

Hearing Transcript

House Homeland Security Full Committee and Subcommittee on Border and Maritime Security Joint Hearing on America's Borders

February 7, 2017

Panel I – Secretary of Homeland Security John F. Kelly

MCCAUL:

Committee on Homeland Security will come to order. The committee is meeting today to examine America's borders and the path to security.

I now recognize myself for an opening statement. First, I want to welcome General Kelly to his first hearing before Congress since his confirmation as secretary of Homeland Security. Mr. Secretary, thank you for joining us here today. This committee is eager to work with you and we stand ready to help you and the department succeed. Your job will not be easy, as you know. But as we talked about last week, your leadership is vital.

The Trump administration has inherited porous borders, failed immigration policies and a grave and growing terror threat. Two weeks ago, the Trump administration took action to address these dangers. First, the president signed an executive order for border security surge. Today, we will get an update on that effort and how you plan to create multilayered defenses to keep criminals, drug cartels and potential terrorists out of the country.

After the secretary's testimony, we will welcome a panel of front-line defenders from Texas and Arizona for a frank discussion about the challenges at the local level.

Second, the president signed an executive order to put a pause on immigration and refugee admissions from high-threat parts of the world. The pause will give us time to enhance security checks to stop terrorists from using our immigration system as a Trojan horse, as they have already done in Europe. Last year, I helped to draft a memo to then candidate Trump how we could intensify the vetting process while ensuring our doors remain open to peaceful, free and loving people, regardless of race or religion.

I also authored the American SAFE Act, which called for temporary pausing of the Syrian refugee program so we could improve security screening and it passed the House with a bipartisan veto proof majority.

I'm encouraged the president has paid attention to those recommendations, but the rollout of his executive order has been problematic. It caused confusion here in Congress, across the country and around the world and it caused real problems for people with lawful green cards and visas, who in some cases were already in the air when the order was signed. Secretary Kelly, you and I

have spoken about my concerns and I'm reassured that you've taken positive steps to help correct the order's deficiencies.

Now, we will wait to see how the matter is handled in the courts. In the meantime, let me stress that -- the words we use about this executive matter. This is not a Muslim ban and even the suggestion that it could alienate our allies and embolden our adversaries. This is a temporary suspension on visas from high-risk terror threat countries and a pause on the refugee program. This will allow the administration to put in place enhanced vetting to keep terrorists out and keep Americans safe.

MCCAUL:

These countries were selected because of a law drafted by this committee which designated four nations as terror hot spots, including all state sponsors of terror. The Obama administration later added these additional countries to the list, bringing the total number of countries to seven.

This is what the Trump administration relied on, a law based on risk not on religion. I urge my colleagues and the media to avoid reckless statements to the contrary.

Now is the time for DHS to move forward with common-sense, 21st- century vetting changes. I hope the department will follow this committee's guidance. We have been focused -- more focused than any other panel in Congress on shutting down terror pathways into this country.

In 2015, we created a bipartisan task force that conducted one of the widest reviews of security gaps since the 9/11 Commission. That review produced more than 50 recommendations to stop jihadists from entering the United States undetected. Some of these were enacted into law, while others were not. We need to address them as soon as possible, especially visa and refugee security improvements.

Finally, because of the law, drafted by this committee, the president will be required to submit a national strategy to combat terrorist travel to this Congress this summer. And we look forward sir, to receiving it and reviewing the Trump administration's long term plan for denying jihadist entry into the United States, including at the border.

America -- Americans are eager to see results. Washington's open border policies and weak immigration screening have failed our people and our committee -- communities time and time again. That is why I am pleased today sir, we have a no nonsense Secretary of Homeland Security, a former Marine, who's ready to do what others could not, by finally securing our territory.

Mr. Secretary, I want to thank you again for joining us today. You're charged with confronting adaptive threats and insidious enemies. And I want you to know that this committee and this Congress stand ready to work with you to secure America.

With that, the chair now recognizes the ranking member, Mr. Thompson.

THOMPSON:

Thank you very much, Mr. Chairman. Thank you for holding today's hearing entitled, "Ending the Crisis, America's Borders and the Path to Security."

Let me welcome our new secretary.

We're glad to have you. Your record speaks for itself. Some of us served on the Hill when you were on the Hill. You had a few less stars and other things associated with that service, but thank you very much for your service.

I have -- I would note Mr. Chairman, that the urgent border crisis facing our nation is not occurring at our southern border, but rather is a one of President Trump's own making. His executive order banning all travel from seven majority Muslim countries and suspending our refugee program under the guise of security, does nothing to make us safer.

Blocking the admission of green card holders who are doctors, scientists, business owners and other valued members of our society, does nothing to make us safer. Suspending the admission of refugees, like this teddy bear-holding, 4-year-old Somali girl who had to be vetted for years, does nothing to make us safer.

To the contrary, the executive order makes America less safe, by serving as a recruitment and propaganda tool for terrorist groups, complicating coordination with allies and partners in the fight against terrorism and distracting border security personnel from the job of thoroughly screening all travelers to this country on an individualized basis.

No amount of fearmongering via Twitter or alternative facts will change the fact that on January 27th, with a stroke of a pen, President Trump changed this nation's standing, both at home and abroad. Democratic members have many questions about President Trump's unconstitutional Muslim ban and have signed a letter to Chairman McCaul asking for a hearing to allow for thorough examination of the issues.

And with that, Mr. Chairman, I ask unanimous consent to include the letter in the record.

MCCAUL:

Without objection, so ordered.

THOMPSON:

Thank you.

We look forward to beginning to get some answers at today's hearing. i want to thank our witnesses, Secretary of Homeland Security, again, John F. Kelly, for testifying before this committee today.

Frankly, it is somewhat unfair that Secretary Kelly is being called on to defend an executive order that, by most accounts, he was required to implement with almost no notice. The White House officials who directed the rollout of the executive order should be here to answer this debacle. But we appreciate your willingness, sir, to come before us as secretary.

I also appreciate the witnesses on our second panel being here today to share their perspectives on the security of our southern border. President Trump's words and actions related to the southern border and the government and people of Mexico have been counterproductive, to put it mildly. Like the Muslim ban, President Trump's proposed border wall will do little to better secure America's borders, but will cost Americans billions.

The department of Homeland Security has no matrix to show that border walls enhance security in a way that justifies their exorbitant cost. Putting the wall on the American taxpayers' credit card, knowing that Mexico has absolutely no intentions of paying for it, will surely leave American taxpayers stuck with the bill.

Instead, we need border security policy that keeps terrorists, their instruments, criminals and contraband out of this country while upholding American values and ensuring the flow of legitimate travelers and commerce that is vital to our nation's economy and our way of life. I look forward to engaging the witnesses and members today in a discussion about how we can do just that.

Mr. Chairman, I thank you for holding today's hearing. I yield back the balance of my time.

MCCAUL:

Thank the ranking member.

We have two distinguished panels here today. We'll hear first from the honorable John F. Kelly. He was recently sworn in as the fifth secretary of Homeland Security. Secretary Kelly was born and raised in Boston, Massachusetts. He enlisted in the Marine Corps in 1970, was discharged as a sergeant in '72. Following graduation from the University of Massachusetts in '76, he received his commission as a Marine Corps officer.

In 2002, he was elected to the rank of brigadier general and did multiple tours during combat in Iraq. By 2012, was nominated his fourth star and command of the United States Southern Command. After last -- less than a year in retirement, Secretary Kelly was offered the opportunity to serve the nation again as secretary of Homeland Security. And I'm personally pleased at the president's choice.

I recently read a moving excerpt from a speech you gave, sir, while serving in the Marine Corps and I would like to read it aloud today. You said, "We Marines believe that God gave America the greatest gift he could bestow to man while he lived on this Earth, and that is freedom. We also believe he gave us another gift nearly as precious, our soldiers, sailors, airmen, Coast Guardsmen and Marines, to safeguard that gift and guarantee that no force on this Earth can ever steal it away."

Those are great words. I want to thank you for being here today. Chair now recognizes Secretary Kelly for an opening statement.

KELLY:

Good morning, Mr. Chairman and Ranking Member Thompson and all the members of the committee. It's my honor to appear here today to discuss the department's crucial mission of securing the border and many other issues.

For 45 years, I was privileged to serve both as an enlisted Marine and officer. I'm humbled again to answer the call to duty and take over at the Department of Homeland Security.

Our nation faces diverse challenges and dangerous adversaries who do not respect the rule of law of our borders. While long aware of its great work, I have recently had the opportunity to witness firsthand the pride, experience and professionalism of the DHS workforce. I am proud of our men and women, as the nation should be as well.

As secretary, you have my commitment to vigorously protect our country, secure our borders and enforce our laws, all while -- all while facilitating lawful trade and travel. In doing so, know that I take seriously our responsibility to balance security with the protections afforded by law, privacy rights and civil rights and liberties.

KELLY:

Securing a nation's borders is one of the primary responsibilities of any sovereign nation, including ours. Under my leadership and the direction of President Trump, we will finally do so.

We will build appropriate physical barriers which will be monitored and supported by trained professionals within the Department of Homeland Security. We will work to prevent illegal immigration, drug and human trafficking, and terrorists -- and I include here narco-terrorists -- from entering our nation. We will enforce our immigration laws in an efficient and effective manner. We will work closely with our state and local law enforcement partners, some of whom are here today. All of this consistent with, of course, federal law.

It is our duty to protect our citizens from terrorism and to prevent the admission of foreign nationals who intend to exploit our generous immigration laws. The president's executive orders on border security immigration enforcement will enhance public safety for all of our citizens.

The president's recent executive order to temporarily suspend entry for foreign nationals from seven countries we believe is lawful and constitutional, and the review ordered by the president is necessary and appropriate. It will enable us to assess the adequacy and availability of information we need from all countries to adjudicate all visa applications, other benefits under our existing immigration laws, and to determine if the person seeking the benefit is in fact who they say they are and would not present as a threat.

While some of the core tenets of this order are the subject of ongoing litigation, it is my belief that we will prevail and be able to take the steps necessary to protect our nation. Americans must feel safe to walk down the street, go to the mall, or to a night club anywhere and anytime. Fear must not become the status quo as it has in so many parts of the world.

My responsibility and that of the tremendous men and women of the department is to carry out those lawful measures in a manner that best protects the safety of all Americans. The safety of American lives is and will always be my foremost concern.

Before I conclude, I'd like to thank the committee for its continued leadership, notably in seeking to reauthorize the department. I appreciate your efforts, especially in securing the memorandum of understanding which will help facilitate the reauthorization we currently need.

The threats and challenges have changed since Congress created DHS some 15 years ago. We need to update the authorities to successfully complete our mission today. I look forward, sir, to answer your questions.

MCCAUL:

Thank you, Mr. Secretary.

I now recognize myself for a question.

We look forward to working with you on that authorization, which is long overdue.

Let me say first I agree with the policy of the executive order. It's consistent with a memo I drafted to then-candidate Trump, with Mayor Giuliani, Attorney Mukasey, advocating a shift from a Muslim ban, which he was campaigning on, which we thought was unconstitutional, to rather an enhanced vetting process of immigrants and refugees based on risk, not religion, from high-threat areas.

It's consistent with the visa waiver security bill that was signed into law by President Obama. It's consistent with the SAFE Act that passed the House with a bipartisan veto-proof majority. My concern, as you and I have talked, is how it's implemented and the execution of this order.

First, lawful permanent residents with green cards were denied; military advisers who risked their lives to help U.S. forces overseas, as you know, were denied; and students were trapped overseas with visas. Let me say, I applaud you for quickly correcting what I consider to be errors by quickly granting the exception and waiver to green card holders, which went a long way to remedy I think this executive order.

My other concern was the lack of coordination, both within the executive branch and also with congressional leaders like myself. I applaud the president for trying to get things done quickly, and that's what leadership is all about. And he is fulfilling campaign promises. But as we move forward, what do you consider to be the lessons learned here from this executive order?

KELLY:

Mr. Chairman, I think as we've talked -- I've talked to many members of -- some members of this committee and certainly senators as well, the executive order was developed certainly before I ever -- began to be developed before I ever became the secretary of homeland security, before my confirmation.

Just after the inauguration, my staff, a very small number, and myself had some initial cuts on that. Some changes were made. It was released, I think, as you recall, the third one I'm talking about now, was released on -- late on a Friday. We knew it was going to be released that day. The desire was to get it out. The thinking was to get it out quick so that potentially people that might be coming here to harm us would not take advantage of some period of time that they could jump on an airplane and get here, or get here in other ways.

So that was the thinking. In retrospect, I should have -- this is all on me, by the way -- I should have delayed it just a bit so that I could talk to members of Congress, particularly to the leadership of committees like this, to prepare them for what was coming. Although, I think -- I think most people would agree that this has been a topic of President Trump certainly during his campaign and during the transition process.

And as we -- as the great men and women particularly of the border protection people, as they unfolded that or started to implement it, I should say, they got back to us with some suggestions about how we could alter it. We did that, as I think the order was signed or released at 1800 on Friday, 6 p.m. By -- before midnight, we had made an adjustment. The next day, made a couple of other adjustments to kind of fine-tune it.

We did have to step back and kind of re-cock in that first 24- hour period because of action by one of the federal courts. That changed things a bit, so we had to kind of step back. But for the most part, you know, again, I know it can be an inconvenience, but what was done at the counter, so to speak, and at the very many airports where people are coming into the United States, everyone was treated humanely.

I've read the reports about people standing up for hours on end. Didn't happen. That people were insulted -- I guess insults are in the eyes of the beholder, but I would tell you the kind of men and women that I -- that I serve with do not insult people. They're very, very matter of fact. They're very business-like.

So -- but going forward, I would have certainly taken some time to inform the Congress and certainly that's something I'll certainly do in the future.

MCCAUL:

And we look forward -- moving forward in the future with you. I applaud your quick correction of it, and I hope the courts act quickly. Because as you stated, every day we're putting American lives at danger.

Let me shift to the border. When you were commander of SOUTHCOM, you and I met several times to talk about the threats coming from south of the border, whether it be transnational criminal organizations or their potential ties to terrorism. Being from a border state, Texas, I understand this very well.

I appreciate you coming down to my state and visiting with the governor and DPS -- Steve McCraw is going to testify -- and the good men and women of CBP down there.

Can you tell us what -- the executive order came out for the border surge. I want to work closely with you on this. Can you tell us what this wall is going to look like? And you may not be able to answer this one, but how much it's going to cost and how are we going to pay for it?

KELLY:

As far as the wall goes, Mr. Chairman, I specifically went down to the most affected part of the border, South Texas, down around McAllen. I specifically went down there to talk to local law enforcement, which I did -- the governor was there -- and to talk to my people on the border, ICE, as well as CBP.

We're not going to be able to build a wall everywhere all at once. So, part of the reason I went down there, first and foremost, was to ask the people that know more about this than anyone else on the planet: Do we need -- do we need -- we have walls. There's walls there, parts of walls in strategic places in McAllen on the border.

But do we need more wall? And they said, well, you know, Secretary, we need -- we need to extend some walls; we need to fill in some places with physical barriers. My preference -- their preference would not be something they couldn't see through. That was a finding for me. But they very definitely said: Yes, sir, we need a physical barrier backed up by people like us -- meaning CBP and local law enforcement -- with technology where it's appropriate.

And they had in their mind that many hundreds of miles of that sector, they had places where they wanted a physical barrier constructed, you know, tomorrow or actually yesterday, and then tomorrow -- today, tomorrow -- and you see the point. And they did point out there are parts of the border that are right now not as much of an issue as they are, say, right here in McAllen.

KELLY:

I'll go to Tucson Sector later in the week, and then push over to San Diego Sector. I suspect I'll hear the same thing, because it's certainly what my leadership in the Department of Homeland Security level are telling me.

So that's -- that's where we are on the wall. Not going to build it all in an afternoon, so we'll build it in the places that the people that work that border say we need it right now. And there are places on that border, I'm told, we need it right now.

MCCAUL:

Well, I couldn't agree with you more. And I'm glad you see that perspective. Every sector is different, multilayered defense, fencing, but also technologies, aviation assets. I think 100 percent visibility is what you want because if you can see the threats, you can stop them. So I look forward to working with you on that very important task.

I've been trying to get this done, sir, for the last six terms in Congress and I think now we finally have the political will to do it. And so thank you.

With that, the chair now recognizes the ranking member.

THOMPSON:

Thank you, Mr. Chairman.

You referenced former Mayor Giuliani in your comments about helping draft this executive order and I call your attention to...

MCCAUL:

If the gentleman would yield, that's an incorrect statement. We drafted a memo back last May or June to then candidate Trump to advocate why a Muslim ban was unconstitutional and to look at vetting and high threat areas. I had no participation in this executive order.

(CROSSTALK)

MCCAUL:

Nor did Mayor Giuliani.

THOMPSON:

No, he claims...

MCCAUL:

I'll yield back.

THOMPSON:

And I'm just saying that he has indicated that it's a Muslim ban. So I can only take for what he's saying, he takes credit for drafting it.

Mr. Secretary, President Trump tweeted because the ban was lifted by a judge, many very bad and dangerous people may be pouring into the country. As you know, your department is responsible

for visa security, screening travelers to this country and determining admissibility at ports of entry. Now, do you believe that because of this court order we have let some dangerous people into the country?

KELLY:

It's certainly entirely possible. Again, the whole reason for this pause is to get our arms around the term vetting. And my people that I trust, as well as State Department people -- I had a meeting yesterday with Rex Tillerson -- Secretary Tillerson and Mike Pompeo, formerly of this party and now the director of the CIA, about the issue of vetting. So it's entirely possible, yes, sir.

THOMPSON:

Well, I understand. But in other words, before this order, we were letting bad people into the country. Your people were not doing their job.

KELLY:

That's not true at all. My people have always done their job.

THOMPSON:

And that's what I'm trying to get at is -- is there any difference between the issuance of this executive order and the job your people were doing so that whatever decision the courts make -- is it putting us at risk?

KELLY:

The reason for the pause was for us to take some time, take a look at the vetting from the seven countries in question and how refugees are vetted.

And I can tell you, because my people tell me, that for the last number of years, the vetting is at best loose and the amount of information -- you take some of these countries we're talking about that are in really state of failed states -- in the state of a failed state, there's very little, my people will tell me and I believe, very little confidence that the information that we receive from those countries relative to an individual who wants to come to the United States is the kind of information that we would bet the security of our citizens on.

THOMPSON:

And again, I'm convinced your men and women are doing a good job. I'm just concerned about this notion that because the court has ruled and they have the right to rule that if in effect they have somehow put this country at risk by this ruling, so say the president.

Now, if in fact there have been some people let in since the court ruled, can you provide this committee with those apprehensions of people who otherwise would not have been let in?

KELLY:

I'm not so sure I understand the question.

Let's just say, for instance, a person who is trying to get to the United States to do some harm, some terrorist attack, is -- is coming in during this period that the courts have put a stay on our enforcement. We won't know that until that -- that -- that an individual is a bad person until they do something bad.

But it's entirely possible that someone that's coming in, whether it's during this stay, during the court action or previous to this period, to do us harm.

THOMPSON:

But you don't have any proof at this point.

KELLY:

Not until the boom.

THOMPSON:

Not until what?

KELLY:

Not until they -- they act and blow something up or go into a mall and kill people. So we won't know until then.

THOMPSON:

Yes. But we -- I -- and I understand the danger. I just want to make sure the system that we are presently using, Mr. Secretary, is a good system and if in fact, up until this point, we have stopped the boom as you referenced.

Now, because of a court order, saying we still have to follow the laws and our president somehow says because this executive order is being paused, we're now going back to how we used to do it. And I'm trying to figure out if how we used to do it puts us at risk.

KELLY:

Mr. Congressman, again, my -- my feeling is the vetting on the other end in those seven countries are suspect. And Mr. Trump, and certainly in my view, we have to do a pause, which we -- which he ordered now is, you know, under court action, so that we can take a look at -- at what we're

doing on the other end. I believe the vetting on the other end right now is not adequate to protect the nation.

And then, of course, we're considering other measures, adding to the vetting on the other end so that we can insure even more so that the right people are coming to the United States and not bad people.

THOMPSON:

Thank you.

The other issue is in reference to the guidance. Your men and women who are tasked with carrying out this executive order, when we met in the skiff, I asked for the guidance and the timeline associated with the guidance. We heard from people from Atlanta, Los Angeles, New York, different stories as to how things were being carried out. Can you provide this committee with the guidance that went with the executive order when it was signed and bring it forward?

KELLY:

We can. I'm going to have to take -- I'd have to take that a little bit for the record, but I would tell you that the CVP -- the head of CVP and Homeland Security, the guidance was this is the E.O., implement it, and they started implementing it almost right away.

And again, we had some issues related primarily to the first court order that then caused some confusion at the desks -- at the -- at the -- at the entry points. But as I said, we adjusted to that pretty quickly. But we didn't -- I can -- I'm assuming we have a system by which we contact out of headquarters -- CVP has a system by which they contact the substations around the country to pass information to them.

THOMPSON:

Well, I -- we just would like to see the guidance. Thank you.

I yield back.

MCCAUL:

The chair recognizes the gentleman from New York, Mr. King.

KING:

Thank you, Mr. Chairman.

Secretary Kelly, let me thank you for your years of service. Thank you for taking on this responsibility. And I must say that at a time when there was so much confusion, when there was so much media talk and there was so much frenzy coming from all sides, it was really, I think,

vital to have such a stable voice at the center of this at the center of the storm. So thank you for restoring the order that you did. Thank you for giving the country a sense of consistency and constancy that it needed, so thank you for that among all your other many achievements in public service.

As a follow-up to the ranking member's question, it seemed to me that when we face an enemy which is constantly adapting, constantly changing, constantly revising its tactics, that it only makes common sense for us to be constantly reexamining our defensive measures, our counterterrorism measures, especially when we know that ISIS has said it attempts -- it's going to attempt to infiltrate terrorists with refugees, trying to sneak people into the country. We've seen what's happened in Europe.

So, I commend you for what you're trying to do. I think it's essential and I think, again, a 90-day pause is -- if that saves American lives, then it's certainly a pause worth taking. But if you could perhaps clarify exactly where the seven countries came from, whether you think any should be added to that or should anybody be subtracted from that -- from that list of seven?

KELLY:

The countries -- the countries, of course, the seven countries identified came as a result of not only the previous administration's actions, but as I understand a congressional action, so I think that was -- that was a good start point.

They are countries, you know, two of the -- two of the seven, of course, are still listed as state sponsors of terrorism. So, we don't trust them at all because they are state sponsors of terrorism and they don't cooperate with us to the degree that certainly President Trump and now certainly -- I'm confident that what we get from those countries, which is very little cooperation to really determine who are the people that want to come here, first issue.

Second issue, the other -- among the other five are nearly fail states in many respects, I'd argue with the exception with Iraq, where we have a very solid presence there and I've served there quite some time. We'll take a look see -- we'll take a look at all of these countries going forward as to whether they remain on the pause list. But you know, the other four countries, we don't even have embassies there. So, I don't -- I'm at a total loss to understand how we can vet, you know, people from -- from various countries when in four of those -- at least four of those countries we don't even have an embassy.

So, I think the pause made an awful lot of sense. Going forward, we would like -- we would hope that there are countries that will come off the list. But the -- but the countries are a list that came from the last administration, certainly from the last Congress.

Going -- there are, by the way, and I've -- I don't -- I simply don't know where this rumor came from, but I had -- I read something where there were an additional 12 countries being considered to be put on the list. That's not true. Good friends of mine from various countries that were on the list asked, called and said is it -- I said, no it's not true.

We are right now contemplating no other countries because it's -- even though some of these other countries are at -- are questionable in terms of their -- questionable in terms of their internal, you know, organization, police, that kind of thing, we're satisfied that most other countries have enough that they can provide the information that we're looking forward. It's the start to make the determination to send people here.

But I would offer to you, Congressman, that we are looking at some additions. We may just focus on certain countries, not addition -- not additional countries, but additional vetting schemes, vetting processes that will go further to satisfy me and presumably the president that we are -- we know who we're dealing with, we know what their backgrounds are. And if they don't want to cooperate with the additional vetting, just like if they don't want to cooperate now, then they don't come to the United States. There's no right to come here and if they don't want to cooperate, so be it.

