. You are next, I know.

If I might, Mr. Secretary, thank you so much for the chance to be with you again. I would like to start with two questions around issues relating to immigration that we have discussed before, but that I think are worth pursuing in a little more detail given that we now have the budget.

First, alternatives to detention have been proven to be significantly less costly, incomparably effective in terms of our larger goals of deporting those who ultimately need to be deported, and retaining here for trial those who need to be trained. I think one study suggested \$17 for an alternatives to detention program versus \$159 per person per day. And yet DHS has continued to have imposed upon it or provided to it, depending on your view of Congress, a bed count.

In the latest budget, you are requesting \$1.3 billion for detention beds and only about \$94 million for alternatives to detention. Do you think that pursuing alternatives more actively might produce good results? Is there something I am missing here where alternatives to detention have not proven to be effective? Would you welcome more resources to work with the alternatives program?

Secretary JOHNSON. The answer is yes, which is why we have asked for \$94 million to support an alternatives to detention program, which I am told has been pretty effective. I have had many discussions with Members of Congress about the 34,000 bed requirement, which is an average requirement over the course of the years. Our request, based on what we assess to be our current needs for prioritization is 30.6 thousand, but coupled with that, very importantly, is the request for the alternatives to detention program.

#### IMMIGRATION: REPATRIATION

Senator COONS. I would like to support that and work closely with you on it because, at least my very local experience, there was an unintended result that there were people being detained longer than needed to be and in ways that were not entirely constructive to achieving our law enforcement goals.

Second, the Alien Transfer Exit Program, known as ATEP, has in the past led to lateral repatriation, nighttime deportations, and deportations to dangerous locales in which families are broken up, some elements of the families bussed hundreds of miles away, and then folks being forcibly returned to their country of origin, often at night and sometimes in ways that have been dangerous for them.

Having conducted a review, do you think lateral repatriation, nighttime deportations, and deportations in arguably dangerous circumstances will continue to be a broadly used practice by the Department?

Secretary JOHNSON. This is something that—this exact issue is something that I am looking at right now. In the course of looking at the issue, I found out that there is 2004 guidance that says that, in the repatriation process, we should not break up families.

Senator COONS. Right.



Secretary JOHNSON. And so, I am contemplating various things to address this particular issue. It has been raised with me from a number of different sources, and so we are assessing it right now.

Senator COONS. I think we have some international obligations at issue here as well, and I would welcome a chance to be supportive when you complete your—

Secretary JOHNSON. That is why I mentioned a number of sources.

#### CYBERSECURITY: SECRET SERVICE CAPABILITIES

Senator COONS. Thank you. Third, if I might, on cybersecurity, others have asked questions on some of the broader cybersecurity issues I might have brought up. The Secret Service, relatively smaller in scale than some of the other elements of the Department, has a highly skilled and relatively low head count, Electronic Crimes Task Force. And they make it possible for us to leverage their expertise with law enforcement and intelligence agencies around the world.

And I wondered, given the scope of the cyber threat and given the significant demands we have scaling up the workforce needed to meet the cyber threat, whether you were giving any thought to scaling the Secret Service's counter cyber capabilities.

Secretary JOHNSON. Our total proposed investment in cybersecurity is \$1.2 billion across the entire Department. We have capabilities in a number of different components. I am very impressed by the Secret Service's capabilities in this regard as a matter of law enforcement investigation of cybercrime. As you probably know, the Secret Service is the lead investigative agency for the Target investigation. I think that that is also the case with regard to the Neiman Marcus investigation, and they are doing an excellent job.

And so, I believe we need the Secret Service to remain committed to the cybersecurity mission and do so consistently with the fiscal constraints that we face. But I believe it is an important mission, and I think the Secret Service needs to continue to pursue it.

#### PUBLIC-PRIVATE PARTNERSHIPS

Senator COONS. Thank you. Last question, if I might, Mr. Secretary, about Customs and Border Patrol. My hometown port, the Port of Wilmington, lands a significant amount of produce, produce that spoils rapidly and that arrives sort of in a wave in particular times of the year, whether it is grapes from Chile or bananas from Central and South America. And one of the things that surprised me most about the CBP and its role there was that they literally cannot pay overtime to get inspectors there at times of the year when it would be particularly valuable in terms of the timeliness to market.

There is an issue there, a longstanding challenge, between Animal and Plant Health Inspection Service (APHIS) and CBP, and there is an initial authority in the fiscal year 2014 omnibus to establish public-private partnerships. This is something I know is at a very small scale, but has significant impact for those of us who have active ports.

The private sector has repeatedly raised to me that they are willing, even eager, to pay overtime. Impacts of the sequester have led to a number of unfilled inspector and other customs clearance positions. And so, when we have an opportunity through resolving what is an accounting issue between two different agencies, we should take it. And if I can be helpful in advancing this, I would really like to. It would make a big difference for a few businesses that employ a lot of people in my home port.

Secretary JOHNSON. We can look into that, Senator.

Senator COONS. Thank you, Mr. Secretary. Thank you, Madam Chair.

Senator LANDRIEU. Thank you, Senator Coons.

Senator Tester.

Senator TESTER. Thank you, Madam Chair, and I apologize.

Senator LANDRIEU. No worries.

#### SURVEILLANCE DRONES: PRIVACY RULES

Senator TESTER. And to Senator Coons from Delaware. Senator Moran and I have had somewhat of a battle over the NBAF, and the first thing I heard when I walked through the door was a discussion about NBAF.

I did not have any questions, but I just wanted to say that I know this project started long before you came on board. In fact, it started long before President Obama was in office. And it still mystifies me how a decision was made to do research on very, very contagious diseases in the middle of Tornado Alley in the heart of this country. I will just leave it at that. He has won this battle. It is going to be funded. It is going to be built. And I hope I am wrong.

I would say that in the area of drones, the Associated Press reported last month that DHS loaned its drones to other agencies—local sheriffs, National Guard—700 times over the last 3 years. It brings up some questions about how many hours DHS loaned out drones, who paid for the operations and maintenance, how the missions are related to border security, and, most importantly, what kind of surveillance was done potentially on Americans.

DHS was tasked to develop privacy rules governing the use of drones for surveillance. Could you give me an update on where the agency is in the development of those rules?

Secretary JOHNSON. Senator, if you do not mind, I would like to take that question for the record so I can give you a more detailed answer. I believe that aerial surveillance is important—

Senator TESTER. Yes.

Secretary JOHNSON [continuing]. Coupled with adequate privacy policies and restrictions. And I think that is something you and I have discussed.

[The information follows:]

*Answer.* U.S. Customs and Border Protection (CBP) employs several types of aircraft including manned helicopters and fixed-wing aircraft, and Unmanned Aircraft Systems (UAS) for border surveillance and law enforcement purposes. These aircraft are equipped with video, radar, and/or other sensor technologies to assist CBP in patrolling the border, conducting surveillance as part of a law enforcement investigation or tactical operation, or gathering raw data that may assist in emergency response. Video, images, and sensor data collected through these aircraft systems alone cannot be used to identify a person, but they may later be associated with

a person as part of a law enforcement investigation or encounter with CBP officers or agents.

The Department of Homeland Security (DHS) recently conducted a Privacy Impact Assessment (PIA) to evaluate the privacy impact of sensor technology use on CBP aircraft, both manned and unmanned. The PIA concludes that the DHS/CBP collection of data by its aircraft assets is within the scope of its authorities, but that there are privacy risks associated with using sensors on aircraft to collect personally identifiable information (PII). A privacy concern, specific to UAS, is that they present a perceived risk to privacy because they are able to fly for longer hours than manned aircraft and conduct surveillance undetected. CBP manages this risk by following strict mission priorities, by operating its aircraft in accordance with Federal Aviation Administration requirements, and by controlling access to data collected by UAS. The PIA finds that CBP has rules in place to exercise strict control over the collection, use, retention and dissemination of information obtained from the deployment of cameras, radar, and other sensor technology on its air assets. The PIA found that the raw information collected from technology deployed on aircraft rarely provides images that may independently identify persons, and is not maintained in and covered by a Privacy Act System of Records Notice (SORN) until it is associated with a person as part of a law enforcement investigation or encounter with CBP officers or agents. The PIA notes that images associated with case information allow for the identification of persons in the image and are subject to the full range of privacy protections (Privacy Act SORNs, PIAs, and Redress) accorded law enforcement case information. Lastly, the PIA concludes by noting that as technology improves, DHS and CBP will review and update the PIA to ensure that it remains current with the use of the aircraft and the information collection technology.

Personally identifiable information obtained through the sensors/cameras on an unmanned aircraft is treated no differently by the Privacy Act of 1974, the E-Government Act of 2002, the Homeland Security Act of 2002, and departmental privacy policies and directives than personally identifiable information input into an online form or handwritten in a proffered document. Nonetheless, the DHS Privacy Office is working with the DHS components that operate, or may operate, unmanned aircraft to communicate and clarify unmanned aircraft operators' privacy obligations. Thus far, the DHS Privacy Office has conducted two PIAs and has analyzed three prospective acquisitions of unmanned aircraft. These are the first PIAs addressing Government use of unmanned aircraft in the Federal Government.

DHS is finalizing a UAS "best practices" document that is being submitted to OMB for comments and clearance. DHS is also working with other executive agencies to develop common privacy, civil liberties, civil rights, transparency, and accountability principles that would apply to all agencies' UAS programs.

Senator TESTER. Yes.

Secretary JOHNSON. I am committed to further refining those protections. But I would like to take this question for the record.

Senator TESTER. Yes, you absolutely can. I mean, I think that you touched on it. I think the fact that drone technology is being loaned out to local agencies is not necessarily a bad thing, as long as the surveillance and civil liberties are respected in that process.

Secretary JOHNSON. That is correct.

#### CUSTOMS AND BORDER PROTECTION FACILITIES

Senator TESTER. And the other thing is if you can give me an idea on how much it was not used for border security purposes. And by the way, I think drones on the border, particularly the northern border, which is what I know better than anything, is something that can save some money and probably some time, and stop some bad guys.

CBP facilities. I recently learned that an under-used Border Patrol facility—and I am not being critical—in Shelby, Montana, is costing the Federal Government about \$30,000 bucks a month, and that lease will continue until 2025. Now, \$30,000 bucks a month for a facility in Washington, DC, is probably pretty cheap. In Shelby, you could probably buy a decent house for \$30,000, okay?

The General Services Administration (GSA) has said that due to the necessity of Border Patrol facilities, remote areas, CBP specifications, they had a long-running list of things that were wrong. This also happened on a port when they were talking about building housing some time ago. And I said—I cannot even remember how much it was, but it was well, well into the hundred thousand, maybe even a quarter million for this house. And I said are you kidding me? You can buy the town for what you are spending on this house. And do not tell me because it costs money to get the products up there.

The fact is that I live there. It was way, way, way overpriced. They were using different metrics than what they needed to use to determine what the rental fees are supposed to be.

I guess it is a management issue. I think that as I look at it, are there things that your Department can do, working with the GSA, to make sure that we get fair market value for the money that we are spending when taxpayers are dropping this kind of money, because quite frankly, I mean, it is one of those \$500 hammer kind of deals.

Secretary JOHNSON. I cannot argue with anything you just said.

Senator TESTER. Okay.

Secretary JOHNSON. I cannot. And it is part of my mission to look for inefficiencies in the Department.

#### DISASTER RELIEF FUND

Senator TESTER. That would be great. I mean, if you could just take a look at it because it does not—and maybe there is a perfectly good reason and I just missed it. And there might be, but I missed it, and I need to figure it out because it does not make any sense to me.

We have got a winter that started out pretty easy and it ended up pretty extreme in the last actually 3 weeks. Record snow. It is going to flood. I do not think there is any doubt about it. We have seen it with past disasters. There will be damage whether it is to infrastructure—roads, bridges, whatever. And given the past decade with more and more costly weather events—we can have the debate about climate change, but things are changing.

Do you believe you have allotted enough money for your Disaster Relief Fund?

Secretary JOHNSON. We have asked for an additional \$7 billion to the Disaster Relief Fund. There is no doubt that we have seen in recent years weather of a severe nature coupled with aging infrastructure that causes things like the Brooklyn Battery Tunnel to completely flood. When I saw that happen during Hurricane Sandy, I asked myself, well, it is amazing that it has not happened before in the history of that tunnel. And there are reasons for those kinds of things.

So we exist in a fiscally constrained environment. I believe that what we have asked for should be adequate. If there is an emergency that requires emergency relief, we will need to come back to Congress for additional funding.

## REAL ID PROGRAM

Senator TESTER. That is good. I just wanted to make sure you were thinking about it when you put the budget together. That is basically where I was coming from.

One last question, and I have got some others I may submit for the record. I want to talk about REAL ID for a second. There are 15 States facing this issue mainly because the national ID issue is a bit of a hot potato. And I know this is a different world we live in after 9/11, and I know that there are some out there that have no—they are going to use it for all the right reasons and not abuse it.

The fact of the matter is, though, that what we are doing here is at this point in time, DHS will be able to enforce compliance by denying access to Federal buildings, even getting on a plane, and residents from other States have opted out of REAL ID.

I guess the bottom line and the big concern is you have got one database with all this information. We can talk about breaches. They happen all the time. And then the fact that Montanans' personal information could be accessed by somebody from, say, Louisiana or Indiana, which is scary in and of itself.

But the fact is that, number one, is that something that we should be concerned about? Number two, is it really going to improve national security?

Secretary JOHNSON. Well, I guess—I recently had a discussion with my staff about the REAL ID Program because I wanted to get an update on where we are and understand fully the nature of the program. At the end of the day, this is a program enacted by Congress. Congress saw the wisdom of a REAL ID Program, and it passed by a majority of its members signed into law. And so, my obligation is to enforce the law. I am trying to do so in a phased-in, reasonable manner. I understand the resistance to this program, but it is a Federal legal obligation that I have been charged with enforcing.

I mean, to answer your question, though, I do see a national security value to having certain basic standards that go into how someone obtains a driver's license. So I do not want to make light of that at all. I do see a value to that.

Senator TESTER. Okay. Well, I would just say thank you for that. I mean, I voted for your confirmation, and I would do it again. I think you have the toughest job in Government, in the Administration right now. This is a big department. It has a lot of issues, a lot of concerns around civil liberties. The REAL ID issue is a hot button issue. I was going to ask you if you would support repealing it. Since you said it was law, we could certainly do something like that, but I think you answered that question as a no.

So I would just ask that you do all you can do to respect the States' rights as you move forward with this issue. I think it may not be able to be done, but I will tell you that it is a difficult issue, and it is an issue that being a libertarian tilt in the State of Montana, it is an issue that people are concerned about. So thank you very much for your service.

## GRANTS: CONSOLIDATION PROPOSAL

Senator LANDRIEU. Thank you, Senator Tester. Mr. Secretary, I have only two final questions, and as promised we will be out of here before 4 p.m. I thank the members for their excellent questions and review of the budget.

My last two have to do with the State and local preparedness grants reorganization legislation that was submitted with this budget. You may be familiar with the work that has gone on to reform the local community preparedness grants. It combines State, urban area, port, and transit into one program. It requires participation by previous grantees on the advisory board to prioritize future investments.

There is a requirement in this new proposal that 80 percent of the grant funding must be passed onto local communities and States, local communities not held by States or Federal. And the requirement that ensures at least 25 percent are committed to law enforcement is eliminated.

Do you support this proposal? If so, what do you think its strengths are? If not, why?

Secretary JOHNSON. My understanding of the grant consolidation proposal is that it will add efficiencies, both in terms of Federal oversight and State oversight, such that the overhead to the administration of the grants program is reduced, and more grant dollars reach the intended beneficiaries. I know that there are a number of people in our Government who think that is a very good idea that will promote efficiencies, and this Administration supports doing that.

## JONES ACT

Senator LANDRIEU. Thank you. Many Senators, including myself, strongly support the Jones Act, which has been a very important part of our maritime infrastructure in this country for a long time. The Department has over the past several years, and I think going back some time, but definitely in the last few years, has requested waivers for the Jones Act periodically.

And it got to be such an abusive, in my view, situation that I put language in last year's appropriations bill to prohibit you all from moving around the Jones Act, which requires you to use U.S. flag vessels, building ships in America. Our merchant marines, our maritime industry is a very important industry to our country, not just to the State of Louisiana, which is a proud tradition.

So what are your views of the Jones Act, and under what circumstances can you imagine it would have to be waived, and can you anticipate—I know we cannot anticipate anything. But in what circumstances would you think that it would have to be waived?

Secretary JOHNSON. I have had occasion to deal with the Jones Act both at DOD and at DHS. Waivers under the Jones Act can be granted for reasons of national security and if there is no—I may not be getting the words exactly right—readily available U.S.-flagged alternative.

I have had occasion to consider waivers under the Jones Act and reached the determination that the waiver request did not meet the legal standard. So I think that there are circumstances where a

waiver would be appropriate. In my experience as Secretary of DHS, I have not seen that yet. And so, we have maintained and enforced the general rule that U.S. port to U.S. port should involve a U.S.-flagged vessel.

Senator LANDRIEU. Well, excellent because I think that the vast—I could be wrong, but I think that the vast majority, or let me just say the majority of members of Congress would feel strongly about that. And that is the law, and I appreciate that answer. We will be carefully monitoring it, and thank you for your response.

I think, Secretary, this has been a very good and complete hearing and review of the budget. Of course, we will submit more questions for the record. You have some to submit to us.

This is going to be a challenging year for all of us, but I am committed to doing what I can to see that your Department has the resources that it needs to do the job that we have asked you to do. I look forward to working with my ranking member. We had a very cooperative and, I think, helpful and productive year last year.

#### ADDITIONAL COMMITTEE QUESTIONS

So the record will remain open until close of business Wednesday, March 26.

[The following questions were not asked at the hearing, but were submitted to the Department subsequent to the hearing:]

#### QUESTIONS SUBMITTED TO HON. JEH JOHNSON

#### QUESTIONS SUBMITTED BY SENATOR MARY L. LANDRIEU

#### NATIONAL FLOOD INSURANCE PROGRAM REFORM

*Question.* The current budget proposal includes funding for 331 employees for implementation of the National Flood Insurance Program (NFIP), an increase of 6 percent over fiscal year 2014. This budget was formulated after Biggert-Waters Flood Insurance Reform passed but prior to the Homeowner Flood Insurance Affordability Act now enacted into law.

The Homeowner Flood Insurance Affordability Act places significant new requirements on the Federal Emergency Management Agency (FEMA) such as limiting annual individual premium increases, issuing refunds, and reinstating affordability as a priority of the program. With only a 60-percent compliance rate among those required to have a flood insurance policy, program participation has been a systemic issue for many years. I included language in the compromise flood bill now directing the Administrator of FEMA to strive to limit premiums to no more than 1 percent of the value of the policy and report any instances when premiums exceed that level.

Additional effort will be required to ensure the provisions are implemented in a timely and transparent process that ensures impacted homeowners get the immediate relief they deserve. I am committed to working closely with FEMA to ensure the proper implementation of this new law.

When will you know the estimated additional number of employees needed to effectively implement the new legislation?

*Answer.* It is too early to determine the impact of new legislation on our resourcing. We were in the process of expanding our workforce when the new legislation passed. In fiscal year 2014, FEMA was authorized 14 new staff positions and, in the fiscal year 2015 request, we have requested an additional 17 new positions. These positions will support development of the required regulations, provide additional actuarial support and ensure full implementation of the Biggert-Waters Flood Insurance Reform Act. FEMA is assessing the use of temporary measures to support rapidly implementing some of the newer reform requirements.

*Question.* What other resources will FEMA need to properly implement the law (i.e., unique expertise, data collection, etc.)?

*Answer.* No additional resources are required until a full assessment of the legislation's impact is completed.

*Question.* How do you intend to work with Congress to ensure we know your new requirements as we draft the Department of Homeland Security (DHS) appropriations bill over the coming months?

*Answer.* FEMA is still assessing the impacts of the new law. We will keep your office informed of progress and any challenges in implementing the law.

#### FLOOD MAPS

*Question.* Accurate flood maps are crucial to informing citizens about their risk and setting their flood insurance rates.

The justification of the fiscal year 2015 budget request touts that the relationships and flood risk data developed through FEMA's mapping program had a "profound impact on the speed and strength of recovery in New York and New Jersey" during Hurricane Sandy. While this is a good news story, not all communities are satisfied with the accuracy of their maps. Lafourche Parish has been appealing its new FEMA flood map since 2008 because FEMA cannot figure out how to give them credit for a 16-foot, \$450 million, 40-mile ring levee that was initially authorized by Congress in 1965 and has held through Hurricanes Katrina, Rita, Gustav, Ike, and Isaac.

The budget justification also highlights stakeholders have expressed concern about the remainder of areas that do not have modernized maps. Yet, just like last year, the budget request only includes \$84 million for flood hazard mapping. An 11-percent decrease from fiscal year 2014 and a pittance compared to the \$400 million annual authorization established in Biggert-Waters. I am happy I was able to restore the proposed cut in fiscal year 2014.

Are there other resources proposed in the fiscal year 2015 budget to be dedicated to mapping activity through fees or other accounts?

*Answer.* Yes, FEMA's Risk MAP program, which encompasses the National Flood Insurance Program mapping activities, is funded from two sources—the \$84 million in appropriated funds under Flood Hazard Mapping and Risk Analysis and another \$121 million in fee income from the insurance program under the National Flood Insurance Fund. The funding from fees advances mapping while also paying for things like call centers, data management and archive, Web presence, business functions, internal controls and program management. The appropriated funding is focused exclusively on map production and update.

*Question.* If funds are restored to the fiscal year 2014 level of \$95 million—as I was able to accomplish last year—will you commit to ensuring the mapping effort is implemented with urgency?

*Answer.* FEMA, through Risk MAP, is committed to addressing the most urgent flood data update needs. The Risk MAP program is focused on the importance of making sure communities and property owners understand their flood risk accurately. However, map updates take time to complete. The process is designed to allow for public engagement, careful, technically credible analysis, public review and legal due process for affected parties.

*Question.* In the 2012 Risk MAP Progress Report, FEMA was striving to have quality data that could be relied on to reflect current conditions for 56 percent of their flood maps in fiscal year 2013. What percentage of FEMA's flood maps currently meet this definition and how much funding is needed to bring all the flood maps into compliance?

*Answer.* The percent of the flood map inventory reflecting current conditions as defined in the 2012 progress report is 61 percent. Under this older definition, the percentage was measured as a fraction of the maps that have been converted to digital format under Map Modernization. FEMA has transitioned to measuring this percentage against the full map inventory including the modernized maps and the legacy paper inventory. Under this definition, the percentage meeting new, validated, or updated engineering (NVUE) currentness standards is 48 percent.

One of the core goals of Risk MAP is to reach 80 percent NVUE. It is not possible to have 100-percent compliance because older maps continually move out of compliance until they are reviewed and because map updates take several years to complete, resulting in a significant number of updates in progress. The Risk MAP strategy is to continually increase the percentage of the inventory that complies with the NVUE standard over a number of years as proposed in the budget. Under this approach, the ongoing costs for Risk MAP include both the costs to validate or update the inventory that is currently not verified as meeting the standard, and also to revalidate or update the inventory that is in compliance today, but will expire in future years. They also include related costs for outreach and coordination, call cen-



ters, data management and archive, Web presence, business functions, internal controls and program management. The long-term costs have a high degree of uncertainty. The recent flood insurance reform legislation from 2012 and 2014, calls for implementation of a number of new mapping requirements in coordination with the new Technical Mapping Advisory Council (TMAC). Until the coordination with TMAC is completed and the new mapping requirements are fully defined, the costs will be very difficult to estimate. The extent to which the preliminary flood maps are appealed by communities also has an impact on costs, and advancement in technology and progress in complimentary Federal, State, and local mapping efforts also affect future costs.

Currently there are about 550,000 miles that do not meet the NVUE standard and where updates are not underway. Some of these miles have already been identified as needing new analysis, but most still need to be assessed. A thorough cost analysis of the remaining miles that require study has not yet been conducted.

#### PROTECTING FEDERAL CYBER NETWORKS

*Question.* The Department of Homeland Security (DHS) plays a critical role in protecting Federal civilian cybersecurity networks. The proposed funding level for cybersecurity programs across DHS is about \$1.25 billion—the same amount as last year. Funding for Secret Service and ICE investigations is similar to last year and there seems to be a few prudent, but small, adjustments in some programs due to timing of contract execution. But, I could not find any proposed new and innovative efforts or prevention measures.

I am worried that budget constraints are stifling critically needed proactive efforts to combat a known economic and security threat.

The lead DHS component for protecting the Federal Government—the National Protection and Programs Directorate (NPPD)—has a budget request that merely maintains current programs. In last year’s act, I included a requirement to do an in-depth review of the Federal computer intrusion detection system, known as EINSTEIN, to ensure effectiveness of design and innovation in developing future requirements. And while I look forward to those findings, treading water in the meantime is not acceptable.

Are you satisfied that this budget proposal is as cutting edge as the issue of cybersecurity demands? If so, what programs specifically provide you this assurance?

*Answer.* The fiscal year 2015 builds upon the investments that the Department has already made in investigating cyber-crimes and protecting critical infrastructure; Federal civilian agencies; and State, local, tribal, and territorial partners. DHS leverages its interagency partnerships to complement its cyber capabilities resident in the National Protection and Programs Directorate, U.S. Immigration and Customs Enforcement’s Homeland Security Investigations, U.S. Secret Service, U.S. Coast Guard, and the Science and Technology Directorate.

NPPD has made great strides over the last several years in developing core cybersecurity capabilities, such as the National Cybersecurity Protection System (NCPS) (EINSTEIN), Continuous Diagnostics and Mitigation Program, and the National Cybersecurity and Communications Integration Center. These capabilities enable DHS to protect Federal civilian agencies, support the protection of critical infrastructure, and respond to and mitigate cyber incidents. The fiscal year 2015 request continues to build on these foundational programs by providing \$746.4 million in funding for NPPD cybersecurity efforts to drive toward innovative technologies and programs to better understand the cybersecurity and communications environment, reduce risk, and build capacity of our partner’s capabilities.

The Secret Service is a leading law enforcement agency in investigating cyber-crime, having first been assigned jurisdiction for investigating unauthorized access to computers in 1984. Today, the Secret Service continues to investigate the largest data breaches experienced by our businesses and bring to justices the sophisticated cyber criminals responsible. The fiscal year 2015 request builds upon this by providing the Secret Service \$100.4 million for its efforts to investigate cyber-crime, implement cybersecurity measures as part of its protective mission, and secure its own computer systems.

DHS deploys a comprehensive cybersecurity approach in which each part of DHS’s cyber efforts contributes to the mission. The programs and operations run by the Department have matured considerably over the past several years and lead national efforts to enhance the security and resilience of the Nation’s critical infrastructure; Federal civilian agencies; and State, local, tribal, and territorial partners.

—The Department has stood up the Critical Infrastructure Cyber Community Voluntary Program (C<sup>3</sup> Voluntary Program) to link critical infrastructure owners

and operators to resources and capabilities that reinforce cyber risk management planning and promote use of the National Institute of Standards and Technology Cybersecurity Framework.

- The C<sup>3</sup> Voluntary Program (pronounced “C-Cubed Voluntary Program”) is the coordination point within the Federal Government for critical infrastructure owners and operators interested in improving their cyber risk management processes. The goals of the C<sup>3</sup> Voluntary Program are to support industry in increasing its cyber resilience, increase awareness and use of the framework, and encourage organizations to manage cybersecurity as part of an all-hazards approach to enterprise risk management.
- DHS established the Enhanced Cybersecurity Services Program to protect critical infrastructure from cyber threats. This program enables the private sector to leverage Government resources to provide enhanced protection to the Nation’s critical infrastructure, which is mostly owned and operated by the private sector. This program is based upon the capabilities of EINSTEIN 3 Accelerated, which provides intrusion prevention capabilities to Federal civilian agencies.
- EINSTEIN 3 Accelerated provides intrusion prevention capabilities to .gov networks. The program focuses on providing a wide range of protection capabilities to improve the security of Federal civilian Executive branch networks.
- The Continuous Diagnostics and Mitigation (CDM) Program provides tools and services to Federal civilian agencies to automatically identify known cybersecurity vulnerabilities on an ongoing basis and prioritize vulnerability mitigation based upon the likelihood and impact of a cybersecurity incident.
- By identifying basic cybersecurity problems and prioritizing them for mitigation, CDM will measurably reduce cybersecurity incidents across .gov.
- The Secret Service has continued to develop and grow its Critical Systems Protection program, to provide cybersecurity protection in direct support of Presidential and Vice-Presidential domestic and international visits, as well as DHS-designated special security events.
- Both the Secret Service and ICE-HSI continue to partner through the Secret Service’s growing network of Electronic Crimes Task Forces (ECTFs), to develop innovative means to investigate and apprehend transnational cyber criminals.

*Question.* What in the budget before us is most critical to you in our war against cyber attacks?

*Answer.* Cybersecurity is an integrated effort that leverages the strengths of multiple programs and partners. Singling out one program or aspect of the Department’s cybersecurity efforts is impractical due to the nature of our work and the threat. The Government’s cybersecurity efforts depend on numerous programs and operations that span multiple agencies. These programs and operations depend upon the strength of other programs and operations. For instance, the National Cybersecurity and Communications Integration Center (NCCIC), which shares cyber information and analysis, among other things, depends on programs such as Continuous Diagnostics and Mitigation, the National Cybersecurity Protection System, the Enhanced Cybersecurity Services program, and the development of frameworks, data models and specifications for information sharing, including the Structured Threat Information eXpression and the Trusted Automated eXchange of Indicator Information. Programs like CDM and NCPS, for instance, depend upon the NCCIC and the Industrial Control Systems Cyber Emergency Response Team to disseminate threat information and act on it.

Ensuring that the Government maintains a robust cybersecurity capability requires continuous integration of the programs and operations within DHS and across the Federal Government.

#### DISASTER SPENDING—FEDERAL STATUS AND STATE RESPONSIBILITY

*Question.* With a record number of disasters in recent years, we have to plan for spending on response and recovery. Through the FEMA Disaster Relief Fund (DRF) we obligated \$7.5 billion in fiscal year 2012 and \$11 billion in fiscal year 2013. Since 2005, a total of \$115 billion has been obligated.

After Hurricane Katrina, I had to battle to make sure that DRF funding was spent in a way that made common sense. We have learned how to do disaster recovery in Louisiana and through the Post-Katrina Emergency Management Reform Act and the Sandy Recovery Improvement Act we have modernized disaster recovery.

I am proud to say that 11 of the 18 major requirements in the Sandy Recovery Act are complete. A legitimate arbitration process is now available to expedite funding decisions, communities are taking advantage of the alternate procedures for rebuilding by consolidating projects, and debris removal procedures have been simplified. And the law is just over 1 year old.

Can I get your commitment that FEMA will be supported in its efforts to continue to implement its improved authorities? Further, please provide a report on the savings in costs and time the new authorities have produced?

*Answer.* DHS is committed to continue implementing the improved authorities provided to FEMA. The authorities allow FEMA new opportunities to be innovative and to continue to improve ways to provide disaster assistance to the survivors.

FEMA is collecting data to determine the effectiveness (savings in costs and time) of the procedures introduced under the new authorities. The implementation of the most recent programs/authorities has not been established long enough to be able to provide a report at this time. FEMA implemented its pilot programs for Alternative Procedures for Debris Removal and Alternative Procedures for Permanent Work on June 28, 2013, and May 20, 2013, respectively. Most subgrants are in project formulation and/or the subgrantees are continuing to complete the work. The Dispute Resolution Pilot Program for Public Assistance Appeals was effective on August 15, 2013, but to date, no subgrantee has requested use of this process. The new Simplified Procedures thresholds were effective on the date of publication in the Federal register, February 26, 2014. Four disasters have been declared since this date.

*Question.* Do you believe the request of \$7 billion is adequate to respond to future disasters and support recovery from past disasters such as Hurricane Sandy, recent tornadoes, wildfires, and floods with these expedited procedures in place?

*Answer.* Based on current projected resources needs, FEMA believes that absent a new catastrophic event, the \$7 billion requested for fiscal year 2015 is sufficient to both respond to new events and continue ongoing support for survivors and communities recovering from past events.

There is certainly no doubt that Federal assistance is appropriate when a State is overwhelmed. Of course, the Stafford Act requires a cost share for the Federal contribution. Our State governments have a responsibility for disaster response costs. This is a highly predictable expenditure, especially in light of the fact that every State has been hit by a major disaster within the last 3 years. It is frustrating to hear some States rail against spending in Washington when so few plan ahead for disaster costs.

*Question.* Will you work with me to incentivize States to plan ahead for disaster costs? What current ideas do you have to create this incentive?

*Answer.* We are committed to working with the Congress to create and promote incentives to plan ahead for disasters. While traditional approaches to disaster preparedness, including mitigation, response and recovery, have leaned heavily toward a Government-centric model, the evolving nature of disasters in the United States calls for a broader perspective by bringing the whole community—local, State, tribal, and Federal governments, along with private sector and voluntary organizations—together to identify and implement ways of addressing the escalating financial and social costs tied to these catastrophic events.

The following are examples of areas in which incentives could be more closely aligned to promote disaster cost reduction and increased resiliency across all levels of government, the private sector, and individuals:

- Consider tying community participation in the NFIP to eligibility for post-disaster assistance. Currently, if a community with a special flood hazard area decides not to participate in the NFIP, the individual residents are not eligible for post-disaster assistance. However, a strategy could explore ramifications of limiting post-disaster assistance for both individual homeowners and public infrastructure within flood-prone communities that do not participate in the NFIP. This could generate greater incentives for a community to practice flood plain management techniques that protect development from future flooding.
- Explore alternative disaster declaration criteria and reimbursement approaches, such as a deductible model. Under the Sandy Recovery and Improvement Act (SRIA) of 2013, FEMA is currently examining criteria for Individual Assistance (IA) disaster declarations, while Public Assistance (PA) disaster declarations are based in part on estimates of per capita disaster damages to eligible infrastructure and other costs under the PA program. However, a deductible model might encourage States and communities to take additional disaster preparedness measures that could positively affect disaster planning efforts and contribute to a reduction in costs, lives lost, or injuries.
- Explore options to align incentives between Government and private-sector companies to promote risk reduction and resilience actions. For example, the World Economic Forum's 2012 Global Risk Report features a special chapter on the global impacts of the Fukushima, Japan, tsunami and earthquake, citing examples of disruptions to global supply chains and stating that the Development Bank of Japan became the first bank in the world to offer better borrowing

terms to companies that take steps to increase resilience. We should seek to improve understanding of private-sector incentives and to capitalize on practices that promote disaster risk reduction and resiliency.

- Promote improved coordination and efficiency measures in all phases of emergency management. Adopt mechanisms for more effective funds management at all levels of government. For example, FEMA could fully implement a strategic funds management approach to ensure funds are made available once States have the capacity to execute them.

#### DISASTER FUNDING RESILIENCY

*Question.* Building communities to withstand the disasters they are likely to face is just common sense. Smart building also saves money—\$4 for every \$1 invested. As we watch communities rebuild—from New York and New Jersey to Louisiana and Mississippi, we are encouraged by their innovation as they build stronger, smarter and more resilient communities.

For the third year in a row the budget request proposes eliminating the \$25 million Pre-Disaster Mitigation Grant Program. These grants help officials plan for and build more resilient communities, ultimately saving money and lives when the next disaster strikes.

I do note that \$400 million in Pre-Disaster Mitigation Grants was included as part of the President's Opportunity, Growth, and Security Initiative but the funding source for this Initiative is not under the jurisdiction of this Committee and is not likely to come to fruition.

Through the passage of the Sandy Recovery Improvement Act we have given FEMA authorities to build communities better and stronger after a disaster. But I am disappointed Pre-Disaster Mitigation funding can only be found in an initiative that is unlikely to pass.

If not through this program, what viable funds are included in the request to promote resiliency which will save Federal funds in future years?

*Answer.* The Pre-Disaster Mitigation Grant Program helps officials plan for and build more resilient communities, ultimately saving money and lives when the next disaster strikes. The Administration's fiscal year 2015 request includes \$400 million in Pre-Disaster Mitigation Grants as part of the Opportunity, Growth, and Security Initiative.

Risk MAP and the National Flood Insurance Program (NFIP) also promote resilience. One of the key features of the NFIP being based on accurate flood maps is that it builds resilience before disaster hits. Homeowners with flood insurance are much more likely to quickly and fully recover from a flooding disaster than uninsured homeowners who must rely on their own resources and the limited funds available if there is a Federal disaster declaration. Risk MAP provides communities data and tools, including a new suite of flood risk analysis products designed to complement the regulatory flood maps, that can help inform State and local preparedness, hazard mitigation plans, emergency response plans, and disaster recovery plans. The NFIP requires communities to take basic actions to regulate land use and building codes in the floodplain, and Risk MAP works with communities to identify other actions to reduce risk and increase resilience. The Risk MAP program also increases State and local Risk Management capabilities by building relationships and fostering an ongoing dialog about flood risk and flood risk management throughout the Risk MAP process. In many cases, State and local governments build even greater capabilities by taking the lead in implementing Risk MAP through the Cooperating Technical Partner program.

#### STATE AND LOCAL PREPAREDNESS GRANTS REORGANIZATION

*Question.* The legislative proposal to reform the preparedness grants which accompanied the budget combines the current State, urban area, port, and transit security grants into one program and requires participation by previous grantees on an advisory board to prioritize future investments.

How will this process ensure all security needs receive the required analysis and consideration?

*Answer.* Under the proposed National Preparedness Grant Program, States will submit one application which will address capability requirements identified at the State and sub-State level, including those of local governments, ports, transit agencies, and nonprofit organizations as applicable and appropriate. Separate funding will be reserved, as is presently the case, to meet the unique needs of high-risk urban areas.

While FEMA cannot prescribe the makeup of any statewide governance structure, the agency has issued guidelines on how States should engage with their various

partners to carry out their Threat and Hazard Identification and Risk Assessments and investment justifications. To ensure that States are adequately engaging with local governments, port and transit agencies, urban areas, nonprofit organizations, and other “whole of community” partners, FEMA will require that the State Administrative Agency submit:

- A detailed description of the Senior Advisory Committee’s composition and an explanation of key governance processes, including how the Senior Advisory Committee is informed by the State or territory’s Threat and Hazard Identification and Risk Assessment and State Preparedness Report data reflecting capability shortfalls and the approach to address shortfalls in core capabilities;
- A description of the frequency with which the Senior Advisory Committee will meet;
- How existing governance bodies such as Urban Area Working Groups and Transit Security Working Groups will be leveraged by the Senior Advisory Committee;
- A detailed description of how decisions on programmatic priorities are made and how those decisions will be documented and shared with its members and other stakeholders as appropriate; and a description of defined roles and responsibilities for financial decisionmaking and meeting administrative requirements.

*Question.* While a specific program for urban areas is no longer separate, a requirement that 80 percent of the grant funding must be passed on to local communities is included.

Is that correct?

*Answer.* While the legislative proposal does eliminate the Urban Area Security Initiative as a stand-alone program, the Administration recognizes the on-going requirements of high-risk, high-density urban areas and intends to set aside funding under the proposed National Preparedness Grant Program to address the capability requirements of those urban areas.

The requirement that States pass on to sub-State recipients at least 80 percent of the non-urban areas grant funding they receive will remain in effect.

*Question.* How will this ensure the areas at most risk receive adequate consideration of their security needs?

*Answer.* Allocations to States and to high-risk urban areas will continue to be risk informed, using the formula currently in effect as prescribed in the 9/11 Act.

*Question.* The requirement to ensure at least 25 percent of the grant funds are committed to law enforcement activities would be eliminated. The requirement to ensure at least 25 percent of the grant funds are committed to law enforcement activities is eliminated.

Why?

*Answer.* The proposed National Preparedness Grant Program aims to strengthen coordination among States, local governments, ports, transit agencies and other stakeholders to ensure that preparedness grant dollars are utilized strategically to address the highest priority capabilities within a State. The Threat and Hazard Identification and Risk Assessment process and the capability estimation process that stems from it are essential to that strategic decisionmaking.

*Question.* States, in collaboration with their partners, will determine where to apply grant dollars in any given year to address capability requirements across the five National Preparedness Goal mission areas of protect, prevent, mitigate, respond and recover. The proposed National Preparedness Grant Program is designed to provide States and their partners with the flexibility to allocate dollars to address their self-identified priorities; requiring that 25 percent of their funding to be allocated to specific activities removes a significant amount of that flexibility and is inconsistent with the overall approach envisioned in the National Preparedness Grant Program proposal.

How will this impact security investments?

*Answer.* Maintenance and sustainment of core law enforcement prevention capabilities—including fusion centers, countering violent extremism and State, territory and local information sharing—remain key Administration priorities, and law enforcement activities previously funded under other grants, such as Operation Stonegarden and the Port and Transit grant programs, will continue to be eligible activities under the proposed National Preparedness Grant Program.

The National Preparedness Grant Program also will continue to support State, territory, and local law enforcement efforts to understand, recognize, and prevent pre-operational activity and other crimes that are precursors or indicators of terrorist activity, in accordance with applicable privacy, civil rights, and civil liberties protections. Such efforts include:

- Maturation and enhancement of State and major urban area fusion centers, including training for intelligence analysts and implementation of Fusion Liaison Officer Programs;
- Implementation of the Nationwide Suspicious Activity Reporting Initiative, including training for frontline personnel on identifying and reporting suspicious activities;
- Continued implementation of the “If You See Something, Say Something™” campaign to raise public awareness of indicators of terrorism and violent crime.

*Question.* Great emphasis has been placed on the Threat and Hazard Identification and Risk Assessment (THIRA) process to identify risks and ultimately influence funding distribution. THIRA in its current form is still relatively new to communities.

What improvements need to be made to THIRA to ensure it is as good a tool as possible?

*Answer.* FEMA’s ongoing effort to strengthen the Threat and Hazard Identification and Risk Assessment is focused on developing and providing tools and technical assistance to support grantees in refining and updating their Threat and Hazard Identification and Risk Assessments. FEMA’s specific efforts include:

- Developing and providing Threat and Hazard Identification and Risk Assessment technical assistance which can be delivered to grantees both virtually and in-person; and
- Streamlining and improving the Unified Reporting Tool to make it easier for grantees to input their Threat and Hazard Identification and Risk Assessment information in a consistent fashion.

*Question.* What data is still needed to improve the information we have to work with and who has it (Federal agencies, private sector, etc.)?

*Answer.* FEMA believes that data, expertise, and experience of the whole community is crucial in our collective efforts to prevent, protect against, mitigate, respond to, and recover from the threats and hazards that pose the greatest risk to the Nation. FEMA is continuing to work with partners to enhance the participation of the whole community in the Threat and Hazard Identification and Risk Assessment process. Specifically, FEMA is working with the DHS Office of Intelligence and Analysis to assist jurisdictions with better understanding their threats of concern. In addition, FEMA is coordinating with the DHS National Protection and Programs Directorate to assist jurisdictions with engaging their protection partners, including Government and non-Government partners—academia and the private sector in the Threat and Hazard Identification and Risk Assessment process. Lastly, FEMA is working on the release of the National Protection Framework, which will provide the whole community with additional information on the protection core capabilities. This additional information will help grantees better refine capability targets and capability estimation within the Threat and Hazard Identification and Risk Assessments.

*Question.* What funding is included in the budget to address the two previous questions?

*Answer.* FEMA’s fiscal year 2015 budget request accounts for the personnel and activities needed to develop and deliver technical assistance to support the evolving needs of grantees in improving, refining and analyzing their Threat and Hazard Identification and Risk Assessment. This includes funds for two full-time employees plus additional subject matter expertise and support staff as needed, travel for in-person technical assistance delivery and instructional materials, and required training and equipment for virtual technical assistance delivery. Threat and Hazard Identification and Risk Assessment content development and delivery is funded through TAP appropriations; staff support is funded through National Integration Center and TAP salary budget.

#### AVIATION SECURITY FEE PROPOSALS

*Question.* Mr. Secretary, your budget proposes to increase TSA offsetting collections by \$615 million in fiscal year 2015. First, it reinstates the annual \$420 million in aviation fees billed directly to the airlines, which was eliminated in the Ryan-Murray budget agreement. Second, your budget would generate \$195 million in additional collections by raising the current per-passenger fee from \$5.60 to \$6 for a one-way trip. This fee was just increased in the Ryan-Murray budget agreement.

While there is merit to having users pay for their security rather than general taxpayers, the reality is that there is little chance Congress will re-open the bipartisan budget agreement this year and enact these proposals. So as chairman of this subcommittee, I will either have cut TSA’s budget by \$615 million or find scarce appropriated funds from somewhere else to fund your request.

For the record, will you provide the Committee with the impact in fiscal year 2015 of cutting TSA's budget by \$615 million below what you are proposing—specifically the impact to security, personnel, passenger wait times, and procurement of screening technology?

*Answer.* A reduction of that magnitude would have to be accommodated across the Department. The proposed reinstatement of the Aviation Security Infrastructure Fee and increase in the Aviation Security Passenger Fee is intended to reflect a better alignment of costs to the direct beneficiaries of aviation security, and thus the total discretionary funds required for the Department of Homeland Security programs. It was not the intent of the fee proposal to imply that the funding requirements of the Transportation Security Administration's (TSA) programs would be reduced absent the proposed fee changes. This is especially true given the efficiencies and program savings already included in the request for TSA.

#### ENHANCING TSA OFFICER SAFETY AND SECURITY

*Question.* On March 26, 2014, in response to the deadly shooting at the Los Angeles International Airport in November 2013, TSA released a report entitled "Enhancing TSA Officer Safety and Security: Agency Actions and Path Forward." The report's conclusions included the need for mandatory training, improved communication systems and policies, and enhanced law enforcement presence.

What is the timeline for ensuring that airports are in compliance with TSA's updated requirements for law enforcement presence?

*Answer.* On March 26, 2014, and in accordance with its discretionary authority under 49 CFR 1542.303, the Transportation Security Administration issued Information Circular 14-01 (IC 14-01) to all Airport Operators regulated under 49 CFR part 1542 to notify them of security concerns. IC 14-01 sets forth recommended standards for airport operators to increase law enforcement officer or airport security guard presence at high traffic locations within the airport such as during peak travel times at checkpoints and ticket counters to provide visible deterrence and quicker incident response. While there is no explicit timetable for implementation, the Transportation Security Administration recommends airports authorities incorporate these standards as soon as practicable.

*Question.* Does TSA anticipate any changes to the Law Enforcement Reimbursable Program as a result of these requirements?

*Answer.* The Transportation Security Administration is beginning the process of assessing the funding distribution methodology for airports' law enforcement and will consider the degree that risk can be reduced as a component of that analysis. Given constrained resources, any change in the reimbursement distribution to target higher risk airports may result in less support for lower risk airports.