But there are no other countries right now being contemplated, being put on any type of a travel pause. But I would offer to you that some of those countries -- some other countries out there can be improved and we hope to work with them, to help them improve. Just like we hope to work with one, two, three, whatever of the countries, of the seven countries to help them improve their vetting to satisfy us so that we can, you know, open our doors to their citizens.

KING:

Thank you, Secretary.

So let me take this opportunity to welcome back Kevin Carroll (ph), who was my counsel for a number of years on this committee, and I'm confident you'll be very well served by Kevin.

KELLY:

Well, I kind of trust him, Congressman. So, we'll -- we'll see.

KING:

But he's not a Marine though, you know.

KELLY:

I know.

(LAUGHTER)

KING:

I yield back, Mr. Chairman.

MCCAUL:

Chair now recognizes the gentlelady from Texas, Ms. Jackson Lee.

JACKSON LEE:

Thank you, Mr. Chairman.

I want to join my colleagues, Secretary Kelly, and express my appreciation for your service to this nation and the love and affection that you have for your country, by evidence of the most dynamic service you gave in the United States military. And particularly, I want to thank you for the dialogue that you have engaged with, I know, many of the members since you've come on.

Please accept my assessment as separate and apart from the great efforts that you've taken to try and steer this ship in the way it should be steered, which is really to stand guard for the security of the American people. But I must begin my remarks by recounting a number of issues that when I conclude, I will have to offer an assessment.

JACKSON LEE:

Although this is the Homeland Security Committee, the Yemen military action evidenced an action that warrants review. Tragically, we lost a Navy SEAL, the target was not captured, now taunts and provokes the president of the United States. The basis of it was Obama's administration was not bold enough, so we did it. An executive order that threw into hysteria the lives of the furlong, the despite (ph) and those who sought to come to this country, and of course, the selection of Mr. Bannon to the National Security Council with evidence that the president didn't know what that meant.

Fiery rhetoric of a campaign should not be the governing standard for this nation and I believe this administration is off its wheels and needs to get back on its wheels.

I raise this question about the countries Syria, Iran, Iraq and Yemen and Libya, are countries that are on the list, Somalia and Sudan. Mr. Secretary, do you have evidence of anyone who's come to this country in the last five years or before that committed a terrorist act from these particular countries?

KELLY:

We have evidence that citizens of those countries have done terrorist acts in Europe.

JACKSON LEE:

That's correct. And I apologize, Mr. Secretary, I have a short period of time.

You're absolutely right, even some of those (ph) individuals who are here in the United States left to go to the fight. But there's no evidence that any of these persons -- and many of those who are

here were self radicalized here in the United States, that evidence I do have. So no one from these countries have committed an act on the soil of the United States, is that correct?

KELLY:

I think that that's correct, but I would offer the congresswoman that I'm not gonna -- I'm not gonna base my protection -- my view of protecting the American people on hoping that they will never come here and commit an act.

JACKSON LEE:

I understand, but the basis of this executive order was supposed to be on facts and evidence that was before us at that time. Let me wonder why you think Saudi Arabia was not included?

KELLY:

I would go back to the -- kind of some of the original comments. This is all about -- this travel pause is all about countries that are not cooperative or can't be cooperative because of the conditions within the country to provide us, to provide the president, to provide me now a confidence that the people that we're dealing with are the people who -- you know, who say they are (ph).

Saudi Arabia, by contrast, we may not like some aspects of how they live their lives within their - within their culture, but they do have...

(CROSSTALK)

JACKSON LEE:

My time is -- so, thank you. Thank you very much.

KELLY:

Let me finish, if I could.

JACKSON LEE:

I'll let you finish, I just want to get to my next question. Go ahead, sir.

KELLY:

OK. But the issue is, places like Saudi Arabia do have very, very good police forces, intelligence forces, so we know when someone comes from Saudi Arabia who they are and what they've been up to.

JACKSON LEE:

Thank you. You have a 120-day delay on the refugee resettlements, one of the most desperate groups of people and populations. Certainly, America has been known for her refuse (ph) for refugees.

What excuse do you give for this little one not being able to come into the United States or this little one not being able to come into the United States or this family not being able to be reunited? And what do you say to those individuals whose papers will be expired, who have been waiting on the list for 12 years, who've been vetted, who are standing at the airport?

What is the purpose for refugees, who again, you stated at the beginning of this testimony that you have no evidence that anyone from these countries perpetrated a terrorist act on this soil? Would you answer that, Mr. Secretary?

KELLY:

Well, I can't see the pictures you're holding up, but I'm assuming they're -- again, I can't see them from this distance.

JACKSON LEE:

I'm sorry.

KELLY:

But I'm assuming they're families or little girls or something like that. The point is, this is -- this is right now a pause as we re-caulk and start to look and evaluate how well these various countries can vet people.

JACKSON LEE:

I think we will be causing a great deal of suffering I'd ask the administration to review its posture. I thank you for your testimony.

Mr. Chairman, I yield back.

MCCAUL:

The -- Mike Rogers from Alabama is recognized.

ROGERS:

Thank you, Mr. Chairman.

General Kelly -- Secretary Kelly, it's good to have you here. I've enjoyed the many years of working with you through my role in the Armed Services Committee. Never thought I'd be working with you on this committee too, but I'm glad that we've got your leadership here.

ROGERS:

President Trump and you have both indicated your commitment to securing the southwest border, and as you stated in answering Chairman McCaul's question, that requires a combination of things. But over the last 10 years, we've seen a multibillion dollar failure in SBI net (ph), we've seen the neutering of the Secure Fence Act and a hodgepodge of equipment investments, most of which really haven't worked well together.

So I'm really interested in specifically how you see that securing of that border coming together, with what technologies, what kind of wall -- I'm imagining that you're talking about a virtual wall that would have fencing supported by technology and personnel, but could you be more specific about how you envision it?

KELLY:

Yes, Congressman. As I mentioned earlier, I mean, the men and women on the border right now -- and this include very much the local law enforcement, not just DHS personnel -- they could tell you and have told me down in that south Texas session -- sector, they can tell you where they want -- you know, exactly where they want a barrier, a wall built right now.

So, if in a world of finite time, resources, that kind of thing, we would like you know, 20 miles of wall built here. If you have more time, more money, there's another place over here. So they know and we're going to rely on them for their recommendations.

As we build the wall out to whatever -- to whatever length it ultimately becomes, as we build the wall out, we will certainly back that up with personnel patrolling, that kind of thing and technology. Aerostats work very well, sensors on the ground.

One of the things I was informed when I went down to the sector was that some of the -- some of the sensors are really kind of 1980's technology. They have their own complications with them. There's -- there's -- there's better equipment out on the market today. So, we're going to take a long, hard look at that kind of thing.

But I think as -- in those places, ultimately, we don't -- we can't get to the -- to build a wall quickly. We can certainly look to controlling that part of the border initially at least with aerostats and responsive patrolling and that kind of thing.

And what they tell me out there is that it's very predictable how the drug traffickers -- that's one group -- and how the -- how the people traffickers -- that's another group -- how they do their business. And -- and -- and most of the time, it's -- it's as close as they can be to the -- to either a

quick get away from the border, if you will, or to get into a urban area pretty quickly and they just meld in.

So that's where the CVP professionals -- men and women have told me, it's really in those places and they're very, very upfront. Sir, this is -- I can tell you where to put the wall right now.

ROGERS:

What's your timeline, do you think, that you'll have it secured?

KELLY:

Well, I mean, it's -- it's hard to say. It depends actually, you know, on funding and all the rest of it, but I'd like to see that we would be well underway within two years.

One of the things, just as a comment, we're -- we're -- we have 650 miles of barrier now on the border that we maintain. I was just told this morning that there's -- there's some wall being built in the San Diego sector that was financed and -- and under construction before this administration took over. So it would appear to me that the former administration had a sense that physical barriers made sense as well.

But it's gonna take some time. But there's places I think we can right away get at this problem, Congressman.

ROGERS:

Great.

Well, another thing that the president has suggested is that we want South Americans in particular, Mexico, to help pay -- or to pay for this securing of the southwest border. It's my understanding that we have over \$30 billion a year that are (ph) sent in remittances out of this country to South American countries, mostly to Mexico.

I intend to introduce legislation entitled the Border Funding Act of 2017 that would put a two percent tax on those remittances, such as Western Union and money gram (ph) remittances that would generate close to \$1 billion a year. That's one method. Have you heard other suggestions as to how we're going to pay for this securing of the border? Because keep in mind, this additional layers of security you're talking about are on top of the costs that we're already spending.

KELLY:

I have not. Clearly, the White House is working this and the State Department would -- would fall to them at least initially, to start to work with countries -- Mexico, to come -- to come to some accommodation. But have not heard any -- any specifics, Congressman.

ROGERS:

Thank you very much.

I yield back.

MCCAUL:

The chair recognizes the gentleman from Rhode Island, Mr. Langevin.

LANGEVIN:

Thank you, Mr. Chairman.

Secretary Kelly, I want to welcome you before the committee and thank you for your testimony and I certainly want to thank you for your decades of service to our nation and I certainly have enjoyed working with you in my role in the Armed Services Committee, whether it's meetings that you and I have had in my office or the testimony provided before the committee. I appreciate your work and I certainly look forward to working with you on the committee as well, particularly on issues related to cyber security which you and I share an interest and which I consider to be the top national security challenge of our age.

But like many of my fellow colleagues, I am going to begin my questions with the president's executive orders. So you may be aware that a number of top national security officials from the Clinton, Bush and Obama administrations filed a brief with the 9th Circuit Court yesterday.

And Mr. Chairman, I ask that that report -- that brief be entered into the record.

MCCAUL:

Without objection, so ordered.

LANGEVIN:

Thank you, Mr. Chairman.

So the brief pretty clearly outlines my chief concerns with the E.O., namely that it was not based on specific credible evidence of a threat and it puts our troops in harm's way. So to begin with, was the refugee ban based on specific new evidence of a threat to the homeland?

KELLY:

The ban, once again, Congressman, was based on countries that we don't have any real confidence in right now that they can help us vet people to come to the United States, countries that are in, you know, clearly disarray. And we know as an example in the Syrian case there are thousands of -- and I can't get too into it in this open session. There are thousands of fighters who are available

and have -- we have pretty good confidence have the kind of papers that could get them passed into Western Europe and certainly by extension into the United States.

So the threat is real. And this pause -- and that's what it is, is a pause, will give me working with CIA, DOD and Justice, not to mention State Department, give us an opportunity to step back and decide what additional vetting we might add to what we already have, which is minimal in my view, and then come out of that and say OK these are the new rules. It may be that some of these countries remain on the list for some time because they are in such chaos.

But again, I go back to sworn to protect the nation and hope is not a -- hope is not an option when it comes -- from my perspective at least, when it comes down to that.

LANGEVIN:

I understand that. And the point is though -- the ban was put in place not based on any new credible threat intelligence to a direct threat to the United States. And just to quote...

KELLY:

Well, Congressman, I would say...

(CROSSTALK)

LANGEVIN:

Let me just finish, if I could...

KELLY:

If I could give you the full answer. It is based on the fact that we know that there are thousands of fighters coming out of the caliphate fight that have papers that could easily -- not easily -- could bring them to certainly Western Europe and the United States. Thank you.

LANGEVIN:

And to quote from the brief, "We all agree that the United States faces real threats from terrorist networks and must take all prudent and effective steps to combat them, including the appropriate vetting of travelers to the United States. We are all nevertheless unaware of any specific threat that would justify the travel ban established by the executive order issued on January 27th, 2017. We view the order as one that will ultimately undermine the national security of the United States rather than making us safer.

In our professional opinion, this order cannot be justified on national security or foreign policy grounds. It does not perform its declared task of protecting the nation from foreign terrorist entry into the United States." So they would disagree. Again, this -- there's already strong vetting in place right now and that has kept us safe.

But let me move on to another question. Last Friday, the New York Times reported -- the headline was, "Travel Ban Drives Wedge Between Iraqi Soldiers and Americans." Mr. Chairman I ask that this story be inserted into the record.

MCCAUL:

Without objection, so ordered.

LANGEVIN:

So based on your experience in Iraq, do you believe that the ban will improve the safety and security of U.S. forces there?

KELLY:

I believe the travel pause from all of those countries will give us time to evaluate those countries and the information they can provide us, which will ultimately lead to safety for the American people.

LANGEVIN:

Thank you, Mr. Secretary.

I would just say that we have strong measures in place to keep the country safe and putting the ban in place, in my opinion, it ultimately will do more harm than good. We could have done this in a more effective way by -- if we need to enhance vetting, fine. If there's credible intelligence that we need to act upon, fine. But I think in the long run, this ban will do more harm than good both to our security, but also to our troops in the field.

Thank you, Mr. Chairman. I yield back the balance of my time.

MCCAUL:

The chair recognizes the gentleman from South Carolina, Mr. Duncan.

DUNCAN:

Thank you, Mr. Chairman.

Secretary Kelly, General, thanks for being here. Thanks for your service to the United States Marine Corp. As chairman of the Western Hemisphere Subcommittee, you and I had a chance to work together when you were at Southern Command, and I appreciate your work.

I want to ask you a series of yes or no questions. Is President Trump's executive order a Muslim ban?

KELLY:

No.

DUNCAN:

Would you agree with this statement?

Because we cannot properly vet those from Syria because the lack of information coming out of the country, because they are in the midst of a civil war, do you believe that this is necessary in order to ensure America's safety?

KELLY:

Yes.

DUNCAN:

We've had a series of hearings in this committee and on Capitol Hill with regard to Syrian refugees. Your predecessors and those appointed by President Trump's predecessors came to the Hill and made some very interesting statements. I'd like to read some of those in my time.

John Brennan, director of the Central Intelligence Agency, said this 11/18/2015, "I think it makes it even more incumbent on the security and intelligence professionals to make sure that we're able to look at individuals who are coming into this country with an eye toward what it is that we might know about individuals or ways that terrorist organizations might try to secret people into these networks, into these refugee flows."

Would you agree with that statement?

KELLY:

That there are -- that the -- the terrorists are attempting to gain access to the United States, passing themselves off potentially as refugees? I do believe that they have got that in mind.

DUNCAN:

Your predecessor, Secretary Johnson said this, 10/21/2015, "It is true that we are not going to know a whole lot about the Syrians that come forth in this process; that is definitely a challenge. We know that organizations like ISIL might try to exploit this, the Syrian refugee resettlement program. The good news is that we are better at vetting than we were eight years ago. The bad news is that there is no risk-free process".

He went on to say, 10/8/2015, I guess that was a little earlier, "The Syrian refugees are a population of people that we're not going to know a whole lot about".

They testified over and over that Syria is in a civil war and that the records; A, were never very good to begin with; B, have been destroyed, have been stolen, have been commingled. In fact, you can go to Turkey and change your identity with a new passport based on what we know.

Director of National Counterterrorism Center in this committee on 10/8/2015 said this, Nicholas Rasmussen, "The intelligent picture we have had of this, the Syrian conflict zone, isn't what we'd like it to be. You can only review refugees submitted background data against what you have."

How this is different than Iraq is we had people in Iraq. We were working with the Iraqi government, we don't know a whole lot the Syrians.

General Clapper, retired general and director of National Intelligence, said this, "As Syrian refugees descend on Europe, one of the obvious issues that we worry about, and in turn as we bring refugees into this country, is exactly what is their background. We don't obviously put it past the likes of ISIL to infiltrate operatives among these refugees. That is a huge concern of ours."

Director of FBI, James Comey, said this, "We can only query against that which we have collected, and so if someone has not made a ripple in the pond in Syria in a way that would get their identity or interest reflected in our databases, we can only query our databases until the cows come home, but nothing will show up because we have no record of that person."

DUNCAN:

Ladies and gentlemen, the issue at hand that President Trump has recognized is that we don't have a whole lot of information on people from the war-torn areas. And ISIL has said they are willing to infiltrate the refugee resettlement program and the immigration migration into Europe.

This is a pause for 90 days so that our intelligence folks can try to get this right. It turns of the Syrian refugee program, until the president says we can properly vet those whom we are going to allow to live amongst us. This is good policy to keep America safe.

It's not a Muslim travel ban. It targets an area of the world that is torn with civil war and has elements -- ISIS, Al Qaida, Boko Haram, Abu Sayyaf -- that are intent on doing Americans harm. I support this.

General Kelly, thank you. I look forward to your continued leadership at the department. I look forward to working with you here.

With that, I yield back.

MCCAUL:

The chair recognizes the gentleman from Louisiana, Mr. Richmond.

RICHMOND:

General, let me just ask you a couple of yes or no questions.

Is Steve Bannon, adviser to the president, a Department of Homeland Security employee?

KELLY:

No.

RICHMOND:

Are you a standing member of the National Security Council?

KELLY:

I am.

RICHMOND:

Have -- has an adviser to the president ever been a standing member of the National Security Council?

KELLY:

I don't know specifically, but I -- I would imagine that there have been advisers to the president. In reality, we're all advisers to the president. But I believe -- it would be hard for me to believe that there hasn't been some that have been advisers.

RICHMOND:

Well, let me just state for the record that while I understand the secretary of homeland security has not traditionally been a standing member of the National Security Council, I do want to go on record saying that I find it appalling, disgraceful and dangerous that Steve Bannon, a white supremacist and the architect of the ban, is on the National Security Council.

I feel this inclusion weakens our nation's security and makes your job even more complicated.

Now, let me just spend one second again on the order, because some of my colleagues asked about Saudi Arabia. And you indicated that we as a country was comfortable with the vetting that is done from -- on the Saudi Arabia side. In the ban, it mentions 9/11; 15 of the 19 terrorists involved in 9/11 came from Saudi Arabia. And that doesn't give us any concern?

KELLY:

Of course it does, but again, that's some years ago. And that's exactly why President Trump has decided to take a pause in countries we know are very, very high risk in terms of not only terrorists or potential terrorists, but very high risk in terms that they don't have really any databases we can work with, police, FBI, that kind of thing, where Saudi Arabia does have, you know, functioning police and intelligence services that we can work with.

So at least we know that people that are coming out of that country are, A, who they say they are; B, why they're coming to the United States -- whatever reason, tourists or otherwise. But it's pretty hard -- it's impossible to get into someone's head.

But I would -- I believe if we put someone like Saudi Arabia on the list, given their very good intelligence, very good police work and all that kind of thing, then you could make the argument this is about religion. And it's not.

RICHMOND:

Well, you say it's not about religion, but the president in a TV interview said that he would prioritize and even exempt persecuted Christians. How does that work? If we have a pause, how do we un-pause it for persecuted Christians?

KELLY:

Again, you know, we have -- both myself and Secretary Tillerson have authority within the executive orders to make case-by-case -- and I certainly did in the early hours -- to make case-by-case exemptions, a couple of Iraqis, as an example. I mean the first lawsuit that was brought against the pause, one of the E.O.s, the two people that were wronged, allegedly, had long been admitted into the United States.

So we have a case-by-case on this; and let in some Iraqi generals, some other people, dual citizens, of course. So there is -- there is a way to, on a case-by-case basis -- the little girls that the congresswoman referenced. I mean, these are people that we said, OK, let's let them in. So there is a way to do that.

RICHMOND:

Well, and I'm glad that there is a way to do that, but I guess what I'm specifically asking is whether you or the secretary of state are going to take the directive that the president stated, which is he favored preference for persecuted Christians. So are we going to put persecuted Christians over everyone else, as he suggested, is my question.

Do you intend on implementing it like that or executing it like that?

KELLY:

We will look at every individual case that we're presented for exemption and make a decision not based on only religion, but on persecution and those kind of things.

RICHMOND:

So we won't put religion as a priority over other religions; we won't pick a religion and put them as a priority over another religion.

KELLY:

The way we're implementing this, we will not use religion, but persecution for sure -- why someone is being persecuted. But there's no, you know, no Muslims, but all Christians; nothing like that, Congressman.

RICHMOND:

OK. The former director of homeland security placed our voting apparatus as critical infrastructure. So my last question is: One, do you plan on taking that designation away? And then the second part of that question would be, because it is designated critical infrastructure, the fact that the president believes 3 million to 5 million people voted illegally, and I guess he assumes they didn't vote for him, how do -- how do we proceed? And if the number is 3 to 5 million, it really could change some states like Michigan and Pennsylvania. He may well not be a president. He may be a so-called president, or in his terms, a fake president.

So, are we going to institute that investigation and follow it to its logical conclusion? Or why should we have the confidence that these 3 to 5 million people didn't steal an election if in fact they did vote illegally?

KELLY:

Mr. Chairman, we're a minute past the five minutes. Is it OK to answer that question?

(CROSSTALK)

KELLY:

I think the -- Jeh Johnson, a good friend of mine, in his final days, determined that, you know, the voting system was critical infrastructure. I believe we should help all of the states -- provide them as much help as we can to make sure that their systems are protected in future elections. So, I would argue that, yes, we should keep that in place.

Everything after that, I can't find the question -- just a statement. So...

RICHMOND:

I'm passed my time, Mr. Chairman.

MCCAUL:

And I think the secretary reminds us that we have a five-minute rule. I think in the interests of all the members here, to get a question in, let's try to adhere to that as much as possible.

Mr. Barletta is recognized.

BARLETTA:

Thank you, Mr. Chairman.

Secretary Kelly, the federal judge who paused the executive order on January 27th stated from the bench that no one from the seven countries named in the order has been arrested for terrorist activities in the United States since 9/11, reading from an Associated Press article in the Seattle Times.

He asked the Justice Department lawyer: How many arrests of foreign nationals from the countries have occurred since 9/11? When the lawyer said she didn't know, the judge answered his own question. He said, "Let me tell you, the answer to that is none, the best I can tell. You are here arguing on behalf of someone that says we have to protect the United States from these individuals coming from these countries, and there's no support for that."

I can't help but note that at least in one instance, he is right. The young man who stabbed a number of people at Ohio State this past November was in the United States through the refugee program. He came here from Somalia, one of the seven countries we're talking about. But in this one case, the judge was right. He was not arrested because he was killed at the scene by police.

I have here a study by a professor from the University of North Carolina which finds that in all the arrests made for terror-related activities in the United States since 9/11, almost a quarter of them have direct family ties to those seven countries.

In your opinion, Mr. Secretary, are these critics correct? Have there been no problems at all with people from these seven countries?

KELLY:

I think, Congressman, the first thing I'd say is people like me are paid to do -- in my case -- protect the nation in the -- in the home game; protect the homeland. Course -- hope is not a course of action for people like me and police officers and sheriffs and members of the CBP; people like that. Hope -- we can never rely on -- "Gee, I hope nothing bad happens."

In the case -- and I have nothing but respect for judges -- but in their world, it's a very academic, very almost in a vacuum discussion. And of course, in their court rooms, they're protected by people like me.

So they can have those discussions and -- and if something happens bad from, you know, from letting people in, they don't come to the judge to ask him about his ruling, they come to people like me. There are bad people in the world, they come from all over the world, some of them are homegrown and people like me are doing the best we can to get after the problem.

So again, I have nothing but respect for -- for our judges, but they live in a different world than I do. I'm paid to -- to worst case it, he's paid to, in a very academic environment, make a call. And I don't criticize him for that, that's his job. But I'm the one that is charged with protecting the nation, the homeland, and I intend to do that and never hope that some people coming from some part of the world are -- are coming here for the right reasons.

BARLETTA:

Thank you.

Secretary Kelly, one of the principal reasons I ran for Congress was my frustration with the federal government for refusing to enforce our existing immigration laws. My city of Hazelton, which I was mayor of, was overrun by illegal aliens who brought with them gangs, drugs, identity theft, fraud, other crimes that I had to deal with.

No one was speaking for the victims of these crimes. I always heard that, you know, we have to have compassion for the person that comes here illegally, but I had to sit with -- with people who were -- who lost loved ones who were victims. And I have compassion for them, so I commend the Trump administration for recognizing these -- these crime victims, the victims.

As you know, the executive order of January 25th, enhancing public safety in the interior of the United States, establishes an office of victims of crimes committed by removable aliens. Can you please speak to when this office will be set up and what services it would provide?

KELLY:

The -- the office is being -- is being set up kind of as we speak. And I've just -- even though it's -- it's actually down inside the ICE organization, I've told my people that I want that -- that particular office to work for me. So we're raising it up to the secretary level.