#### CREATIVE FINANCING FOR COAST GUARD CUTTERS

*Question.* Mr. Secretary, given your Defense background and DOD's use of multi-year procurement authority, I wanted to ask you about similar authority for Coast Guard cutters. The Coast Guard plans to build 25 offshore patrol cutters (OPCs) to replace its medium endurance fleet of cutters that are technologically obsolete and poorly suited for performing deepwater missions. It is estimated that the total acquisition cost of 25 cutters will exceed \$10 billion. The Coast Guard recently awarded three design contracts for the OPC, will downselect to one shipyard in fiscal year 2016, and have the lead ship commissioned in 2020.

Multi-year procurement authority provides the potential for significant cost savings in the acquisition of major vessels by using a single contract to buy multiple ships over a number of years. Savings are achieved because the shipyard has more certainty in funding, which allows for efficiencies in planning, a steady workforce, and lower overhead costs. The Department of Defense has used this type of contracting for DDG-51 destroyers, *Virginia*-class submarines, and the V-22 Osprey. According to a recent CRS report, this type of contracting arrangement could save more than 15 percent over the life of an acquisition. For a \$10 billion effort like the OPC, that could result in real savings.

Would you exercise such authority if it was provided for the acquisition of offshore patrol cutters? Would you please look into this and follow up with the subcommittee?

*Answer.* The Coast Guard currently has multi-year procurement (MYP) authority under 10 U.S.C. section 2306b. While the OPC acquisition strategy is not currently structured to use this authority, I will consider all available options to ensure cost efficiencies are maximized.

## UNACCOMPANIED ALIEN CHILDREN

*Question.* There have been large annual increases in the number of unaccompanied alien children (UACs) crossing the Southwest border. Many of the children are smuggled into the United States by individuals, paid by their parents' who are already in the United States (often illegally), to get them here.

The majority of these children come from Honduras, Guatemala, and El Salvador. A smaller number are from Mexico. The most heavily impacted area is the Rio Grande Valley, which consists of 316 border miles between Del Rio and Brownsville, Texas.

There has been a 200-percent increase in UACs apprehended in the Rio Grande Valley sector in fiscal year 2014 compared with the same time period in fiscal year 2013 (17,708 vs. 5,906).

Under the Violence Against Women Reauthorization Act of 2013 (Public Law 113-4), these children are to be transferred to the custody of Health and Human Service's Office of Refugee Resettlement (ORR) within 72 hours of their being encountered. Unfortunately, ORR often does not have sufficient shelter space to accept these children within the legal timeframe. This results in children being kept in Border Patrol and other Department of Homeland Security (DHS) facilities which were never designed for more than temporary detention of children.

When shelter space is found for these children, it is generally in another State away from the border. This requires DHS law enforcement personnel to escort these children frequently on a commercial air flight. On average, it costs \$1,622 to escort one child. In fiscal year 2013, Immigration and Customs Enforcement (ICE) escorted more than 23,000 children at a cost of more than \$37 million. In fiscal year 2012, ICE escorted just over 12,000 children at nearly \$19.5 million.

There has been a large and growing increase in the number of unaccompanied alien children entering this country annually. What are the major factors driving this increase?

*Answer.* Generally migration push and pull factors are not static and can be very fluid and even cyclical. With regard to unaccompanied alien children (UACs), a myriad of reasons are motivating this migration, which include but are not limited to family reunification, violence in the home country, especially due to the rise in transnational criminal organizations and gangs, poverty in the countries of origin, and the perception that once they enter the United States they will be allowed to remain. The Department of Homeland Security (DHS) remains committed to working with our partners at U.S. Department of Health and Human Services, U.S. Department of State, and the U.S. Department of Justice to better understand what is motivating the continued increase of UAC migration. For example, in February 2013, U.S. Customs and Border Protection (CBP), through the DHS Working Group on UACs, launched "Dangers of the Journey to Cross the Border," a non-branded public awareness campaign in El Salvador, Guatemala, and Honduras to highlight the dangers of the journey north. Campaign materials for radio, television and print media were placed in popular media outlets in all three countries. The goal of this campaign is to dissuade potential migrants, particularly 12- to 17-year-olds from El Salvador, Guatemala, and Honduras, from embarking on the dangerous trip north to attempt to enter the United States illegally via Mexico. The campaign was live in Central America from January to July 2013 and continues today with assistance from Federal and nongovernmental organizations (NGO) partners. The campaign was coordinated across DHS components, and with interagency partners, NGO representatives, and Central American Embassy representatives to ensure that the message resonated with the target audience.

Equally important is the U.S. Government's engagement with other actors. This includes with the countries of origin, especially the Governments of Mexico, Guatemala, El Salvador, and Honduras; international organizations, such as United Nations High Commissioner for Refugees; regional bodies, such as the Regional Conference on Migration; and non-governmental organizations. These parties are key players to better understand and address the root causes for migration and also assist with the safe reintegration for those children who do not stay in the United States. Continued engagement and programs tailored to prevention and reintegration are instrumental to deterring the continued migration of UACs to the United States.

*Question.* The growth of this issue has a large impact not only on the Department of Homeland Security's budget, but on the budgets of a number of agencies and departments funded by Congress. Does this budget request provide the resources your Department needs to fully meet its legal obligations to care for these children?

*Answer.* ICE and CBP are not funded separately for the care or transportation of unaccompanied alien children (UAC) but rather accomplish this task through



their normal operating budget. Several DHS components are involved in processing and caring for UAC prior to their transfer to U.S. Health and Human Services (HHS). The increased inflow of UACs has significantly impacted operations at CBP and ICE and resulted in significant increases in costs associated with manpower and direct travel costs. ICE manpower costs associated with escort services both domestically and internationally have been impacted.

*Question.* Given that this issue touches a number of Departments, it requires a whole-of-Government approach. What additional steps do you think the Government—not just your Department—needs to take to responsibly address this issue?

*Answer.* The Department of Homeland Security remains committed to developing and implementing policies and procedures that take into account the needs and safety of each unaccompanied child we encounter. Developing a whole U.S. Government approach remains essential to addressing these issues whereby the U.S. Government align our existing policies and procedures in a manner that recognizes the special vulnerabilities of this population and, uniformly develop new policies and procedures that build on existing best practices.

As such, DHS is working very closely with the Department of Health and Human Services (HHS) to continue to closely track the rising trend of unaccompanied alien children (UAC) traveling to the United States, primarily from Honduras, El Salvador, and Guatemala. Both departments are working together to develop short-term and long-term goals. In the short-term, DHS and HHS operators meet bi-weekly to discuss day-to-day operations and develop effective measures to streamline existing procedures and processes to assist with the quick and safe transfers of UAC. For example, DHS and Office of Refugee Resettlement (ORR) have streamlined the UAC referral process by conducting dual notification to both ORR and ICE to expedite both placement and transport of the UAC. In addition DHS and HHS have developed effective information sharing tools to reduce length of stay in CBP facilities, such as daily capacity reports and interagency access to operational databases, this level of engagement between the two Departments has been essential to managing the operational and fiscal impacts on both Departments in their work along the Southwest border.

Furthermore, in the January 2014 Consolidated Appropriations Act, HHS, in coordination with the Office of Management and Budget (OMB), DHS and Department of State (DOS) was directed to develop a long-term interagency strategy to address the challenges presented by the growing number of UAC arriving in the United States. This group is currently reviewing the U.S. Government's UAC policies and operations to develop and/or identify efficiencies within and across agencies. These discussions include reviewing mechanisms, across the U.S. Government, to reduce the flow patterns, identify alternative program/process models to process, transport and transfer UAC that focus on streamlining the process while ensuring the needs and safety of the child are considered, and review existing UAC services to address area of improvement.

Equally important is the U.S. Government's engagement with other actors. These partners include the governments of the primary countries of origin, which are Mexico, Guatemala, El Salvador, and Honduras; international organizations such as United Nations High Commissioner for Refugees; regional bodies such as the Regional Conference on Migration and non-governmental organizations. These partners help the U.S. Government better understand and address the root causes of migration and assist with the safe reintegration of those children who are returned. Continued engagement and programs tailored toward prevention and reintegration are instrumental to deterring the continued migration of UACs to the United States.

#### INCREASE IN ILLEGAL BORDER CROSSINGS

*Question.* One measure of how well the Government is doing at securing our borders is tracking the number of apprehensions of illegal crossers at the border. From a low of just over 340,000 apprehensions in fiscal year 2011, there has been a steady increase in the number of aliens apprehended by the Border Patrol to nearly 421,000 in fiscal year 2013. At this rate, we could expect nearly 500,000 apprehensions by the end of this year. While this does not compare to the almost 1.2 million apprehensions in fiscal year 2005, this is a disturbing trend.

The Rio Grande Valley sector of the Border Patrol has surpassed the Tucson sector as the busiest crossing area along our Southwest border. Now 44 percent of all undocumented aliens apprehended along the Southwest border are entering through the Valley. Over the past 6 months, these apprehensions have grown by 72 percent as compared to the same period in 2013.

Most troubling is the skyrocketing increase in the apprehension of unaccompanied alien children. According to the Department of Health and Human Services, there

is estimated to be an 815-percent increase in child apprehensions by the end of this fiscal year compared to fiscal year 2011. There were 6,500 children apprehended in fiscal year 2011 but in fiscal year 2013 that number rose to nearly 25,000 unaccompanied children.

Clearly this is a growing problem and we must do more to tackle it.

To what can we attribute this increase in illegal border crossings and what more can we do to get a handle on it?

*Answer.* The Department of Homeland Security (DHS) remains committed to developing and implementing policies and procedures that take into account the needs and safety of each unaccompanied alien child (UAC) we encounter. Recognizing the unique strains the short-term care of UAC places on DHS operational components as well as the intricacies of managing the external relationships, DHS instituted an internal UAC working group in 2011. This group, co-led by DHS's Office of Policy and Civil Rights Civil Liberties with representations from U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP), U.S. Citizenship and Immigration Services, and other DHS offices, is tackling several internal topics. External agency coordination with the Department of Health and Human Services, the Department of Justice and other agencies as required. DHS continues to review its contingency planning to ensure that operations are minimally impacted in the event of an emergency. CBP launched a successful unbranded public awareness campaign aimed at children, particularly 12- to 17-year-olds, and their families from El Salvador, Guatemala, and Honduras. Children, especially young girls, who migrate to the United States without the protections of their parents or legal guardians often face myriad dangers on the dangerous trek north to attempt to enter the United States illegally via Mexico. The campaign was live in Central America from January to July 2013 and continues today with assistance from Federal and NGO partners. The campaign was coordinated across DHS components, and with inter-agency partners, NGO representatives, and Central American Embassy representatives to ensure that the message resonated with the target audience.

The goal of the campaign is to dissuade potential undocumented migrants from El Salvador, Guatemala, and Honduras and includes both the children themselves and their parents or guardians.

Feedback from a survey conducted at the conclusion of the campaign found it to be highly credible, reaching over 70 percent among every population segment (Youths: 73 percent, Parents: 73 percent). The campaign's affinity level was the highest value (86 percent) being capable of capturing people's imagination and reflect their concerns.

The high level of the campaign's credibility was the result of reinforcing real instances that respondents had experienced firsthand or through a close relationship.

DHS has also led a successful public awareness campaign (Dangers of the Journey), conducted successful ICE Field Office Juvenile Coordinator training(s) that included a cross section of participants from the DHS and U.S. Department of Health and Human Service, and launched nationwide the CBP "Know What to Expect Video." DHS also continues to assess its operational and fiscal needs to manage this population by responding to specific influx or emergency events by implementing and conducting planned operations.

Equally important is the U.S. Government's engagement with other actors. These include with the countries of origin, especially the Governments of Mexico, Guatemala, El Salvador, and Honduras; international organizations, such as United Nations High Commissioner for Refugees; regional bodies, such as the Regional Conference on Migration; and non-governmental organizations. These parties are key players to better understand and address the causes for migration and also assist with the safe reintegration for those children who do not stay in the United States. Continued engagement and programs tailored to prevention and reintegration are instrumental to deterring the continued migration of UACs to the United States.

*Question.* Given the increase in crossings, I am concerned about some of the reductions in your budget to immigration enforcement, including to detention beds and alternatives. Are we returning to the bad old days of "catch and release" because we will not have the resources to enforce our immigration laws?

*Answer.* The President's fiscal year 2015 budget request proposes resources sufficient to fund 30,539 immigration detention beds. This bed level is consistent with U.S. Immigration and Customs Enforcement's (ICE) stated enforcement priorities and recent policy guidance and will allow ICE to continue to detain those aliens that fall into ICE's civil enforcement priorities or are subject to mandatory detention by statute, while shifting lower risk aliens into Alternatives to Detention (ATD) programs. Without a mandated minimum number of detention beds required by past appropriations, ICE is able to avoid inefficiencies and budget resources based on need. The requested bed level of 30,539 accommodates the current fiscal year 2014

mandatory detained population (22,417 year-to-date average as of March 31, 2014) and provides a sufficient number of beds dedicated to the accommodation of higher risk, non-mandatory detainees who present a risk to public safety, while placing lower risk, non-mandatory individuals in lower cost ATD programs. Although they are not detained, ATD participants are subject to monitoring and reporting and are placed in proceedings with the Executive Office of Immigration Review's immigration courts. Moreover, the President's budget calls for an increase in funding for ATD programs in the amount of \$2.7 million.

#### CUTS TO ICE TRANSPORTATION AND REMOVAL PROGRAM

*Question.* There has been a growth in the number of people illegally crossing our Southwest border. Given scarce resources, Immigration and Customs Enforcement (ICE) has established detention and removal priorities. These priorities are criminal aliens, repeat immigration violators, and recent border crossers.

In fiscal year 2013, 216,180 aliens—or 59 percent—of the total 368,344 aliens removed from the United States by ICE personnel were convicted criminals. ICE is also responsible for the transportation of unaccompanied alien children from where they are encountered along our borders to shelters operated by the Office of Refugee Resettlement within the Department of Health and Human Services. In fiscal year 2012, ICE escorted just over 12,000 children at a cost of nearly \$19.5 million. In fiscal year 2013, that number nearly doubled to more than 23,000 children at a cost of more than \$37 million.

Even if Congress agrees to fund a lower number of detention beds for next year, ICE still will require a robust transportation budget to remove aliens who meet its immigration priorities as well as transport even more children to appropriate official shelters. Yet the budget request for the transportation and removal program within ICE is \$48 million less than what was appropriated in fiscal year 2014.

How much of the total Transportation and Removal Program funding (and what proportion) was dedicated to transporting UACs to ORR in the past 3 full fiscal years 2011–2013?

*Answer.* While under the current appropriation structure UAC transport is funded under the Transportation and Removal Program (TRP) programs, projects, and activities budget line, ICE has developed a cost model to assist in breaking out the costs specific to UAC. The estimated costs fiscal year 2011 through fiscal year 2013 are as follows:

#### FISCAL YEAR 2011 ESTIMATED UAC COSTS

	# UAC	Man hours	Man hour cost <sup>2</sup>	Transport cost	Total cost
Encounters .....	6,068	.....	.....	.....	.....
Local Transfer to HHS <sup>3</sup> .....	3,042	5,407	\$249,277	\$539,144	\$788,421
Air Charter Transfer to HHS <sup>4</sup> .....	980	.....	.....	514,730	514,730
Commercial Transfer to HHS <sup>5</sup> .....	1,993	7,088	326,746	2,351,592	2,678,338
Transfer to ICE staging <sup>1</sup> .....	816	.....	386,593	.....	386,593
Air Charter Removal <sup>4</sup> .....	69	.....	.....	36,144	36,144
Commercial Removal <sup>6,7</sup> .....	53	1,260	58,102	98,390	156,491
<b>Total .....</b>	<b>6,068</b>	<b>13,755</b>	<b>1,020,718</b>	<b>3,540,000</b>	<b>4,560,718</b>

#### FISCAL YEAR 2012 ESTIMATED UAC COSTS

	# UAC	Man hours	Man hour cost <sup>2</sup>	Transport cost	Total cost
Encounters .....	11,997	.....	.....	.....	.....
Local Transfer to HHS <sup>3</sup> .....	6,014	10,691	\$492,844	\$1,065,937	\$1,558,781
Air Charter Transfer to HHS <sup>4</sup> .....	1,938	.....	.....	1,017,668	1,017,668
Commercial Transfer to HHS <sup>5</sup> .....	3,941	14,013	646,007	4,649,316	5,295,324
Transfer to ICE staging <sup>1</sup> .....	1,613	.....	784,455	.....	784,455
Air Charter Removal <sup>4</sup> .....	136	.....	.....	71,460	71,460
Commercial Removal <sup>6,7</sup> .....	104	2,492	114,872	194,526	309,398
<b>Total .....</b>	<b>11,997</b>	<b>27,196</b>	<b>1,253,724</b>	<b>6,998,908</b>	<b>8,252,632</b>

## FISCAL YEAR 2013 ESTIMATED UAC COSTS

	# UAC	Man hours	Man hour cost <sup>2</sup>	Transport cost	Total cost
Encounters .....	20,750	.....	.....	.....	.....
Local Transfer to HHS <sup>3</sup> .....	10,401	18,491	\$852,389	\$1,843,644	\$2,696,033
Air Charter Transfer to HHS <sup>4</sup> .....	3,353	.....	.....	1,760,158	1,760,158
Commercial Transfer to HHS <sup>5</sup> .....	6,817	24,237	1,117,289	8,041,453	9,158,743
Transfer to ICE stagings <sup>1</sup> .....	2,789	.....	1,373,610	.....	1,373,610
Air Charter Removal <sup>4</sup> .....	235	.....	.....	123,598	123,598
Commercial Removal <sup>6,7</sup> .....	180	4,310	198,675	336,452	535,127
<b>Total .....</b>	<b>20,750</b>	<b>47,038</b>	<b>3,541,964</b>	<b>12,105,305</b>	<b>15,647,269</b>

## Notes:

<sup>1</sup>Man hour costs is detention cost requirement. Detention requirement based upon aliens booked into an ICE facility with subsequent bookout to an ORR facility; ALOS is assumed to be 3 days per PBND standards; fiscal year 2013 bed rate is \$118.88 plus salary requirement of \$45.29; fiscal year 2014 bed rate is \$119.86 plus salary.

<sup>2</sup>Cost per hour based on fiscal year 2013 actual payroll/5,972 officers/2,080 base hours.

<sup>3</sup>Local transfers are effectuated on buses. Cost per bus seat is \$177.26 based upon contract data.

<sup>4</sup>Air charter costs are estimated at \$525 per seat based upon contract costs.

<sup>5</sup>Cost of commercial tickets estimated at \$323; includes costs for two officers for every 2.25 aliens; includes \$300 in other expenses (hotel, rental cars, etc.) per officer estimated from MCA.

<sup>6</sup>Cost of commercial tickets estimated at \$323; includes costs for two officers for every alien; includes \$300 in other expenses (hotel, rental cars, etc.) per officer estimated from MCA.

<sup>7</sup>Assumes 50 percent 2-day trips and 50 percent 1-day trips.

*Question.* Is ICE deliberately trying to prevent the removal of convicted criminals by such a deep cut in this program?

*Answer.* U.S. Immigration and Customs Enforcement (ICE) prioritizes the removal of individuals who pose a danger to our national security, public safety, or border security. These priorities include individuals convicted of certain crimes, with a particular emphasis on violent criminals, felons, and repeat offenders. The President's fiscal year 2015 budget requests funding for 30,539 immigration detention beds. The requested bed level of 30,539 accommodates the current fiscal year 2014 mandatory detained population (22,417 year-to-date average as of March 31, 2014) and provides for a sufficient number of beds to accommodate the high-risk, non-mandatory detainees who present a risk to public safety, while placing lower risk, non-mandatory individuals in lower cost alternatives to detention programs.

As a result, ICE assesses that the President's budget request will allow it to continue to remove convicted criminals and other priority aliens who pose a risk to public safety and national security.

*Question.* Does ICE not anticipate that its transportation costs for alien children will increase next year, because the rate of growth indicates just the opposite?

*Answer.* Currently, the fiscal year 2014 apprehension trend reflects a significant increase in the removal of unaccompanied alien children from the fiscal year 2013 level, the transportation and removal program budget is based on the total number of removals that are projected for fiscal year 2015. The fiscal year 2015 President's budget assumes an average daily population (ADP) of 30,539 which is 3,461 below fiscal year 2014. At 30,539 ADP, we project a savings of \$26 million in transportation and removal program costs.

## FUNDING FOR ALTERNATIVES TO DETENTION

*Question.* Your budget proposes to reduce detention bed capacity by more than 3,400 beds with a corresponding savings of \$185 million. Supporting budget documents justify this cut by claiming, "ICE will ensure the most cost-effective use of our appropriated funding by focusing the more-costly detention capabilities on priority and mandatory detainees, while placing low-risk, non-mandatory detainees in lower cost alternatives to detention programs." There clearly remains a large illegal alien population which needs to be placed in some kind of a detention capacity, yet you provide less than a \$3 million increase to the Alternatives to Detention program. Many Members of Congress are skeptical that this Administration is serious about securing our borders so we can move forward with legislation to provide needed reforms to our broken immigration system. Unfortunately, this budget provides further support to immigration-reform opponents' beliefs that the Administration will permit illegal aliens to reside in our communities without any type of supervised release.

Given the proposed reduction in detention beds, why is there not a higher level of funding requested for the Alternatives to Detention program?

*Answer.* U.S. Immigration and Customs Enforcement (ICE) exercises its detention authorities in accordance with the requirements of immigration law, precedent decisions, policy and the Federal courts. ICE ensures the most cost-effective use of its

funding by focusing detention capabilities on priority and mandatory detainees while placing lower risk, non-mandatory detainees in lower cost alternatives to detention. The Alternatives to Detention program is an important piece of ICE's immigration enforcement strategy. ICE considers alternatives to detention where appropriate and legally authorized. These include bond, order of recognizance, order of supervision, telephonic monitoring, or global positioning system monitoring. Funding for the program has exponentially increased since fiscal year 2012. In fiscal year 2013, the President's budget requested an additional \$19 million, from \$72.4 million to \$91.4 million (a 21-percent increase). ICE was operating under a continuing resolution through fiscal year 2014, which limited ICE's resources. The President's fiscal year 2015 budget requests \$2.7 million above fiscal year 2013 and 2014 levels.

*Question.* Does this funding level reflect the Administration's skepticism towards detention alternatives?

*Answer.* The Alternatives to Detention program is an important and effective piece of U.S. Immigration and Customs Enforcement's (ICE) immigration enforcement strategy. To illustrate this, ATD's compliance court appearance rates are below.