Generally speaking, these -- these criminals who are here illegally are generally going through a criminal justice system in the state for the most part. First of all, our view would be that those people can expect from us, if they call and say how's that case going, you know, the person that murdered my daughter with a gun or ran over my son with an automobile or killed a police officer on the side of a road, how's that going?

So we hope to be -- we will be able to say, it's in court and you know, give them a description of what it is. But -- but further down the line, that office will be able to tell those people, OK, the convicted person that killed your daughter, murdered your son, killed a cop, he's got, you know, 10 years, nine years, eight years, seven years. OK, he's going to be paroled and you can bet that

my people will be standing there when he is paroled to take him into custody and send him back to wherever he came from.

That's what I see that office doing, sir.

BARLETTA:

Thank you. Thank you for your service to our country.

MCCAUL:

The gentleman from Massachusetts, Mr. Keating is recognized.

KEATING:

Thank you, Mr. Chairman.

And thank you, Mr. Secretary, for your extraordinary service to our country and -- and particularly assuming this role as a native of Massachusetts.

Mr. Secretary, I've heard the administration reference the Boston Marathon bombings as an example of a -- of a domestic attack that would have been prevented by the president's executive order. The Boston Marathon bombing, as we all know, is a heinous and personal attack on all of us as Americans.

But the year following the attack, this committee led an extensive bipartisan investigation into the Tsarnaev brothers, their families, their motivations, and I can tell you with confidence that the Tsarnaev brothers would not have been denied entry into this country under that executive order.

Now, in your opening statement, you said fear should not be the status quo. If you could -- words matter. If you could comment on the importance of every official, clearly defining and being accurate when they discuss issues such as that that provoke such -- such public concern and fear as this executive order did.

KELLY:

I agree. Public officials at every level should, you know, to the greatest degree that they can, understand the specifics of given cases and...

KEATING:

And that includes the president.

KELLY:

I think all public officials -- but I'll also say this, since the regional -- the third E.O. was -- was put in order, the number of members of Congress as well as international -- my counterparts on the international scene that called me with really anecdotal, this is what's happening, it's horrible, these people are all being rounded up and all of this. And I said, OK, give me specifics. Not a single member but one was able to give me a specific, and that led to us getting a young girl out of a camp in Uganda and reunited with her family in Minneapolis, I think.

So, all members -- all members that serve the nation should be exacting. And I will tell you, the biggest problem I had from that Friday until about Tuesday was the misrepresentation of what was taking place in the various airports in particular, and as I say, I was just inundated with..

KEATING:

Thank you for making that a priority of yours. And I hope every official, at all levels...

KELLY:

We all have to be exact.

KEATING:

... take that responsibility.

KELLY:

None of us should be talking about anecdotes, specifics are (ph) matter.

KEATING:

Yes. Quick question. I had -- all your predecessors since I've been on this committee, and I think before I was on this committee, have stated that the number one security concern domestically has been homegrown violent extremists. Would you agree with all your predecessors that that's the most immediate and pressing danger that we have?

KELLY:

I -- I don't think I'd say the most because there are others that are equally as dangerous and -- and just about as likely as homegrown terrorism.

KEATING:

Fair enough.

As a general, you're familiar with the chain of command more than, I think, anyone in this room given your years of experience. Looking at what happened, the chaos surrounding the executive order, what would you do going forward differently yourself to impact that process so there was a

very clear chain of command with communications, not just within government but also in the private side, with the airlines and everyone else that's a traveler?

KELLY:

For the record, again, if you talk to the men and women of CVP, there was no chaos as they received people from various countries. You know, in the first 24 hours of the executive order, from aviation, from coming in by air, about 325 of 30,000 people, over half of whom were -- were -- were foreigners, most of whom get in without any problem and then a small number, relatively small number, were held up for additional vetting. And the vast -- I think all of them, but a very small number get in in pretty short order.

So if you ask the CVP people that were working the counters, they don't know what you're talking about when you're talking about chaos. Now, if you then look out to where the demonstrators were and with all due respect, some public officials, there was chaos, but that was due to other factors.

KEATING:

We had some airlines allowing people entry and some airlines didn't...

(CROSSTALK)

KELLY:

That -- that came actually in the last few days. The -- the -- it was very quick. The airlines were very cooperative, as they always are, they're great partners, and when they were told don't board these people, they didn't. Now, we got (ph) a little bit of a different...

KEATING:

Are you satisfied with that chain of command then, that took place during that period?

KELLY:

The chain of command is from the president to me to CVP in this case. I'm satisfied with that chain of command.

KEATING:

Just quickly, is that what happened in this case? That's the chain of command?

KELLY:

Yes.

KEATING:

Thank you, Mr. Secretary.

MCCAUL:

Mr. Perry from Pennsylvania.

PERRY:

Thank you, Mr. Secretary, and let me offer my gratitude for your service to our nation.

As the chairman of the Oversight and Management Efficiency Subcommittee on this committee, I've been concerned about an employee survey that DHS once again ranked dead last by its employees as the worst place to work in the federal government. Now, as you know, the -- there's five core missions at DHS, two of which are to secure and manage our borders. And through the previous administrations, countless internal directors, in my opinion, the border became less secure and immigration agents literally could be fired for attempting to enforce federal immigration laws.

I'm just wondering -- the question is at this point, do you think the previous administration's actions, coupled with the mainstream media's demonization of securing our border and what it means, sometimes turning people away that want to come across the border, has had an adverse impact on the attitude of your -- of your now employees?

KELLY:

I believe that. And if I could just make a comment, Congressman, the -- the frustration, and I'm very new at this job, but I'm -- I'm really good at -- at interacting with people and really good at leading them. And when I talk to the members, particularly where the rubber meets the road, or as I've learned down on the Rio Grande the other day where the hull meets the water, and you talk to them about why they've been frustrated. Great Americans, magnificent men and public servants, in uniform, sometimes out of uniform, they would tell you that, you know, sir, hard to do a job and not allowed to do it until a couple of the E.O.'s came on.

Their particular frustration is when they see people who are in fact here illegally who are -- have committed some crimes and then are let go. So, I think their morale has suffered because of the job they were hired to do, and then in their sense, they're -- they're kind of hobbled or, you know, hands tied behind their back, that kind of thing. And now, they feel more positive about things. I bet if you watch the morale issue, you'll -- you'll be surprised going forward.

PERRY:

Well, thank you, Mr. Secretary, and I guarantee you we're going to be watching.

I do want to make a statement in regard to the gentlelady from -- from Texas regarding the attacks of refugees. And I just want to just quickly point out a Somali who planned to blow up a Christmas tree lighting ceremony in Oregon, an Iraq refugee who set off a bomb in a Social Security Office

in Arizona, Somali refugee who went on a stabbing spree in St. Cloud. And of course, the one that Mr. Barletta referenced, a Somali refugee with the successful attack in Ohio.

And as a person who has worn the uniform, sir, I want to remind us both of the two Iraqis convicted on charges that they assisted Al Qaida in Iraq and may have killed American servicemembers who lied on their immigration paperwork. And while it might be inconvenient for some people to be stopped at the airport, I don't have the photographs of the families who, mothers and fathers, brothers and sisters and children who never saw their parents come home from the war zone or from some place out in their community where they were attacked by some of these people.

And so, if we're going to bring up anecdotes, I imagine we can bring up some of the blown up -- pictures of blown up parts of individuals and innocent civilians who were victimized by these people. And I hope we don't have to be reduced to that level.

Mr. Secretary...

JACKSON LEE:

Could the gentleman yield?

PERRY:

No, I have another question for the secretary, appreciate it.

Mr. Secretary, just looking at some of the comments from -- and I'm looking at a report from November 17th on NPR from the Border Patrol Union head, who said law enforcement has been handcuffed and the criminals are being let go. And another CNS news report from the 27th of June of 2014, where agents were forced without documentations to accept the claims of immigrants and treat them as minors and turn them over to HHS within 72 hours pretty much feeling full well, that they have been involved in gang activities, were above the age of minority, were above the age of 18, but without documentation were forced to do it.

And these folks then enter up -- enter into the interior, and then the other concerns of dangerous drugs, like heroin, health circumstances like polio, leprosy, small pox, the infiltration of Al Qaida, et cetera. I'm wondering if you can tell us tangibly today -- today, starting right now or before, what has changed in those policies that led the head of the union to say that they were being handcuffed while criminals were being let go?

What has changed already for border patrol under your leadership and under a new administration?

KELLY:

The 10 second answer, because that's all I have, is they are now, the various policies and whatnot, that did restrict them, and I hear this all the time, that did restrict them have now been lifted and they're out there doing the job.

But one of the things in six seconds or less, we really need to do is really re-enforce surge, if you will, the number of immigration courts and judges and that kind of thing to really get after the -- the numbers of illegal aliens because, you know, we can pick them up all day long, but if the process takes a year or two or five or 10, it's -- it's -- it's pretty hard to deter people coming up from South America, good people overwhelmingly, if they know once they get here they're in.

So -- but they feel better about things now that they -- the E.O. has lifted the restrictions and the - - the policy restrictions. The laws are there. They're good laws. Now, they're being executed.

PERRY:

Thank you.

Mr. Chairman, I yield.

MCCAUL:

Chair recognizes the gentleman from New Jersey, Mr. Payne.

PAYNE:

Thank you, Mr. Chairman, and to the ranking member.

Mr. Secretary, we thank you for being here today and thank you for your service to this nation. It goes without saying that you've been a great American with respect to your service and the Marines and all the way up. So I want to congratulate you on this opportunity to serve as well.

You know, there's been a lot of discussion today in reference to the Muslim ban on these seven countries that, you know, the -- my colleagues on the other side are citing incidents now of refugees from those countries. But the data we have says that there hasn't been anyone from those seven countries that has -- have -- have made terrorist attacks.

Countries that are not on that list, sir, are Lebanon, where we've had 159 Americans killed by their citizens; Egypt, 162; United Arab Emirates, 314; and Saudi Arabia, 2,369. So I would think that there might be reason to add other countries to that list.

In terms of staffing for customs and border protection, you know, the president's executive order, border security directs hiring of an additional 5,000 border control agents, but gives no specifics. What is the time frame for hiring these additional agents?

KELLY:

OK, Congressman, a lot there.

And under the general heading, if I could start by saying honest (inaudible) could disagree on -- on things and hold their own opinions. This was -- this is not a Muslim ban. The countries that you mentioned, Saudi Arabia, Egypt, Lebanon and UAE, have systems within their countries that are in our view fairly reliable, although we're looking, in terms of their internal vetting, police records, things like that.

The countries that are on the list -- that put on the list really by the last administration don't have those. They are countries in chaos, really countries in collapse. If we had put countries on predominantly -- Muslim countries on this pause list, my view -- that would be putting them on there because they're Muslims, but because they're not -- the reason they're not there is we have reasonable trust in their systems that we can rely on to begin the vetting.

PAYNE:

And these seven countries are not Muslim?

KELLY:

They are overwhelming Muslim.

PAYNE:

OK.

KELLY:

There are 51 countries on the planet that are -- that are Muslim, 26 of whom are over 80 percent. So of the 51...

PAYNE:

We keep count of those? We keep...

KELLY:

Of the 51 countries...

PAYNE:

... count of Muslim countries?

KELLY:

Of the 51 Muslim countries on Earth -- predominantly Muslim countries, seven from that list are on -- are on the pause list, but not because they're Muslims, but because their countries are in -- in

-- they're failed states and we have no -- they don't have reliable systems by which we can right now depend on their -- on their information to us. It's not a Muslim ban.

PAYNE:

OK. Well, it's -- as you said, we can -- we can disagree. It's even interesting that we're keeping count of the number of Muslim countries that there are in the world.

To my Border Patrol -- my time is running out.

KELLY:

Yeah, on the Border Patrol. What I have told my -- my people is that -- and we've made this mistake in the military more than once, going back to certainly the Vietnam War. We will -- we will add to the ranks of the ICE and border protection people as fast as we can, but we will not lower standards and we will not lower training. So the people -- and I don't believe we're going to get 10,000 and 5,000 on board within the next couple of years.

KELLY:

I'd rather have fewer and make sure that they're high quality people that are already serving in those organizations, already well-trained, but I will not skimp on the training and the standards.

PAYNE:

OK. Thank you. I yield back.

MCCAUL:

Gentleman from New York, Mr. Katko is recognized.

KATKO:

Thank you Mr. Chairman, and thank you Mr. Secretary for being here and thank you for your long and dedicated service to our country. You're embarking on a job now where your daily mission is to find the proverbial needle in a haystack, and I admire you for wanting to take it on and I -- I -- I appreciate you willing to do so. I just want to share with you briefly, a story last year, we were in part of a Congressional delegation to the Middle East. We went to Israel and then on to Iraq, Turkey, Berlin, Brussels and Paris, that was before all of them were attacked by ISIS related terror attacks. And when I went over there, they were, all the security agencies had the exact mindset as you, and that is they don't want to have to happen. It hasn't happened yet, but they didn't want it to happen in their -- in their turf, and I pray to God that it doesn't happen here. I appreciate all the effort you and this administration are doing to try and keep our country safe. It's not enough to hope that we keep it safe. We've got to do everything we possibly can to keep it safe, so I appreciate you doing that.

I want so switch gears a bit, and put on my old prosecutor hat, because I was a 20 year organized crime prosecutor, and I was on the southwest border, then in Puerto Rico, and then in the northern border. My questions are emanating from that experience. When I was in El Paso, I saw first hand the border, and how much of a sieve it was even around the El Paso sector and the fact that they have 650 miles of border fence now and were simply contemplating adding to that does not make this a novel idea that the border needs to be more secure. In my district, we are inundated with heroin, and the number of heroin deaths in our area are overwhelming, to say the least, and I know much of it is coming across the southwest border. So, by tightening up the border, can you tell me what impact it will have on drug traffickers and their ability to ship this poison into our country? And I ask you to draw up on your experience as part of the southern command as well.

KELLY:

A lot of experience with drugs, not taking them of course, but convicting (ph) them. But, interdiction of drugs, if -- if the drugs are in the United States we've lost, and I'll use an example of cocaine in -- in Colombia. You know, last year our Colombian friends, the best, closest allies we have in Latin American, bar none, they -- they eradicated tens of thousands of acres of cacao. They seized 378 metric tons of cocaine before it ever left, and they destroyed hundreds and hundreds and hundreds of drug labs. So that's all cocaine that never even started the, you know, the trip up. Southern Command, last year, got a couple of hundred tons, with the Coast Guard getting a lot of that. Once it gets into Central America, cocaine, it's in Pennsylvania, it's in -- wherever. Heroin, 100 percent of the heroin consumed, generally -- 99 percent is produced in Mexico. Poppy's grown in Mexico and Guatemala and trafficked up into the United States. We get a lot before it gets here, but as you point out, it comes here in massive numbers. And then the vast majority of methamphetamines, once again, produced in Mexico, in the hundreds of tons and trafficked into the United States.

I think a huge partner here is Mexico. And if we can help them get after the poppy production, as an example, if we can help them get after the production labs, if we can help them get after the heroin, methamphetamine as it's moving, in relatively large amounts before it gets to the border. We're never going to get to zero, but you know, we don't have, we do not have a drug demand reduction. This is embarrassing. It's, well, we don't have a drug demand production program in the United States, to stop the -- the use of drugs. Most of this stuff starts recreationally and then turns into addiction. We're never going to get to zero, but we know how to do this. We've done it before with other drugs and other things that were bad for our society. We're not even trying. And the -- the people in the south, if you are -- if you are Guatemala look at Manoth (ph), or -- or -- or in the south looking north, they will tell you, how about stop lecturing us about not doing enough to stop the drug flow.

KELLY:

How about you start to demand and then the drug flow will go away. And I -- I'd like to think, as we go forward, that this Congress, myself, that Homeland Security would maybe get into the business of drug demand reduction, because that's what's killing our folks. And I'll just finish with

this, there's been a drug, heroin problem -- there's been a heroin problem in this country since I was a kid, because the vast majority of my friends died of heroin overdoses, long ago, in the '60s and '70s. But the heroin problem has been primarily, up until recently, in the inner cities, black neighborhoods, working class neighborhoods like I grew up in, Hispanic neighborhood, and for decades, I guess as a society, we said, well, as long as it's just there who cares. All of a sudden kids are dying in New Hampshire in large numbers. On the college campuses of places like Harvard, Stanford and Capitol Hill and Nob Hill and Beacon Hill in Boston. Now, it's a big issue. I think we should capitalize on the fact that it's got people's attention and somehow put together a drug demand reduction strategy that works and can reduce the number of people using drugs.

KATKO:

Right. I'm -- my time is up. But briefly, by strengthening the southern border, will that help prevent some of the drugs from coming across?

KELLY:

Yes.

KATKO:

Thank you. I have more questions, but my time is up so I'll have to submit it to you in writing.

MCCAUL:

The gentleman from Texas, Mr. Vela.

VELA:

Thank you, Secretary Kelly. Is President Trump's promise to build a two-thousand mile, big beautiful wall that will cost \$14 billion and paid for by Mexico a viable option?

KELLY:

The President, Congressman, has tasked me to take a look at what we need on the southwest border and come up with recommendations to him. Yes, there are many, many places that we need some type of physical barrier right now backed up by men and women of boarder protection. There are other places where we need physical barrier if we can afford it in given time.

But yes, I -- there's no doubt in my mind that physical barrier backed up by men and women using technology, working with law enforcement at the state and local level will go a long way to securing the southwest border.

VELA:

But building the two-thousand mile wall that was promised during the election is not the best way to achieve boarder security, wouldn't you agree?

KELLY:

I wouldn't agree with that at all, no.

I mean, it's a layered defense that starts with drug demand reduction, it continues with helping particularly the Central American countries socially and economically, that's for sure will stop the movement -- some of the movement of illegal aliens. For sure an immigration system that doesn't take two, three, four years to return people.

This will deter people coming up from the central American countries, most of whom are good people. I don't criticize them at all for wanting to come to the United States. So there's no one single solution, but for sure in my opinion, barriers and patrolling of the southwest boarder is a big part of it.

VELA:

Now, some of these things I think that we would be able to agree on, but I forcefully reject the idea of building a wall along the southern boarder. The fact that -- the fact is that Mexico is an ally. It's our third-largest trading partner, our second-largest export market, and when you consider the relationship we have with the country of Mexico that is right on our border and compare it to that of Russia, the idea that we would build a wall along that boarder doesn't make any sense to me.

But what I would like to talk to you about is the...

KELLY:

Could I just ask...

VELA:

Of course.

KELLY:

If 100 percent of the heroin, methamphetamines and cocaine are coming in through the southwest border and hundreds of thousands of illegal aliens are coming up through the southwest border and billions of dollars of counterfeit goods are trafficked up through, you know, watches and electronics and things like that are coming up through the southwest border, I mean, I think that argues for -- that we do something on the southwest border.

And again, the people that work the problem every day, CBP, are telling me -- us, you all as elected officials, that we need a combination of barriers, technology, I don't know -- I don't see any other

option. I mean, it is a gaping wound in our defenses; drugs, people, the whole bit. So we've got to do something down there and I don't get your point about...

VELA:

No, I agree that we have to do something.

KELLY:

OK.

VELA:

What I'm saying is -- and let me ask you this. Has somebody at CBP told you that we need a 2,000 mile wall built along that border?

KELLY:

The people at CBP that work the sectors don't know about, like if you go down to McAllen, Texas where I was, they don't know what they need in Arizona. They don't even know what they need at the Bigbend of Texas but they say boss right here, I need fence so I can control the flow of people and drugs.

But I would argue that we should look at the entire boarder and where it makes sense, and it may make sense to do it for 2,000 miles, actually for 1,300 miles since there's already 600 miles of fence there, but to do it either -- either to fill it in or to -- maybe there are some places that are too rugged to put a wall and we cover that with the patrolling and technology. But the people that work the border will tell you that physical barriers and backed up by men and women on patrol is what we need to secure the southwest border.

VELA:

And I agree we have to do something, but what I'm saying is -- what I'm asking is is has anybody at CBP suggested that we should spend \$14 billion to build a 2,000-mile wall along the southern border?

KELLY:

The people at CBP will tell you that we need physical barriers backed up by people and technology.

And again, the people that look at it holistically at the headquarters level will tell you yes, we need a physical barrier. The people locally, though, and that's really more important to me, they can tell you exactly where they want 10, 12, 15 miles tomorrow and then 50 miles the next day and then 100 miles. And that's more important input to me than anything.

VELA:

Well, we're going to run out of time and I appreciate some of your comments today and earlier in your Senate testimony with respect to the socioeconomic conditions in Central America and what we have to do to address that and particularly appreciative of your comments with respect to our country's tendency over the past few decades to ignore the issue of demand and I look forward to working with you on those things.

But just real quickly, to talk about the terrorist threat, wouldn't you agree that the threat of terrorists entering this country is a threat that exists at our international airports from Boston, New York, Washington, Miami, Chicago, San Francisco, Houston, Dallas, Los Angeles? At our sea ports along the Gulf Coast, Atlantic Ocean, Pacific Ocean, right? And at our southern and northern border, correct?

And what I'm wondering is if we obsess ourselves only with the southern border, are we not missing the boat?

KELLY:

Well, we're not obsessing ourselves. I mean, the immediate and the gaping wound of the -- the largest opening and the most uncontrolled part of our border is the southwest border.

As far as our airheads (ph) go, where people come here, as they say almost a million people a day come into our country, most of them are foreigners. But we do a real good job at the airports. Real good job at the airports. And our northern border, the good news with our northern border is Canada is an unbelievable partner and we don't get much in the -- I mean, there's some, but there's not much that flows in from Canada.

So I think you have to, you know, look at -- never forgetting Canada, never forgetting the sea ports, never forgetting the airports -- but right now, we have a completed exposed flank called the southwest border. And there's no doubt we have to do a lot of different things there. It starts 1,500 miles south of the southwest border. Certainly, the Mexicans are important but we have to look at the immediate problem, and the immediate problem is the southwest border.

VELA:

I've got more questions, but I'm out of time. Thank you, Secretary Kelly.

MCCAUL:

The gentleman from Texas, Mr. Hurd, is recognized.

HURD:

Thank you, Mr. Chairman.

And Mr. Secretary, it's great to have you here. I think most of the people on this dais would probably agree that we live in a world that's probably more dangerous than our parents' and our children are probably going to inherit a world that's more dangerous than ours. And I'm glad you willing to continue your public service because I think you're the right man for the job and you have the right perspective.

My concern is that I feel like we need to stop talking about getting in the wall-making business and get in the border security business and your concept of defense and depth, I think is the right place to be. Now, we talk about physical borders and I have 820 miles of the border with Mexico. I have more border than any member of Congress. And we've talked a lot about physical barriers and we're going to see if this works. Can you advance to the first slide?

Mr. Secretary, you have the pictures, the first picture is -- is Amistad Lake and Amistad National Recreation Area. Would this be considered a physical barrier? And can we advance the next slide to show where the actual international border -- the international boundary is?

KELLY:

In my view, that is a physical barrier so long -- it is a physical barrier. But it's easily crossed unless we patrol it.

HURD:

Absolutely. Patrolling it, technology, making sure we know. But building a wall in the middle of Lake Amistad -- lake -- I guess it wouldn't be a wall; it would be another dam -- is probably not the right -- is a misuse of funds.

Because I would like for the money that would potentially go to building a wall in the middle of a lake go to hiring more people, to helping with national security collection in Mexico, to give your folks additional intelligence to stop the problem before it gets to our border.

Director McCraw -- he's the director of the Texas Department of Public Safety -- he's going to be testifying in the next panel and his written statement said the border is best secured at the border, and forfeiting territory to cartels is not acceptable.

And I would say even working with our partners to stop it from happening is important.

Can we advance to the next slide?

This next one is the Pecos River. And it flows into the Rio Grande. This is about 10 miles west of Comstock in Val Verde county. This is the -- the perspective is hard to see, but again, there are cliffs on both sides. Would this be considered an additional physical barrier?

KELLY:

That is a physical barrier to movement. Yes, Congressman.

HURD:

Thank you.

And I think we have one more -- one more picture.

One of my favorite places in the 23rd District of Texas, the Santa Elena Canyon in Big Bend National Park. It's south of Terlingua. And I think you can tell -- again, can we show where the international boundary is? That looks like two or three physical barriers along the international boundary. Would you agree with that, Secretary?

KELLY:

That is a physical barrier to movement.