COMPLIANCE RATES BY FISCAL YEAR

[Figures in percent]

	Fiscal year 2014 through March			Fiscal year 2013			Fiscal year 2012		
	FS	TO	Total	FS	TO	Total	FS	TO	Total
Success Rate .....	92.9	85.3	90.5	93.5	89.5	92.3	93.0	88.0	91.5
Failure Rate .....	7.1	14.7	9.5	6.5	10.5	7.7	7.0	12.0	8.5
Absconder Rate .....	5.9	6.4	6.1	5.3	4.5	5.1	5.6	3.7	5.0

COURT APPEARANCE RATES BY FISCAL YEAR

Court Appearance Stats	Fiscal year 2014 through March	Fiscal year 2013	Fiscal year 2012
	FS	FS	FS
EOIR Attendance Rates (percent) .....	99.4	99.6	99.6
EOIR Non Attendance Rate (percent) .....	0.6	0.4	0.4
No. of Attended .....	6,757	17,822	16,043
No. of Scheduled .....	6,795	17,897	16,101
EOIR Final Hearing Attendance Rates (percent) .....	94.3	96.7	97.6
EOIR Final Hearing Non Attendance Rates (percent) .....	5.7	3.3	2.4
No. of Attended .....	626	2,185	2,353
No. of Scheduled .....	664	2,260	2,411

Funding for the program has exponentially increased since fiscal year 2012. In fiscal year 2013, the President's budget requested an additional \$19 million, from \$72.4 million to \$91.4 million (a 21-percent increase). ICE was operating under a continuing resolution through fiscal year 2014, which limited ICE's resources. The President's fiscal year 2015 budget requests \$2.7 million above fiscal year 2013 and 2014 levels. The Administration is committed to ensuring alternate detention options are available for whom ICE has determined traditional detention is neither mandatory nor appropriate.

Data Notes:  
 —FS = Full service, TO = Technology only  
 —Compliance Rates are defined as the following—  
 —Success Rate: The percent of participants who were terminated from ATD and were compliant during their time in ATD.  
 —Failure Rate (Absconder and Violator Rate): The percent of participants who were terminated from ATD due to failure to comply with program policies or absconded from the program.  
 —Absconder Rate: The percent of participants who absconded from the program.  
 —Court data is only tracked for full service participants as it is contractually required. ICE cannot provide technology only participant court data. Data from Behavioral Interventions, Inc.

HONORING ICE DETAINERS

*Question.* A number of jurisdictions around the country have opted not to honor ICE requests to place a person in the custody of local law enforcement on detainer so that ICE can determine their legal status. At the same time, ICE claims that local authorities do not have the right not to honor these detainers.

Recently, a senior ICE official testified that the increase in not honoring detainers has "gotten to the point where it's a community safety issue."

Please quantify how these decisions are having a potential negative impact on public safety.

*Answer.* Thus far in calendar year 2014, U.S. Immigration and Customs Enforcement (ICE) has identified nearly 1,300 aliens who were released from State and local jails because ICE detainers were not honored by law enforcement agencies.

This has a serious potential to negatively impact community safety when criminals are released into the general public.

These aliens are released into the community where they can recidivate and not only pose a danger to the public safety but also a risk to ICE officers as they attempt to locate and arrest them. Arresting these individuals outside of a secure environment like a jail when our detainers are not honored poses an increased risk to officer safety.

*Question.* Also, please describe the impact on ICE resources, including agent workload, resulting from these local decisions.

*Answer.* Immigration detainers are a crucial part of U.S. Immigration and Customs Enforcement's (ICE) efforts to remove criminals who are in Federal, State, or local custody and whose release into the community may undermine public safety. The form I-247, Immigration Detainer-Notice of Action, notifies a Federal, State, or local law enforcement agency that ICE intends to assume custody of an individual once he or she is no longer subject to detention by the law enforcement agency. To enable ICE to assume custody, a detainer requests that the law enforcement agency maintain custody of an alien for a period not to exceed 48 hours (excluding Saturdays, Sundays, and Federal holidays) after he or she would otherwise be released.

Thus far in calendar year 2014, ICE has identified nearly 1,300 individuals who were released from State and local jails because ICE detainers were not honored by law enforcement agencies. Arresting these individuals outside of a secure environment if our detainers are not honored poses an increased risk to officer safety, and equates to an additional cost of approximately \$3,900 per at-large criminal arrest, requiring approximately 34 work-hours.

#### IMMIGRATION DATA AND PRIORITIES

*Question.* One of things that the subcommittee would greatly benefit from would be more comprehensive and timely data about how the Department is managing its border and immigration enforcement responsibilities.

How many individuals are being apprehended, where are they being apprehended, and how do they fit into the Department's enforcement priorities?

*Answer.* Please reference the below chart reflecting U.S. Immigration and Customs Enforcement (ICE), Enforcement and Removal Operations (ERO) apprehensions in fiscal years 2013 and 2014 (year-to-date).

#### FISCAL YEAR 2013 ENFORCEMENT AND REMOVAL OPERATIONS APPREHENSION THREAT LEVEL BY AREA OF RESPONSIBILITY

Area of responsibility	Fiscal year 2013 arrests by threat level				Total
	ICE threat level 1	ICE threat level 2	ICE threat level 3	Non-criminal immigration violator	
Atlanta .....	5,988	3,429	3,434	4,749	17,600
Baltimore .....	731	267	475	1,105	2,578
Boston .....	1,474	356	478	1,640	3,948
Buffalo .....	889	204	107	511	1,711
Chicago .....	3,395	2,236	2,807	3,573	12,011
Dallas .....	6,422	3,124	4,405	2,022	15,973
Denver .....	1,786	1,366	1,100	625	4,877
Detroit .....	1,529	1,160	1,387	1,361	5,437
El Paso .....	1,195	415	553	1,106	3,269
Houston .....	4,827	2,786	2,622	3,716	13,951
Los Angeles .....	9,570	4,531	4,666	6,396	25,163
Miami .....	3,813	1,529	1,812	4,196	11,350
New Orleans .....	2,234	1,590	2,546	2,745	9,115
New York City .....	1,796	811	1,199	1,827	5,633
Newark .....	1,116	326	631	2,380	4,453
Philadelphia .....	2,172	583	812	1,416	4,983
Phoenix .....	2,886	1,501	2,514	4,166	11,067
Salt Lake .....	1,959	1,356	1,863	1,035	6,213
San Antonio .....	4,172	3,787	13,262	4,513	25,734
San Diego .....	1,607	651	1,781	2,499	6,538
San Francisco .....	7,554	3,227	4,134	5,885	20,800
Seattle .....	2,183	994	1,430	2,558	7,165
St. Paul .....	1,584	1,302	1,342	1,318	5,546
Washington .....	1,545	1,315	1,229	1,554	5,643

**FISCAL YEAR 2013 ENFORCEMENT AND REMOVAL OPERATIONS APPREHENSION THREAT LEVEL BY AREA OF RESPONSIBILITY—Continued**

Area of responsibility	Fiscal year 2013 arrests by threat level				
	ICE threat level 1	ICE threat level 2	ICE threat level 3	Non-criminal immigration violator	Total
Fugitive Operations Support Center .....	8	.....	.....	5	13
Unassigned Area of Responsibility .....	275	116	183	942	1,516

**FISCAL YEAR 2014 YEAR-TO-DATE U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT AND REMOVAL OPERATIONS APPREHENSION THREAT LEVEL BY AREA OF RESPONSIBILITY**

Area of responsibility	Fiscal year 2014 year-to-date arrests by threat level				
	ICE threat level 1	ICE threat level 2	ICE threat level 3	Non-criminal immigration violator	Total
Atlanta .....	2,662	1,561	1,261	1,864	7,348
Baltimore .....	268	159	212	490	1,129
Boston .....	459	168	210	627	1,464
Buffalo .....	400	87	54	285	826
Chicago .....	1,441	1,194	1,226	1,461	5,322
Dallas .....	2,858	1,647	1,846	969	7,320
Denver .....	699	597	377	230	1,903
Detroit .....	751	519	540	570	2,380
El Paso .....	477	157	254	482	1,370
Houston .....	2,533	1,552	1,385	1,945	7,415
Los Angeles .....	4,390	2,224	1,827	2,794	11,235
Miami .....	1,393	715	724	1,581	4,413
New Orleans .....	1,087	828	841	1,031	3,787
New York City .....	800	454	552	829	2,635
Newark .....	513	180	259	1,041	1,993
Philadelphia .....	984	284	311	820	2,399
Phoenix .....	972	643	1,048	1,495	4,158
Salt Lake City .....	744	626	856	439	2,665
San Antonio .....	1,607	1,362	4,464	2,380	9,813
San Diego .....	862	431	850	1,393	3,536
San Francisco .....	2,893	1,079	1,249	1,601	6,822
Seattle .....	879	492	604	917	2,892
St. Paul .....	653	567	461	436	2,117
Washington .....	575	546	473	523	2,117
FOSC .....	4	.....	.....	3	7
Unassigned Area of Responsibility .....	148	139	121	452	860

The "area of responsibility" refers to the ERO field office to which the officer conducting the arrest is assigned. The arrests listed under "FOSC" are conducted by officers assigned to the Fugitive Operations Support Center in Williston, Vermont, although the arrests may take place in another location. The arrests listed under "unassigned area of responsibility" refer to arrests conducted by officers not assigned to an ERO field office in the ICE case management system.

Fiscal year 2014 year-to-date data was updated as of March 29, 2014, (ICE Integrated Decision Support (IDS) v.1.16 as of March 31, 2014, ENFORCE Integrated Database (EID) Extract as of March 29, 2014). Fiscal year 2013 data are historical and remain static.

Arrest criminality is based on apprehension threat level. The apprehension threat level is associated with the person's ICE arrest and it reports only on convictions for crimes occurring on or prior to the date of that ICE arrest. ICE began reporting this as of October 1, 2010. Threat levels reflect the priorities outlined in former Director John Morton's June 2010 memorandum entitled "ICE Civil Immigration Enforcement Priorities effective October 1, 2010." Since fiscal year 2011, ICE has defined criminality as whether or not an alien has an ICE threat level (convicted criminal) or not (non-criminal immigration violator). For purposes of prioritizing the removal of aliens convicted of crimes, ICE personnel refer to the following offense levels: level 1, level 2, and level 3 offenders. Level 1 offenders are those aliens convicted of "aggravated felonies" as defined in section 101(a)(43) of the Immigration and Nationality Act, or two or more crimes each punishable by more than 1 year, commonly referred to as "felonies." Level 2 offenders are aliens convicted of any other felony or three or more crimes each punishable by less than 1 year, commonly referred to as "misdemeanors." Level 3 offenders are aliens convicted of misdemeanor crime(s) punishable by less than 1 year.

Starting in fiscal year 2013, ERO arrests include all ERO programs. ERO programs include Detention and Deportation, Fugitive Operations, Alternatives to Detention, Criminal Alien Program, Detained Docket Control, Non-Detained Docket Control, Violent Criminal Alien Section, Joint Criminal Alien Response Team, Juvenile, Law Enforcement Area Response, and 287(g). Prior to fiscal year 2013, 287(g) data was not included.

**Question.** How many meet ICE's statutory or policy criteria for detention?

**Answer.** In fiscal year 2013, ICE Enforcement and Removal Operations (ERO) recorded encountered 193,357 encounters after a criminal arrest by law enforcement agencies criminal immigration violators. Of these individuals, 192,912 met one of ICE's enforcement priorities (e.g., criminal alien, repeat immigration violator, or recent border crosser) and were booked in for detention. The total average daily popu-

lation in ICE detention in fiscal year 2013 was 33,788. Fifty percent of all fiscal year 2013 ICE book-ins derived from a Customs and Border Protection apprehension.

In fiscal year 2014 (year-to-date), ICE ERO encountered recorded 82,640 encounters after a criminal arrest by law enforcement agencies criminal immigration violators. Of these individuals, 77,765 met one of ICE's enforcement priorities (e.g., criminal alien, repeat immigration violator, or recent border crosser) and were booked in for detention. The total average daily population in ICE detention in fiscal year 2014 year-to-date is 31,447. 56 percent of all fiscal year 2014 year-to-date book-ins derived from a Customs and Border Protection apprehension.

*Question.* How many are put on Alternatives to Detention or some other non-detention form of supervision, and which enforcement priority levels do they fit into?

*Answer.* Please reference the below chart reflecting Alternatives to Detention enrollments by priority status from fiscal years 2012–2014 (year-to-date).

	Criminal enrollments	Priority—non-criminal enrollments	Non-priority—non-criminal enrollments	Total enrollments
Fiscal year 2014 thru Jan 2014 .....	2,210	1,900	370	4,480
Fiscal year 2013 year-end snapshot <sup>1</sup> .....	7,268	6,462	1,150	14,880
Fiscal year 2012 .....	n/a	n/a	n/a	15,997

<sup>1</sup> In fiscal year 2012, criminality, priority—non-criminal, and non-priority—non-criminal enrollments were not captured. As a result, this information is designated n/a.

<sup>1</sup> In fiscal year 2013, a total of 6,240 "priority—non-criminal enrollments" and "non-priority—non-criminal enrollments" were not captured between October 2012 and January 2013. As a result, this data is only available beginning in February 2013. Priority and criminality enrollment statistics were pulled on a monthly basis and combined to create fiscal year statistics. Monthly enrollments are counts of individuals, but individuals may have been re-enrolled in subsequent months.

Enrollment data is from ATD service providers. Participant Reports, criminal and priority enrollments are pulled on a monthly basis from ICE Integrated Decision Support (IDS). IDS is a data warehouse that contains dynamic data extracts from the Enforcement Integrated Database (EID).

Criminal designation is based on an alien's removal case threat level. ATD Enforcement Priorities are defined as a non-criminal alien with one of the following conditions: charged with a specific subset of IN A code 212 or 237, has a final order, a recommended supervision case category of 3, 10, 11, 12, 16, 8C, 8E, 8F, 8G, 8H, or 8I, was arrested by Border Patrol, or has a pending criminal charge.

Approximately 3.5 percent of submitted A-numbers fail to return a record, the status is unknown, and it is not included in the data set.

*Question.* On average, how many days does it take to keep people on ATD before the cost benefits outweigh the average days of someone who is physically detained?

*Answer.* With an average bed per day rate of \$119.86 and an average length of stay in custody of 31.1 days, on average it costs U.S. Immigration and Customs Enforcement (ICE) \$3,727.65 to detain an alien. The average cost per participant under the Intensive Supervision Appearance Program II (ISAP II) contract is \$4.50 per participant per day on average. This translates into 828<sup>1</sup> days of alternatives to detention monitoring before the cost benefit is negated compared to that of detention.

*Question.* How many criminal vs. non-criminal aliens were removed in fiscal years 2009–2013? (Please provide both actual numbers and the percent of each).

*Answer.* Please reference the below chart reflecting removals by criminality from fiscal year 2009 through fiscal year 2013.

#### FISCAL YEARS 2009–2013 REMOVALS BY CRIMINALITY

Fiscal year	Convicted criminals	Convicted criminal percentage of total removals (percent)	Non-criminal immigration violator	Non-criminal immigration violator percentage of total removals (percent)	Total
Fiscal year 2009 .....	136,343	35	253,491	65	389,834
Fiscal year 2010 .....	195,772	50	197,090	50	392,862
Fiscal year 2011 .....	216,698	55	180,208	45	396,906
Fiscal year 2012 .....	225,390	55	184,459	45	409,849
Fiscal year 2013 .....	216,810	59	151,834	41	368,644

Data are historic and remain static. Removals include returns, which include voluntary returns, voluntary departures and withdrawals under Docket Control.

<sup>1</sup> Based upon option year 4 ISAP II contract prices for legal stage, contract management, and assigned technology across both the full-service and technology-only components, and the use of high-low-high reporting, which includes recurring case reviews that, depending on the participant's compliance with release conditions, may result in higher or lower levels of case management and technology assignment which in turn affects reporting and associated costs. These days can also be non-consecutive days of enrollment.



Starting in fiscal year 2009, ICE began to “lock” removal statistics on October 5th at the end of each fiscal year and counted only the aliens whose removal or return was already confirmed. Aliens removed or returned in that fiscal year but not confirmed until after October 5th were excluded from the locked data and thus from ICE statistics. To ensure an accurate and complete representation of all removals and returns, ICE will include the removals and returns confirmed after October 5th into the next fiscal year. [The number of removals in fiscal year 2009, excluding the “lag” from fiscal year 2008, was 387,790. The number of removals in fiscal year 2010, excluding the “lag” from fiscal year 2009, was 373,440. This number does not include 76,732 expedited removal cases which ICE closed on behalf of CBP in fiscal year 2010. Of those 76,732 cases, 33,900 cases resulted from a joint CBP/ICE operation in Arizona. ICE spent \$1,155,260 on those 33,900 cases. The number of removals in fiscal year 2011, excluding the “lag” from fiscal year 2010, was 385,145. The number of removals in fiscal year 2012, excluding the “lag” from fiscal year 2011, was 402,919. Fiscal year data lag/case closure lag is defined as the physical removal of an alien occurring in a given month; however, the case is not closed in ENFORCE Alien Removal Module until a subsequent fiscal year after the data is locked. Since the data from the previous fiscal year is locked, the removal is recorded in the month the case was closed and reported in the next fiscal year removals. This will result in a higher number of recorded removals in a fiscal year than actual departures. ICE has defined criminality as whether or not an alien has a criminal conviction recorded in the Crime Entry Screen of its data system.]

#### DELAYS IN PROCESSING APPLICATIONS FOR IMMIGRATION BENEFITS OF U.S. CITIZEN SPOUSES

*Question.* There have been recent media reports claiming Americans seeking “green cards” for their foreign spouses or immediate family members are experiencing delays in processing of these applications due in part to the focus of U.S. Citizenship and Immigration Services adjudicators on processing the Deferred Action for Childhood Arrivals. The stories claim that what used to take 5 months has now stretched to upwards of 15 months—keeping families separated far longer than should be necessary.

What are the actual facts behind these claims?

*Answer.* U.S. Citizenship and Immigration Services (USCIS) has experienced an increase in processing times for numerous benefit types, including petitions for spouses filed by United States citizens. In building capacity at USCIS Service Centers to handle the Deferred Action for Childhood Arrivals requests, the petitions for immediate relatives of U.S. citizens were transferred to the National Benefits Center (NBC) in Missouri. Soon thereafter, the NBC encountered a higher than anticipated vacancy rate resulting from as many as 50 percent of qualified job seekers declining offers of employment, which affected NBC processing times. USCIS has addressed these longer processing times by continuing to hire staff and by transferring cases to locations better able to handle additional work. This has improved USCIS’s ability to adjudicate these immediate relative petitions in a timely manner and we now anticipate reducing the processing time of immediate relative petitions to an average of 5 months or less by this summer.

While a relatively few cases may have had processing times of 15 months, the average processing time for all immediate relative petitions filed by U.S. citizens has been well below this figure for many years.

*Question.* Currently how long is it taking to process spousal/family green cards compared with March 2011?

*Answer.* The current processing time for family-based form I-485 is 6 months. In March 2011 the processing time was 4.6 months. The current processing time for immediate relative form I-130 is 7.4 months. In March 2011 the processing time was 5.8 months.

*Question.* What is needed to reduce this backlog and provide the level of timely service deserved by people who are adhering to our immigration laws?

*Answer.* USCIS has expanded its capacity to adjudicate backlogged petitions and applications by reallocating workload among our centers, hiring additional staff, and expanding the use of overtime. USCIS expects to reduce the processing time of immediate relative form I-130s to an average of 5 months or less by this summer.

#### USE OF INCREASED FEES TO PAY FOR CUSTOMS OFFICERS

*Question.* Last year, the President’s budget called for hiring 1,877 new Customs and Border Protection officers (CBPOs) through an increase in the COBRA and immigration user fees and 1,600 new officers through direct appropriations. The Department made a strong case—validated by an independent study—for the need for more officers to expedite travel and trade. According to your budget request, an additional 2,000 CBPOs is projected to add nearly 66,000 new jobs, add \$4 billion to gross domestic product, and result in 46,000 more seizures of illegal items, including potentially over \$5.5 million in counterfeit and fraudulent goods.

The Senate version of the fiscal year 2014 bill concurred in one of the fee proposals. However, due to extremely vocal opposition by outside special interests, the final fiscal year 2014 bill rejected any fee increase and ended up funding 2,000 new officers from direct appropriations. In fiscal year 2016, it will cost more than \$350 million just to sustain those 2,000 new officers. While I strongly support hiring more officers, clearly this Committee cannot afford to pay for any additional CBP officers through direct appropriations.

As it did last year, your budget proposes to hire 2,000 additional CBP officers via the same increase in the COBRA and immigration user fees. Ultimately, Congress was unwilling to accept these increases last year. How can you convince the Congress to take a different position this year?

*Answer.* U.S. Customs and Border Protection's cost of inspectional services has steadily increased while the rates for inspectional fees intended to support key parts of CBP's operations have not been increased since 2007 for the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) fees and 2001 for the Immigration User Fees (IUF).

IUF fees are intended to fully support the cost of CBP's immigration inspectional activities. However, in fiscal year 2013, CBP only recovered 76 percent of its costs for immigration inspectional services from the IUF fees. Had IUF been adjusted annually for inflation since its creation, the air and commercial vessel passenger fees would have been \$12.31 in fiscal year 2013. CBP is proposing a \$2 fee increase from the current \$7 rate to \$9 for IUF air and commercial vessel passengers, well below their inflationary level.

While COBRA was not statutorily intended to be full cost recovery, given the hierarchical framework of those items the fees reimburse; CBP believes the percentage of cost recovery for COBRA is below what was originally intended. In fiscal year 2013, CBP only recovered 50 percent of the costs eligible to be reimbursed by COBRA fee revenue. For example, had the COBRA fees been adjusted annually for inflation since its creation, the air and commercial vessel passenger fee would have been \$10.66 in fiscal year 2013. CBP is proposing an increase from the current rate of \$5.50 to \$7.50 for the COBRA commercial air passenger fee in fiscal year 2015, well below its inflationary level, with proportional increases for the additional fees governed by COBRA.

Current deltas in CBP's cost recovery for the activities supported by COBRA and IUF fees are made up with CBP's annual appropriations. Not increasing the fees will continue to burden CBP's appropriated resources and will result in diminished capabilities for CBP as each year the buying power of these fees decreases. The proposed fee increases in the fiscal year 2015 budget, supporting up to an additional 2,000 CBPOs will not only support CBP's goal to apply the findings of the Workload Staffing Model identified CBPO requirement at U.S. Ports of Entry for fiscal year 2015, but will continue to do so with the goal of more efficiently and effectively accomplishing CBP's trade and travel facilitation mission, and position CBP to better address the growing needs associated with increasing trade and travel.

To address these needs, the President's fiscal year 2015 budget requests funding for new hand-held screening equipment, resources to begin replacing large and small scale Non-Intrusive Inspection (NII) systems, and support for new CBPOs and support staff. While these requests are critical to increase efficiencies (e.g., hand-held inspection equipment) and prevent the loss of ground gained (e.g., replacement of aging NII equipment), the most notable step to address the workload need is additional CBPOs, along with the appropriate level of mission and operational support staff. These strategies and the resources necessary to accomplish this mission have been outlined in CBP's fiscal year 2014 Resource Optimization Strategy report. With these proposed fee increases, CBP could potentially recover 99 percent of current IUF eligible costs, 99 percent of current COBRA eligible costs for customs inspectional activity in the air environment, 19 percent for COBRA eligible expenses in the land environment, and 98 percent for COBRA eligible expenses in the sea environment in fiscal year 2015.

The projected cost recovery in fiscal year 2015 assumes fiscal year 2013 costs and service levels and does not take into consideration an estimated 3–4 percent growth in passenger volume in future fiscal years or infrastructure requirements assumed in CBP's Resource Optimization Strategy. Even with increasing volume and requirements in future fiscal years, the proposed increase in collections, with an increase in the air passenger environment alone assuming current service levels, will mean greater security, lower wait times, and increased services for those traveling to the United States.

*Question.* What is the status of hiring and training the 2,000 new CBP officers we funded in the fiscal year 2014 act?

*Answer.* U.S. Customs and Border Protection's (CBP) Office of Human Resource Management is planning to publish new CBPO Job Opportunity Announcements in late spring and summer 2014 to support hiring surge requirements. Additional vacancy announcements will be opened as necessary in 2015 to support remaining hiring requirements. A critical component in supporting this hiring initiative is the Office of Internal Affairs' (IA) role in conducting polygraph examinations and background investigations within the required timeframes. We estimate that IA will need to clear at least 4,300 applicants in total for fiscal years 2014 and 2015 to meet

CBP's hiring requirements. CBP will meet this requirement and have sufficient candidates to place into academy classes, to onboard all 2,000 new CBP officers, as well as address attrition hiring goals by the end of fiscal year 2015.

*Question.* Do you and FLETC have sufficient resources to perform polygraphs and background investigations and then train the 2,000 CBPOs from fiscal year 2014? If not, how much in additional resources do you and FLETC require?

*Answer.* U.S. Customs and Border Protection (CBP) has developed a plan to have sufficient resources to place all 2,000 new CBPOs into academy classes and on board by the end of fiscal year 2015 through additional contract support. A request for proposal was announced on FedBizOpps on March 18, 2014, for certified polygraph support, and CBP expects to award the contract this summer. CBP is continuously monitoring resource needs and progress towards the hiring of the 2,000 new CBPOs and will address any additional resource needs should they develop.

#### REDUCTION IN CBP FLIGHT HOURS

*Question.* This Committee strongly supports border security and has consistently added more funds for critical air and marine assets as well as funds to operate them. We cannot adequately protect our borders when your budget cuts funds to fly planes and operate boats. In 2014, Congress specifically added funds to sustain 107,000 flight hours, returning you to the fiscal year 2010 level. But the funding level requested in this budget reduces flight hours to about 73,000 hours, equaling the unacceptably low fiscal year 2103 level.

Given all of the border security efforts and the counterdrug mission, how can you justify a \$33 million reduction to CBP flight hours?

*Answer.* U.S. Customs and Border Protection's (CBP) air assets have become more effective and flexible as its 10-year strategic recapitalization effort has progressed, and the numbers of types of aircraft have been consolidated as the fleet has been standardized. The total aircraft population is declining as aged assets are retired. The flexibility, number, and types of assets are critical components of the flight hour equation, as are the priorities input to the flight hour allocation process. Over the years, CBP has noted that there is not always a consistent correlation between the flight hours allocated in a given year and mission results, but on average an increase in sorties can improve results and increase situational awareness across the borders and maritime patrol lanes. When faced with difficult budget decisions, CBP chose to manage fluctuating flight hour allocations so as to take full advantage of the enhanced capabilities of its assets. Missions with solid intelligence and the highest potential for gain are emphasized over missions that do not directly contribute to CBP's core needs, or may require more intensive effort to gain the added situational awareness. CBP's Office of Air and Marine (OAM) will always respond to missions where officer safety could be at risk and to humanitarian missions. However, within the overall CBP priorities that include the Southwest border, the drug source and transit zone, and counter-drug operations along the maritime approaches to Puerto Rico, sorties that strictly enhance intelligence, strictly support other Federal, State, and local not directly involved with Department of Homeland Security missions, provide logistical support, or are not reimbursed, will be limited or eliminated from the mix of missions.

#### P-3 SERVICE LIFE EXTENSION PROGRAM

*Question.* Congress has supported CBP's long-term plan to extend the service life of the P-3 aircraft another 18–20 years. The P-3 patrol aircraft have been conducting counter drug missions in the source, transit, and arrival zones of the Caribbean and Eastern Pacific for over two decades. In fiscal year 2013 these patrol aircraft disrupted shipments of over 119,000 pounds of bulk cocaine transiting from South America to Mexico and the United States. For this fiscal year, CBP has allocated the P-3 program 200 flight hours in the Gulf of Mexico to address the specific threat to the Gulf Coast and Puerto Rico, and 300 hours off the California coast and Baja to stem the flow of drugs to the California Coast.

The P-3 plan—submitted to Congress in November 2008, and fully funded at the requested level each year—called for the service life extension of 14 P-3s, with final funding in fiscal year 2015. To date, nine P-3s have been completed, two aircraft have been partially completed, and three more remain to be completed through the first half of fiscal year 2016. I understand that a small amount of funding is needed to complete the remaining aircraft, yet no funds are included in the budget request. It seems pound-wise and penny-foolish to have spent so much time and money to procure the remaining wing-sets to upgrade these aircraft only to leave the last two to three unfinished.

Why not complete the program?

*Answer.* The effectiveness of the CBP P-3 long range patrol aircraft as a counter-drug asset is well-documented. Over the past 8 years, the P-3 wing has disrupted over 1.28 million pounds of bulk cocaine destined for Mexico and the United States, valued at over \$96 billion. The P-3 Service Life Extension Program (SLEP) has proven the most efficient way to ensure that these valuable assets are available for the next 18–20 years.

In recognition of the strong desirability to finish the SLEP and retain all 14 aircraft, and taking advantage of the tremendous efficiencies achieved by the program in the past year and a half, CBP is determined to find a way forward to complete work on the last three aircraft. The CBP OAM has been conducting a reconciliation of all SLEP obligations and expenses, and refining its estimates for the work to be completed on the last aircraft to ensure that full advantage is taken of the efficiencies gained to date. CBP expects to develop a potential way forward to fund the remaining work in fiscal year 2014, combining internal budget offsets and recoveries from prior year funded activities with reduced cost estimates and, provided it is successful, intends to consult with the Committees on the potential solutions.

*Question.* What are the impacts to the total Federal Government effort in the counternarcotics mission in the source and transit zone if CBP reduces its assets?

*Answer.* Currently CBP is the largest aerial Force Provider to the Joint Interagency Task Force South providing approximately 39 percent of the Multi-Role (Air and Maritime Interdiction) Patrol Aircraft. CBP P-3s were instrumental in 64 percent of the cocaine interdictions. CBP P-3s currently average over 22 pounds of cocaine seized per flight hour by tactically position aircraft in only the highest converging threat vectors within the source and transit zone via a fused intelligence approach and regional effort through the interagency and participating Partner and Allied Nations. These efforts to counter illicit trafficking are a big piece to the overall effort to aid in the stabilization and reduction of corrosive effects with Mexico, Central and South America.

#### DHS MORALE

*Question.* Mr. Secretary, DHS continues to rate at the bottom of employee satisfaction surveys and suffers from low employee morale. The Office of Personnel Management's 2013 Federal Employee Viewpoint Survey showed that the Department's employees have little job satisfaction and limited faith in their leadership. The Department ranks at the bottom in both categories.

How can we expect the Department to perform well when its greatest resource, its people, have little faith in their leaders? As you begin your tenure at DHS, what will you do to improve job satisfaction and instill leadership your employees can be proud of?

*Answer.* I have assigned a high priority to providing the DHS workforce with the leadership that they need to perform the mission. I am bringing in a new leadership team, and have already filled the positions of Commissioner, Customs and Border Protection; the Under Secretary for National Protection and Programs Directorate; the Inspector General; Under Secretary for Intelligence and Analysis; and Under Secretary for Science and Technology. I am anxious to fill the remaining key leadership vacancies as quickly as I can.

Despite low leadership scores, it is important to note that DHS employees have stayed focused on and committed to the DHS mission. The vast majority of employees report that they like their jobs; derive a sense of personal accomplishment from their jobs; when needed they put in extra effort to get the job done; and are constantly looking for better ways to do their jobs. Recent efforts to strengthen employee satisfaction and improve faith in leadership include a renewed emphasis on leader development and a robust communications strategy. The importance of frequent communication from DHS senior leadership across the Department in the effort to improve employee morale and engagement cannot be overstated. Our greatest asset as a Department is our people. I intend to foster a work environment that promotes the professional development of our employees, enhances workforce engagement, encourages innovation and creativity and connects employees to the mission, the Department and their co-workers.

Since coming on board as Secretary I have been meeting with employees all over the country to get a sense of what their issues are and how much they know about efforts underway within the Department to improve engagement. Two-way communication is key. I also expect the highest levels of integrity from everyone on the senior leadership team and am holding them accountable for accomplishing results. Action planning across the Department has become more robust with a renewed focus on root causes in order to identify areas of challenge that need improvement.

Once the areas are identified we are soliciting employee input, at the Component level, to collaborate on solutions.

#### COHESIVE DHS STRUCTURE

*Question.* In December 2013, the DHS Inspector General released a report describing management challenges facing the Department of Homeland Security. One of the major concerns in this report was the lack of cohesion and a “stovepiping” mentality which sometimes occurs as a result of the current DHS structure. This structure can cause confusion among the components, hindering the ability of the workforce to carry out its mission.

While I recognize that you have not been on the job that long Mr. Secretary, have you noticed a “stovepipe” mentality at DHS during your brief tenure?

*Answer.* One thing I have observed in my time as Secretary are the many strengths of the Department, starting with the professionalism, skill, and dedication of its people and the rich history and tradition of its Components. As the Secretary, it is my job to maintain these strengths, which have led to many successes over the Department’s relatively short life, while identifying ways to enhance the cohesion of the Department as a whole. Although progress has been made, DHS has yet to reach its full potential as an organization.

*Question.* If so, how do you plan to develop a cohesive environment within DHS that supports information sharing, communication and unity among the components and leadership to further reach the goal of “One DHS?”

*Answer.* Such potential is difficult to achieve and takes even the best organizations many years. Effective execution of operations is our goal, but the difficult budget environment provides a catalyst for us to build and mature our organization into one that is greater than the sum of its parts—one that operates with much greater unity of effort.

The focus of my efforts is improving our planning, programming, budgeting, and execution processes through strengthened Departmental structures and increased capability. We must have better traceability between strategic objectives, budgeting, acquisition decisions, operational planning, and mission execution to improve Departmental cohesiveness and operational effectiveness.

I intend to accomplish this not by centralizing the decisionmaking authority and processes within an opaque DHS Headquarters, but rather to transparently incorporate DHS components into unified decisionmaking processes and the analytic efforts that inform decisionmaking. My goal is better understanding of the broad and complex DHS mission space and empowering DHS components to effectively execute their operations.

To accomplish this, I have directed actions “Strengthening Departmental Unity of Effort” in a memorandum to Departmental leadership on April 22, 2014, along four main lines of effort: inclusive senior leader discussion and decisionmaking forums that provide an environment of trust and transparency; strengthened management processes for investment, including requirements, budget, and acquisition processes, that look at cross-cutting issues across the Department; focused, collaborative Departmental strategy, planning, and analytic capability that support more effective DHS-wide decisionmaking and operations; and enhanced coordinated operations to harness the significant resources of the Department more effectively.

These actions, when accomplished, will support the Department’s primary objective, the effective execution of our missions, while helping us mitigate the impacts of the current fiscal austerity.

#### SECURING THE CITIES

*Question.* I am concerned about the Domestic Nuclear Detection Office’s Securing the Cities (STC) program. Through this program, DHS works with State and local authorities to ensure that our adversaries cannot use uncontrolled nuclear material to threaten our cities. Your budget proposes a \$10 million cut to STC, while at the same time suggesting an expansion into a third metropolitan area. I am concerned that this reduction in funding, which amounts to a 45-percent cut, will delay the implementation of this initiative in a third location.

Can you provide me with some assurance that you have the necessary resources and a coherent plan for preventing the unimaginable tragedy of a nuclear weapon or dirty bomb detonation in one of our cities?

*Answer.* In May 2012, DNDO delivered a congressionally mandated report titled Securing the Cities: Strategy and Evaluation. In addition to programmatic goals, objectives, performance measures and cost estimates, the report included a plan to implement the program in our highest risk urban areas using a phased approach. The fiscal year 2015 President’s budget reflects difficult choices, but includes funds to

support the program's second implementation (in the Los Angeles/Long Beach area) and a third implementation (in a region to be selected in fiscal year 2014). The initiation of a fourth implementation will be delayed until fiscal year 2016.

However, multiple programs across the United States Government contribute to reducing the risk of nuclear terrorism. Every program described in the recently submitted Global Nuclear Detection Architecture Joint Annual Review (2014) contributes towards protecting our Nation. As indicated in the review, the total investment for these programs was \$823 million in fiscal year 2013. In addition, other Government efforts that are outside the scope of the review, contribute to the prevention of nuclear terrorism. These include: securing radiological and nuclear materials (e.g., through the Global Threat Reduction Initiative) and technical nuclear forensics efforts that deter nations from facilitating rouge actors.

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QUESTIONS SUBMITTED BY SENATOR PATRICK J. LEAHY

CYBERSECURITY

*Question.* What plans exist or have been considered for the Department to establish a National Cyber Exercise Center to foster cross-sector and intergovernmental training and collaboration, share best practices for cyber exercises with the public and private sector, and develop high-quality training and exercises for use by defenders of critical infrastructure?

*Answer.* As part of the DHS/NCCIC, the Cyber Exercise Program's mission, goals, and approach is to be a source to foster cross-sector and intergovernmental training and collaboration, share best practices for cyber exercises with the public and private sector, and develop high-quality training and exercises for five major constituencies (Federal Departments and Agencies; Internal DHS (including NCCIC); State, local, tribal, and territorial governments; private sector; and international partners). Over that time, we have conducted a significant number of national and State level exercises.

The NCCIC conducted four major operational floor exercises in March, May, July, and September 2013 and has continued to do so once per quarter in fiscal year 2014. The NCCIC also conducted 38 no-notice floor exercises and three international communications tests in fiscal year 2013, in addition to 11 NCCIC partner Tabletop Top Exercises (TTX) (with partners such as DOE, ES-ISAC, TRANSCOM, a telecommunications company, DC3, GSA, Canada, HHS, NCCIC liaison officers, and others). As of April 15, 2014, there have been 39 no-notice exercise drills for NCCIC floor personnel in fiscal year 2014.

Exercises help to better validate policies, plans, procedures, processes, and capabilities that enable preparation, prevention, response, recovery, and continuity of operations; and through exercises, the NCCIC can analyze media and/or malware to determine the cause and effect of probable intrusions into critical systems. Exercises also provide indicators to mitigate and prevent future intrusions.

I-130 APPLICATION BACKLOG

*Question.* I understand that stand-alone I-130 applications for the immediate relatives of United States citizens have been seriously backlogged, causing very long waits for family reunification.

I understand that USCIS needed to prioritize processing the DACA applications, but what is the Department's plan to alleviate the backlog for these other highly deserving applications where U.S. citizens sometimes have to wait almost a year to receive an adjudication of their petitions? And what changes to the process is the Department considering ensuring that once the backlog is eliminated that this doesn't happen again?

*Answer.* USCIS is mindful of the need to process a U.S. citizen's form I-130 carefully and expeditiously. This need is defined by the immigration system's goal of preserving family unity. It is for this fundamental reason that USCIS has been focused on reducing delays in the processing of form I-130s for several months.

Last October, in an effort to expedite the adjudication of these cases, USCIS began transferring stand-alone form I-130s filed by U.S. citizens for their immediate relatives from USCIS's National Benefits Center to its Nebraska, Texas, and California Service Centers. This shift has improved USCIS's ability to adjudicate the cases in a timely manner. USCIS expects the processing of form I-130s to return an average of 5 months or less by this summer.

USCIS is committed to maximizing operational efficiency by maintaining a flexible and nimble organizational structure that shifts staff capacity and rebalances workloads to help mitigate the possibility of backlogs that could result from unfore-

seen changes in demand. As more benefit types are added to the Electronic Immigration System and are entirely paperless, the agency will be able to rebalance workloads much more quickly and without the shipping of paper files between field offices, service centers, and the National Benefits Center. USCIS will also apply lessons learned from its staffing experience under the DACA program to inform staffing strategies that may be necessary to handle workload surges or new immigration benefit types in the future.

#### COMPREHENSIVE IMMIGRATION REFORM

*Question.* The Senate Judiciary Committee began debating S. 744, a comprehensive immigration reform bill, nearly a year ago. I chaired six hearings, followed by five markups spanning 3 weeks, to consider the bill, which the Senate passed last June with a strong bipartisan vote. The sweeping immigration reform legislation will help unite families, boost the economy, and bring millions out of the shadows and into our legal immigration system. Since then, the House of Representatives has drafted immigration reform principles that fall well short of the bipartisan bill we passed. Since then, our country has lost billions in potential tax revenue. And since then, more families continue to be torn apart every day by deportations.

Do you feel as urgently as I do that the House of Representatives needs to take up the Senate-passed comprehensive immigration reform bill?

*Answer.* Yes. As previously stated, the administration is committed to supporting commonsense reform that creates an earned path to citizenship, continues to strengthen our border security, holds employers accountable, and brings our immigration system into the 21st century.

*Question.* Can you assure me and the rest of the Nation that reforming our broken immigration system is a top priority for you and the Department?

*Answer.* Comprehensive immigration reform remains a top priority. The administration is committed to supporting commonsense reform that creates an earned path to citizenship, continues to strengthen our border security, holds employers accountable, and brings our immigration system into the 21st century.

#### USE-OF-FORCE POLICY

*Question.* On March 7, 2014, U.S. Border Patrol Chief Michael Fisher, released the agency's use-of-force policy and issued a directive on how personnel should respond to threats. The memorandum states that since 2010, agents have been assaulted with rocks 1,713 times, and that deadly force was used 43 times, resulting in 10 deaths. Among them, was Jose Rodriguez, a 16-year-old who was shot multiple times, including in the back. I respect that there is an ongoing investigation in this case. However, as it relates to funding for use-of-force training:

Is the real impact of the directive? How is it different from the guidance previously in place that allowed deadly force to be used in a manner that resulted in 10 deaths?

*Answer.* The Border Patrol agent position is a demanding job with great responsibility where agents are required to make split-second decisions in circumstance that are tense, uncertain, and rapidly evolving as they encounter not only illegal entrants, but also human and drug smugglers, cartel and gang members, as well as other transnational criminal organizations. The job is extremely dangerous and agents can be placed in life-or-death situations unexpectedly. This directive was implemented to provide further guidance to the Border Patrol workforce to lessen the likelihood of deadly force situations and reduce the risk of injury or death to agents and the public. Reiterate the directive clarifies existing policies and offers agents alternate courses of actions and tactics designed to decrease the likelihood of deadly force encounters.

*Question.* How much does the Department actually spend on training Border Patrol agents?

*Answer.* U.S. Customs and Border Protection has budgeted \$23.2 million from its National Training Plan account for basic and advanced training for Border Patrol agents.

*Question.* With the change in the use-of-force policy, will all Border Patrol agents have to renew their training? If not, how are agents to be educated about the new policy to ensure compliance?

*Answer.* Border Patrol agents train with their firearms and less-lethal use of force weapons on a quarterly basis. U.S. Customs and Border Protection's Office of Training and Development is collaboratively working with the Office of Border Patrol (OBP) to design and implement new training scenarios and introduce new equipment in order to expand agents' readiness and minimize the risk to the agents, the public and subjects encountered by agents. OBP's supervisory cadre will continue

to ensure that less-lethal equipment is available for use by line agents. Additionally, supervisors are implementing Chief Michael Fisher's memo during muster briefings and agents in training at the academy will receive added use of force scenarios.

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QUESTIONS SUBMITTED BY SENATOR PATTY MURRAY

*Question.* I am very concerned by reports that individuals held in short-term Customs and Border Protection custody, including in holding cells at Border Patrol stations, checkpoints, ports of entry, and secondary inspection areas, do not always receive basic protections, and regularly complain of verbal and physical abuse, inadequate food and water, denial of medical care and other basic human rights. This is fundamentally unacceptable. I know you share my commitment to ensuring anyone in Federal custody is treated with the dignity and respect every human being deserves.

Will the Department consider developing and implementing enforceable short-term custody standards within the coming months? Is the Department able to commit to using resources to ensure that agencies collect and report statistics on the individuals detained in short-term custody facilities?

*Answer.* U.S. Customs and Border Protection (CBP) is committed to ensuring anyone in Federal custody is treated with the dignity and respect every human being deserves.

CBP is fully committed to promptly processing all persons in CBP custody and facilitating their transfer to another agency or entity or their release, as appropriate. Every effort is made to transfer a detainee out of CBP custody as soon as operationally feasible. CBP holds all detainees in rooms that are safe, secure, and clean. If anyone detained by CBP appears to be ill or injured, or medical attention is sought, CBP ensures the detainee has access to medical care. CBP ensures basic necessities, such as food, snacks, drinking water, properly equipped restrooms, and hygiene supplies are also available. Aliens are notified of communication privileges with consular or diplomatic officers of their country of nationality, and they are provided access to telephones for such purposes, if requested.

The 2008 Hold Rooms and Short Term Custody directive is the national policy for the short term custody of persons arrested by Border Patrol agents and detained in hold rooms at Border Patrol stations, checkpoints, and processing facilities. It also contains requirements for the handling and processing of juveniles, family units and Unaccompanied Alien Children. The policy was reviewed by representatives from both the Department of Homeland Security (DHS) Office of Civil Rights and Civil Liberties and the DHS Inspector General. The policy is currently under review and efforts are underway to update and revise the policy as appropriate.

U.S. Border Patrol uses the e3 database to process all apprehensions and to record all detainee custodial actions. The Enforcement Systems Branch, Statistics and Data Integrity Unit use the metrics captured by the e3 system to generate statistical reports. U.S. Customs and Border Protection is committed to using the necessary resources to capture, maintain and evaluate all available data from the e3 database. Body worn cameras have become a best practice among large police departments across the country. Evidence indicates these cameras serve to clear officers from false accusations, improve the judicial process, and reduce civil rights violations. These devices protect both law enforcement officers and those with whom they interact. I am confident our Federal officers and agents would benefit from that protection.

*Question.* The number of unaccompanied immigrant children arriving in the United States continues to rise. As Federal officers and agents apprehend these children, it is crucial that we promptly identify those who are escaping persecution, are victims of trafficking, or are unaccompanied minors so that we can ensure they are treated appropriately and receive the support they need.

What is the Department doing to ensure that our Federal agents and officers in the Department receive proper training to accurately identify these individuals?

*Answer.* Body worn cameras have become a best practice among large police departments across the country. Evidence indicates these cameras serve to clear officers from false accusations, improve the judicial process, and reduce civil rights violations. These devices protect both law enforcement officers and those with whom they interact. I am confident our Federal officers and agents would benefit from that protection.

*Question.* Do you intend to use funds allocated to Customs and Border Protection or other agencies to implement the camera pilot program committed to by the agency? And, if so, when, where, and on what scale will Customs and Border Protection begin implementing a pilot program?



*Answer.* U.S. Customs and Border Protection (CBP) is looking into the possibility of using body worn cameras on agents and officers. As a first step, CBP is preparing to conduct a “proof of concept” and has used funds allocated for this to determine the impact that body worn cameras have on operations (e.g., time off the line to don/doff/download cameras; information technology storage requirements), the potential challenges in integrating body worn cameras into CBP’s diverse work environments, and the technical requirements for those work environments. As part of this proof of concept, CBP will also engage in an analysis of other law enforcement agencies that have adopted the use of cameras. Such analysis will inform us of the benefits as well as the potential problems related to integrating such cameras into the operational environment. Many factors must be considered including privacy concerns related to our officers and agents as well as the subjects they encounter.

If the proof of concept reveals acceptable/manageable impacts on U.S. Customs and Border Protection’s (CBP) field operations, CBP will engage industry to identify those systems that meet our unique and varying environmental and operational needs. CBP will continue to keep you updated as this process proceeds.

*Question.* Customs and Border Protection staffing shortages at international airports continue to cause lengthy and persistent delays for those entering the country. Last year Congress provided Customs and Border Protection with the resources to hire additional officers, and your budget request includes a proposal for additional hiring.