HURD:

Would -- would there be any value of building a wall somewhere in that?

KELLY:

Well, not to be cute, but I think I'd like to talk to the people that patrol that region. It clearly won't be down the middle of a river. But they may tell me that there is, you know, the flow of individuals that move through all of those pictures, that there may be need for some physical barrier. So, and as we discussed yesterday on the phone, I look forward to getting down there, taking a look, kicking the tires, and talking to people.

HURD:

I'd love -- I'd love to take you down there. And one of the things that they're going to tell you is they need horses in this part, in order to -- in order to do pursuits. And I don't think -- I don't think the folks in San Diego sector are going to be asking for horses.

KELLY:

You know, it was amazing to me. I actually own now 4,200 horses.

(LAUGHTER)

And as a city guy, I wouldn't know how to even begin. But if they need horses there, and that's what they need, then we'll look at that for sure.

HURD:

Good (inaudible).

Well, Secretary, looking forward to working with you, because again, this is an important issue for all of us. And I think you are the right person for the job.

I yield back, Mr. Chairman.

MCCAUL:

Ms. Watson Coleman from New Jersey.

WATSON COLEMAN:

Thank you, Mr. Chairman.

And congratulations again. I'm delighted to have an opportunity to talk to you. I've got a gazillion questions. I'm going to ask them as quickly as I can. And I'm going to ask if you will respond to them as quickly.

I want to start with this. I think this is very telling. Donald J. Trump is calling for a total and complete shutdown of Muslims entering the United States "until our country's representatives can figure out what the hell is going on," close quote. That is a quote.

Now, Mr. Secretary, are we to take the president at his word? This is the sentiment that apparently drove this. So how can you say this is not a ban on Muslims, when that is precisely what he promised?

KELLY:

Well, as the guy that's implementing the travel pause on the seven countries, I can tell you it's not being done for -- because they're Muslim countries, but because they're countries that we don't trust their vetting or their information.

WATSON COLEMAN:

Well, thank you. I can understand your needing to say that as well.

Mr. Chairman, I would like unanimous consent for the current refugee screening process, which has been stated by national security professionals as one of the most stringent in the world, to be entered into the record.

MCCAUL:

Without objection, so ordered.

WATSON COLEMAN:

Thank you very much.

I am very concerned about the -- the ban on the refugees. That's very concerning to me. Mr. Paine mentioned to you the fact that there were a number of countries in which we were calculating the number of people who've been killed in this country from those countries: Iran, zero; Iraq, zero; Libya, zero; Somalia, zero; Sudan, zero; Syria, zero; Yemen, zero. Are they included in this Muslim ban? Yes.

Saudi Arabia, 2,369; United Arab Emirates, 314; Egypt, 162; Lebanon, 159.

Are any of these countries included in this ban? No.

One of the questions that was asked of you earlier, was why wouldn't some place like Saudi Arabia, be included in this ban, and you answered somewhat to the effect, 'well that happened such a long time ago'.

So I guess my question to you, if we're going to include a country in which there was this heinous genesis of activity, even ten years ago, or so; why would we include countries from which there is no evidence that there's ever been any killing in this country? Under those circumstances, that doesn't sound logical.

KELLY:

I don't think I said that doesn't count because it was so many years ago, but if that's how you took it, let me clarify, and say that pre 911, we did things differently than we do post 911, so we've tightened up even more.

Now one of the things we have confidence in, with say that using the Saudi's as an example, as when there is a Saudi citizen with a passport, we can query or we can work with the Saudi's to say, "Is this your citizen? Yes, he's got one of our passports. What's the degree of reliability that you can give us through your police records, Intel records, that this individual is not - -

WATSON COLEMAN:

Thank you. Thank you Mr. --

KELLY:

So you don't want the answer?

WATSON COLEMAN:

That would suggest that we would trust that country.

So I want to move on because I want to talk about the refugee process a little bit.

The refugee process, or the whole vetting process, is really quite extensive. The vetting process that involves refugees coming from Syria is even more layered. After they go through the regular vetting process, they've got to go through additional checks and balances.

The majority of the people that have been coming from Syria who are seeking refuge in this country, were old, ill, children, and women. So why are we compelled to think that there was a need to put a pause on letting those individuals? Who were not any threat to this country, none whatsoever.

What is the logic on putting a pause to they're coming into this United States, after years of vetting? And even going through the United Nations that just seems harmful and hurtful, and mean, and un- American.

So I would like you to just respond to that.

(CROSSTALK)

KELLY:

The logic is, the pause is put in place so we can evaluate the vetting process that these various groups go through. And determine whether that's sufficient for me to recommend to the President that we change what the E.O. requires.

I don't think a pause puts any real hardship on people who are already, in many cases, have already been waiting a year or two to come and at the end of the day, we need to be sure.

Frankly, I love the United Nations, but I trust my own people to determine whether the vetting is sufficient. As terrible as the conditions are in Syria, there is really almost no way to truly vet them in terms of records keeping, and things like that.

So, we'll work through it.

WATSON COLEMAN:

Thank you. I appreciate - -

KELLY:

But it is only a pause, and we'll work - -

WATSON COLEMAN:

Thank you Mr. Secretary, I really appreciate that.

You keep referring to 'your people' and you're brand new. So I'm not sure if you are saying your people are the people that have been there, the careers that have been at DHS, or if you are speaking about a whole bunch of new people that you are bringing in that you are referring to.

But whatever people they are, I would like for them to refer to the refugees entering the U.S. already facing a very, very (INAUDIBLE) vetting process. Nothing is perfect, we can always make a mistake, we can always miss something, but let us not ignore the good work that has been done previously.

I thank you, and with that, I yield back.

KELLY:

When I refer to 'my people', the quarter of a million people that are in DHS, are my people. I brought no people into the organization, since being secretary. Right now we're relying overwhelmingly on the career people. Of course, the political, with the exception of myself really, the political appointees will take month, and months, and months to get through the confirmation process.

MC CAUL:

The Chair recognizes Ms. Sally, from Arizona.

MCSALLY:

Thank you Mr. Chairman.

Mr. Chairman, I've received a statement from CDP officers union on their concerns regarding staffing at our points of entry. In efforts to support this, I ask unanimous consent be included in the record.

MC CAUL:

Without objection, so ordered.

MCSALLY:

thank you Mr. Chairman.

Thank you Secretary Kelly.

I represent southern Arizona, about 80 miles of the border and we look forward to hosting you in (inaudible) later this week. We have -- and also -- I'm also the border subcommittee chair on this committee. I would -- I would talk about our frustrations of border residents, ranchers, and Border Patrol agents and myself, and my role as someone who represents this community and chairs the subcommittee in four areas.

The first is, the measurement of border security, the way that DHS has measured border security in the past has not been useful. The denominator is not included, in the numerator of apprehensions or people that have turned themselves in, last year in a hearing, I got Chief Vitiello to admit that - when I asked him as fighter pilot, I think in simple terms, what percentage of the 2,000 mile border do you have situational awareness of? If is breached, you see it. And the answer was 56 percent.

So the first frustration is how we measure effectiveness, and I'd like to hear your thoughts on that -- and adjusting that. The second one is, in rural areas like ours (ph) defense and depth, where we see territory to the cartels -- so we have individuals that are -- when we're saying we have hours to days, we have families, ranchers, and others that are -- this is a public safety threat. Trans-national criminal organizations trafficking through our communities, creating a public safety threat.

So this idea that we have days -- or hours or days to intercept them in this defense in depth, it doesn't work for a community like ours. And also the fixed checkpoints which we have really not got good answers as to whether they are effective or not, which are impacting people going about their daily business and commerce.

But this is all part of the defense in depth, so that's another significant frustration that you'll see. And then the last thing is, the percent of Border Patrol agents that are actually patrolling at the border, versus doing other queep (ph) and additional duties or other issues further away from the border. So these are really the four things. I'd just like some of your thoughts on measuring effectiveness, this whole seeding territory issue, fixed check points, and then percentage of the agents that are actually on the line.

KELLY:

I've got to tell you that's why I'm going down to Tucson, to find out about these very things. The defense in depth in my -- in my mind -- at least the way I think of it, is -- its going more south, Mexico, Central America, Columbia. If...

MCSALLY:

Not what it is right now.

KELLY:

Right. If -- if -- if we -- if they get in -- if the border is penetrated, we've lost -- for the most part, we have lost.

MCSALLY:

Right.

KELLY:

So I'm thinking it the other way in terms of working with partners to the south and taking care of issues. And I won't go into it again about the socioeconomic conditions in the Central -- I don't know how we -- to be honest with you -- I've heard a number of times from members and others, I don't know what the metrics are.

So going forward, as we look at a physical barrier and some of the other things we're looking at, I've asked the staff tell me how we measure success or failure. I mean, I suspect it has a lot to do with -- not I suspect -- they can tell me -- us how many people they have stopped, but you know, how many people get through. What's -- what's -- tell me what the metrics are here, so I'm with you on --

MCSALLY:

So you don't know who you didn't see, is the point, right? So our -- our -- our view is, and again we've got legislation on this -- the percentage that we have situational awareness of, and then percent we have operational control of, where we can actually intercept it. I mean we look forward to working with you later on it.

KELLY:

Yeah, we'll work...

MCSALLY:

The current effective numbers don't work.

KELLY:

Got it.

MCSALLY:

And then back to the defense -- right now, the strategy is fixed checkpoints that make cartels to go around the checkpoints into our communities, while you catch Darwin-award winning low level criminals going through known fixed checkpoints. It doesn't work, and do you have any comments on that?

KELLY:

Again, going down there to talk to the people on the line that -- to include hopefully ranchers and people like that. I mean, I've already been in contact with a couple. ..

MCSALLY:

Great.

KELLY:

Every bit, as you know, McAllen is different from Tucson, which is different...

MCSALLY:

Right.

KELLY:

So I the -- the -- the solution is different in every place, but I do think it starts trying to prevent the border from being penetrated. As I say after that, we've lost.

MCSALLY:

And do you have any comments on kind of the level of effort, Border Patrol agents actually reporting to patrol of the border, versus doing other duties?

KELLY:

It has been brought up to me, and folk are looking into it to satisfy me that there are -- this is a common theme. They're -- they're involved in things that aren't really Border Patrol. So I'm going to get -- I'm going to find out what those things are, and then if they can be done by someone else so that we can maximize the number of people...

MCSALLY:

Look forward to working with you on these issues and visiting with you (ph) end of the week.

KELLY:

Sure.

MCSALLY:

Thanks. I yield back.

MCCAUL:

Ms. Rice from New York is recognized.

RICE:

Thank you, Mr. Chairman. Thank you, Mr. Secretary for your service to our country and your willingness to take on this very profound and important role. It was reported over the weekend that

President Trump's chief political strategist, Steven Bannon told you not to issue a waiver, exempting green card holders from the travel ban. Yet, some of the details of that report has since been called into question. Others have been denied by the White House. But I figure since I have you in front of me, I would just ask you directly. Did that happen? Did that conversation take place?

KELLY:

You know, I read that -- that article Saturday morning and my -- well I would tell you that every paragraph, every sentence, every word, every space, every comma, every period was wrong. It -- it was a fantasy story and my concern to my public affairs people was, look, this reporter, whoever he is got this so wrong that assuming he's not making it up.

You gotta get to him and tell him whoever his sources are are playing him for a fool. I don't know if they did that but it's untrue.

RICE:

So, Steve Bannon did not ask you...

KELLY:

The entire -- the entire stories untrue.

RICE:

...not to issue (inaudible). So do you have concerns about, just objectively, in your new role? Do you have concerns about political operatives trying to influence the work of the Department of Homeland Security?

KELLY:

No, I work for one man. His name is, you know, Donald Trump, obviously. He has told me, Kelly, secure the border and that's what I'll do. I am mildly interested in what political people think about that mission.

RICE:

Well actually, you were chosen by him, you work for us. You work for the American people, first and foremost.

KELLY:

We all work for the...

RICE:

I'm sure that's what you meant.

KELLY:

We all work for the American people.

RICE:

As secretary, what are you doing to ensure that your leadership, because clearly had you been involved in creating this executive order, you would have pointed out the issue with the visa holders and all of that. What are you doing to make sure that this kind of -- if you want to call it a roll out or preparation of an executive order, if they're going to continue in the future, that you have some input in the area that you clearly have expertise in?

KELLY:

I was involved tangentially in the writing of it so the point -- the reporting that I -- I never saw it, didn't have anything to do with it is untrue. We had a very small number of people in homeland security working with the White House as they developed it.

I think in retrospect as I think I've heard and pointed out a little earlier but for sure have had discussions with members of Congress, both sides of the Hill, both sides of the aisle, that a better way to have rolled that out and we will do this in the future, will be to engage more fully, at least the leadership of -- of the -- the House and Senate initially and roll it.

And then immediately after, as we start to execute, meet with additional members of the -- of the -- of the House and the -- and the Senate. So yeah, I mean, lesson learned, on me. I should have slowed it down by a day, maybe two. Probably would not have put it out, you know, exactly on a Friday the way we did. But I was knowledgeable of the writing of it, I saw it twice Tuesday and I think Thursday.

I knew full well it was going to be released on a Friday. So again there's an awful lot of misreporting and I'll -- I'll - I'll assume that the members of press that got it wrong, got it wrong because they're relying on people who were giving them information who didn't know.

RICE:

There is a lot to go on in terms of trying to interpret the meaning behind the executive order. We have about 18 months of comments by candidate Donald Trump about his desire to institute a ban on Muslim's entering the country, his language was unequivocal and very clear.

I understand now you're using the frame -- the term, temporary pause. But I think one of the reasons why it is interpreted to be an outright ban is because it came -- the executive order did not speak to or suggest way that the vetting process, which we already know is one of the most rigorous there is could be made better.

The executive order was void of any suggestion on how that could be. So as you sit here now, and you talk about the need to -- now the desire is to make the vetting process better. What ways would you recommend?

Since you were really left with nothing other than an order that rightfully, in my opinion, that's not because -- I'm not saying this because I'm a democrat but we have a lot to go on in terms of interpreting the meaning behind this especially since the order was void of any suggestions.

KELLY:

Well first, I don't have to tell you that there's a lot of things that are spoken about in -- in campaigns that once you get into the seat you -- just like in my case, I mean, sitting here in a job that I've never had before, I'm looking at life fairly (ph) you know differently.

I thought we could accomplish things coming into this job that are spoken about in campaigns that once you get in the seat, you -- just like in my case, I mean, sitting here in a job that I've never had before, I'm looking at life fairly, you know, differently.

I thought we could accomplish things coming into this job that I realize now will be slower or whatever.

So, again, he said what he said in the campaign. He has tasked me to protect the southwest border, get control of it, which I will, of course, do.

RICE:

Can I just -- because there's one other question (inaudible). I trust that you will bring to us suggestions on how you will make the vetting process better.

KELLY:

Right.

RICE:

OK. One other thing. Yesterday, President Trump suggested that the, quote, "very, very dishonest press doesn't adequately report terrorist attacks." Do you believe that statement?

KELLY:

I think the press gets -- does the best job -- responsible press do the best job they can to get the facts straight. But of course, they will go with a story. It's what they do. It's their job. They will go with a story and the best information they have.

Much of the world is aflame today and we know tremendous amounts of things about what's going on, but it's in the classified realm. And that is not shared with the press. Consequently, they do I think generally the best job they can. But in my mind, having worked with the press a great deal, the most responsible press won't go with a story or will write in such a way that they will acknowledge that they don't have the definitive information.

There's a lot of other questions you've asked me, but, you know, again, Mr. Chairman, we're way over, I think.

RICE:

Well, you can't blame the press for not knowing about classified information that they're not privy to.

KELLY:

I'm not blaming -- of course not.

RICE:

But do you -- do you know what terrorist attacks -- just last -- Mr. Chairman, please -- what terrorist attacks President Trump was referring to when he said that? Yes or no?

KELLY:

I don't know which ones...

RICE:

OK.

KELLY:

... which ones he was referring to.

RICE:

Thank you very much.

MCCAUL:

The gentlelady's time has expired.

The gentleman from Texas, Mr. Ratcliffe, is recognized.

RATCLIFFE:

Thank you, Mr. Chairman.

Secretary Kelly, welcome. And let me join others in saying that I'm very excited that President Trump selected someone with your experience and leadership to take the reins at the Department of Homeland Security and to implement his agenda for safety and security for all Americans.

We've heard a lot about border security today, but the folks that I represent in Texas have heard a lot of tough talk for a long period of time with, frankly, little to show for it. They've seen a border security bill that was enacted in 2006, but never implemented. So many have rightfully, I think, lost faith in the federal government on this issue.

And I will tell you that for me, it's personal. As U.S. attorney for the Eastern District of Texas, I led an effort to arrest over 300 illegal aliens in a single day who were committing Social Security fraud and identity theft, to steal jobs from hard-working Americans. My fear then is the same as it is today, that after criminal aliens are deported from the United States, let's say on a Tuesday, there is very little right now that stops them from coming back across the imaginary, unsecured line on a Wednesday.

And the fears with respect to that are not hypothetical. Last year, I had to console my constituent Courtney Hacking (ph) when her husband, Peter, a fire captain, and their four-year-old daughter Ellie (ph) and their two-year-old son Grayson (ph), was killed by an illegal alien that had been previously deported. So heartbreaking and so real, unlike the fake tears of one of our Democratic colleagues last week in calling for compassion for folks trying to come to this country from terror hot spots, I think we need to finally start showing compassion for people who are already here with real border security.

So I'm grateful from everything that you've said today. It's very clear to me that we finally have an eager and willing partner at the Department of Homeland Security to fulfill the fundamental role of the federal government to provide for the common defense.

Now, let me shift gears, Secretary Kelly. Besides the threats coming across our physical borders, Americans, as you know, face grave threats every day that are coming across our digital borders. And I think you might agree with me that that is frankly more difficult to defend. We can't simply build a wall or erect some barrier to fix that problem.

Cybersecurity is, in my opinion, the national security issue of our time because weak cyber defenses affect our economy. They impact our critical infrastructure. And they impact the integrity of Americans' most sensitive personal information. So I think we need sustained, strategic attention to this issue.

And I will tell you, Mr. Secretary, that I frankly don't envy you in the role that you're stepping into here. As you've learned, the Department of Homeland Security cyber mission is immense under current law. You've got responsibility for coordinating the operational security of our federal systems, and you're tasked with overseeing federal efforts to coordinate the protection of our critical infrastructure. And that's only part of your mission.

And you're taking over an agency that has -- while made great strides in some respect, still suffers from credibility issue with many members in congress and many members of the public.

So that's -- to say nothing of the broader policy issues, I know that what I'm relating to you is -- is not news to you, I want to take the opportunity here, as the chairman of the -- in your first house appearance as Chairman of the Cyber Security and Infrastructure Subcommittee here in the House, to tell you that our subcommittee is willing to peddle as fast as you would like and are willing, to tackle this critical national security issue.

So I know you've only had a couple weeks to settle in, but I want to get a sense of how things look to you so far in this respect. And the biggest question, Secretary, that I'm getting from stakeholders -- they keep asking me and it's something I'm hoping you can shed some light on is, do you anticipate the Department of Homeland Security maintaining the role its currently tasked with under the law, with respect to maintaining the dot gov domain?

KELLY:

Yes, sir. On your last question, I would say yes. That said, President Trump has ordered a complete top -- top to bottom relook on cyber. That would -- that will include all stakeholders, and hopefully we're going to bring in -- and have been I think, successfully in bringing in the private community.

Because you know, the one thing -- the thing about cyber that -- that a lot of people get -- you certainly do, but others don't, is that it -- it knows no bounds, it knows no boundaries, it knows no law, it knows no regulations. We do. Privacy issues, legal issues, all that kind of thing. So we have to -- the threat is changing faster than we're keeping up with it.

The good news is, in -- in overseas, we can do things to protect ourselves as a nation. I can't, but others do, and I was a beneficiary of a lot of that. I -- I know what we can do to people overseas, we obviously can't do that and should not do that internally -- the United States. But there is a way, I believe there's a way to breakdown a lot of the boundaries within the law and particularly working with our -- with our private partners, because they have got huge equities in it.

But again, I'm very sensitive to this because I was one of the 5 million or so Americans who had all of their information stolen, and the best I got out of the federal government a couple of years ago was you know General Kelly, all of your data has been stolen with the OPM, good luck. We've got to do better than that, and we will. So I look forward to working with you, Congressman.

RATCLIFFE:

Well, again, I'm so excited about your appointment and grateful for the chance to work with you. So with that, I'll yield back.

(CROSSTALK)

MCCAUL:

Thank you, (inaudible).

JACKSON LEE:

Mr. Chairman...

MCCAUL:

I think my clearances were stolen as well.

JACKSON LEE:

Mr. Chairman...

MCCAUL:

If I could just say, a chairman's privilege that I would hope this executive order coming down on cyber is done in coordination with this committee. We have passed a FISMA Reform and a Cyber Security Act, major landmark, cyber legislation. I'd hate to see any executive order come down that is inconsistent with current law. I think it would cause a lot of problems and a lot of consternation with the members who have worked so hard to get this done.

JACKSON LEE:

Mr. Chairman.

MCCAUL:

I would like the witness to respond.

KELLY:

Absolutely, we are working with your staff, the -- your staff working with the White House -- they've got it. There was a -- a -- a kind of a draft E.O. that had been leaked some time ago -- a week or so ago. I can tell you that -- that the E.O. that's being contemplated is vastly different than that. I don't know whose work that was, but it did send shivers to a lot, my own organization included. So we're working with -- we are working with the White House, we will work with -- with the Congress, of course, to make sure that going forward that E.O. says the right thing and gets at the right problems.

MCCAUL:

WE certainly -- because we've through a lot of -- we don't want to relitigate old battles and certainly conforming with existing law, I think is very important in this task. The Chair recognizes...

JACKSON LEE:

Mr. Chairman, Mr. Chairman..

MCCAUL:

The gentlelady has no time, would somebody like to yield.

JACKSON LEE:

No, a question -- I'm asking unanimous consent to submit something into the record.

MCCAUL:

Yes, what is it.

JACKSON LEE:

An article from the Houston chronicle, in the midst of the Muslim ban, Feds detain Katie (ph), a high school student from Jordan, following President Trump's immigration ban, and the pictures that I held up. I ask unanimous consent, Mr. Chair

MCCAUL:

Then without objection, so ordered. Mr. Correa from California, is recognized.

CORREA:

Thank you Mr. Chairman and Ranking Member Thompson for holding this hearing today. And Secretary Kelly, I want to thank you for your service to our great country. I know you, first (ph), and your family have made great sacrifices for this country, for that I thank you. A debt we can never repay to you and your family. I just wanted to say, all of us share in mutual goals of a safe nation, safe citizens, safe taxpayers. Before I discuss border security, I just want to tell you where I live. I live in central Orange County, Anaheim, California, Disneyland, happiest place on earth, which also, by the way, have a number of mosques in my community. And I can tell you right now, that many of my neighbors, all those folks are good American citizens, law abiding citizens and they are scared to death. The way this immigration executive order was presented, I believe, just backfired. I've spent many hours, invested many times in going into these communities and to tell them please work with their authorities, make sure that we coordinate it. If you see anything out there that's going wrong, let us know.

Right now, the Muslim community is very scared. I also have four children in central Orange County. I'm very concerned about drugs. I'm very concerned about their well-being. They go to school with a lot or kids who's parents are undocumented, who the kids are DACA kids, all good. They've all been part of the California economic miracle. California is now, I think, the sixth largest economy in the world, a couple of steps up. All those undocumented workers have been

part of that economic miracle in the state of California. You call it the gaping wound sir, I respect that. Want to address immigration? Let's do it with good public policy. Mexico, California's biggest trading partner, a lot of business, a lot of work, these people take care of our children, cook our food, provide a lot of services. Let's give them green cards. Number two, in terms of the drugs, which is something that's very concerning to me, as a father. You know 20, 30 years ago, most of the drug trade, most of those heavy drugs came through the Caribbean. We were so good as Americans in stopping that drug trade through the Caribbean, that we just redirected it through an inland bridge called Mexico.

We destabilized Mexico. People in Mexico are scared to death. I went down there two months ago, they said don't go out after 8 p.m., because your life will be in danger. The big gaping wound is, our American drug demand for those drugs are American dollars being spent on those drugs. So, soon as we shut off the Mexican connection, will it be Canada next, given the numbers, probably. Quick question to you sir, do you have an account of the number of special interest people that have been apprehended coming through versus Mexico?