What is the Department’s plan to address the Customs and Border Protection staffing shortages at airports and how long will it take the Department to hire, train, and deploy additional officers?

*Answer.* U.S. Customs and Border Protection (CBP) is committed to ensuring the security of our Nation’s borders, while facilitating legitimate travel and trade. CBP has implemented new initiatives and is pursuing proposals to increase workforce capability by:

- Maximizing the use of current resources through increased trusted traveler enrollments; employing mobile technology to streamline processes and relieve certain infrastructure constraints; increasing risk segmentation through enhanced targeting/pre-departure initiatives, and through new automated scheduling practices;
- Implementing and effectively overseeing new authorities that provide greater flexibility to work with stakeholders in funding requests for service and addressing infrastructure constraints; and
- Continuing to implement business transformation initiatives to reduce costs and mitigate staffing requirements.

Based on a clear demonstration of staffing needs by CBP—with support from local governments, business groups and the trade and travel industry—the recently passed fiscal year 2014 omnibus includes funding for 2,000 additional CBP officers (CBPOs). Released on March 4, 2014, the President’s fiscal year 2015 budget proposes user fee increases that would fund an additional 2,000 CBPOs.

The additional 2,000 officers provided in the fiscal year 2014 omnibus were allocated based on needs identified by CBP’s Workload Staffing Model across air, land and sea ports with the greatest demonstrated need, as well as the current operational environment at time of on-boarding (which involves the overall hiring process including recruitment, pre-employment vetting, selection, academy training, port assignment, etc.). CBP announced the allocation of these officers on March 31, 2014. Overall 44 ports in 18 States will receive additional staffing that will reduce wait times and help facilitate legitimate trade and travel.

CBP has an aggressive plan to recruit, hire, and train the highest caliber individuals to get them to our frontlines by the end of calendar year 2015. This hiring process accounts for the strict and rigorous employment standards (medical, fitness, polygraph, and background investigation) for qualified applicants to become CBPOs. Additionally, once an applicant is hired, they will begin a training process that includes pre-academy, basic academy and post-academy requirements to provide them with the knowledge and skills to effectively carry out their duties as a CBPO.

The additional CBPOs will make a positive impact for frontline operations; however, CBP continues to face operational challenges and a significant portion of the staffing shortage remains. While recognizing the success in business process improvements and increase in CBPOs, the Workload Staffing Model results continue to show a need for additional officers. The President’s fiscal year 2015 budget request fully funds this need through a combination of increases.

*Question.* The Coast Guard’s 2011 High Altitude study determined the Coast Guard requires three heavy and three medium icebreakers to accomplish its Arctic missions. Today, the Coast Guard operates only one heavy icebreaker, *Polar Star*, and one medium icebreaker, *Healy*. *Polar Star* has between 6 and 9 years of service

life remaining and *Healy* is aging as well. The Coast Guard's 2013 business case analysis study of the *Polar Sea* indicates the estimated cost to refit the *Polar Sea* for service is \$99.2 million over 4 years. Conversely, the estimated cost to design and build a new icebreaker is \$1 billion, and the new ship would not enter service for at least 8 years. I'm hoping you can comment on the path toward recapitalizing our polar fleet while maintaining a viable bridging strategy between our current fleet and the construction of a new heavy class icebreaker.

The President's Implementation Plan for the National Strategy for the Arctic Region designated the Department of Homeland Security as the lead agency for several vital Arctic objectives. I am particularly interested in your leadership in sustaining Federal capability to conduct maritime operations in ice-impacted waters. While the Coast Guard is the primary provider of icebreaking capability, it is far from the only stakeholder in the Arctic. The Department of Defense, the National Science Foundation and other Federal agencies rely on the Coast Guard's icebreaking capability to accomplish their missions. In fact, the Department of Defense contributed \$329 million of the \$365 million cost of constructing *Healy*.

As the lead agency for sustaining our Nation's presence in ice-impacted waters, what steps have you taken to explore options to spread the cost of both refits and new construction across the Federal agencies that rely on the Coast Guard's icebreaking capability?

*Answer.* Given the importance of this asset, the functions it serves, the Coast Guard is working with stakeholders across Government to capture the input necessary to develop the requirements for a new polar icebreaker. The resulting Operational Requirements Document is expected to be completed in the spring of 2015. As the project develops, we will review the existing MOUs that underlie the current operational model for providing icebreaking services to the interagency stakeholders and other users.

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QUESTIONS SUBMITTED BY SENATOR JON TESTER

*Question.* I introduced legislation to give recognized tribal governments the ability to request disaster relief directly from the President that was passed as a provision of the Sandy Recovery and Investment Act. However, Senator Begich and I are concerned that developing the implementation framework is taking too long. While back in Montana, I heard from tribal members who had participated in large teleconferences with FEMA, but were unable to provide meaningful input due to the size of the calls. We all know resources are tight throughout the Federal Government, but FEMA has emphasized their commitment to this provision. It's important that we get FEMA folks out to tribal lands to help these sovereign nations develop their emergency management capabilities.

Can you commit to keeping an eye on FEMA in how they continue to implement this provision and make sure the outreach to our tribes is there?

*Answer.* We are committed to engaging and supporting tribal communities in the areas of emergency management and preparedness. FEMA is in the process of finalizing a proposed Tribal Consultation Policy, which will build from the Department's Tribal Consultation Policy, to better provide guidance on how program offices should engage in regular and meaningful consultation and collaboration with tribal officials in the development of Federal policies that have direct, significant tribal implications, and to strengthen the government-to-government relationship between the United States and Indian tribes. FEMA has developed an extensive and inclusive outreach process to consult with tribes under both the proposed Tribal Consultation Policy and the Sandy Recovery and Improvement Act (SRRIA) of 2013 initiated Declarations Guidance through face to face engagement with tribes, whenever and wherever practical, both from HQ and through the FEMA regions. Tribal input directly impacted how we are conducting outreach to the tribes for the draft Pilot Declarations Guidance consultation that began on April 3, 2014. Our efforts have been improved based on comments received from previous outreach efforts, and we will be closely monitoring all future consultations to ensure meaningful engagement.

The SRRIA amendment to the Stafford Act, allowing a tribe the option to request its own declaration, was a significant and historic step reflecting tribal sovereignty and self-determination. The continued implementation of this new authority remains a high priority for FEMA. Upon passage of the law, the Administration's goal was to enable tribal nations the immediate option of requesting emergency and major disaster declarations directly. For this reason, FEMA has been using its current declarations regulations, which govern declaration requests for States, to process declaration requests from tribal governments, while the agency developed tribal-specific declaration procedures. On March 1, 2013, just over a month from the date

of the Stafford Act amendments passing, the President signed the first declaration under this historic law, approving a major declaration for the Eastern Band of Cherokee Indians due to severe storms that impacted their reservation. To date, seven tribes have requested eight declarations using these regulations, and the President issued six disaster declarations under this new authority.

The agency's ultimate goal is to develop regulations to govern declaration requests from tribes; however, the rulemaking process will be lengthy. FEMA is committed to, and has set aside resources, to conduct in person consultation sessions in Indian Country for this Sandy Recovery Improvement Act authority. FEMA, through our regional offices and the regional tribal liaisons, is working with individual tribes and tribal organizations to hold in-person meetings during the consultation over the next 120 days. In the coming weeks as the locations and dates are finalized, FEMA will be announcing these sessions and inviting tribal leaders and emergency management directors to discuss and consult on the current draft of the Tribal Declarations Pilot Guidance. We will also use the upcoming listening sessions to learn more about tribal concerns. This guidance, when final, will start the pilot phase of tribal declarations implementation eventually leading to the final rulemaking.

*Question.* This budget proposes to consolidate almost all of FEMA's preparedness grant programs into a new, comprehensive National Preparedness Grant Program. We've seen similar grant consolidation proposals under education, Interior and elsewhere over the years. And we always hear the same two concerns: that some of these grant programs will simply wither away; they're tucked under a much larger program never to be seen again; and that rural applicants are almost always at a disadvantage when applying to comprehensive grant programs because they are competing against a large pool of applicants.

Can you provide reassurance that critical grant programs like Operation Stonegarden aren't going to dry up under this proposal—especially for northern border counties, where the Federal Government relies on local law enforcement to partner in border security? And what is being done to ensure that rural applicants aren't at a disadvantage when applying for grants?

*Answer.* Maintenance and sustainment of core law enforcement prevention capabilities—including fusion centers, countering violent extremism and State, territory and local information sharing—remain key Administration priorities, and law enforcement activities previously funded under other grants, such as Operation Stonegarden and the Port and Transit grant programs will continue to be eligible activities under the proposed National Preparedness Grant Program.

The National Preparedness Grant Program also will continue to support State, territory, and local law enforcement efforts to understand, recognize, and prevent pre-operational activity and other crimes that are precursors or indicators of terrorist activity, in accordance with applicable privacy, civil rights, and civil liberties protections. Such efforts include:

- Maturation and enhancement of State and major urban area fusion centers, including training for intelligence analysts and implementation of Fusion Liaison Officer Programs;
- Implementation of the Nationwide Suspicious Activity Reporting Initiative, including training for frontline personnel on identifying and reporting suspicious activities;
- Continued implementation of the “If You See Something, Say Something™” campaign to raise public awareness of indicators of terrorism and violent crime.

As part of the fiscal year 2015 National Preparedness Grant Program proposal, FEMA transmitted a legislative proposal to authorize the new consolidated approach. The legislative proposal retains the requirement for grantees to allocate at least 80 percent of the total amount of grant funding to “local units of government”, which ensures that resources are distributed to the frontline first responders.

While FEMA cannot prescribe the makeup of any statewide governance structure, the agency has issued guidelines on how States should engage with their various partners to carry out their Threat and Hazard Identification and Risk Assessments and investment justifications. To ensure that States are adequately engaging with local governments, rural communities, port and transit agencies, urban areas, non-profit organizations, and other “whole of community” partners, FEMA will require that the State Administrative Agency submit:

- A detailed description of the Senior Advisory Committee's composition and an explanation of key governance processes, including how the Senior Advisory Committee is informed by the State or territory's Threat and Hazard Identification and Risk Assessment, State Preparedness Report data reflecting capability shortfalls and the approach to address shortfalls in core capabilities;
- A description of the frequency with which the Senior Advisory Committee will meet;

- How existing governance bodies such as Urban Area Working Groups and Transit Security Working Groups will be leveraged by the Senior Advisory Committee; and
- A detailed description of how decisions on programmatic priorities are made and how those decisions will be documented and shared with its members and other stakeholders as appropriate; and a description of defined roles and responsibilities for financial decisionmaking and meeting administrative requirements.

*Question.* CBP has chosen not to extend a pilot program to expand the hours of operation at the Port of Wild Horse—a port of entry just north of Havre, Montana. They cite a lack of cost-effectiveness for doing so. But the problem is that they don't have accurate data because our Canadian counterparts didn't extend operating hours on their side of the border for the full duration of this pilot project. As you know, facilitating trade along the northern border and improving cross-border commerce is critical to our economic development and job creation. That is why former Commissioner Alan Bersin was a staunch proponent of this initiative. And it is why I strongly believe an extension of the current pilot project to a full 3-year study, in full coordination with our Canadian counterparts, is critical. I strongly encourage the Secretary to take another look at extending this pilot project at Wild Horse.

Mr. Secretary, can you assure me that such a project would be completed in full, with close coordination with our Canadian counterparts?

*Answer.* U.S. Customs and Border Protection (CBP) understands that this issue is important to the Bear Paw region and its business community. At the same time, CBP must carefully balance the needs of staffing at different locations throughout the United States.

CBP's close collaboration with stakeholders has allowed us to strengthen the United States economy by facilitating legitimate trade and travel. Since fiscal year 2009, CBP has conducted annual extended hour pilots at Wild Horse, Montana, most recently in October 2013.

During the past several years, CBP and the Canada Border Services Agency have extended the summer-hour season at Wild Horse in an effort to stimulate commercial traffic and assess the viability of an extended operational day. CBP joined with local stakeholders to actively promote extended summer hours in Montana and Canada, the brokerage community, and the U.S. and Canadian trucking associations. In addition, CBP changed the commercial permit requirements at Wild Horse in order to encourage increased use of the port.

Despite these efforts, extended hours pilots have not increased commercial traffic at the port. In the October 2013 pilot, truck traffic during extended hours decreased 31.6 percent from the previous year, which was 39.7 percent lower than October 2011. Traveler volume during extended hours dropped 28.1 percent from October 2012, while the number of morning and afternoon travelers crossing from Canada increased by 9.9 percent and 2.8 percent, respectively. In addition, no trucks entered the United States during 83.1 percent of the pilot's 124 added operational hours, and extended hour utilization by all travelers fell as the month progressed and daylight decreased.

We share stakeholder disappointment that the pilot outcomes did not meet expectations. CBP had high hopes that the initiatives, which required CBP to reallocate resources from other ports, would tangibly benefit the regional economy. Based on these results and current resource availability, we are unable to pursue further pilots at Wild Horse at this time. I pledge that CBP will continue to explore initiatives with stakeholders, consistent with available resources that will sustain and grow future commercial traffic at Wild Horse.

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#### QUESTIONS SUBMITTED BY SENATOR DANIEL COATS

##### IMMIGRATION AND CUSTOMS ENFORCEMENT DATA

*Question.* Provide for the record a chart showing the number of criminal removals, the number of non-criminal removals, and the total removals made in fiscal years 2012, 2013, and 2014 year-to-date. Please breakout the number of convicted criminals and non-criminals who were permitted to voluntarily depart, voluntarily return, or withdraw their application for admission for these time periods.

*Answer.* Below, please find details for ICE removals and returns in fiscal years 2012, 2013, and 2014 year-to-date (YTD). Returns are further broken out by those ICE cases in which a voluntary departure was confirmed, a voluntary return (VR) was witnessed, and a withdrawal for admission was permitted (withdrawal permitted—I-275 issued).

FISCAL YEARS 2012–2014 YEAR-TO-DATE REMOVALS AND RETURNS BY CRIMINALITY

Removal Type	Fiscal year 2012			Fiscal year 2013			Fiscal year 2014 year-to-date		
	Convicted criminal	Non-criminal immigration violator	Total	Convicted criminal	Non-criminal immigration violator	Total	Convicted criminal	Non-criminal immigration violator	Total
Returns									
Withdrawal Permitted—1-275 Issued	24,705	38,657	63,362	18,237	17,869	36,106	4,908	3,191	8,099
Voluntary Departure Confirmed	123	1,058	1,181	94	735	829	43	278	321
Voluntary Return Witnessed	9,205	10,445	19,650	6,845	4,977	11,822	2,535	1,601	4,136
Removals	15,377	27,154	42,531	11,298	12,157	23,455	2,330	1,312	3,642
Total Removals	200,685	145,802	346,487	198,573	133,965	332,538	82,142	58,935	141,077
	225,390	184,459	409,849	216,810	151,834	368,644	87,050	62,126	149,176

Fiscal years 2012–2013 data are historical and remain static.  
 Fiscal year 2014 data are updated through 3/29/2014 (IIDS v1.16 run date of 3/31/2014; EID as of 3/29/2014).  
 Removals include returns, which include voluntary returns, voluntary departures, and withdrawals under Docket Control.  
 ERO removals include aliens processed for expedited removal (ER) and turned over to ERO for detention. Aliens processed for ER and not detained by ERO are primarily processed by Border Patrol. CBP should be contacted for those statistics.  
 Starting in fiscal year 2009, ICE began to "lock" removal statistics on October 5th at the end of each fiscal year and counted only the aliens whose removal or return was already confirmed. Aliens removed or returned in that fiscal year but not confirmed until after October 5th were excluded from the locked data and thus from ICE statistics. To ensure an accurate and complete representation of all removals and returns, ICE will include the removals and returns confirmed after October 5th into the next fiscal year. The number of removals in fiscal year 2009, excluding the "lag" from fiscal year 2010, was 37,730. The number of removals in fiscal year 2010, excluding the "lag" from fiscal year 2011, was 37,340. This number does not include 76,732 expedited removal cases which ICE closed on behalf of CBP in fiscal year 2010. Of those 76,732, 33,900 cases resulted from a joint CBP/ICE operation in Arizona. ICE spent \$1,135,260 on those 33,900 cases. The number of removals in fiscal year 2011, excluding the "lag" from fiscal year 2010, was 385,145. The number of removals in fiscal year 2012, excluding the "lag" from fiscal year 2011, was 402,919. The number of removals in fiscal year 2013, excluding the "lag" from fiscal year 2012, was 363,144.  
 Fiscal year data lag/case closure lag is defined as the physical removal of an alien occurring in a given month; however, the case is not closed in EARM until a subsequent fiscal year after the data is locked. Since the data from the previous fiscal year is locked, the removal is recorded in the month the case was closed and reported in the next fiscal year removals. This will result in a higher number of recorded removals in a fiscal year than actual departures.

**Question.** Provide for the record a chart showing the total number of ICE detainees by priority category (level of criminality, recent border crosser, fugitive, non-criminal) in fiscal years 2012, 2013, and 2014 year-to-date.

**Answer.** The chart below contains fiscal years' 2012, 2013, and 2014 year-to-date number of aliens booked into U.S. Immigration and Customs Enforcement (ICE) custody. ICE is unable to provide a further breakout of non-criminal book-ins by priority category.

#### FISCAL YEARS 2012–2014 YEAR-TO-DATE INITIAL BOOK-INS BY CRIMINALITY

Interior Versus Border			
Criminality	Fiscal year 2012	Fiscal year 2013	Fiscal year 2014 year-to-date
<b>Interior:</b>			
ICE threat level 1 .....	77,968	72,753	31,112
ICE threat level 2 .....	43,794	39,709	17,894
ICE threat level 3 .....	62,015	48,627	18,046
Non-criminal immigration violators .....	88,114	60,114	18,894
<b>Total</b> .....	<b>271,891</b>	<b>221,203</b>	<b>85,946</b>
<b>Border:</b>			
ICE threat level 1 .....	11,685	12,043	4,640
ICE threat level 2 .....	12,251	13,453	5,407
ICE threat level 3 .....	42,167	49,983	17,942
Non-criminal immigration violators .....	139,529	143,875	82,709
<b>Total</b> .....	<b>205,632</b>	<b>219,354</b>	<b>110,698</b>
<b>Grand Total</b> .....	<b>477,523</b>	<b>440,557</b>	<b>196,644</b>

Fiscal years 2012–2013 data are historical and remain static. Fiscal year 2014 data are updated through 3/29/2014 (ICE Integrated Decision Support (IDS) v1.16 run date of 3/31/2014; ENFORCE Integrated Database (EID) as of 3/29/2014).

Initial book-ins represents the initial book-in of a detention stay.

Detention data excludes those held in Office of Refugee and Resettlement (ORR) and Mexican Interior Repatriation Program (MIRP) facilities as well as U.S. Marshals prisoners.

Book-in criminality is based on removal case threat level. The ICE threat levels reflect the priorities outlined in Director Morton's June 2010 memorandum entitled ICE Civil Immigration Enforcement Priorities effective October 1, 2010. ICE has defined criminality as whether or not an alien has a criminal conviction. For purposes of prioritizing the removal of aliens convicted of crimes, ICE personnel refer to the following offense levels: level 1, level 2, and level 3 offenders. Level 1 offenders are those aliens convicted of "aggravated felonies," as defined in section 101(a)(43) of the Immigration and Nationality Act, or two (2) or more crimes each punishable by more than 1 year, commonly referred to as "felonies." Level 2 offenders are aliens convicted of any other felony or three or more crimes each punishable by less than 1 year, commonly referred to as "misdemeanors." Level 3 offenders are aliens convicted of "misdemeanor" crime(s) punishable by less than 1 year.

Fiscal years 2012–2013 border initial book-ins are identified by the apprehension method associated with the arrest that led to ICE detention. Apprehension methods include: boat patrol, crewman/stowaway, patrol border, patrol interior, inspections, transportation check (aircraft, bus, freight and passenger trains). All other apprehension methods are considered interior initial book-ins.

For fiscal year 2014 year-to-date, an interior book-in is defined by individuals that are identified or apprehended in the United States by an ICE officer or agent. The ICE arresting agency includes the following Enforcement and Removal Operations (ERO) and Homeland Security Investigations (HSI) arresting agency programs: 287g Program, Alternatives to Detention, ERO Criminal Alien Program, Detained Docket Control, Detention and Deportation, Law Enforcement Area Response Unit, Non-Detained Docket Control, Juvenile, Fugitive Operations, Violent Criminal Alien Section, Joint Criminal Alien Response Team, Probation and Parole, Quick Response Team, User Fee Investigations, Joint Terrorism Task Force, Non-User Fee Investigations, HSI Criminal Arrest Only, and Intelligence. Interior book-in also includes the following United States Citizenship and Immigration Services (USCIS) and other arresting agency programs: Examinations, Adjudications, Asylum, Office of the Principal Legal Advisor, Default program area for interface records, and PICS Default value—for user initialization only. The USCIS and Other Programs make up 48 total cases for fiscal year 2014 year-to-date.

In support of the U.S. Border Patrol's Consequence Delivery System, ICE participated in the Alien Transfer Exit Program (ATEP) by detaining, transporting, and removing Mexican border crossers. In an effort to disrupt smuggling operations and deter future illegal entry, ICE transported and removed these subjects in a different area of the country from where they were apprehended by the U.S. Border Patrol. These cases required only short-duration detention stays. While ICE continues to participate in ATEP along the Texas/Mexico border, ICE scaled back its participation in ATEP in June 2013.

For fiscal year 2014 year-to-date, a border book-in is defined by individuals apprehended at the immediate border while attempting to unlawfully enter the United States. The CBP arresting agency includes the following programs: Border Patrol, Inspections, Inspections-Air, Inspections-Land, and Inspections-Sea.

**Question.** Please provide the number of detainees by priority category (level of criminality, recent border crosser, fugitive, non-criminal) who were removed or deported from the country in fiscal years 2012, 2013, and 2014 year-to-date.

**Answer.** Please see the below chart of U.S. Immigration and Customs Enforcement removals for fiscal years 2012–2014 (year-to-date).

## FISCAL YEARS 2012–2014 YEAR-TO-DATE REMOVALS

Interior Versus Border				
Criminality	Criminality/ICE priorities	Fiscal year 2012	Fiscal year 2013	Fiscal year 2014 year-to-date
<b>Interior:</b>				
ICE Threat Level 1 .....	Convicted Criminals .....	59,202	52,935	22,377
ICE Threat Level 2 .....	Convicted Criminals .....	31,639	26,203	11,483
ICE Threat Level 3 .....	Convicted Criminals .....	44,441	30,977	11,289
Non-Criminal Immigration Violators .....	Immigration Fugitives .....	5,131	2,742	1,000
Non-Criminal Immigration Violators .....	Repeat Immigration Violators .....	19,043	10,358	4,045
Non-Criminal Immigration Violators .....	Other Removable Aliens .....	21,514	10,336	3,604
<b>Total</b> .....	.....	<b>180,970</b>	<b>133,551</b>	<b>53,798</b>
<b>Border:</b>				
ICE Threat Level 1 .....	Convicted Criminals .....	18,752	21,224	9,127
ICE Threat Level 2 .....	Convicted Criminals .....	18,164	20,995	8,925
ICE Threat Level 3 .....	Convicted Criminals .....	53,192	64,476	23,849
Non-Criminal Immigration Violators .....	Immigration Fugitives .....	5,292	3,256	1,162
Non-Criminal Immigration Violators .....	Repeat Immigration Violators .....	67,362	61,896	25,232
Non-Criminal Immigration Violators .....	Other Border Removals .....	66,117	63,246	27,083
<b>Total</b> .....	.....	<b>228,879</b>	<b>235,093</b>	<b>95,378</b>
<b>Grand Total</b> .....	.....	<b>409,849</b>	<b>368,644</b>	<b>149,176</b>

Fiscal years 2012–2013 data is historical and remains static.