KELLY:

I don't Congressman. I can get that to you.

CORREA:

Thank you very much. A second question, as a state legislature in California, I dealt a lot with the Baja California folks. One of the biggest concerns they had is, when the American's deported individuals, opened the gate, let folks essentially physically walk across the border, Mexican authorities had no idea if that was a person that got caught for a traffic ticket or as rapist or murderer. What is it going to take for us to coordinate with our friends in the south, to make sure we can keep track of these bad hombres, so they won't be continue to do harm south of the border or north of the border? And I hope you come up with something in that area sir.

KELLY:

Not familiar, but I mean, if these are Mexican citizens who are being deported --

CORREA:

Yes, sir.

KELLY:

-- for sure, unless it's not legal. I'm just trying to think of some, for sure we should alert the Mexican authorities as to what they've done beyond being illegal aliens that we're deporting them.

CORREA:

(Inaudible) General and I look forward to working with you on that issue. That's an issue I've been bringing up to ICE, Homeland for a number of years. My final question, I know I'm running out of time, is, you know, right now immigration from Mexico is going down. It's at all time lows. The reason, part of the reason is, economic growth in Mexico. The middle class is finally growing. It's an old saying, when the U.S. sneezes, Mexico catches pneumonia, in terms of the economy. We're looking at public policies today of taxing commerce with Mexico. You finally have a growing economy south of the border. We are creating jobs, so folks can stay home and we are messing with tax policy. Any thoughts on, you know, advancing economic growth in Mexico and tax policy?

KELLY:

Same argument I would make when I talk about Central America. If -- if the countries to our south are better off economically and socially, then their people will rightly stay home with their families and what not. So, I think it's important to have, you know, a good economy in Mexico, Central America, places like that. If I could, on a couple of your other points, on -- on the illegals and what not, the DACA individuals, I would just ask you. You -- you know I have to -- I've sworn to uphold the law, so I have to uphold the law. I would just beg you, as a -- as a lawmaker, if it's bad law, change the law, so I can -- so I can take that particular issue off the plate. I -- I plead with you to change the law. Because I have to do what you and people like you have told me to do within our laws, and the demand reduction thing, you're spot on Congressman. It's all about demand. If we stop the flow of drugs up through Mexico and don't reduce demand for those drugs, they're going to come up -- they'll come back up through the Caribbean, into Florida on the east coast. If we stop that, they'll come another way. They're mailing it now, particularly getting into Puerto Rico and mailing it in. So, we've got to reduce the demand and we have to put together a comprehensive demand reduction policy that goes everything from stopping the production of these drugs in the south, all the way up to rehabilitation of drug addicts in the United States and everything in between. But we know how to do this, we've done this before, to affect people's behavior and it's not necessarily law enforcement. It's just -- it's just making sense to people to do the right thing. We're never going to get to zero, but if we don't stop the demand, shame on us.

CORREA:

Thank you Mr. Secretary. Just one -- one final comment if I may. And that is, I'll work my colleagues here to change the laws as much as we can to reflect economic reality, the way we did in California. Thank you very much.

MCCAUL:

Chair recognizes gentleman from New York, Mr. Donovan

DONOVAN:

Thank you Mr. Chairman. And Secretary, I hope you don't get tired of hearing it, because, myself and my colleagues have all thanked you for your service to our country. We really do appreciate what you have done and what you will do for us.

KELLY:

I live for those comments.

DONOVAN:

Well glad we could accommodate. I am the chairman of a committee, of the sub-committee of this committee, that deals with not only preparedness and response to terrorist attacks, but also to natural disasters. Currently, we don't have a FEMA administrator. I was just wondering if we can anticipate when you and the President will get to a point where you'll be nominating somebody as the FEMA administrator. We've recently had disaster in Mississippi and Georgia that we need some direction with.

KELLY:

Yes. The -- it's a great question. I mean, this -- this process of finding the right people, putting them in the job, getting -- if they have to go through confirmation is, I now know is a tedious one. But, you know, the really good news for not only this group of men and women but for America, is the career of public servants that are in the organization. The people that have stepped up into -- into those jobs, FEMA is an example, are very, very capable people. And, in case, just in the two weeks I've been in the job, we have said yes to every single request that has come up through the system in the right way, and I don't mean to be bureaucratic. And if they're not coming up the right way, we help them do it in terms of the requests for assistance. I've signed off, in record time, for everyone of them. I've talked to the -- like Mississippi, the governor of Mississippi, the governor of Georgia, when they had such terrible tornadoes, they were taken care of. We've said yes to snowstorms up in -- up in the Dakotas, I think, certainly Oregon. So we're -- the fact that we don't have a political appointee has not slowed down the business of Homeland Security sir. But you're right, we need to get going on that. I don't know when, I can't predict when we might have a political appointee in that seat. But -- but have no fear, we've got a very, very, very good career administrator.

DONOVAN:

That's very assuring. Thank you Secretary. The other thing I'd like to ask you, with another executive order that the President administered. You know, I live in New York City and we depend on Federal funding to secure our city. Our state depends on state security grants. The sanctuary city executive order may have some kind of effect on our ability to access those grants. I was just wondering if you're giving states and localities or at what point you would give them some kind of guidance on how they would be affected?

KELLY:

Never say all. I would just offer that the input I've received from chiefs of police around, you know -- this is more anecdotal, but the numbers are low, but sheriffs and people like that are, look, please don't penalize us for the actions of our elected officials and they have to be loyal and I get that. In

my view, if we are giving grants to a police department, or a city, specifically to help us in the execution of say, ISIS mission, and that is not being done. It would seem to me there's no point in giving grants to the city to execute that.

We will do it, I will do it, in the grants that I control in a measured way. So that the good work of police departments all over the country, sheriff's departments all over the country, are at least given a say in what we're about to do.

Again, if we're specifically giving grants for cooperation for removal of illegal aliens and a given department city is no longer doing that, it seems irresponsible for me to continue giving the money.

It will be case by case, we'll work very closely with the homeland heroes of this country, and that is the sheriff departments, and the police departments all over the country.

DONOVAN:

I know you're well aware of how essential localities are to protecting, especially a city like New York City.

KELLY:

Absolutely.

DONOVAN:

I thank you very much.

Mr. Chairman, I yield back to balancing my time.

MCCAUL:

Gentlelady from Florida, Ms. Demings, is recognized.

DEMINGS:

Thank you so much, Mr. Chairman, and Mr. Secretary.

As a former police chief, I know how important it is to hear every now and then, thank you for your service.

As we all know, there can be an abundance of data available to the public safety community. We also know, just how important that data can be to helping public safety officials make decisions that they really need to get right the first time.

Data analytics continue to evolve, and new applications for how to use data can often been a force multiplier for law enforcement. I believe that ensuring the deployment of assets and resources

along the border is paramount to securing the border. Data analytics, I believe, may be helpful in that regard.

Secretary Kelly, your predecessor Secretary Johnson, made joint operations and information sharing among DHS components about southwest border threats a priority through the southern border, and approaches campaign.

Do you see an expanded role for data analytics to be used to inform ICE, CBP, and the Coast Guard, as they work together on the southern border?

KELLY:

You know, congresswoman, I do. I think anytime we can expand cooperation with anyone that is kind of in the same fight, has the same interest in terms of in this particular case, the southwest border.

I had an interesting conversation the other day with the president/CEO of IBM about data analytics. Within about 30 sections of conversation, you know my eyes rolled back in my head, but she made some points about this topic that my staff are now delving into.

Just some of her comments about useful and expansive the reliance, or useful the reliance, on data analytics would be. So to your point, yes, and my folks now, people who really understand the topic.

I'd really like to see certainly a partnership with everybody, in this case it might be IBM, who can help us do better in this realm.

DEMINGS:

Have you had any opportunity to have any initial meetings with the stakeholders, private and public, to this point?

KELLY:

I have not, and again, not as a defense or an excuse rather, a little more than two weeks in the job, and I can tell you the E.O.'s took up a little bit of my time last week, so.

(LAUGHTER)

DEMINGS:

Thank you.

KELLY:

I'll do better.

DEMINGS:

Also, I believe that border security executive orders, and the vetting process is what really brought us here today. So please bear with me.

I believe you testified earlier that our refugee vetting checks are minimal, but yet we've also heard that we have one of the robust vetting processes. When we compare it to others throughout the world.

Mr. Secretary, and I know you also indicated that you are going to share with us, when you get to that point, what some of the recommendations are for improving the process. What's wrong with it? Is it minimal, is it just not working? What's wrong with it?

KELLY:

The process now, whether it is Syria or anywhere else, but the process now is as good as it can be based on past philosophy. That's not a criticism, but past philosophy. And the realities of a country, using Syria as an example, that is in collapse.

So the people who are interviewing refugees, rather they are young men or old women and everything in between about the best they can rely on and it starts with the U.N. and they're good people but they don't have a lot to work with. So when someone says I am from this town and this was my occupation they essentially have to take the word of the individual. I frankly don't think that's enough, certainly President Trump doesn't think that's enough. So we've got to maybe add some additional layers of some of the things that we talked about, was finances was one of the ways we could track, follow the money so to speak. So how have you been living? Who's been sending you money? It applies under certain circumstances to individual who maybe involved on being on the payroll of terrorist organization. We could be looking at we could be asking them about website that they frequently visit, if they visit and anything and everything of that nature so that we can get our arms around about what kind of individual we're dealing with.

But this is a pause right now, as we sort these issues out. I would be less than honest with you if I told you that of the seven countries all of them will come off that status in 80 days or so or when we owe the president the report. But I like to think some of them will, and the ones that won't get off are the ones that once again that are basically failed and ,you know, I was just reading this morning where hundreds perhaps even into the thousands of individuals have fled from Africa have fled to Yemen, again a country that almost defines a country, a failed country so that they can try to get on a list to come to the United States. Well the people who are coming to use that example from another part of the world, Africa in this case, to go to Yemen are people themselves that may or may not have proper paperwork but they're going to a country that I absolutely do not trust right now in terms in what they provide us in terms to vet people from Yemen. So it's a work in progress.

DEMINGS:

So some may stay on the list some may not, but is the list prioritized?

KELLY:

It's seven now, and again two of them are on the list of the state sponsors terrorism, and I think four or five of the others we don't even have an embassy there. And when you don't have an embassy there's no Americans to sit there and do the interviews (inaudible) interviews to start the process to determine if this person is a kind of person we want to come to our country.

DEMINGS:

Thank you, Mr. Secretary. I yield back.

MCCAUL:

(Inaudible) from Wisconsin, Mr. Gallagher

GALLAGHER:

Thank you, Mr. Chairman. Secretary Kelly, you and your family have sacrificed a lot for this country and I thank you for that and your willingness to step up again is inspiring. As a fellow marine I just have to share that I'm currently on an email chain with about 10 of my basic school buddies and they're all debating rather with you and Jim in critical spot we should all reenlist. But I'll do my best to work with you in this position. You talked to your commitment to securing the southern boarder, I applaud you for that and I share it. One of the things that concerns me, however no matter how robust the physical barrier, no matter how long this pause or how extreme the vetting process, we still confront the issue of domestic radicalization. Where by ISIS and it's inheritance will send out a call and an American or a Muslim-American will answer that call. Can you talk a little bit about how you think about that problem and what we can do as a committee to help you confront the problem of domestic radicalization?

KELLY:

Huge problem, what you're trying to do is get into someone's head before they make a decision. You know, I share this responsibility with other law enforcement, all law enforcement agencies as well as FBI which you know I it starts and maybe the solution, such as it is, with parents and spouses, siblings maybe watching the kind of watching the kind of websites that their kids are on, or their brothers are on. Are they - I think most people would agree, all parents have to wait what their kids are doing on the internet but I think it begins with that, people who are watching their kids and what they're doing. I believe whether its white supremacy in Christian churches, people in, holy men rabbis(ph) and synagogues, imams and mosques, to be watchful of the (inaudible), particularly maybe the young males to see what kind of talk, what kind of questions, what kind of things they're doing and report before the person - the young person makes a decision to - to, you know, to go radical.

I think so - in my view, there's a certain level usefulness I guess in, kind of, campaigns that to - to try to convince young people or any people to not do the wrong things, but I really do believe it starts down in the home.

I don't think the federal government can do it; I don't think the state government - really it, I believe, begins in the home. And that - and then the churches and the synagogues and the mosques, the idea being to - to prevent it.

I remember meeting with someone, a young woman from Mississippi, who was going that trail and her father, I think, was a police officer and reported it; I think that's what we need because, for the most part, we learn about these terrible things when it happens, whether it's a shooting - whether it's a shooting in a club in Florida or at a holiday party in San Bernardino. It's a tough problem.

GALLAGHER:

Now I take your point about the limits of the federal government in this space, but to what extent do you view engagement with the Muslim-American community, as well as our Muslim allies abroad, as part of your integrated strategy for securing the homeland?

KELLY:

Well, from - from my military time, we delivered a win in all of our departments (ph), which is overwhelmingly 99 percent Suni (ph). We delivered a win there, not just simply by killing people, and we killed a lot of people and they were the right people that needed to die, but mostly because we, and you know this, we engaged Sheiks (ph), the community leaders, the elected leaders, and particularly the mosques.

When I - when I left Iraq, my last time, I was - the title escapes me, but it was essentially "Defender of the Faith" - the Islamic faith. They gave me a beautiful Quran, gold embroidered and all that kind of thing.

It had a big celebration when I left and it was because how close we worked and protected the Imams (ph) and protected the - the mosques and the people within them. And the Imams (ph), overwhelmingly, the holy men were targeted by this small percentage of erratic - I mean radical Muslims, small percentage, don't represent true Islam, and we protected the Imams (ph) from those men.

So, I know how to engage on this issue and I will continue to do that but my message is got to be to the communities of Americans who happened to follow the Muslim faith. It'd be the same message I would give to community - Christian communities of Americans who follow the Christian faith, relative to say white supremacy and that kind of thing.

Is, keep an eye on your kids, keep an eye on your sisters and your brothers, and report before they get too close to that point before they walk into a church and South Carolina and shoot a bunch of innocent people. Or go into a bar somewhere and shoot a bunch gay people.

So I really - that's the best answer I can come up to right now. We don't have to convince the vast majority of American Christians, Muslims, Jews not to do bad things. What we have to convince them to do though is to report when they see one of their flock or one of their family members going down the wrong road.

That's - that's my thought.

GALLAGHER:

Thank you Mr. Secretary.

Mr. Chairman, I yield to you.

MCCAUL:

Chair recognizes Ms. Barragan from California.

BARRAGAN:

Thank you. Mr. Secretary, one day ago, the president went on another Twitter rant after the judge halted the Muslim ban. This was one of his tweets and hopefully you can see it, it says "I have instructed Home Land Security to check people coming over into our country very carefully" - very carefully is in all capital letters.

My question is what is the HS (ph) not doing before this order that you are now doing? In other words, this order, which was post the judge's ruling?

KELLY:

First of all, I can see it because it's big enough to see from this seat. We are doing business as normal now that we - right from the beginning we - we quickly adjusted to obey every one of the - every one of the judge - judge's rulings. So we're back to normal operations if you will. And, doing nothing different today than we were doing before, that is to say when someone comes in and they have the right paperwork and all that kind of thing, they're allowed to enter. If there's something that the - that the officer at the counter, so to speak, doesn't like or suspects something, they would be taken aside for additional screening. That's all - that's normal.

BARRAGAN:

So there's nothing new as a result of this order that the president tweeted out that now he's given an order that you're supposed to do very carefully. Because this insinuates that we were not doing it very carefully. So I just want to clarify. There's no new order here, right?

KELLY:

The men and women that work the counters always do their business very carefully.

BARRAGAN:

So this is not a new order, correct, Mr. Secretary?

KELLY:

We didn't have to see the president's concern about what has taken place federal ruling to continue to do things very carefully.

BARRAGAN:

OK, thank you. Are there any specific examples, any evidence of any recent refugees from the seven listen countries that may have slipped through DHS in the recent past? Do we have any evidence of that?

KELLY:

Well, if they slipped through, we wouldn't have any evidence because we wouldn't know that they'd slipped through.

BARRAGAN:

Well, there's an instance where they may have slipped through and through intelligence, you have - could have stopped some activity or a plot. Do you have any evidence that somebody maybe slipped through from one of these seven countries that you now know about?

UNKNOWN:

Let me take that for the record.

BARRAGAN:

OK. Earlier, you had - do you know how many countries there are where we do not have an embassy?

KELLY:

I don't off-hand but I know that in the case of the seven countries we're dealing with, most of them do not have functioning embassies. And as you know, I think, when we leave, generally speaking, another embassy will take up certain duties to help us out in that country.

BARRAGAN:

So would you say there's more than seven countries where we don't have an embassy.

KELLY:

I would guess there are but I'd have to take that for the record. I'll get with the State Department to find out specifically but I'll get that answer to you.

BARRAGAN:

OK. Well, according to your testimony, one of the reasons for the seven countries is that we don't know - you said I don't know how we would vet people where there is no embassy. So my question is do you think it would be safer for us to close down our borders to all those countries where we don't have an embassy? That kind of follows a rationale, then.

KELLY:

If there are countries - and I'm not sure there are - but if there are countries - I guess there is - but if there are countries that we don't have an embassy that we have not put on this list of seven it's because we have confidence that the structure, police, intelligence, that kind of thing is still operating to the degree that we can have confidence that individuals are at least who they say they are and we'd have some background information on them.

BARRAGAN:

OK. You testified earlier that there was no chaos at CBP, is that correct?

KELLY:

I said there's no chaos where CBP were working at the airports, yes.

BARRAGAN:

Well, you know, I went down to LAX on Saturday night and there was chaos. Now, let me tell you there was chaos in the terminals at Bradley International Airport. Now, I got there and I asked to speak with somebody from CBP. Conveniently, the office was shut down. So I couldn't ask a question of somebody in the office. I asked to be taken down to speak to somebody at CBP but they wouldn't take us anywhere so I couldn't see for myself.

We heard from people coming off planes there was dozens of people being detained. When I called CBP asking for a briefing just to find out if any of my constituents were being held, given access to an attorney, I was told call a 202 Washington number. And then I was hung up on. How are we to know that there was no chaos down there. Members of Congress couldn't even see for themselves.

KELLY:

Well, you can take my word for it. If the - my people in the - in CBP say there was no chaos, that they were doing their normal job at the counters with(ph) people coming into the United States,

most of whom were allowed to pass. Those that needed additional screening were put aside, this is normal, everyday operations in any airport in the United States. There was no chaos.

Their job normally would not be - I mean it would be unusual for someone to say hey I'm a Congresswoman and I want to talk to people in CBP. My opinion, they need to do their jobs on the spot, there is a 24 hour watch at DHS headquarters. I can report to you that more than one of your colleagues call the right number and unfortunately or fortunately, I was engaged throughout the night with members of Congress. Again, most of what I was getting was very anecdotal. I'm not saying that you didn't see what you saw but there is a process to engage this (DHS) leadership and the people that are on the front lines are down there doing their jobs and the normal course of the events, don't interact with members of congress.

BARRAGAN:

I'll yield back, since my time is up.

MCCAUL:

(Inaudible) time has expired. The gentleman from (inaudible) Mr. Rutherford's is recognized.

RUTHERFORD:

Thank you, Mr. Chairman. General Kelly, thank you very much for your service and particularly for your service here today with this very lengthy testimony, I appreciate -- I appreciate you taking the time. Thank you. True public servant. I -- I represent Florida's, Americans first coast, northeast Florida, Port of Jacksonville. One of the concerns that I have is -- is -- as the administration strengthens the southern land border, the security there, that the drug cartels will, again shift their operations back to the maritime domain. Can you talk briefly about your experiences SouthCom and you know all too well the difficulties of interdiction -- interdiction and particularly with, now with the Navy, sort of pulling out of that roll. Can you speak briefly about any intentions that you may have to also strengthen at the same time our maritime security.

KELLY:

My information is a little dated, but I think it still accurate. While we can see the flow of drugs, particularly cocaine, as it comes up from South America, with a very, very high degree of clarity, primarily because of, you know, an organization in Key West, the Joint Interagency Task Force, that really leverages the entire U.S. interagency. And, like most organizations that are far from D.C., it works better that if it was here, because people actually talk to each other. You know, DEA and FBI and Homeland Security, everyone is in the same fight. So the point is, we have a great deal of clarity.

The vast majority of the drugs, we know, are moving up through Central America-isms (ph) into Mexico and as we all know and into the United States. There's not really -- as I testified many times when I was in SouthCom, not even really a speed bump. It gets in, the network is so well developed, it's so efficient and it'll move anything, drugs, people, you know, counterfeit industrial

items, whatever. We did start to see, and I'm going back a year ago, now, we did start to see more flow coming up the island chain. The old cocaine cowboy days, if you will, mostly flights out of Venezuela, up to, trying to get to places like Dominican Republic or even Puerto Rico.

We started to react to that, but, simply put, we don't have enough assets, I don't believe, with the exception of transit there's been a U.S. Navy ship, certainly the last two years of my time at Miami we didn't have a single Navy ship. The good news is, United States Coast Guard, our fifth military service, kind of, doubled the number of cutters, but that was like four. So, we don't have enough to interdict the flow. And remember, when we interdict down there, in SouthCom, we are getting a ton a time, two tons, some of the submersibles, eight or ten tons at a time.

As we have success on the southwest border, and there's no doubt we will, we're going to start to a flow up towards -- it will go up the old island chain. The good new is that the Dominican Republic is a great allie in the sole effort. Many of the smaller island nations are great allies in this effort. But, they will adjust to it. Which, goes back to the demand issue.

If we simply reduce the demand, significantly, like we have on other items and other things in the past, we would really, really cut into their profits. Even if we don't care about the 47,000 Americans that died last year from these drugs, the \$250 billion dollars that it costs the American taxpayers to deal with these drugs. Even if we don't care about that, it's the profits that come out and cause death and destruction all over the western hemisphere and frankly, some of that money is drawn off into the radical Islam organizations. Long answer, sorry.

RUTHERFORD:

No, that is very good. Thank you, General. Also, Mr. Secretary, you mentioned the coast guard cutters. Will you continue to support the recapitalization of those cutters in the plan going forward, now?

KELLY:

If I did say yes to that, the Coast Guard Commandant would come in here and hit me with a bat. But, yes, absolutely, their -- their equipment is -- is very, very, very old. They're a phenomenal group of men and women. They're in the fight every day in terms of not only saving lives, but also crime fighting. We have to recapitalize the organization.

RUTHERFORD:

Thank you, very much, Mr. Secretary. And I yield back, Mr. Chairman.

MCCAUL:

Thank you. Gentlemen from Pennsylvania, Mr. Fitzpatrick is recognized.

REP. BRIAN FITZPATRICK:

Thank you, Mr. Chairman, Secretary Kelly. Our country's better for having you serve in this role, and thank you for being willing to step up. I know you could be enjoying your retirement right now, but you chose to serve a cause bigger than yourself, and I thank you for doing that.

Just to expand on Mr. Rutherford's comments, and I believe Representative Katko as well asked about the drug issue, specifically opioids. We have an absolute epidemic in this country when it comes to opioids. It tends to disproportionately affect the Northeastern part of the United States, my hometown of Levittown(ph) is being absolutely decimated.

We know that they primarily come from three countries, Mexico, Columbia and Afghanistan. We also know that their primarily taken the road across the Southwest border. There's a lot of talk about securing the border and what's involved with that, as far as the physical barrier.

We also talked about what else can be done. Is there going to be, sir, a comprehensive strategy by your administration to focus specifically on not just slowing it down -- we always in the FDR as physical barriers as a speed bump for cartels, but that's all it is. It requires more, and I just wondered if you could expand on that a little bit.

KELLY:

Well, I'll let the -- the demand reduction argument -- not argument, comments I've made that(ph) were(ph) enough(ph). I believe that by reinforcing the Southwest border and getting some level of control over it, it will make it harder for the importation of drugs that way.

But, you know, the phenomenon we're seeing now -- and I'll go back for a second on the opioid thing -- you know, these -- these cartels are actually(ph) brilliant in how they do business. And they -- and they saw a need that the United States wanted more heroine. So, they just -- they were the ones that were providing mostly marijuana over the years.

But they said, "OK, if the American consumer wants heroine, we'll start growing heroine. We'll start growing poppies here and turning it into heroine and we'll -- we'll import that."

If that's what they -- so really, almost, I'd say 99 percent of the heroine that is consumed here in the United States come up through Mexico. These guys are, you know, really brilliant businessmen and they figure out how to -- how to deliver to the American market.

Methamphetamine, because of congressional action a few years ago, the precursors to making methamphetamines harder and harder to achieve inside the continental United States, so the Mexican cartel said, "OK, so we'll fill the need." The Americans want methamphetamines, so must of it is made down there now because the -- the precursors come in from China, India, a few places.

Most of it comes in legal, by the way, and then the cartels use it to -- and then fine(ph) the cocaine is cocaine. And it's been coming up through -- so we just have to watch the flow. If -- when we're successful on the Southwest border -- and we haven't even talked about enhancing the border crossings.

I think, in my view, part of the wall is also to enhance the border crossings that we're -- the legal ones so that we can move larger volumes through, you know, as quickly as possible. But just as importantly, actually, the South Americans will say, you know, from their view, the things that we import into their country that is killing thousands of their citizens and wreaking havoc in their societies are guns.

As I understand it, mostly legally purchased up there and then brought down through the ports of entry into Mexico and cash, bulk cash -- billions and billions and billions of -- unlimited amounts of bulk cash. I would -- when I was in Southern Command, I worked very closely with the FBI, CIA and Treasury Department.

Treasury Department has a really dedicated group of men and women who follow the money. And somehow, if we can bring all of that together and go after -- you know, if you go to bed at night as a cartel guy with \$10 billion in the bank -- and I use B purposely -- and wake up the next morning and you don't have any money in the bank, you're not only not a cartel guy anymore, you're dead.

And I think that kind of thing, going after the money, and working with cooperative countries and making them cooperative if they don't want to be, that's -- that's an aspect of it. Demand reduction, better ports of entry, working closer -- but in my view, once it's in the States, we're done; if(ph) we're lost.

You know, there's a million law enforcement, roughly, individuals in our country. They're superheroes in every sense of the word. They cannot keep up with the amount of drugs, and for that matter, people that make it into the country. They're just overwhelmed. They're the most selfless people on the planet. We owe them a debt of gratitude. And they're just overwhelmed by the numbers and the tonnages.

FITZPATRICK:

Thank you, sir. One other question, with regard to the executive order. There have been some in the counter terrorism community that have expressed some hesitancy and concern about cooperating witnesses - cooperating human sources that are being deployed overseas in furtherance of counter terrorism investigations - possibly getting caught up in that. I just ask that your administration be cognizant of that, as far as preserving those investigations.

KELLY:

I have the authority to make national security decisions -- exemptions. We've already done it, and we'll continue that.

FITZPATRICK:

Thank you, sir.

CHAIRMAN:

Mr. Higgins from Louisiana.

HIGGINS:

Mr. Secretary, I echo the sentiments from my colleagues when I say thank you for your service, sir. I'd like to ask your opinion regarding the increase and advanced use of social media to track potential terrorists. In my opinion, the previous administration showed a glaring deficiency and hesitancy to use that publically available data. Do you envision that we'll increase the use of this? I mean, it's out there. It's for public purview.

And even in countries, where as you've so carefully pointed out, we don't have vetting procedures in those countries. Those guys are on social media. I would hope that under your leadership your department will increase it's efforts to dig into the available data and to link visa applicants with their social media activity. You know, whereby we may determine whether or not they're talking to the wrong kind of people and have some bad plans for us. And this would apply also to our profile potential -- radicalization of domestic terrorists. Please give us some feedback on that.

KELLY:

Certainly great points on the social media thing. It's still a work in progress, but this pause is giving us some opportunity. Well it's not quite a pause anymore since we're under court order to allow people to continue. But even if we don't get out from under the court order, we're looking at some enhanced or some additional screening. I think I mentioned (ph) that if someone comes in, or wants to come into our country, it might be not only do they bring a passport and whatever their stories are. And again it's very hard to truly vet these people in these countries -- the seven countries -- because they just don't have the internal infrastructure. They're failed states in many cases. But if they come in and say, we want to say for instance, "What sites do you visit? And give us your passwords."

So that we can see what they do on the internet. And this might be a week, might be a month. They may wait some time for us to vet. If they don't want to give us that information then they don't come. We may look at their -- we want to get on their social media with passwords. What do you do? What do you say? If they don't want to cooperate, then they don't come in.

There's other things like that. So these are the things we're thinking about. No one should take this as this is what we're going to do right now. But over there, we can ask them for this kind of information. And if they truly want to come to America they'll cooperate. If not, you know, next in line.

But I think we honestly have to, if we're doing our jobs, enhance the -- or get more serious than we have been about how we look at people coming into the United States. Not only individuals, but what they bring. You know, many countries look at immigration from the point of view of what do their countries need?

We don't necessarily always do that. So I think two things: one, reliable information on people so we can have a reasonable expectation they're not coming here to do the wrong thing or to be a burden on our society. And the other issue is, do they bring skills that we want?

HIGGINS:

Your answer is encouraging and I would hope that you would move forward with that as a mandatory part of a visa application to provide our own people with social media accounts and passwords. That's a crucial window into their intent. Thank you, sir, I yield back.

MCCAUL:

I recognize (OFF-MIKE).

GARRETT:

Thank you, Mr. Chairman, and thank you immensely for your service, Mr. Secretary. I was trying to count the number of times I've taken an oath in my life to defend the Constitution and -- and the nation and I -- I thought you might have taken a few more than me. I presume you took an oath when you took your current position as Secretary.

KELLY:

I did. I'm right at 16 times.

GARRETT:

I'm at eight. So you got me.

KELLY:

I got you.

GARRETT:

And -- and do you consider it part of your oath to support and defend the Constitution of the United States, against all enemies foreign and domestic? Do you consider part of your oath to ensure that the vetting that we have applied to individuals who seek to come to this country be as thorough as it can, legally and constitutionally be?

KELLY:

I do.

GARRETT:

And without regard to any individual in this -- in this panel or anywhere else, would you consider that to be, sort of, the minimum that you could do if your responsibility was to support and defend the Constitution? And that is to insure that the individuals who live under the blessings of that Constitution have the blessing also, the level of security that we could best guarantee?

KELLY:

I do.

GARRETT:

So, what we know then is, that -- that no vetting can prevent all risk. Am I correct?

KELLY:

Correct.

GARRETT:

And you're certainly familiar with comments by the Director of the FBI who indicated, based on some of the things you pointed out, they were unable to adequately vet certain individuals because there's just nobody to call. Tell me about Kelly. What does he do? Who's he hang out with?

KELLY:

Right.

GARRETT:

But -- but you would conceive that more thorough vetting is more effective than less thorough vetting correct?

KELLY:

I would.

GARRETT:

I -- I -- I want to apologize on behalf of my colleagues, Mr. Secretary, who aren't in the room. I don't want to conjecture as to why they left, but I appreciate your time. I know that the media is in the hallway. I think we have more to learn from you than we have to tell them and that we -- that we owe you the full bearing of the time you're willing to spend here. Would it surprise you to know that, in fact, there have been multitudinous instances of individuals from the seven nations named, where individuals were arrested and subsequently prosecuted for either engaging in, or plotting to engage in acts of terror on U.S. soil? Would that surprise you?

KELLY:

That would not surprise me.

GARRETT:

In fact, one of my colleagues indicated that -- that you might not be able to point out any instances where this had happened. I would say, you were unable to pull out any instances where this has happened on your watch so far. Correct?

KELLY:

Right.

GARRETT:

But you would agree with the sentiments expressed by Secretary Rumsfeld that, essentially the terrorists only have to be right once, we have to be right all the time.

KELLY:

Exactly right.

GARRETT:

So inevitably, regardless of how good you are, how faithful you discharge those duties, sometimes you lose soldiers, sailors, airmen, Marines, sometimes things go wrong.

KELLY:

Sometimes they go wrong.

GARRETT:

Yes sir. Are you familiar with -- and I -- I just wish my colleagues were in here because they'd never heard of these, Dafar Adnam (ph), or Abdul Razakal Arton (ph), any of these names? If you're not, it's OK.

KELLY:

No, but I'm tough on -- I'm not good on names.

GARRETT:

Well sir, I'm not very good on these names either. But I could continue to read off names, ultimately what we have is six Iranians, six Sudanese, two Somalis, four Iraqis, more Yemeni, all

off this seven nation list, who either executed attacks in this nation, the mall attack in St. Cloud, Minnesota, the car and knife attack at Ohio State University, both refugees. A bomb plot at a mall in Texas that was foiled, by an Iraqi, none of these innocent -- you've heard of these, you just couldn't --

KELLY:

Right.

GARRETT:

Yes sir. And so, let me ask you this. We know that there's rhetoric about a Muslim man. Do you believe that the rhetoric globally of a Muslim man would in fact serve to enrage our enemies and -- and -- and be used by our enemies as a recruiting tool? Do you believe that -- that's the case?

KELLY:

If I could just elaborate a little bit. The kind of people that are trying to get here and kill us, don't need anymore reason to come here and try to kill us, than the ones that already have. And the ones that already have, of course, it's about us and how we live our lives, our religions, or no religion, how we treat women, how we treat each other. That's why they hate us, a very small percentage.

GARRETT:

Yes sir.

KELLY:

But that's why they hate us. So, you know, if we do something like this and -- and -- and it's advertised as a Muslim ban, I mean, they can only be so mad at us. And I think they're -- they're -- they're mad red light is on. They can't get any madder at us.

GARRETT:

As they seek, though, to justify the -- the -- and recruitment and site, hey, look what the American's do, and this proves my point that they're bad.

KELLY:

What -- what I've found about -- when I -- when I ran Guantanamo Bay, and you know, Guantanamo Bay is a super well run organization -- you'd be proud of the soldiers, sailors, airmen, Marines down there. It's all misinformation. So the point is, when the previous President, I don't -- I'm not criticizing here. Mr. Obama was our President, and I respect him. But when he would say that because we had Guantanamo Bay open, it -- it added more people to the jihad, the jihad information warriors said, Ah. If he's saying that, that's a good thing to use and we'll say it. They hate us. They don't need any more reasons to hate us.

GARRETT:

Mr. Secretary, I suppose my question is ultimately and I'm in artful sometimes with words. If it does aid our enemies, and there is no Muslim ban. Is it not those who are perpetuating this myth who are aiding our enemies?

KELLY:

I wouldn't disagree with that.

GARRETT:

Thank you Mr. Chairman. I yield back the negative 33 seconds.

MCCAUL:

I thank the gentleman. Let me just say, close. I want to enter into the record, Mr. Secretary, a letter I sent to the DNI about a reported re-investigation of dozens of Syrian refugees already admitted into the United States. The -- because of the lapse in vetting through technology, defects that Syrian refugees would potentially derogatory information in their files came into the country for resettlement. That obviously concerns us. This has been our great concern all along with the refugee program and I -- I look forward to the response to that letter. With that, let me congratulate you in getting through your first Congressional hearing.

KELLY:

This has been great.

MCCAUL:

I think you're going to like this committee better than some of the other ones you may have to report to, if I can say. And, we just really appreciate your service and I sincerely mean this, when we look forward to working with -- I think the terrorists don't check our political stripes. We're all Americans. I know all of us on this committee want to help you in your effort to protect American. So thank you sir. And with that, votes have been called on the House floor. We have a second panel. Once we return from votes we'll hear from the second panel after conclusion of the votes series.

Panel II

MCCAUL:

Committee will come to order. We'll now hear from the second panel of witnesses.

Our second panel includes Steve McCraw, director, Texas Department of Homeland Security. Steve McCraw became the director of the Texas Department of Public Safety in 2009. Also serves as the governor's homeland security adviser.

I also know him well from my prosecutor days.

It's good to have you here, sir.

Mr. Joe Frank Martinez, sheriff of Val Verde County, Texas. Sheriff Joe Martinez served as a Texas police officer for 35 years. In 1999 Sheriff Martinez was promoted to the rank of sergeant of Narcotics Service in Eagle, Texas. Served in this capacity until his retirement, 2007; 2009 elected sheriff of Val Verde County.

Mr. Leon Wilmot is the sheriff of Yuma County, Arizona. Worked in law enforcement for the county of Yuma for over 30 years since completing his service in the United States Marine Corps, and was elected to sheriff of Yuma County in 2012. Continues to serve in this capacity.

Final witness is the Honorable Eddie Trevino, who is judge for Cameron County, Texas. He's served in Cameron County for 15 years. He's a partner and founder of Trevino and Bodden Law Firm; was then elected as Brownsville's mayor from 2003 to 2007. And in November 2016 elected to Cameron County bench, where he currently serves.

I want to thank all of you for being here today. Full statements will appear in the record.

I know many of you have flights to catch, so with that the chair recognizes Mr. McCraw for his testimony.

MCCRAW:

Well, thank you, Mr. Chairman and Ranking Member Thompson.

Texas has, as you know -- and we've heard testimony already about how big Texas is, and, Congressman Hurd, thank you for pointing that out. But it's -- I think it's obligatory to note that 1,200 to 1,900 miles belongs to Texas, and that's very important and it does impact -- what happens on the border doesn't just stay at the border; there's consequences throughout Texas and the nation.

And we talked a little bit. The secretary, who I think did a great job of testifying, noted that there's -- some of those consequences is that heroin epidemic that's happening in the Northeast that I think Congressman Fitzpatrick was worried about. Other things have happened.

And, of course, in 2014 when Border Patrol was overwhelmed by the -- the -- the surge and influx of Central Americans, they were -- it was a threat, from a Texas standpoint. The governor and the state legislature has always been proactive about doing something when it comes to protecting people, and they were concerned about the influx of -- of -- of gangs -- transnational gangs, cartel operatives, cartel members, heroin, cocaine, methamphetamine, and marijuana, and this other thing

that hasn't been talked about today: sex trafficking -- international sex trafficking, this impact throughout the state and nation.

So we're sent down there, OK, to do something, work with our federal partners, but importantly, coordinate with our local and state partners -- our state partners, National Guard, also Texas game wardens -- conduct surge operations in direct support of the U.S. Border Patrol to deter, detect, and interdict smuggling between the ports of entry. And as we've seen in doing so over a period of time that you can influence the amount of drugs coming in and the amount of illegal aliens coming in. There's no question about it. It's -- it's border control physics.

And you can go back to 1991, when the Sandia Laboratory physicists were tasked by ONDCP to look at this issue, and they came back and said yes, it can be done, but what they recommended is what Secretary Kelly talked about, and that's what was so encouraging today. And that's rather than wait for it to come in, prevent it from coming in in the first place. And there's -- there's many positive aspects of doing that.

And that's the Texas way that we've been obligated to work. Put the Border Patrol at the river and not inward. And any defense in depth we've looked at is defense in height, being able to stack it, whether it starts on the water, goes from sensors, to cameras, to RAID towers, to the aerostat balloons, to the helicopters. And, of course, we've got 14 aircraft dedicated specifically to support Border Patrol agents on the ground.

We've got a tactical Marine unit, which I wouldn't have believed that we'd ever have an opportunity to have a Navy in the Department of Public Safety. We do now, and there's a reason for it, because that's what Border Patrol needed at the time.

And we don't need yesterday's technology for tomorrow. I mean, those sensors are archaic, OK? And it -- it's -- the private sector are the experts in developing, you know, technology and making it work.

And that's what we did in terms of support. We got 4,000 cameras deployed that are detection -- motion-detection cameras that are infrared to support Border Patrol that they install, not us. We turn it over to them. Border Patrol agents install those. We support them with state Guard to be able to help their capacity, but because they don't have that technology and they need it.

And I've got no question whatsoever, and we understand, and the governor has clear -- been clear about this and so has the legislature, that we know that the Border Patrol can secure the U.S. border. Ron Vitiello, the new chief that was named, was an outstanding Border Patrol sector chief, worked with us in Rio Grande Valley. I've got no question that he can do it if given the resources to do so.

And we look forward to -- to working with the brave men and women of the Border Patrol. Until that time, I -- I can tell you this: On behalf of the state legislature -- I get to speak for them a little bit -- and the governor, because I've talked to his chief of staff last night, is that there's a concern that the amount of money that we continue to spend at the state level in -- in -- to a federal mission, it's -- it's -- right now we -- there's a -- the price tag is over \$1.4 billion.

But our leaders and legislators have said, you know, that Texans are so important that we're going to spend this money if it can provide direct support for the Border Patrol. And the last thing we want to do is -- is diminish or degrade what already is out there right now, and I'm concerned about when I report tomorrow before the Senate Finance hearing is that -- what I'm going to say. You know, how am I going to explain?

We're hoping strategically to get out of the business. We had 3,742 deaths on Texas highways last year; not to mention transnational gangs; not to mention we rescued 36 children who were -- were victims of predators on our highways by our troopers, another 26 by -- by some of our special agents on the highway. We have much to do inwards inside the state of Texas, including transnational gangs.

Now, Texas is a hub city for -- for Mexican -- or for the MS-13, simply because of an unsecure border. So we must deal with those things.

And right now our directive is to continue to support Border Patrol as we are, and we'll do everything we can, as the Secretary Kelly said, which is one of the concerns with how fast can they do it? How long is it going to take them to take -- get those resources in place?

And with that, Mr. Chairman, I conclude my testimony. Questions?

MCCAUL:

Thank you, Steve.

Chair recognizes Sheriff Martinez.

MARTINEZ:

Distinguished member of the House Homeland Security Committee, thank you for the opportunity to address you all today on issues that affect every citizen in my border county of Val Verde, the state of Texas, and the United States of America. I have spent 39 years as a career law enforcement professional. As immediate past chairman of the Texas Border Sheriff's Coalition and current chairman of the Southwest Border Sheriff's Coalition, I have dedicated my law enforcement career to serving the citizens of the state of Texas right on the Texas-Mexico border, both at the state level and as a member of the Texas Department of Public Safety, the local police department of the city of Del Rio, and now as the current sheriff of Val Verde County.

The Texas Border Sheriff's Coalition is comprised of 20 border sheriffs, all who are within 20 miles -- 25 miles of the Mexico border. They share approximately 1,254 miles of border with the Republic of Mexico.

Val Verde County consists of 3,200 square miles and share approximately 110 miles of border with the Mexican state of Coahuila.

The Southwestern Border Sheriff's Coalition, which includes the state of California, Arizona, New Mexico, and Texas, combine for a total of 1,989 miles of border between the United States and the Republic of Mexico. Within the 1,900 miles of border from San Diego, California to Brownsville, Texas lie 31 counties.

The terrain throughout much of these areas varies from rural ranchlands, high desert, to desert-like valleys and mountain ranges. Most of these lands are titled to private landowners. Some areas are national or state parks. So the need for each of these individual counties is unique in its own way.

The Texas Border Sheriff's Coalition, founded in 2005 -- was founded in 2005 to provide a cooperative effort to effect a regional solution to a national problem. We all share common issues, but there is one issue -- but there is no one issue more important than making sure that we secure our communities in which the people feel safe in the homes and surroundings.

Sheriffs have a vested interest in the law enforcement, economic, social impact, health, and the overall quality of life of those that we serve. Sheriffs are unique in the understanding of the pulse of their communities and public that evaluates them during election time that determines whether they stay employed every four years.

The Texas Border Sheriff's Coalition was organized and represented by the chief law enforcement officer of each respective county. Texas sheriffs, empowered by the state constitution, are committed, from a national security perspective, to protect the lives and property and the rights of the people by maintaining order and security of the United States along the Republic of Mexico border and enforcing the laws impartially while providing police service in partnership with other law enforcement agencies and community partners.

The consequences of an unsecure border are felt throughout the United States. Each border county sits at the gateway into our country and is a first line of defense in dealing with law enforcement, social and economic issues for both legitimate and illegitimate trade and travel.

The issue here is public safety. Immigration, though an important factor, is a separate but related issue whose responsibilities lies within the federal government agencies. These federal agencies that we work with every day have had a difficult job in carrying out their duties due to administrative policy issues and changes and not laws that are on our books.

Sheriffs only encounter immigration issues as a byproduct of other criminal acts which are referred to the federal government further actions. Some of the problems we encounter most are drug smuggling; human smuggling; stolen vehicles; crimes against persons; crimes against property; the violent crimes such as murder, rape, sexual assault, dealing with transnational organizations; and the list goes on.

As many of you know, the lower populations and property values most counties lack a sufficient tax base to support the multifaceted needs at the sheriff's office. Each and every one of us are affected directly in one way or another by what happens on the border, and as such, border states and the federal government are a natural resource to support the needs of the border as it impacts public safety.

A problem for most sheriffs is a shortfall of resources to address -- to address the problems identified here, which are not all- inclusive but are prioritized as: manpower, travel and training, equipment, direct operating expenses, and contract services.

The sheriffs of the Texas Border Sheriff's Coalition offer a positive, effective, and less expensive approach to border security based on a partnership of action. The solution offered by the Texas Border Sheriff's Coalition is one of cooperation. Being at the table to discuss these issues that affect all of our communities on a daily basis, all federal, state, and local law enforcement needs to work together as we move forward in finding the solution and securing our borders and our future. So one single form of government can go it alone.

The plan for security in our -- in the communities along the border with Mexico, as presented by the members of the Texas Border Sheriff's Coalition, is to provide a regional solution to a national problem. The plan is based on partnership of action and not rhetoric. It is based on existing cooperative working agreements and the willingness to share lessons learned and put into place best practices.

The plan is formulated by sheriffs who have ownership in the respective communities they serve and understand how local needs interrelate from a law enforcement, economic, social, health, and environmental perspective. The initiative, created by sheriffs, with respect to all federal and state agencies and in support of the men and women who are working on the front lines each and every day.

The difference is in the solutions that are based on the local community impact and not on policies enacted by people a thousand miles away.

I want, once again, to thank Chairman McCaul, the entire committee, for this opportunity to address the needs of our border sheriffs. May God bless the United States of American and every law enforcement officer protecting the front lines.

MCCAUL:

Thank you, Sheriff. We appreciate your work on the border with all the sheriffs.

So, Sheriff Wilmot?

WILMOT:

Good afternoon, Chairman McCaul, Ranking Member Thompson, and members of the committee. Thank you for the invitation to speak to you today on this very important subject.

For a geographical perspective, Yuma County is at the southwest border of the state of Arizona and California, and we cover the -- the border of Mexico. We have roughly 110.5 miles of international boundary that we share with the state of Mexico.

And for historical perspective, back in 2005 the Yuma Sector Border Patrol tallied 272,300-plus illegal entries. The adverse effects of the drug and humans trafficking organizations operating in Yuma County not only significantly diminished the quality of life of country residents but also placed unbearable strain upon the budgets and resources of private and government agencies in Yuma County.

The community, unfortunately, experienced a significant spike in ancillary crime, such as rapes, robberies, homicides, thefts of property, burglaries, home invasions, tractor and vehicle thefts, high-speed pursuits, assaults on law enforcement officers, military incursions by the Mexican army, as well as ransom groups holding those that they smuggled across the border for additional monies.

Mexican drug-trafficking organizations operating along our U.S. international boundary were explained eloquently by Sheriff Mark Dannels of Cochise County when he testified in his own words: They are highly sophisticated and innovative in their transportation methods. Aside from our normal use of human backpackers, which we refer to as mules, clandestine tunnels and vehicles, the trafficking organizations have resorted to the use of ultralight aircraft and GPS-controlled drones, which cannot be detected with normal radar. They're even utilizing cloned vehicles of our law enforcement and other legitimate companies. And most recently they're still utilizing catapults, T-shirt launchers, as well as -- to get their bundles of marijuana into the U.S. awaiting their coconspirators.

I've witnessed the escalation of violence by these careless assailants on our citizens, but I have also seen the successes that can be accomplished through coordinated law enforcement response with local, state, and federal partners working in concert and cooperation with the prosecutorial agencies, as witnessed firsthand in Yuma County. By fiscal year 2008 the number of illegal entries totaled just 15,900, in comparison to the 270,000 (ph) in '05, '06. That's a decline of 91-plus percent.