Fiscal year 2014 data is updated through 03/29/2014 (ICE Integrated Decision Support (IDS) v1.14 run date 03/31/2014; ENFORCE Integrated Database (EID) as of 03/29/2014).

An interior removal is defined by individuals removed by ICE that are identified or apprehended in the United States by an ICE officer or agent. A border removal is defined as individuals apprehended at or near the border by U.S. Customs and Border Protection (CBP) officials while attempting to unlawfully enter the United States.

Removals include returns, which include voluntary returns, voluntary departures and withdrawals under Docket Control.

Starting in fiscal year 2009, ICE began to "lock" removal statistics on October 5th at the end of each fiscal year and counted only the aliens whose removal or return was already confirmed. Aliens removed or returned in that fiscal year but not confirmed until after October 5th were excluded from the locked data and thus from ICE statistics. To ensure an accurate and complete representation of all removals and returns, ICE will include the removals and returns confirmed after October 5th into the next fiscal year. The number of removals in fiscal year 2009, excluding the "lag" from fiscal year 2008, was 387,790. The number of removals in fiscal year 2010, excluding the "lag" from fiscal year 2009, was 373,440. This number does not include 76,732 expedited removal cases which ICE closed on behalf of CBP in fiscal year 2010. Of those 76,732, 33,900 cases resulted from a joint CBP/ICE operation in Arizona. ICE spent \$1,155,260 on those 33,900 cases. The number of removals in fiscal year 2011, excluding the "lag" from fiscal year 2010, was 385,145. The number of removals in fiscal year 2012, excluding the "lag" from fiscal year 2011, was 402,919. The number of removals in fiscal year 2013, excluding the "lag" from fiscal year 2012, was 363,144.

Fiscal year data lag/case closure lag is defined as the physical removal of an alien occurring in a given month; however, the case is not closed in EARM until a subsequent fiscal year after the data is locked. Since the data from the previous fiscal year is locked, the removal is recorded in the month the case was closed and reported in the next fiscal year removals. This will result in a higher number of recorded removals in a fiscal year than actual departures.

ERO removals include aliens processed for expedited removal (ER) and turned over to ERO for detention. Aliens processed for ER and not detained by ERO are primarily processed by Border Patrol. CBP should be contacted for those statistics.

The ICE threat levels reflect the priorities outlined in Director Morton's June 2010 memorandum entitled ICE Civil Immigration Enforcement Priorities effective October 1, 2010. Since fiscal year 2011, ICE has defined criminality as whether or not an alien has an ICE threat level (convicted criminal) or not (non-criminal immigration violator). For purposes of prioritizing the removal of aliens convicted of crimes, ICE personnel refer to the following offense levels: level 1, level 2, and level 3 offenders. Level 1 offenders are those aliens convicted of "aggravated felonies," as defined in section 101(a)(43) of the Immigration and Nationality Act, or two or more crimes each punishable by more than 1 year, commonly referred to as "felonies." Level 2 offenders are aliens convicted of any other felony or three or more crimes each punishable by less than 1 year, commonly referred to as "misdemeanors." Level 3 offenders are aliens convicted of "misdemeanor" crime(s) punishable by less than 1 year. Prior to fiscal year 2011, ICE used SC levels 1, 2, and 3 for prioritization purposes.

If an alien was identified by more than one priority they were defaulted to the highest priority based on the following hierarchy (ordered highest to lowest): convicted criminal, immigration fugitives, repeat immigration violator, other border removals/other removable aliens.

Other Removable Aliens: This category includes those aliens who entered unlawfully or entered lawfully and violated conditions of admission; aliens who may also fall into the above priorities but cannot be verified in the data available to ICE (e.g., criminals with no conviction information recorded in ICE systems).

**Question.** For fiscal years 2012, 2013, and 2014 to date, please provide the unique number of individuals encountered by ICE, booked into ICE custody, and then released, by forms of supervision and conditions of release, including bond, ICE supervision, orders of recognizance, or combination. Please also breakout these same individuals by ICE priority category and the number of days in detention.

**Answer.** Please see the below chart of U.S. Immigration and Customs Enforcement for fiscal years 2012–2014 year-to-date.

## FISCAL YEAR 2014 RELEASES WITH AN ICE APPREHENSION PROGRAM

Release reason	Convicted criminals			Non-criminal immigration violators (NCIV)				Total
	ICE threat level 1	ICE threat level 2	ICE threat level 3	NCIV total	NCIV fugitives	NCIV reinstatements	NCIV other	
ATD—Alternatives to Detention .....	183	284	354	599	7	28	564	1,420
Bonded Out .....	1,750	2,798	3,776	3,801	7	33	3,761	12,125
Order of recognizance	594	626	996	2,119	26	11	2,082	4,335
Order of supervision	1,619	405	433	731	70	151	510	3,188
Paroled .....	12	5	7	492	2	.....	490	516
Prosecutorial Discretion .....	63	41	56	196	6	6	184	356
<b>Total .....</b>	<b>4,221</b>	<b>4,159</b>	<b>5,622</b>	<b>7,938</b>	<b>118</b>	<b>229</b>	<b>7,591</b>	<b>21,940</b>

Fiscal year 2014 year-to-date data updated through 3/29/2014 (ICE Integrated Decision Support (IDS) v1.16 run date of 04/03/2014; ENFORCE Integrated Database as of 3/29/2014).

Book-out data excludes Office of Refugee Resettlement and Mexican Interior Repatriation Program facilities, as well as U.S. Marshals prisoners.

Releases reflect final book-outs with a case and release reasons of alternatives to detention, bond, order of recognizance, order of supervision, paroled, and prosecutorial discretion and excludes removals, deaths, and proceedings terminated.

The final book-out criminality is defined by whether or not an alien has the ICE threat level (convicted criminal) or not (non-criminal). ICE threat level is based upon the most serious convicted crime(s) (except overturned convictions) for the alien's case up until the point of departure. The ICE threat levels reflect the priorities outlined in Director Morton's June 2010 memorandum entitled ICE Civil Immigration Enforcement Priorities effective October 1, 2010. Since fiscal year 2011, ICE has defined criminality as whether or not an alien has an ICE threat level (convicted criminal) or not (non-criminal immigration violator). For purposes of prioritizing the removal of aliens convicted of crimes, ICE personnel refer to the following offense levels: level 1, level 2, and level 3 offenders. Level 1 offenders are those aliens convicted of "aggravated felonies," as defined in section 101(a)(43) of the Immigration and Nationality Act, or two or more crimes each punishable by more than 1 year, commonly referred to as "felonies." Level 2 offenders are aliens convicted of any other felony or three or more crimes each punishable by less than 1 year, commonly referred to as "misdemeanors." Level 3 offenders are aliens convicted of "misdemeanor" crime(s) punishable by less than 1 year.

The ICE arresting agency includes the following Enforcement and Removal Operations (ERO) and Homeland Security Investigations (HSI) arresting agency programs: 287g Program, Alternatives to Detention, ERO Criminal Alien Program, Detained Docket Control, Detention and Deportation, Law Enforcement Area Response Unit, Non-Detained Docket Control, Juvenile, Fugitive Operations, Violent Criminal Alien Section, Joint Criminal Alien Response Team, Probation and Parole, Quick Response Team, User Fee Investigations, Joint Terrorism Task Force, Non-User Fee Investigations, HSI Criminal Arrest Only, and Intelligence.

## FISCAL YEAR 2013 RELEASES WITH AN ICE APPREHENSION PROGRAM

Release reason	Convicted criminals			Non-criminal immigration violators (NCIV)				Total
	ICE threat level 1	ICE threat level 2	ICE threat level 3	NCIV total	NCIV fugitives	NCIV reinstatements	NCIV other	
ATD—Alternatives to Detention .....	639	1,004	1,509	1,763	51	85	85	4,915
Bonded Out .....	3,645	5,357	8,451	8,285	178	23	54	25,738
Order of recognizance	1,635	1,838	3,478	7,103	275	33	269	14,054
Order of supervision	3,922	760	799	1,471	86	273	9	6,952
Paroled .....	34	11	25	141	6	3	132	211
Prosecutorial Discretion .....	115	82	142	426	3	7	416	765
<b>Total .....</b>	<b>9,990</b>	<b>9,052</b>	<b>14,404</b>	<b>19,189</b>	<b>599</b>	<b>424</b>	<b>18,166</b>	<b>52,635</b>

Fiscal year 2013 data was rerun for program data (IDS v1.16 run date of 4/03/2014; EID as of 3/29/2014).

Book-out data excludes Office of Refugee Resettlement and Mexican Interior Repatriation Program facilities, as well as U.S. Marshals prisoners.

Releases reflect final book-outs with a case and release reasons of ATD, bond, order of recognizance, order of supervision, paroled, and prosecutorial discretion and excludes removals, deaths, and proceedings terminated. The final book-out criminality is defined by whether or not an alien has the ICE threat level (convicted criminal) or not (non-criminal). ICE threat level is based upon the most serious convicted crime(s) (except overturned convictions) for the alien's case up until the point of departure. The ICE threat levels reflect the priorities outlined in Director Morton's June 2010 memorandum entitled ICE Civil Immigration Enforcement Priorities effective October 1, 2010. Since fiscal year 2011, ICE has defined criminality as whether or not an alien has an ICE threat level (convicted criminal) or not (non-criminal immigration violator). For purposes of prioritizing the removal of aliens convicted of crimes, ICE personnel refer to the following offense levels: level 1, level 2, and level 3 offenders. Level 1 offenders are those aliens convicted of "aggravated felonies," as defined in section 101(a)(43) of the Immigration and Nationality Act, or two or more crimes each punishable by more than 1 year, commonly referred to as "felonies." Level 2 offenders are aliens convicted of any other felony or three or more crimes each punishable by less than 1 year, commonly referred to as "misdemeanors." Level 3 offenders are aliens convicted of "misdemeanor" crime(s) punishable by less than 1 year.

The ICE arresting agency includes the following Enforcement and Removal Operations (ERO) and Homeland Security Investigations (HSI) arresting agency programs: 287g Program, Alternatives to Detention, ERO Criminal Alien Program, Detained Docket Control, Detention and Deportation, Law Enforcement Area Response Unit, Non-Detained Docket Control, Juvenile, Fugitive Operations, Violent Criminal Alien Section, Joint Criminal Alien Response Team, Probation and Parole, Quick Response Team, User Fee Investigations, Joint Terrorism Task Force, Non-User Fee Investigations, HSI Criminal Arrest Only, and Intelligence.



## FISCAL YEAR 2012 RELEASES WITH AN ICE APPREHENSION PROGRAM

Release reason	Convicted criminals			Non-criminal immigration violators (NCIV)				Total
	ICE threat level 1	ICE threat level 2	ICE threat level 3	NCIV total	NCIV fugitives	NCIV reinstatements	NCIV other	
ATD—Alternatives to Detention .....	282	283	581	981	65	19	897	2,127
Bonded Out .....	3,792	6,033	10,618	15,985	827	22	15,136	36,428
Order of recognizance .....	1,002	884	2,215	5,949	581	32	5,336	10,050
Order of supervision .....	4,801	643	659	1,834	64	157	1,613	7,937
Paroled .....	29	8	12	59	5	2	52	108
Prosecutorial Discretion .....	72	46	64	250	3	8	239	432
<b>Total .....</b>	<b>9,978</b>	<b>7,897</b>	<b>14,149</b>	<b>25,058</b>	<b>1,545</b>	<b>240</b>	<b>23,273</b>	<b>57,082</b>

Fiscal year 2012 data was rerun for program data (IIDS v1.16 run date of 04/03/2014; EID as of 3/29/2014). Book-out data excludes Office of Refugee Resettlement and Mexican Interior Repatriation Program facilities, as well as U.S. Marshals prisoners.

Releases reflect final book-outs with a case and release reasons of alternatives to detention, bond, order of recognizance, order of supervision, paroled, and prosecutorial discretion and excludes removals, deaths, and proceedings terminated.

The final book-out criminality is defined by whether or not an alien has the ICE threat level (convicted criminal) or not (non-criminal). ICE threat level is based upon the most serious convicted crime(s) (except overturned convictions) for the alien's case up until the point of departure. The ICE threat levels reflect the priorities outlined in Director Morton's June 2010 memorandum entitled ICE Civil Immigration Enforcement Priorities effective October 1, 2010. Since fiscal year 2011, ICE has defined criminality as whether or not an alien has an ICE threat level (convicted criminal) or not (non-criminal immigration violator). For purposes of prioritizing the removal of aliens convicted of crimes, ICE personnel refer to the following offense levels: level 1, level 2, and level 3 offenders. Level 1 offenders are those aliens convicted of "aggravated felonies," as defined in section 101(a)(43) of the Immigration and Nationality Act, or two or more crimes each punishable by more than 1 year, commonly referred to as "felonies." Level 2 offenders are aliens convicted of any other felony or three or more crimes each punishable by less than 1 year, commonly referred to as "misdemeanors." Level 3 offenders are aliens convicted of "misdemeanor" crime(s) punishable by less than 1 year.

The ICE arresting agency includes the following Enforcement and Removal Operations (ERO) and Homeland Security Investigations (HSI) arresting agency programs: 287g Program, Alternatives to Detention, ERO Criminal Alien Program, Detained Docket Control, Detention and Deportation, Law Enforcement Area Response Unit, Non-Detained Docket Control, Juvenile, Fugitive Operations, Violent Criminal Alien Section, Joint Criminal Alien Response Team, Probation and Parole, Quick Response Team, User Fee Investigations, Joint Terrorism Task Force, Non-User Fee Investigations, HSI Criminal Arrest Only, and Intelligence.

## FISCAL YEARS 2012–2014 (YEAR-TO-DATE) AVERAGE LENGTH OF STAY (ALOS) FOR RELEASES WITH AN ICE APPREHENSION PROGRAM

Criminality	ALOS (in days) for releases with an ICE Apprehension Program		
	Fiscal year 2012	Fiscal year 2013	Fiscal year 2014 year-to-date
ICE Threat Level 1 .....	79.05	80.77	100.13
ICE Threat Level 2 .....	38.99	35.86	39.31
ICE Threat Level 3 .....	25.83	24.74	28.67
Non-Criminal Immigration Violator .....	21.53	17.10	15.86
Fugitives .....	16.46	15.25	17.13
Reinstatements .....	68.85	79.00	62.26
Other .....	21.38	15.72	14.44
<b>Total .....</b>	<b>35.06</b>	<b>34.50</b>	<b>39.80</b>

Fiscal years 2012–2013 data was rerun for program data (IIDS v1.16 run date of 04/03/2014; EID as of 3/29/2014). Fiscal year 2014 data updated through 3/29/2014 (IIDS v1.16 run date of 04/03/2014; EID as of 3/29/2014).

Book-out data excludes Office of Refugee Resettlement and Mexican Interior Repatriation Program facilities, as well as U.S. Marshals prisoners.

Releases reflect final book-outs with a case and release reasons of alternatives to detention, bond, order of recognizance, order of supervision, paroled, and prosecutorial discretion and excludes removals, deaths, and proceedings terminated.

The final book-out criminality is defined by whether or not an alien has the ICE threat level (convicted criminal) or not (non-criminal). ICE threat level is based upon the most serious convicted crime(s) (except overturned convictions) for the alien's case up until the point of departure. The ICE threat levels reflect the priorities outlined in Director Morton's June 2010 memorandum entitled ICE Civil Immigration Enforcement Priorities effective October 1, 2010. Since fiscal year 2011, ICE has defined criminality as whether or not an alien has an ICE threat level (convicted criminal) or not (non-criminal immigration violator). For purposes of prioritizing the removal of aliens convicted of crimes, ICE personnel refer to the following offense levels: level 1, level 2, and level 3 offenders. Level 1 offenders are those aliens convicted of "aggravated felonies," as defined in section 101(a)(43) of the Immigration and Nationality Act, or two or more crimes each punishable by more than 1 year, commonly referred to as "felonies." Level 2 offenders are aliens convicted of any other felony or three or more crimes each punishable by less than 1 year, commonly referred to as "misdemeanors." Level 3 offenders are aliens convicted of "misdemeanor" crime(s) punishable by less than 1 year.

The ICE arresting agency includes the following Enforcement and Removal Operations (ERO) and Homeland Security Investigations (HSI) arresting agency programs: 287g Program, Alternatives to Detention, ERO Criminal Alien Program, Detained Docket Control, Detention and Deportation, Law Enforcement Area Response Unit, Non-Detained Docket Control, Juvenile, Fugitive Operations, Violent Criminal Alien Section, Joint Criminal Alien Response Team, Probation and Parole, Quick Response Team, User Fee Investigations, Joint Terrorism Task Force, Non-User Fee Investigations, HSI Criminal Arrest Only, and Intelligence.

The average length of stay represents the average amount of time from initial book-in to final book-out for an alien's detention stay.

In support of the U.S. Border Patrol's Consequence Delivery System, ICE participated in the Alien Transfer Exit Program (ATEP) by detaining, transporting, and removing Mexican border crossers. In an effort to disrupt smuggling operations and deter future illegal entry, ICE transported and removed these subjects in a different area of the country from where they were apprehended by the U.S. Border Patrol. These cases required only short-duration detention stays. While ICE continues to participate in ATEP along the Texas-Mexico border, ICE scaled back its participation in ATEP in June 2013.

**Question.** For fiscal years 2012, 2013, and 2014 year-to-date, please provide a breakdown of individuals on the non-detained docket by forms of supervision and conditions of release, including bond, ICE supervision, orders of recognizance, or combination. For the same time period, please provide a breakdown of those individuals on the non-detained docket enrolled in the Alternatives to Detention (ATD) program by type of ATD.

**Answer.** The non-detained docket is fluid and changes on a daily basis as cases move onto the detained docket or are closed. Therefore, U.S. Immigration and Customs Enforcement (ICE) is providing information that can be found in the year-end snapshot of its database and the snapshot is current as of March 29, 2014.

The chart below shows the latest release reason for those non-detained docket cases that had a history of ICE detention. Most cases on the non-detained docket do not have a detention history and therefore do not contain requested details such as the form of supervision or condition of release.

#### FISCAL YEARS 2012–2014 YEAR-TO-DATE NON-DETAINED DOCKET BY RELEASE REASON

Release reason	Fiscal year 2012 year-end snapshot	Fiscal year 2013 year-end snapshot	Fiscal year 2014 as of 03/29/14 snapshot
Total Non-Detained Docket .....	1,681,862	1,781,368	1,841,810
Bonded Out .....	242,055	262,447	276,991
Order of Recognizance .....	111,324	150,177	176,943
Order of Supervision .....	60,149	69,836	75,546
Office of Refugee Resettlement .....	2,256	4,639	5,342
Paroled .....	36,106	40,028	43,399
Proceedings Terminated .....	1,660	1,686	1,871
Prosecutorial Discretion .....	347	918	1,153
All Other Release Reasons .....	36,307	38,405	39,676
No Detention tied to the case .....	1,191,658	1,213,232	1,220,889

Fiscal years 2012 and 2013 data represent snapshots of the non-detained docket at year end, and are historical and remain static. Fiscal year 2014 data updated through 3/29/2014 (ICE Integrated Decision Support v1.16 run date of 3/31/2014; ENFORCE Integrated Database as of 3/29/2014).

"All Other Release Reasons" include release reasons such as "Alternatives to Detention," and cases in which the alien may have been removed or departed the United States but whose case has not yet been closed in ICE's case management system. This category may also contain other release reasons such as "Processing Disposition Changed Locally" or other various reasons.

#### FISCAL YEARS 2012–2014 YEAR-TO-DATE ALTERNATIVES TO DETENTION BY TYPE

	Fiscal year 2012 year-end snapshot	Fiscal year 2013 year-end snapshot	Fiscal year 2014 as of 03/29/14 snapshot
Total ATD .....	23,121	22,977	21,919
Full Service .....	12,828	12,253	11,137
Technology Only .....	10,293	10,742	10,782

**Question.** For fiscal years 2012, 2013, and 2014 year-to-date, please provide information on the final case dispositions (e.g. removed, returned, granted voluntary departure, and/or granted another form of relief) for aliens on the non-detained docket by forms of supervision and conditions of release, including bond, ICE supervision, orders of recognizance, or combination. In addition, show the average number of days on the docket for these aliens in each type of supervision.

**Answer.** ICE is unable to provide the final case dispositions for aliens on the non-detained docket by forms of supervision and conditions of release or the average number of days on the docket for aliens in each type of supervision without case specific information.

ICE is providing information that can be found in the year-end snapshot of its database and the snapshot as of March 29, 2014.

In fiscal year 2012, ICE conducted 346,487 removals and 63,362 returns. In fiscal year 2013, ICE conducted 332,538 removals and 36,106 returns.

The below chart shows the latest release reason for those non-detained docket cases that had an ICE book-in. Most cases on the non-detained docket do not have a detention history that can be tied to the case and therefore do not contain the requested details as to the form of supervision or condition of release.

#### FISCAL YEARS 2012–2014 YEAR-TO-DATE NON-DETAINED DOCKET BY RELEASE REASON

Release reason	Fiscal year 2012 year-end snapshot	Fiscal year 2013 year-end snapshot	Fiscal year 2014 as of 03/29/14 snapshot
Total Non-Detained Docket .....	1,681,862	1,781,368	1,841,810
Bonded Out .....	242,055	262,447	276,991
Order of Recognizance .....	111,324	150,177	176,943
Order of Supervision .....	60,149	69,836	75,546
Office of Refugee Resettlement .....	2,256	4,639	5,342
Paroled .....	36,106	40,028	43,399
Proceedings Terminated .....	1,660	1,686	1,871
Prosecutorial Discretion .....	347	918	1,153
All Other Release Reasons .....	36,307	38,405	39,676
No Detention tied to the case on the Non-Detained Docket—No Release Reason .....	1,191,658	1,213,232	1,220,889

Fiscal years 2012–2013 data represent snapshots of the non-detained docket at year end, and are historical and remain static. Fiscal year 2014 data updated through 3/29/2014 (ICE Integrated Decision Support (IIDS) v1.16 run date of 3/31/2014; ENFORCE Integrated Database (EID) as of 3/29/2014).

"All Other Release Reasons" include release reasons such as "Alternatives to Detention," and cases in which the alien may have been removed or departed the United States but whose case has not yet been closed in ICE's case management system. This category may also contain other release reasons such as "Processing Disposition Changed Locally" or other various reasons.

#### FISCAL YEARS 2012–2014 YEAR-TO-DATE ALTERNATIVES TO DETENTION BY TYPE

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Total ATD .....	23,121	22,977	21,919
Full Service .....	12,828	12,253	11,137
Technology Only .....	10,293	10,742	10,782

**Question.** For fiscal years 2012, 2013, and 2014 year-to-date, please provide the final case dispositions (e.g. removed, returned, granted voluntary departure, and/or granted another form of relief) of participants in the ATD program.