This -- this turnaround can be attributed to four critical developments: significant upgrades in tactical infrastructure -- anything from your fencing, to the vehicle barriers, to camera systems and surveillance equipment and upgrades; border security increased manpower for the United States Border Patrol; the implementation of Operation Streamline, which was a program designed for 100-percent prosecution of illegal entrants caught involved in criminal activity; and Operation Stonegarden, which to us, as sheriffs and local law enforcement, has been one of the most major successes of any federal grant program that we have ever witnessed before.

With this we were able to have a force-multiplier along the border area that otherwise could not be done within agency budgets. Operation Stonegarden assists agencies with overtime and equipment that we need.

I will tell you that the following comprehensive recommendations are directly linked to our federal leaders: A need to redefine the plan of the '90s and build upon those successes. Have to have the political will to make border security a mandated program. Border security first, immigration reform second.

Support and embrace the first-line agents that work the border regions and our federal partners. They have a dangerous job and it's no secret that their frustration is high based on the unknown complexities referenced their assignments every day. They have great ideas to share, and it was refreshing to see the general speaking about the fact that he would go to each geographic location and sit down with those areas, talk with state, local, and federal law enforcement officers, see what was best for that geographic area.

Continued funding and support for Operation Stonegarden program. That's vital to our success. But we need to remove that funding from FEMA. Just by their very name they are cumbersome to law enforcement and being able to do our reporting and requesting those grants. Move that funding back into the Department of Homeland Security, where they know what's best for our mission as we partner and work alongside our federal partner.

Restore full reimbursement of SCAAP, State Criminal Alien Apprehension Program. It's been devastating to our budgets every year. I will tell you, last year \$30 million is what the sheriffs of Arizona had to swallow because we only got reimbursed five cents on the dollar for housing illegal criminal aliens that had committed crimes in our counties.

In summary, our efforts and teamwork philosophy with our local, state, and federal law enforcement partners has proven to be beneficial in bringing overdue solutions to our unsecure border. Unfortunately, border security has become a discretionary program for those federally elected leaders and policymakers that have been entrusted to protect our freedom and liberties.

One would hope that the priority of securing our border doesn't become just about a price tag, but rather the legal and moral requirement to safeguard all of America. Today's opportunity to address this committee instills fresh hope that the -- our voice does matter.

(CROSSTALK)

MCCAUL:

Thank you, Sheriff. I agree on all accounts.

Judge Trevino?

TREVINO:

Good afternoon, Chairman McCaul, Ranking Member Thompson, Congressman Vela, and distinguished members of the committee.

I want to thank Secretary Kelly for his distinguished service to our country and for his recent visit to South Texas and the border last week. I hope it was productive and the first of many more to come.

My name is Eddie Trevino, Jr. and I'm honored to serve as the county judge of Cameron County, Texas.

Cameron County borders the Gulf of Mexico on the U.S.-Mexico border and is part of the Rio Grande Valley, with approximately 1.5 million people living on the U.S. side and an additional 2.5 million on the Mexican side. We're also home to South Padre Island, the premier tourist destination for many throughout the United States and Mexico.

Given all the attention over the past several weeks and months, this committee hearing could not have been timelier. Border security, immigration, and the facilitation of legitimate trade and travel on the U.S.-Mexico border is a reality that we live with every day.

As a locally elected official, I have an obligation to try and inform this panel and others involved to make cost-effective decisions based upon commonsense solutions that will work long-term and be effective for all of us. On the border, we have had to endure many policies and programs put in place by the federal and state governments over the years -- many of them unfunded mandates. And you just heard several of them by -- by the sheriffs.

After 9/11 we fully understood the reasoning for the sudden changes to life on the border. We are a community that believes in the rule of law and want our -- and want our country to be safe and secure. Many of our residents answered the call to defend our country, and unfortunately, many of our local veterans were either wounded or killed in serving our country.

Despite all the post-9/11 changes, businesses have thrived, our communities are safe, and the Rio Grande Valley continues to grow and prosper. The claims of lawlessness and rampant violence in our border communities is just wrong and nothing more than an attempt to paint it as something that it's not in order to support the misguided rhetoric against border communities, Mexico and its people, and the immigrant -- both legal and undocumented.

I come before you today to request that you seek other alternatives and opportunities other than the border wall proposal put forth by President Trump. Contrary to what's been proposed, the border wall concept is ineffective and creates a false sense of security that will do nothing to alleviate the problem with the criminal element, drug cartels, gangs, and other organizations looking to harm our country.

Our federal agents on the front lines do an unbelievable job with the resources that they have. We must do all that we can to continue to help them in their mission, but not at the expense of our relationship with our country's second-largest trading partner, and Texas' largest trading partner, Mexico.

This will not work by developing a one-size-fits-all approach such as a border wall. Utilizing a 14th-century solution to address a 21st-century problem makes no sense, especially as it is the most expensive of all possible alternatives or solutions.

If we provide a virtual wall of cameras, sensors, and other state-of-the-art technology, including UAVs, we arm our federal agents with the resources that they need to perform their jobs. Improving road conditions along the border, removing barriers like the carrizo cane and salt cedar and other invasive non-native plants that provide cover to smugglers and allow for more lateral

mobility and use on federal lands long the border will also give agents a better chance at controlling and surveilling the border.

I recently learned that the technology investments in border security made 20 years ago in the Brownsville Sector have yet to be improved. Imagine investing the \$15 billion to \$20 billion estimated to build a wall on equipment, training, technology, road infrastructure, and -- and more boots on the ground.

The natural barrier of the Rio Grande River can also work as an advantage for our national security. There have been extensive studies on the Weir Dam project by our local utility, BPUB, which would broaden the reach, width, and surface area of the river, making it that much more difficult to cross.

And once illegal immigrants are detained, there needs to be a commitment of additional financial resources to the judiciary to address their processing. The judicial system is undermanned, underfunded, as there are just not enough immigration judges to handle the backlog of approximately half a million cases, which should be unacceptable to all of us.

I must also touch on America's need for workers. Despite what many say or want to believe, low-skilled workers are desperately needed in our country. Estimates state that the U.S. will need between 600,000 to 650,000 workers annually to keep our economy growing. The lack of human capital for so-called basic jobs in this country is something we should all be concerned about if we want our country to continue to prosper and grow.

On the issue of trade and a so-called border tax, I do hope that this issue is studied in a more objective and rational manner. Do we want to harm businesses in Texas and the rest of the Southwest just because of the negative impact that these policies will cause? An eye-for-an-eye policy will just leave all of us blind.

Governor Abbott said last week while on the South Texas border tour with General Kelly, "We want to achieve safety and security, but we also want to promote economic development." We've made great strides as a result of NAFTA, and the Trump administration wants to make changes to such agreements then there are diplomatic channels in which to get the job done.

Any negotiations to improve NAFTA don't have to be difficult or adversarial, but they must and should be respectful and mutually beneficial. At a recent border summit of elected and business officials from all sides of the political spectrum the message was the same: How can we improve the ideas and suggestions coming from Washington for our border? How can we tell our story of the farmers, the restaurant owners, the construction companies, the hospitals, the waitresses, and countless others that will be affected by such harmful and consequential proposals?

My Republican and Democratic friends back home are worried. This proposal to build a wall, to renegotiate NAFTA, to create a border tax, and not address immigration reform will have lasting effects across our country if we continue to kick this problem down the road without addressing it.

History will judge us on our actions. We must build on our successes by continuing to build bridges and not tear down or divide what we have achieved together with expensive, unbudgeted, and outdated proposals such as a border wall.

Thank you for having me this afternoon. I'm happy to answer any questions that you may have.

MCCAUL:

Thank you, Judge.

I recognize myself for questioning.

I got elected -- it's hard to believe -- over 12 years ago as a federal prosecutor stating I was going to get the border secure. And here I'm going into my seventh term in Congress. It's still not done.

I think for the first time -- and I know there are differing issues as to how to accomplish this -- but we have the political will in Washington to finally possibly get this done.

It is a federal responsibility, Steve, not a state.

I believe the state of Texas, and my home state, has stepped up to the plate and taken on this responsibility instead of the federal government.

My first question is to Director McCraw. As you prepare for your -- your testimony before Senate Finance in -- in Austin, knowing that we will have a defense border supplemental bill coming down the pike in the springtime, what do you -- what would be the -- the ask, if you will, from the state of Texas?

MCCRAW:

Certainly. We've had Representative Chairman Boddom speak of pro tems (ph) an ask of \$2.3 billion, based on what the state's already spent. But obviously going forward, and then we'd have to coordinate with the governor what he wants, but bottom line is how do you leverage existing capabilities at the state level, at the local level, so that Border Patrol can get -- can gain control and continue augment level of border security every day.

And our concern just sitting here after listening to Secretary Kelly, who is very realistic that it takes time to build that infrastructure up, it takes time to put those roads, it takes time to build any types of obstacles as opposed to barriers or technology. And -- and -- and particularly, hiring 5,000 to 10,000 Border Patrol agents takes time.

So what's the state need to do to be able to stave off any time of incursions or influx or any problems that we've already gained to this point in time? And that's the challenge that we have.

I can tell you that, you know, going forward ideally it would be -- it would -- it would be in a -- we'd be in a far better position if we can look and say, "Hey, Border Patrol needs three sheriff's

deputies; it needs two game wardens; it needs four troopers; needs two DPS aircraft; needs three tactical boats; needs a SWAT team," and be able to leverage that like we do under the Stafford Act. That -- that would allow us to be able to capture not just the cost but also some of the operating cost that goes into it because it's -- it's clear that the -- the secretary made it clear, they're -- they're serious about border security and doing it.

Our concern is how fast can we do it, because every day matters. And if you get involved in these sex trafficking investigations, you get involved in some of the -- the -- the sexual assault and some of the things that we've seen the Mexican cartels be engaged in, you know, every day matters and -- but every level of security that increases, the better off we are.

And I guess one thing I'd like to add, Chairman, while I've got the microphone here is that the great thing about technology, it gets smaller, it gets cheaper. And also is provide us a new way of metrics that we didn't have before, as -- as Congressman McSally was concerned about, that how do you measure success. We don't have to use formulas; we can actually prove what our collection posture is, what our detection posture is, and what our interdiction posture is.

Every troop or every Texas ranger, every special agent in their vehicle and on their phone has a GPS-locating device, and we're doing operations. I can prove any time any day of the week what is our coverage posture right then and there.

And one of the challenges I know that Secretary Kelly's going to address is that -- is that Border Patrol needs that same capability, blue force tracking. You would expect that they would know it's not just for a security standpoint and being able to defend in terms of exactly what their security posture is; it's officer safety issue. Because as you know, every day Border Patrol agents are threatened along that Rio Grande River.

And to that end, I'd like to include the fact that it is absolutely disgraceful that the federal government has not prosecuted those that have assaulted federal agents in the performance of their duties. And until -- I'm confident that'll change, but until that time the Texas border prosecutors have stepped up to the plate, as well as we've had our Texas rangers will investigate every one of those and will prosecute them at the state level until the federal government prosecutes those cases.

MCCAUL:

So we're -- we're trying to build a record here on the committee as to how to move forward with all this. Texas has a very unique challenge with the Rio Grande. And you can't build a wall in the river. You can build levies, but a -- I don't see -- I think it's actually symbolic, saying "the wall," symbolic for a physical barrier, but a multilayered defense using all available assets, including technology and aviation and fencing.

So I throw this out to all four of you: How would you best -- and I asked this to the secretary and we heard his response -- how would you best describe "the wall" to finally achieve operational control?

MCCRAW:

Well, we -- and you've got a chart that Texas did because our legislators demanded that we do have a way to measure success beyond numbers. And so you've seen what we've come up with: unsecured, minimal control, operational control, and substantial control. And there's different things that have to be in place before you can go up to the next level. So those things are measurable, and if you can measure it -- if you can discern it then you can measure it.

From a Texas standpoint, a wall, a strategic defense, all those things are obstacles and they work for us and against the cartels. But as I've said before, absent, you know, the personnel, the technology, the things that the judge talked about -- maybe the removal of salt cedar and carrizo cane -- it's simply, you know, a -- a -- an obstacle to the cartels, not a barrier, because the cartels will, you know, clearly go under, through, and around it, and certainly over it to -- to be able to meet the unending demand for drugs and commercial sex in the U.S. That's clear and compelling.

MCCAUL:

So obstacle, not a barrier.

MCCRAW:

Yes, sir. But it can be -- it becomes a barrier when you have enough Border Patrol agents and detection technology. When they step over that fence or they step on that fence you can immediately see it and you can work.

And -- and -- and today you get to see a picture of it. You don't have to guess that it's a sensor, that it's a four-legged, you know, creature or if it's two -- two -- it has two legs and carrying a bundle of marijuana. You know that by looking at it, so there's no reason not to leverage this technology that's out there and available.

I totally agree.

Sheriff Martinez?

MARTINEZ:

I -- I agree with -- with Colonel McCraw. A fence is just a -- a barrier, but I think more importantly is the manpower initially, to get the manpower.

Let me give you an example. In my county there is 84 miles from Lake Amistad to the county line. I have one deputy for that -- to cover that country.

There's -- on a good day we'll have anywhere from 12 to 15 Border Patrol agents to cover that same area, which will consist of 8,000 square miles, which will go all the way into Crockett and Sutton Counties. So that's like a needle in a haystack trying to find a needle in a haystack. It just - - manpower in that rugged area, geographical area of the state of Texas.

So manpower in combination with, you know, a physical barrier in some strategic locations, along with technology, will go -- will go a long way.

MCCAUL:

Sheriff Wilmot?

WILMOT:

Yes, sir. I would say that in Yuma County we had to do a conglomeration of all of that.

You have to look at your geographic location and what are your -- your -- your natural and manmade boundaries that you already have. I have the Colorado River that's flowing through Yuma that -- that goes right into Mexico. I have two tribal reservations, which is sovereign land. I have the Barry M. Goldwater Range, which is our -- our military WTI premier training center for our military forces that are being shipped overseas. I also have a U.S. Fish and Wildlife Refuge, Cabeza Prieta.

So I think in each and every location, much like the -- the general talked about today, the secretary, is he needs to go down, ascertain from those different geographic locations what is needed best. It could be a fence; it could be vehicle barriers; it could be just electronic infrastructure such as radar-operated camera systems or -- or detection radars or lasers.

But I think they need to -- to approach that from the perspective on the boots-on-the-ground level, like I mentioned earlier, in order to address that.

MCCAUL:

Would access to federal lands help? That would be a law that we would have to change.

WILMOT:

Absolutely, sir. And we encountered that same situation down there in Yuma County back in '05, '06 when they were actually install -- putting in the fence utilizing our National Guard.

We -- we worked with our tribal partners and were able to do the brush-clearing, which, like was asked about before, because it was along the -- the Colorado River corridor. And it opened up recreational areas for the Yuma citizens to be able to enjoy again, versus the criminal element that was so often exploiting that for getting their illegal contraband across the river.

MCCAUL:

Judge Trevino?

TREVINO:

Mr. Chairman, just like everybody else on -- on this committee, I'm -- I'm more in the listening phase because of the fact that I rely on what law enforcement has to tell us. And I've had the opportunity to meet with, obviously, our local sheriff's department and also our border -- our Border Patrol sector chiefs. And the thing that was surprising to me was when I learned that they were not able to utilize and -- and be on federal park land -- national park lands in order to -- to do their surveillance and investigation.

The other part of the equation was the fact that much of the technology is already several decades old, and while it's still operational it's nowhere near as effective as -- as the advance of the technology is provided to law enforcement. So we need to upgrade.

The other part of this that they wanted to utilize in conjunction with the technology upgrade is that allows the boots on the ground a much more direct and a quicker response because the people operating the -- the technology or the UAVs, whatever it may be that's entailed, will be in a better position to direct our -- our boots on the ground to wherever the incident or impact is going to be.

So I think we're all in agreement that the -- that the resources to upgrade the technology and provide the resources to the boots on the ground is something that's absolutely needed.

And -- and -- and if I may quickly say, you mentioned that 10 years ago when you first started and you were former prosecutor you thought you'd have the border secure. I think part of the problem, Mr. Chairman, is that if we really, really utilize a -- a clear definition for a secure border I don't know if we can ever achieve that. The reality is as long as there's a criminal element, as long as there's human activity they're going to do everything they can to either provide the product, whether it's drugs or human trafficking or whatever the case might be.

But I think it's safe to say that the border is definitely much more secure today than it was a decade ago or 20 years ago, and I think that's important for the rest of the country to understand that because we're able to live our lives, have a good quality of life on the border, as a result of these gentlemen to my right and all the law enforcement officials that are still operating back home on the border.

MCCAUL:

Well, thank you. You've given us some excellent record testimonial as we move forward with our border supplemental bill as to what's effective, what's not, what needs to be appropriated, and -- and what shouldn't be.

So, with that I now recognize the ranking member.

THOMPSON:

Thank you, Mr. Chairman.

And I thank the witnesses for -- for their testimony. It's been a long time since we've had a panel of people who live it every day, in terms of this issue before us, and I think it's been quite enlightening.

The -- the question that a lot of us have is why not come up with a sound policy that addresses border security rather than coming up with a product, in terms of a fence? And I think, as just about everyone has said, there are ways that fencing might be good; there are other ways that technology; there are other ways of using other things might be good.

But when you come with a one-size-fit-all model, that creates some real challenges: the Rio Grande River, the lakes and some other areas, tribal lands. So I guess the question is what I'm hearing from the witnesses -- and I heard it from the secretary in his testimony -- that you will be involved in the process so that rather than Washington coming to your communities and say, "Well, Big Brother is here; we have the solution," we would say, "What do you think? You do this every day. You live it. What suggestions or recommendations that you might have?"

And I think that's a very good model for us to -- to adopt, because in Washington we can just see one part.

So -- so for the record, we are 1,500 persons short in the approved CBP allotment for boots on the ground. And I think we've been two years, three years -- about two years trying to complete that. So if we get 5,000 more that means we have 6,500 vacancies that we can't fill.

So part of what we're going to have to do is try to work with state and locals to figure out, since we can't put all these boots on the ground, are having trouble filling it, how do we backfill it? Technology.

You know, if we can see somebody five, 10, 20 miles away approaching an area then if we had ability to communicate with local law enforcement or whomever, we can perhaps move assets to that area from an interdiction standpoint. And -- and I would -- for the sheriffs, especially.

Are you allowed to train with CBP and other federal officials in a manner that gives you comfort, or are there some things that you'd like to see being done that's not being done?

Sheriff Martinez?

MARTINEZ:

Yes, sir. Thank you for the question.

We work very well with our -- with our federal partners. We don't train with them. Basically we - - if we come across a -- a crime that has an OTM or a Mexican national we refer those individuals to Border Patrol and we're -- we work through Stonegarden. Last -- in the last week we had eight referrals in our sector, so I take it that that's from the -- from the locals referring someone over to -- to our federal partners and they take over from there.

But going on to some of your -- your question, I'd like, you know -- you say you're -- you're miles away, but I'd like to invite each and every one of you to our communities where we live every day. Not to -- not to -- don't show up when they have all the manpower and resources. Visit us in our natural state -- in our natural state, and you can see all the deficiencies that we have. That -- that'll be a -- a -- a big impact on what happens up here, on your votes up here.

THOMPSON:

Sheriff?

WILMOT:

Thank you, sir.

I will tell you that there are -- our agency trains quite a bit with the -- the U.S. Border Patrol Yuma Sector under Chief Provaznik. We have awesome lines of communication. Most of our training has to do with search-and-rescue type or narcotics interdiction, working side by side with their personnel. Most of that occurs under Operation Stonegarden, which I mentioned before.

The -- the other hamper that we're running into with the sheriffs all across the United States right now is actually getting some sort of legal opinion in regards to 287 JM (ph), the honoring of detainers in our jails, because some sheriffs in some places along the U.S. are being sued for violation of 4th Amendment rights. We're being told on one side that we have to honor them by federal law, but we're also being told state that you cannot honor that because you're violating this law or that law, whether it's Arizona, Texas, New York, Illinois, Idaho.

So the sheriffs as a whole, one thing that we need is some sort of legal opinion in regards to honoring detainers for the jails. That's one of the things that has a significant impact for us when an individual is in our jails.

Typically for us they are booked into the jail, they go through the state process, they get sentenced to prison, and then they're turned over to the state for DOC. And so -- and that's something that all the sheriffs across the U.S. -- and we articulated that to the secretary yesterday.

THOMPSON:

So thank you.

Judge, in your everyday duties what security issues would you be concerned about, and do you see the wall as an answer to those security issues, from your standpoint?

TREVINO:

Thanks for the question, Congressman. Let me point out that with regard to Cameron and Hidalgo County, our -- our neighboring county, which is approximately 70 miles, we already have 54 miles of fencing already in place.

You alluded to it right now when you said we've got 1,500 vacancies and we're looking at another 5,000, and looking at 6,500. Let me tell you how that impacts us locally. These gentlemen to my right, their responsibility is to provide local law enforcement to the community that they serve. Because of the -- the change in -- in dynamics in our country, they've also had to become quasi-federal agents because of the -- the demands that have been placed on them with regards to border security.

The concern that I have -- and just for the record, the county judge in Texas is not a judicial position; it's an administrative position. And I don't want anybody to think that I'm holding court back home. It's -- it's basically the mayor of the county, so I work with all of the agencies in that endeavor.

The concern that I would have, and I would venture to guess that they have also, is I can tell you that in the valley many of our local law enforcement agencies, whether it's local police departments or the sheriff's department, the jailers, we've lost a lot of those individuals to the federal government because of the demand for federal agents, whether it be Border Patrol, Customs, or what have you, because they pay, obviously, better than our local law enforcement entities.

We rely on, unfortunately, usually very low property tax bases to -- to fund our -- our budgets. As a result of that, in addition to the jail costs associated that the sheriff alluded to, we also have the medical costs associated to take care of them in the -- while -- while they're in our custody.

So -- so all of these what I referred to earlier as "unfunded mandates" are concerns because we don't have a -- a -- an immense backload or -- or a -- a rainy day fund that can help us get through these days, but we're doing the best that we can. And I think that's something, as -- as the -- as -- as Congress takes -- takes this into account they have to understand that the demands placed upon our local entities and jurisdiction on the -- on the Texas-Mexico border are so different than the -- than the demands placed elsewhere in the country.

So when we're asking for those funds and resources we're not doing it because we want them; we're asking because we need them because we're already performing the job. And obviously if -- if there is a -- a big increase in -- on boots on the ground, which I think we all agree is necessary, the concern we're going to have is we're going to need those additional funds ourselves to make sure that our local law enforcement positions are also -- also well met.

I don't like hearing the fact -- and I know about situations like that, where you got one officer patrolling a square -- 84 square miles. You know what that means. He can't be everywhere all the time.

So thank you.

THOMPSON:

I yield back.

MCCAUL:

Let me just say, Sheriff Martinez, I agree with your point, go down to see it, because you can't understand it unless you go down and see it. And I always, you know, advocate for members to do that. It's not -- there's no real simplistic answer to this, and it's multifaceted.

Scott Perry, Pennsylvania?

PERRY:

Thanks, Mr. Chairman.

Gentlemen.

Is it Mr. McCraw? Is -- I can't -- very briefly, you know, some people don't like the -- the terminology "the wall," so whether it's a wall, whether it's a fence, whether it's unmanned vehicles or sensors or cameras or whatever, some protection, security belt along the border that keeps incursions from happening, I -- I think we need that, but I think it begins with an attitude that you want to uphold the law and defend the border of your country and the sovereign nation.

And so with that, you mentioned that one of the things that you saw a problem with is the federal government's not prosecuting people here illegally that assault Border Patrol agents. Can you talk about that a -- very quickly, but with a little more depth to it?

MCCRAW:

Well, I'm going to actually give you the examples, the cases. I'll get back to you on what they are, but there's been instances where Border Patrol agents have been assaulted when they're trying to make an arrest.

And the normal process when I was in the FBI we used to work federal -- assault on federal officers in those cases. When I was in Tucson that's what we did. We -- Alexander Kirpnick was killed by two drug traffickers from Mexico. That's what we did. We worked assault on a federal officer, and the prosecutor, the United States attorney, would prosecute those things.

And over the last several months that hasn't been the case. There's been no prosecution. They've been turned down.