**Answer.** The table below displays final case dispositions for fiscal years 2012, 2013, and 2014 (through February).

Final case disposition	Fiscal year 2012	Fiscal year 2013	Fiscal year 2014 through February
0—Withdrawal Permitted—I-275 Issued .....	9	6	1
3—Voluntary Departure Confirmed .....	1,414	1,134	268
6—Deported/Removed—Deportability .....	503	546	131
8—Excluded/Removed—Inadmissibility .....	909	1,213	347
9—Voluntary Return Witnessed .....	6	2	1
A—Proceedings Terminated .....	840	780	213
B—Relief Granted .....	462	451	140
E—Charging Document Canceled by Immigration and Naturalization Service .....	102	119	50
L—Legalization—Permanent Residence Granted .....	60	56	12
Z—Special Agricultural Worker—Permanent Residence Granted .....	6	2	1
<b>Grand Total .....</b>	<b>4,311</b>	<b>4,309</b>	<b>1,164</b>

**Data Notes:**

—Final case dispositions based on case status code pulled from ICE Integrated Decision Support (IIDS). IIDS is a data warehouse that contains dynamic data extracts from the Enforcement Integrated Database (EID).

—ATD Termination codes were not used in this analysis because they are not necessarily indicative of an individual's final case disposition, only an individual's reason for exiting the ATD program. Case status code is a more concrete indication of final case outcome.

—Data pulled by the Statistical Tracking Unit.

—Fiscal year 2012 case closure codes 0–9 pulled from IIDS 10/5/2012, EID as of 10/3/2012.  
 —Fiscal year 2013 case closure codes 0–9 pulled from IIDS 10/6/2013, EID as of 10/4/2013.  
 —Fiscal year 2014 case closure codes 0–9 pulled from IIDS 3/10/2014, EID as of 3/8/2014.  
 —Fiscal years 2012–2014 case closure codes A–Z pulled from IIDS 4/4/2014, EID as 4/2/2014.

Fiscal year 2012 terminations			Fiscal year 2013 terminations			Fiscal year 2014 through February terminations		
Termination code	Count	Percent	Termination code	Count	Percent	Termination code	Count	Percent
A .....	1,175	6.7	A .....	1,445	5.4	A .....	413	4.7
B .....	773	4.4	B .....	942	3.5	B .....	309	3.5
C .....	371	2.1	C .....	560	2.1	C .....	266	3.0
D .....	512	2.9	D .....	800	3.0	D .....	271	3.1
E .....	357	2.0	E .....	544	2.0	E .....	279	3.2
F .....	256	1.5	F .....	166	0.6	F .....	40	0.5
G .....	11,104	63.3	G .....	19,249	71.5	G .....	6,023	68.4
H .....	173	1.0	H .....	269	1.0	H .....	113	1.3
I .....	240	1.4	I .....	207	0.8	I .....	125	1.4
J .....	980	5.6	J .....	1,267	4.7	J .....	519	5.9
K .....	259	1.5	K .....	259	1.0	K .....	102	1.2
L .....	1,208	6.9	L .....	969	3.6	L .....	238	2.7
M .....	120	0.7	M .....	131	0.5	M .....	63	0.7
Unknown .....	23	0.1	Unknown ...	130	0.5	Unknown ...	48	0.5
Grand total.	17,551	100.0	Grand total	26,938	100.0	Grand total	8,809	100.0

<sup>1</sup> Data from BI Inc. Population Reports

TERMINATION CODES

Type	Description
<b>Favorable Outcomes:</b>	
A .....	Departure Verified (Final Order of Removal)
B .....	Relief/Benefit Granted (cancellation of Removal, Adjustment of Status, Asylum, or Admission)
L .....	Departure Verified (Voluntary Departure)
M .....	Departed the United States while in proceedings
<b>Neutral Outcomes:</b>	
G .....	No Longer Required to Participate (As determined by ERO for various reasons)
H .....	Arrested by ICE for Removal (Final Order—Active Participant)
I .....	Pending Departure Verification (Final Order of Removal or Voluntary Departure)
J .....	Arrested by other Law Enforcement Agency
K .....	Other (No longer required to report: medical or deceased)
<b>Unfavorable Outcomes:</b>	
C .....	Pre-Order Program Absconder (Terminated from ATD)
D .....	Post-Order Program Absconder (Terminated from ATD)
E .....	Pre-Order Program Violator
F .....	Post-Order Program Violator

**Question.** Please provide the analysis that underpins the Administration’s assertion that there is only a need for 30,500 detention beds. And please provide an assessment of the impact that lower detention rates will have on successful removal of illegal aliens, to include consideration of the total cost to the taxpayer over time, effect on border security effectiveness, impact on interior enforcement, and impact on the aliens themselves as they accumulate “equities” on the non-detained docket.

**Answer.** The President’s fiscal year 2014 budget requests funding for 30,539 immigration detention beds. U.S. Immigration and Customs Enforcement (ICE) reviewed the historical average number of aliens apprehended who are subject to the Immigration and Nationality Act and mandatory detention provisions. The requested bed level of 30,539 accommodates the current fiscal year 2014 mandatory detained population (22,417 year-to-date average as of March 31, 2014) and provides for a 36-percent increase in detention population to accommodate the higher risk, non-mandatory detainees who present a risk to public safety. Lower risk, non-mandatory individuals may be placed by ICE in lower cost alternatives to detention programs.

## TRANSPORTATION SECURITY ADMINISTRATION

*Question.* The Screening Partnership Program supports airports that opt to have private sector screening companies rather than TSA operations. Under this program, TSA still oversees security by contracting for screening services. Congress has spoken repeatedly about the value of this program in providing an avenue for innovation and competition. At the same time, it has been difficult for airports that want to participate to actually get through the process. One reason why seems to come down to technicalities in cost calculations. While I understand that this program will likely always be controversial, the actual cost of these two options should not be up for debate—this is a knowable feature of the landscape. This subcommittee directed TSA to undertake an independent assessment over the coming year to take this cost issue off the table.

What is the status of this review, and will you ensure that TSA makes any changes necessary to its processes to ensure a fair and open competition for private sector screening?

*Answer.* As directed by the Fiscal Year 2014 Consolidated Appropriations Act, the Transportation Security Administration (TSA) released a request for quote on April 16, 2014, to solicit an independent analysis of the Screening Partnership Program's Federal cost estimate methodology. Once the contractor delivers the final report, the Government Accountability Office has 90 days to review and brief Congress on the results. TSA is committed to ensuring a fair and open application process.

## QUESTIONS SUBMITTED BY SENATOR LISA MURKOWSKI

## COAST GUARD RECAPITALIZATION PLAN—NATIONAL SECURITY CUTTERS AND OFFSHORE PATROL CUTTERS

*Question.* Secretary Johnson, I want to thank you for your support of DHS operations in and around my State, including, but not limited to the United States Coast Guard. I hope you will have the opportunity to soon visit Alaska and see the hard working men and women of the Department of Homeland Security.

As we discussed a few months ago, the recapitalization of the Coast Guard's assets is a priority that we both share and I am happy to see that you requested funding for the eighth national security cutter (NSC) in this year's budget request. The national security cutter is the Coast Guard's most sophisticated ship, and they continue to deploy to the Bering Sea. These national security cutters are filling the role of the older high endurance cutters that have past their useful life.

Currently, one high endurance cutter, the *Munro* is homeported in Alaska. Cutters from California or Hawaii conduct all other Alaska patrol deployments. The *Munro* is over 40 years old and there is no planned replacement for it in Kodiak.

Would you consider taking another look at the Coast Guard's homeporting strategy and locating a national security cutter in Kodiak?

*Answer.* Homeporting of the national security cutters (NSCs) was carefully evaluated by the Commandant of the Coast Guard to ensure greatest operational efficiency in supporting the Coast Guards multiple missions.

In addition to the NSC, the Coast Guard is also designing the offshore patrol cutter (OPC). I see this year's budget request includes \$20 million to continue the preliminary design evaluation of this ship.

*Question.* Are there plans to use the offshore patrol cutter in Alaska?

*Answer.* Yes, the Coast Guard plans to use the OPC year-round in Alaskan waters.

*Question.* If so how many national security cutters, if any, does the Coast Guard plan to homeport in Alaska? And when are they expected to begin coming online and start operating?

*Answer.* There are currently no plans to homeport a national security cutter in Alaska.

## POLAR ICEBREAKERS

*Question.* We also need to talk about our icebreaking capability. The Coast Guard High Latitude Study in 2011 identified that to fulfill the statutory missions the Coast Guard needed three heavy and three medium icebreakers. Right now there is only one operational heavy icebreaker in our national fleet with one recently taken out of service. This year's request includes \$6 million to continue to study and plan for a new polar icebreaker. We don't appear to be moving very quickly to build a new icebreaker, while other countries including Russia, China, and Canada are all building new icebreakers.

How many heavy icebreakers are needed keep us safe and protect our Arctic interests?

*Answer.* Current Arctic seasonal icebreaking demands and national needs can be met with existing Coast Guard assets.

*Question.* Does the Coast Guard have plans for additional icebreaking capability as a part of an Arctic strategy?

*Answer.* Per the Coast Guard's 2013 Arctic Strategy, the Coast Guard will continue to monitor evolving Arctic activities, and re-invest, where funding allows, to overcome potential gaps and shortfalls. The current icebreaking capability is sufficient to meet current operational demands.

*Question.* Are there any plans to recapitalize and return the non-operational *Polar Sea* to service?

*Answer.* There are no plans to recapitalize and return the non-operational *Polar Sea* to service.

#### ARCTIC

*Question.* Secretary Johnson, the President released the Implementation Plan for the National Strategy for the Arctic Region in January. This plan lists the Department of Homeland Security as the lead agency for seven objectives as well as a supporting agency for many others. Your budget requests \$2.1 million for Arctic operations.

What level of priority are these Arctic objectives?

*Answer.* Ensuring that the Coast Guard is prepared to meet its statutory mission obligations in the Arctic is a priority for the Service and the Coast Guard is taking a measured approach in this regard. The Coast Guard is working to support the implementation of the National Strategy for the Arctic Region in conjunction with the implementation of the Coast Guard's Arctic Strategy. These strategies are complementary to each other and both recognize that the intensity of Coast Guard activity in the Arctic will be developed commensurate with changes in Arctic activity.

*Question.* How will you implement your Arctic plan in the next fiscal year?

*Answer.* There are a number of actions that are taking place in fiscal year 2015 to support implementation of the National Strategy for the Arctic Region and the Coast Guard Arctic Strategy. These include:

- Conducting annual Arctic Shield Operations;
- Establishment of the (International) Arctic Coast Guard Forum;
- Establishment of an Arctic Policy Board under the rules of the Federal Advisory Committee Act;
- Continue support within the International Maritime Organization for the development of a mandatory Polar Code;
- Continue development of the interagency polar icebreaker Operational Requirements Document;
- Work towards finalizing the Bering Strait Port Access Route Study;
- Provide support to the Department of State to development priority for U.S. Chairmanship of the Arctic Council (2015–2017).

#### COAST GUARD OPERATIONAL EFFICIENCIES

*Question.* Secretary Johnson, I am concerned with the planned reduction of \$15 million in the Coast Guard budget for what is referred operational efficiencies. This reduction seems to contradict the Coast Guard's drive to increase proficiency across the service.

Can you please describe what the operational efficiencies that are being reduced?

*Answer.* The \$15 million operational efficiency scales cutter, boat, and aircraft resource hours using risk-based prioritization of patrols and operational activities to achieve savings in fuel and variable maintenance. This proposal will preserve search and rescue, urgent security activities, and operational hours to meet minimum proficiency standards.

*Question.* How will this reduction affect Coast Guard operations in Alaska?

*Answer.* Operational Commanders will maintain the flexibility to shift resources to address the greatest risks and threats in the maritime environment. This reduction is not expected to impact the Coast Guard's response posture in and around Alaska.

#### NATIONAL OCEAN POLICY

*Question.* The April 2013 National Ocean Policy Implementation Plan directs DHS (as a National Ocean Council member) to implement what has been described as a "fundamental shift" in the way that the Federal Government manages ocean, coastal, and Great Lakes resources by adopting an "ecosystem-based management"

(EBM) approach. Specifically, EBM must be incorporated into environmental planning and review processes by 2016. In addition, the National Ocean Council (which includes DHS) is directed to “complete formal interagency partnership agreements . . . regarding coordination and leveraging efforts to achieve EBM.”

In addition, in regions where all States decide not to participate on a regional planning body to carry out the marine planning initiative, Federal agencies are nonetheless directed to “identify and address priority science, information, and ocean management issues associated with marine planning as described in the Executive Order.”

Alaska is a State that has decided not to participate in a regional planning body, and I am concerned that Federal agencies, including DHS, are pushing forward without due regard to Alaska’s prerogative to opt out of a regional planning body.

Could you please describe in detail any DHS actions that have been or will be taken in Alaska in response to the National Ocean Policy Implementation Plan’s directive to incorporate EBM into environmental planning and review processes and complete formal interagency agreements in furtherance of EBM?

*Answer.* The Coast Guard is working with other Federal, State, local, and tribal experts to improve Arctic environmental incident prevention and response to ensure coordinated agency action, minimize the likelihood of disasters, and expedite response activities. The Implementation Plan includes the ongoing efforts of the Coast Guard to conduct a Waterway Analysis and Management System assessment and Port Access Route Study for the Bering Strait, ports, and other navigable waterways in western and northern Alaska as one of its priority actions. When completed, this action will lead to improved navigational safety, efficiency, and environmental stewardship for the region.

Another initiative in which DHS/Coast Guard is involved is interagency cooperation to better coordinate domestic energy development and permitting in Alaska under Executive Order 13580 (Interagency Working Group on Coordination of Domestic Energy Development and Permitting in Alaska), of July 12, 2011. That Executive order makes specific reference to the need to promote orderly and efficient decisionmaking regarding the issuance of permits and the conduct of environmental reviews for both onshore and offshore energy development. This interagency coordination is leading to integrated Arctic management, which is a key component of EBM.

*Question.* Could you please describe in detail any DHS actions that have been or will be taken in Alaska in response to the National Ocean Policy Implementation Plan’s directive for Federal agencies to participate in the marine planning initiative?

*Answer.* The Coast Guard District 17 Commander took the lead early on in organizing Federal agencies in the Alaska region to prepare for the development of marine planning initiatives. This includes reaching out to other Federal agencies to identify subject-matter experts, leaders, and resources to enhance coordination and implementation of Federal programs designed to enhance the safe, secure, and prudent management of Federal waters and missions in the region. This was done in consultation with experts and leaders across the Federal Government, the State of Alaska, local communities, tribes, academia, industry, and the general public to promote mutual understanding and cooperation across a wide range of relevant initiatives. Additionally, the 17th Coast Guard District has reached an informal agreement with the National Ocean Council and the State of Alaska to work within existing processes and mechanisms to further National Ocean Policy objectives in Alaska.

#### FEMA/GALENA

*Question.* On June 25, 2013, the President issued a major disaster declaration in response to flooding that devastated the Yukon River community of Galena and severely impacted other river villages in the Tanana Chiefs Conference (TCC) and Association of Village Council Presidents (AVCP) regions. FEMA established a Disaster Field Office in Anchorage and mobilized staff from around the country. Most had no understanding of the short building seasons and geographic constraints associated with responding to a rural Alaska disaster. During a July meeting at the Disaster Field Office we also came to learn that FEMA HQ was not affording the Federal coordinating officer with the flexibility to address these unique conditions and to some extent was micromanaging the disaster. In response to that meeting, I wrote FEMA Administrator Fugate and DHS Acting Inspector General Edwards asking that they send senior teams to Galena. The DHS Inspector General’s office sent a three-person senior team in September while FEMA sent some HQ managers. Neither the FEMA Administrator, the Deputy Administrator nor the Associate Administrator in charge of the Recovery Division visited Galena last summer. We lost

much of the 2013 construction season because FEMA was not prepared. While FEMA has done substantial planning for the 2014 season, DHS oversight is necessary to ensure that the plan is properly executed.

When you visited with me before your confirmation we discussed FEMA's response to the May 2013 flooding disaster that devastated the Athabasca Indian village of Galena on the Yukon River and surrounding Native villages. By July it became apparent to me that FEMA was not well prepared to address a disaster in a remote Native village. Many of the reservists on the ground were poorly trained and we heard that FEMA headquarters was micromanaging the recovery and not in a good way. I wrote a letter to Administrator Fugate and to the DHS Inspector General asking that the ship be righted. A copy of this letter was provided to your staff. To their credit, senior Inspector General officials traveled to Galena to inspect the situation. Senior FEMA HQ officials did not. The 2014 construction season is upon us.

My question is: Can we expect that FEMA will do better in 2014 than it did in 2013. The recovery in Galena is as important to me like the recovery from Katrina and Rita is to Senator Landrieu, and the Sandy recovery is to the New York and New Jersey delegations. Can we get some high level attention and remove the obstacles that stand in the way to the recovery of these traditional Native communities?

*Answer.* Each Stafford Act declaration is important to FEMA. Throughout the process of response and recovery efforts in Alaska, FEMA took rigorous and innovative actions to provide housing assistance to eligible applicants to include implementing Permanent Housing Construction (PHC). FEMA quickly deployed its Direct Housing Assessment Team (DHAT) which identifies the most appropriate means of providing temporary housing assistance, taking into account the needs of the eligible applicants, availability of temporary housing resources in the community, and the unique logistical considerations associated with providing housing assistance in a remote village like Galena. The DHAT, in coordination with the State-Led Disaster Housing Task Force (SLDHTF) and the U.S. Army Corps of Engineers (USACE), evaluated potential construction options and determined PHC was the most appropriate housing assistance option for some applicants. PHC was implemented in phases to fill gaps due to additional costs associated with bringing in building material (direct shipping) and labor to support the repair of individual homes.

In addition, FEMA engages early with our Grantees (States/tribes/local governments) in preparation of a disaster. An example of this is the Other Needs Assistance (ONA) provision of our Individuals and Households Program. ONA Administrative Option Selection form (FEMA form 010-0-11) contains a "standard personal property line item list" for States/tribes to approve or modify. States and tribes are provided an opportunity to "add-on" any additional items that are prevalent in their State/tribe and are not included in the standard list. The additional items requested by the State of Alaska included various items, such as a fish wheel, rifle, fishing gear, hunting gear, etc. to support subsistence activities. For example, the "hunting gear" included a sleeping bag, tent, tarp, knife, camp stove, food storage and game storage bags. These were approved in February 2013, 5 months before the disaster. FEMA had the ability to pay for those items under ONA at the time of the disaster, within 3 days of the declaration. Therefore, ONA was awarded without delay and provided an opportunity to supply food for the winter.

Due to the remoteness of some traditional Native communities such as Galena, FEMA's Public Assistance program funded a responder support camp last summer. The responder camp remains operational, and it houses 40 individuals. FEMA and State staff, along with FEMA and State-sponsored volunteers, utilized the camp. It provides washing and drying capabilities along with showers and three meals. Due to the number of volunteers assisting in the rebuilding of the community and the lack of infrastructure capabilities of Galena, the camp will be expanded in June to support an additional 60 volunteers. The camp is expected to be available through September 1, 2014.

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QUESTIONS SUBMITTED BY SENATOR BARBARA A. MIKULSKI

VISA WAIVER PROGRAM AND POLAND

*Question.* Secretary Johnson, I was pleased to speak with you following your visit to Krakow this past February. I appreciate that you took the time to discuss the importance of expanding the Visa Waiver Program with your Polish counterpart. Poland is an important strategic ally to the United States. It is important to show



faith with a longtime friend that has shown faith with us, standing by us in Iraq and Afghanistan.

President Obama has repeatedly expressed his commitment to bringing Poland into the Visa Waiver Program.

Secretary Johnson, how important is it to the Department of Homeland Security (DHS) to bring our close ally and friend Poland into the Visa Waiver Program?

*Answer.* As you mention and as the President has noted, Poland is a strong ally of the United States. The President and I support Poland's accession to the Visa Waiver Program. Unfortunately, Poland does not yet meet the strict eligibility requirements of the Visa Waiver Program contained in current law. Poland's nonimmigrant visitor visa refusal rate remains above the statutory threshold of 3 percent. Additionally, Poland has not yet signed all of the information sharing agreements required for Visa Waiver Program eligibility.

DHS places great importance on bringing Poland into the Visa Waiver Program once it meets the eligibility requirements. In the meantime, DHS cannot bring Poland into the program because DHS's authority to do so is constrained by current law.

*Question.* How many other countries are in line to join the program?

*Answer.* No countries not already in the Visa Waiver Program (VWP) currently fulfill all of the statutory requirements for VWP designation. DHS has been working with a very small group of countries on the VWP's security and information sharing requirements in anticipation that they will become eligible for designation at some point in the future. These countries also need to meet the nonimmigrant visitor visa refusal rate threshold of 3 percent. DHS cannot begin the designation process until this and all the additional eligibility requirements are met. Based on the Department of State's fiscal year 2013 visa refusal data, DHS does not anticipate designating any countries into the Visa Waiver Program during the remainder of this fiscal year.

*Question.* Opponents of VWP expansion argue that it is a risk to American Security. Can you outline the security agreements Poland will enter into with the United States prior to joining? How will these agreements enhance American Security? What has the Polish Government already done to ensure Poland is not an entry point for terrorists into the United States?

*Answer.* There are three information sharing instruments that countries conclude prior to the start of the Visa Waiver Program designation process in order to meet VWP statutory requirements for information sharing. The first is the Agreement on Preventing and Combating Serious Crime. This agreement provides for the reciprocal exchange of biographic and biometric data, along with any relevant underlying information, for purposes of preventing, detecting, and investigating serious criminal activity. Poland and the United States concluded substantive negotiations on this agreement in July 2012.

The second is the Homeland Security Presidential Directive 6 (HSPD-6) arrangement (Integration and Use of Screening Information). Under this arrangement, the United States provides the foreign partner with access to an extract of the Terrorist Screening Database in exchange for the foreign partner's list of known and suspected terrorists. Poland has already signed an HSPD-6 arrangement with the United States.

The third is an agreement to report information to INTERPOL on lost and stolen passports. To fulfill this requirement, countries must complete a memorandum of understanding or an exchange of diplomatic notes documenting their intent to report information on lost and stolen passport through INTERPOL. VWP countries are expected to report lost and stolen passport data on a daily basis. Poland has completed the exchange of diplomatic notes, and reports data on lost/stolen passport to INTERPOL on a daily basis.

These agreements enhance American security by increasing the quantity and the quality of data available for identifying foreign travelers of potential concern. Primarily as a result of the Visa Waiver Program requirement to report lost and stolen passport information, over 65 percent of the records contained in INTERPOL's travel document database are provided by Visa Waiver Program countries. The Agreement on Preventing and Combating Serious Crime has already resulted in the identification and incarceration of serious criminals based on the exchange of biometric information with Visa Waiver Program partners. Information gathered through the HSPD-6 arrangement has resulted in the confirmation of several terrorist identities, made existing watch list profiles more accurate, and added new identities to our watch list holdings.

Poland employs a broad range of tools to diminish the risk that terrorists would use its territory as a transit point for travel to the United States. These tools include standardized risk-based screening procedures at border crossings, use of the

European Union's Schengen Information System database to screen inbound travelers against derogatory information held by European governments, vetting of all applicants for asylum and refugee status against a common European database, and use of targeted advance passenger information to identify travelers of interest before they arrive at Polish ports of entry. Polish law enforcement and security officials frequently exchange information with their counterparts in the United States Mission to Poland, ensuring that any known travelers of concern are identified well in advance of any potential travel to the United States.

CONCLUSION OF HEARING

Senator LANDRIEU. And without further business, the subcommittee is adjourned.

[Whereupon, at 3:48 p.m., Wednesday, March 12, the hearing was concluded, and the subcommittee was recessed, to reconvene subject to the call of the Chair.]

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