And all we've done is basically we got the advantage (ph) because the state legislature has funded these border prosecutor units. We just go into the district attorney's offices, "Hey, look Border Patrol agents are being assaulted, not prosecuted. In Texas we're a law-and- order state. You assault a police officer there's gotta be consequences." They get it. They immediately take the cases, and what we're doing is using state resources to investigate those cases, turn it over to the border prosecutors to prosecute.

PERRY:

So you said over the last couple months. Is -- is it...

MCCRAW:

Several months. It could be six months; it could be eight months. I'll give you the exact time and - and I'll give you the exact cases that we've -- we've worked for them, as well.

PERRY:

So what do you think the impetus for failure to follow through from the federal government standpoint is? Why would they not do that?

MCCRAW:

I -- I don't -- I don't know. It's inexplicable.

PERRY:

OK. We'll have to look into that. I appreciate that information, if you can get it to me.

Also, federal park...

MCCRAW:

I do need to mention, though, that was brought -- Governor brought that to Secretary Kelly's point. When he took the time -- he's the first secretary out of all the secretaries I've met -- and I've met some great ones in Secretary Johnson, Secretary Napolitano, Secretary Chertoff, Secretary Ridge. You know, he's -- he's taken the time to went down there. He's already been down there, asked questions, very specific, listened to briefs. So we're very encouraged that he did that.

The governor brought that to his attention, so I've got no doubt -- and he took it back with him -- that he's going to talk to the attorney general about that, that that will be fixed. I'm very confident that'll be addressed.

PERRY:

I -- I would think that has to be a minimum standard so that the Border Patrol agents know that when they're putting their lives on the line that there's going to be a penalty for assaulting, and as -- as there should be for any law enforcement officers anywhere in the United States.

Turning quickly to federal park lands, can you give us an indication of -- you know, the -- I don't think a lot of people realize that there is -- that there is a restriction for Border Patrol agents in those circumstances. Can you give us some information from your viewpoint on how that affects the -- the ability of the federal government to safeguard the border?

MCCRAW:

Yes. There's -- there's several pockets of refuges along the Rio Grande that -- to protect wildlife, and what they end up doing is often protect the cartels or smugglers because they're -- they're havens for hiding. Plus, because Border Patrol, they're allowed access; they're just not allowed to build infrastructure or use some of their tools to use to be able to pursue smugglers and traffickers within those areas.

Hence, they may take an hour to get to a location that could take 10 minutes. And so they're not allowed to build the type of infrastructure you would expect other parts of the border. And so we're hopeful that that will be addressed at some point.

PERRY:

So it sounds like if we're serious about securing the border something's gotta change there, right?

MCCRAW:

Change, and -- and -- and Judge had a very good point. Salt cedar and carrizo cane, it's a drought weed and it sucks the water out but it also is a security risk to Border Patrol agents and those trying to defend that, and also it -- it works for the cartels.

PERRY:

Right.

OK, Sheriff Wilmot, very quickly, the -- the Operation Stonegarden program and your trouble getting money through FEMA is something I'd like to -- you to elaborate on, and also the reimbursement of your SCAAP funding, and as you put -- to non- sanctuary cities, which I think it's important to note, at least I get from this, is that sanctuary cities are receiving SCAAP money, so they're inviting, essentially, people to be in their city illegally, but also getting federal funds in that regard. Is that correct, or -- if you can elaborate?

WILMOT:

What we wanted to get across is if you do have an entity that runs a jail, that supports that, and that funding should be given to those other entities that run the jail that are actually doing the job for SCAAP.

I will tell you that we still need to get 100 percent reimbursement on that, as well as the medical costs associated with it, because I can't put in for an individual who I have to take to dialysis three times a week. That's impacting my budget at over \$100,000 just for one person. I've got 117 backpackers that went through my jail, of which I still have 19.

I sent a bill to the attorney general of the United States last year because of the policies that went into effect on not prosecuting these individuals. I cross-deputized (ph) Border Patrol agents in DEA so they'd be able to get these cases taken where normally anybody would get charged.

So I'm eating the housing, I'm eating the cost of that. To this point attorney general owes me \$1.8 million just for housing those.

PERRY:

Sheriff, does the government south of you, the national government south of you, do they spend as -- anywhere near the resources or have the same diligence that you have in patrolling the border from their people going northward?

WILMOT:

To answer your question in regards to Yuma County, I will tell you that we have great cross-border communication with our law enforcement counterparts. We work together a lot in regards to promoting the quality of life and safety of our communities on both sides of the border, and that's why we were able to do what we did to curb that criminal enterprise from doing what they were doing in '05, '06, so...

PERRY:

I mean, I get the perception that the Mexican government doesn't feel as strongly about Border Patrol, at least, or controlling the border north of the border, that -- as we do. And I don't know if that's accurate or not, but I get that perception.

And my concern is -- is all the American taxpayers are -- are paying for this, and -- and you're out the money because you're providing the service and the American taxpayers really can't afford to pay for it. But what is the government to the south doing to help, from a financial standpoint or from a tactical standpoint?

Mr. Chairman, my time's expired.

But that's something if you could elaborate throughout your conversation I'd love to hear it. Thank you.

MCCAUL:

Chair recognizes -- would you like to respond to that, sir? Would you like to respond, or no?

WILMOT:

Whatever you're comfortable with, sir.

MCCAUL:

If you would like to respond I would give you that time.

WILMOT:

I -- I -- I will tell you that we -- we in Arizona have a great cross-border communication with our law enforcement counterparts to -- even through the PISA program, Policia Internacional Sonora-America (sic) law enforcement, where those entities come across the border, we do training together, we -- we cover the problems that we're -- we're encountering in our geographic locations.

To a certain extent they're doing what they can with what they have.

MCCAUL:

Chair recognizes Mr. Vela.

VELA:

And to follow up on that, Sheriff Wilmot, that kind of cooperative arrangement that you have with your counterparts on the -- on the Mexican side of the border, that's why it's important to have a positive and productive relationship with our neighbors to the south, right?

WILMOT:

I -- I would agree with you 100 percent. You have to have that open line of communication.

VELA:

Thank you.

And, Colonel McCraw, you -- you made some reference to the expenditure of state funds along the border and how it might have impacted, for example, traffic deaths in other parts of the state and maybe -- and perhaps affected other areas of responsibility that the Department of Public Safety would have had. Can you elaborate or tell us specifically how you think the diversion of funds to the border has affected those other responsibilities?

MCCRAW:

Well, to begin with, we weren't over-staffing. We're understaffed for the number of troopers that we need, based upon the state's growth. Over the last 10 years we have nearly 28 million people and we have over 313,000 miles of roadway. For us to be able to do proactive, high-visibility patrols we need a certain amount of troopers in each sergeant area.

What we had to do, because of the influx and because of the mission we've been given, is to -- to surge troopers from around the state -- doesn't matter whether it's from Perryton -- and that's, by the way, that's 14 hours away from the border, OK -- Texas, or -- or from Dallas, move them down

there on a day, work seven days straight, 12- to 14-hour days, go back home, and continue that cycle month after month and wave after wave. And we've been doing that for two-and-a-half years.

So any time you move a trooper or a Texas ranger, as we have, or a special agent who was engaged in these enterprise investigations targeting gangs, to the border to be able to support Border Patrol there's -- there's -- there's consequences to it.

Now, the advantages are -- because at the end of the day most of the trafficking is coming right at the border, so there is some positive impact in terms of the rest of the state. But it still makes it less safe in other parts where we take those resources from.

VELA:

So have you seen a direct correlation to this diversion of state funds to the border with respect to traffic deaths, or...

MCCRAW:

I can't say it's causal right now. I can see -- I can see correlations, but I just can't say that it's enough right now we could make that causal determination.

But I do -- I know just from the -- the -- talking to sheriffs in other parts of the state, when there's less troopers in that area, you know, they -- they believe that it's less safe in that area. And I don't disagree.

VELA:

So I'm just curious. Has -- have we seen an increase or a decrease in highway traffic deaths?

MCCRAW:

Increase in highway deaths across Texas. And it's not just in terms of the rural area, but urban areas, as well, we've had increased fatalities.

VELA:

Thank you, Colonel.

Judge Trevino, I've got two questions and about three minutes. The first question: With respect to the Weir Dam, how would that environmentally impact, from either a flood control standpoint, you know, the area that we live in, and -- and what would be the impact from a -- from a security standpoint?

TREVINO:

Well, my understanding, Congressman, is that after decades of studying, the environmental impact would be minimal at best. As -- as you know, Brownsville is the last stop on the Rio Grande before it empties out into the Gulf of Mexico, and because of the rapid growth that we've had on both sides of the border from El Paso south, everybody on the border utilizes the Rio Grande as their source for water.

And since we're the last stop it was a concern years ago that if the river was to ever run dry -- and in certain areas of the state there are trickles -- we would be in a -- in a bad, bad situation. Brownsville was very progressive in -- in developing a -- a reverse osmosis by the utilization of brackish groundwater so that Brownsville community is no longer completely reliant on the river.

The Weir proposal would obviously raise the water level. It would not impact the water table, which was a -- which was initially a concern, and it would allow the flood control situation to -- to -- to be utilized in the event of we ever had a shortage.

Lake Amistad and Lake Falcon, which is where we basically -- that's our -- that's our reserve system, it was developed back, I believe, in the '50s, and the -- the -- the long-term goal was it would get replenished by -- by Mother Nature any time we ever had a natural disaster. As the growth -- no one -- no one foresaw the growth on both sides of the border and its impact, so we've had to be more progressive as far as that goes.

VELA:

One last question: So what's life like for the 96,000 winter Texans mostly from the Midwest that are living in Rio Grande Valley right now?

TREVINO:

It's safe to say that those winter visitors are our lifeblood during the -- during the winter months. They bring, first of all, a lot of resources. They spend their money in the valley.

But more than anything, they're -- they're a complete asset to our -- to our area. Many of them are from the Midwest -- Minnesota, Iowa, all those states -- and they've been a huge, huge asset. They spend their money, they go to Mexico on a daily -- on a daily basis to shop and to -- and to -- and to receive medical care and eat. They spend their money buying refrigerators and cars and -- and the consumable goods that we all rely on.

Their impact, on an economic basis, is huge, and not -- not just on the U.S. side but obviously on the Mexican side. And if it was -- if there was any chaos or danger down there they wouldn't keep coming in those numbers that continue to grow every -- each and every year.

VELA:

Well, thank all four of you for being with us today.

MCCAUL:

Chair recognized Mr. Hurd, from Texas.

HURD:

Thank you, Mr. Chairman.

And, gentlemen, appreciate you all being here today.

You know, Director McCraw, Sheriff Martinez, and -- and Judge Trevino, you've helped educate me on this issue.

And -- and, Sheriff Wilmot, your testimony today has given me three or four things that I didn't know about before, so -- so thank all of y'all.

My first question is to the two sheriffs.

And -- and maybe, Sheriff Martinez, you first. We talked about Stonegarden, and -- and Sheriff Wilmot, in his remarks, talked about moving those funds back to DHS from FEMA. Is there other uses of -- Stonegarden is restrictive in -- in how you can use those funds. Are there other areas where you -- where currently right now you can't use Stonegarden funds that you wish you could?

And, Sheriff Martinez, let's start with you, and then Wilmot.

And -- and, Director, I'm sure you have some opinions, too.

MARTINEZ:

I think on the Stonegarden funds there has to be a little bit of flexibility. Border Patrol, DPS, every sheriff is short on manpower. And we're talking about hiring all kinds of people, so I'd like to see that same opportunity extended to the sheriffs to be able to hire manpower to -- to support securing our -- our -- our border.

HURD:

And, Sheriff, that's because right now you can only use Stonegarden funds to pay overtime, is that correct? And -- and you would like to be able to use those initial funds for the first-year salary or something like that?

MARTINEZ:

Yes, sir. Correct.

HURD:

Excellent.

MCCRAW:

Congressman, I've been listening to the sheriffs talk about this for a good seven years. I mean, what's frustrating, they can only eat so much overtime. We can give them all the overtime in the world; they've got only so many deputies.

And for them to be -- to use that money, if you would allow them to -- to use it, OK, as a -- an agreement up front that this is only as long as the money is there, a deputy -- now they -- now all of a sudden they've got an increase of resources in the area, and that's -- that's better for Border Patrol, that's certainly better for the state, as well. And there's value in that investment.

And so there's other funding streams that are far more flexible than Stonegarden funds, although we like what DHS did with that, you know, being allowed to at least let them use. And, of course, the state doesn't benefit at all. We don't get any use of it. The Stonegarden funds aren't allocated for state police agencies.

HURD:

Sheriff Wilmot, you have some opinions?

WILMOT:

Yes, sir, I do, and I'll be more than happy to throw those in there.

In regards to Operation Stonegarden, obviously it's labor-intensive just doing the reporting requirements as well as the purchasing of the equipment that we need. It also restricts the type of equipment that you need going through FEMA.

Another thing is in regards to Stonegarden is that you can only use so much for overtime and then you have to use so much for equipment and then so much for mileage on your vehicles. So it's broken down then you can't change the percentage at all. So it's something that -- and this is the one true grant that actually comes to the sheriffs to actually allocate out to local law enforcement as -- at least in Arizona -- as well as share with other counties along our borders, and the state as well, if they can help complement our operations.

So that's where we need to keep it. DHS is more qualified to say, "Yes, this type of equipment is what we need for this location," because again, we can't paint that broad brush across the whole border, so...

HURD:

Good. Thank you.

And -- and, Director McCraw, my next question is for you. When -- when I got elected and came in last Congress we had a lengthy debate about what operational control of the border actually

means. And, you know, in your materials you provided the Texas border security levels, and I've always fought to use DPS' perspective on what operational control means because of all the arguments and conversation I've had on this it seems to be the most thoughtful.

So first question is, you know, have you seen reticence in some of our -- your federal partners in adopting a similar framework? And do your partner states have a similar -- do your peer organizations have a similar perspective on what operational control of the border means?

MCCRAW:

I don't believe that's the case right now, but we've been working with our legislature and the governor's office to be able to do this, to be able to have some standards, so -- and I have, you know, frankly, have not looked at some of our peers.

We have looked at our federal partners. You go back with a GAO study back to the '90s and it's the same thing all over again. It's -- you can't use the number of illegal aliens to predict success and failure. You have to come up with something more substantive.

Technology has allowed us to do that. Now we can actually identify and track out and map the level of security. So the focus that we've come up with is just simply figure out what those levels of security are, agree upon what those variables are, county those variables, crack them.

And so -- and -- and the point with evidence is that unless you can prove it then -- then there's no way to be able to -- to justify that -- saying that we're at this point or that point. So you've got to be able to prove it, too. You can't just say -- declare, "I'm operationally controlled."

And the only way to do -- an advantage we have right now is, like I said before, GPS will allow you to do that -- both the infrastructure, both in terms of technology, the -- the coverage level, and your interdiction capacity.

HURD:

Excellent. Well -- well, thank you for -- for your leadership on this topic, and we need you to keep talking about this because, again, as we get into those debates again up here we need to have a -- a common -- we -- we need to be speaking the same language.

And I've run out of time, but -- but one thing that I'll be following up with all of y'all about is -- is intelligence-sharing and how do we improve that, how do we make sure that we are able to extend our defenses? Because let's stop the problem before they get to -- to our borders, or if we know something is imminent and, you know, y'all are going to be the ones that get called first, not -- not Border Patrol, whenever there is a problem. So making sure y'all have access to information and how we can improve that is something I'd look forward to talking with y'all about in the future.

So, Mr. Chairman, I yield back.

MCCAUL:

Chair recognizes Ms. Watson Coleman.

WATSON COLEMAN:

Thank you. Thank you, Mr. Chairman.

Judge Trevino?

TREVINO:

Yes, ma'am?

WATSON COLEMAN:

Did I say that properly?

TREVINO:

You sure did.

WATSON COLEMAN:

Good. Thank you. I'd -- I have a couple of questions for you first.

You've been pointed out that -- you've pointed out that Cameron County owns three international bridges and you've described how critical cross-border trade is to your economy and how important that -- that cross-border travel is to your constituents as they go about their daily lives.

How have CBP staffing shortages at ports of entry affected bridges in your county? Have they -- these shortages resulted in increased wait times at the bridges? And what more should the federal government do to support cross-border commerce and trade?

TREVINO:

I'd love to be able to tell you, Congresswoman, that -- that there's been no impact, but that wouldn't be accurate. The -- the reality that you just hit the nail on the head.

Because of the shortages of CBP personnel the -- the -- the lines can be much longer. It's -- it's not unusual for -- for many people to live in Brownsville and work in Matamoros or live in Matamoros and work in Brownsville. There are -- there are numerous cross-border businesses and industries that rely on each other, so the fact that if -- if somebody's going over there for work, well, they -- they're probably -- they -- they're -- they kind of have to do it. But for those that are looking to either more of a recreational, whether it's to eat, shop, dine, or receive health care on either side, the reality is we'll have less and less of those -- we've had that in the -- in the impact.

Not going to sit here and tell you that the -- that the cartel violence in Mexico didn't have an impact, but the reality is things have calmed down, and I think that's exactly why the cooperation between our two countries at the national level is critical because at the -- at the -- at the local level that's what needs to be done, and that's what the local law enforcement -- they rely on their -- their counterparts on the Mexican side and vice-versa, whether it's locating an individual who wants to be -- or is under indictment or -- or charged with a particular serious crime, whatever it may be.

But obviously staffing levels need to be at a -- at -- at -- at the rate where the wait times are as minimal as possible without -- without sacrificing security and -- and surveillance. But it would also allow more opportunity to catch those individuals that are crossing at our ports of entry that are either crossing illicit drugs or merchandise or whatever the case may be.

WATSON COLEMAN:

So what is that you would tell the federal government that you think that it should support or do in order to support and sustain and ensure that there is this sort of cross-border trade and travel that is both sufficient for the economy and safe for the communities?

TREVINO:

In addition to increasing the staffing...

WATSON COLEMAN:

Yes.

TREVINO:

... as we alluded to earlier, we would also heavily request a reinvestment in our -- in our infrastructure. While the county owns the bridge, all the facilities on there are owned by the federal government. The Gateway Bridge, for in particular, was opened in 1960. There's been literally no reinvestment or upgrade since that timeframe to the present.

We -- we moved all the truck traffic from the Gateway Bridge over to another bridge, Veterans Bridge, and because of that some of the facilities at the Gateway are basically just sitting there. If we were to open up additional lanes of travel -- I did a -- we did a recent trip to El Paso. We have one pedestrian lane at Gateway for the -- for all three bridges. Last year we had over 2 million people crossing with that one particular lane.

In El Paso, which at one bridge has 14 lanes -- it looked like an airport to me -- they have 5 million. And they've got 14 lanes just at one bridge, and I believe they have seven ports of -- seven bridges.

So I know that it would -- it would -- it would generate a lot more revenue at the local basis, and also allow us to -- to enhance the -- the relationship between our -- between our border communities.

WATSON COLEMAN:

Thank you.

A very quick question, if you might answer, to the three gentlemen, Mr. McCraw, Mr. -- Sheriff Martinez, and Mr. Wilmot. I'm -- my question has to do with the proposed wall. Do you believe that the proposed wall is the best utilization of resources to keep our borders protected in the areas that you represent and are concerned with?

I'll start with you, Mr. McCraw.

MCCRAW:

Yes, ma'am. As I indicated before, a wall...

WATSON COLEMAN:

And I apologize for not being here.

MCCRAW:

No, not at all. But a -- a wall in itself is -- is an obstacle, not a barrier. It takes a combination of things.

And I'll go along with -- I think Secretary Kelly did a very good job today explaining that, you know, in some places he noted -- and you get out to Big Bend Country, you have, in effect (ph), a barrier out there already, a natural barrier. And how do you -- how do you exploit technology, how do you exploit resources on top of that?

So it's not one thing for one area. It's -- it changes. And as the -- as the Judge Trevino notes very well, in Cameron County, you get out to Boca Chica, you -- you build a wall, doesn't make sense. There's Lake Amistad -- very good point today by one of the congressman -- doesn't make sense.

But it's -- every place is different. But -- but one thing's in mind: You need a barrier between the ports of entry.

WATSON COLEMAN:

Thank you.

I've exceeded my time, if I could simply get my questions answered from Mr. Martinez and...

MCCAUL:

Gentlelady's time is expired.

We'll now go to Mr. Rutherford, from Florida.

WATSON COLEMAN:

So you are not extending that -- that very short request and indulgence? I just want to make sure I understand that.

MCCAUL:

I'll allow them to answer your question.

WATSON COLEMAN:

Thank you. Thank you.

MARTINEZ:

A fence in and of itself is not the only answer. I -- Del Rio and Ciudad Acuna are separated by a fence, a two-mile fence, that has made our side of the border a little bit safer when it comes to property crimes. It's -- it's rerouted everything to the outside of that fence. But in and of itself it's not the -- the answer.

Thank you.

WILMOT:

Ms. Congresswoman, in regards to that question Yuma County has 110.5 miles of border with Mexico. Most of it is fenced. Other areas that cannot be fenced already have vehicle barriers.

I will tell you that once that was put into place the humanitarian side of that, preventing the deaths in the desert, has stopped. We -- we are very minimal on that.

And I've had to go out there and process 14 victims that were left for dead on one occasion when it was 115 degrees out. I don't think anybody wants to experience what we've had to see as law enforcement when we have to go out there and process those victims that have been abandoned and died. But 14 all at once, just a travesty. And to see them and what they went through, and to see a fence go up and prevent that, to me what is the cost of a life?

MCCAUL:

Thank the gentlelady.

Chair will now recognize Mr. Rutherford, from Florida.

RUTHERFORD:

Thank you, Mr. Chairman.

Thank you, gentlemen, for your testimony today. And -- and I -- want to ask something a little more away from the border and back into, I think, the interior of the country.

The -- the 287(g) program, can you give me your experience and position on how effective 287(g) has been at the border and then further away from the border? Is it -- is it well utilized within law enforcement? Is that your experience?

MCCRAW:

Congressman, it depends on the agency. It depends on the locale. But it certainly works very well in jails -- in large jails where there's a criminal alien population and they train individuals to look and identify and be able to -- to query (ph) some of the federal databases to identify that, and that's always helpful when they get the hit on the secure committees (ph) or a priority hit through fingerprints.

Certainly from an investigative standpoint when we used to work terrorists it was an advantage -- or drug traffickers -- it was an advantage having a legacy INS expert, you know, on the team that would help you in many ways or shape or form. But it's each individual jurisdiction needs to make that decision.

MARTINEZ:

I know that in Val Verde County we have a -- a jail population 1,200-plus, ICE is in our jails every day, so detainees are -- are honored in our facility.

WILMOT:

In regards to your question, Congressman, the -- in regards to the 287(g), we participated in it at one time, but I can't use taxpayer funding to do the federal job. So it was only on an overtime basis if they had the monies to be able to pay our officer on overtime to perform that function.

What we have done in Yuma, because they are right there working with us, is they have access to our facility and they can screen through all those -- those documents, and they placed a hold on -- the -- the question for the sheriffs throughout the U.S. that do not have that ability to have a two-hour response or a hour response for someone to come pick them up is by what legal ability are they able to honor the detainees. And that -- that's our biggest concern, as far as sheriffs across the whole U.S. who are impacted with -- they don't have that privilege of ICE ERO being in our -- our counties.

So we -- we release them into them, but it is very seldom because most of them leave our jails and go to -- go to prison.

TREVINO:

Congressman, I wish I had a better answer for you but I don't believe our local sheriff's department is still involved in that. But I'd have to get a better answer for you. I wish I could tell you that right now.

RUTHERFORD:

Thank you, gentleman.

Mr. Chairman, I yield back.

MCCAUL:

Chair thanks the gentleman and now recognize I think the last member, the gentlelady from California, Ms. Barragan, five minutes.

BARRAGAN:

Thank you. Mr. Chairman, I would like to ask for unanimous consent that a statement prepared by the American Immigration Council be submitted for the record?

MCCAUL:

Without objection, so ordered.

BARRAGAN:

Thank you.

I want to follow up on some of what was asked. There's been a number of comments about the wall being an obstacle, not a barrier. And then in our packet I see these photos of what appears to be people smuggling drugs just climbing over a fence that appears to be easy for them to hop over.

Who -- who is the wall most effective against? Is it most effective against the drug cartels, people smuggling drugs, or the families that are coming over because they're escaping violence? Who is it most effective against?

MCCRAW:

I think it's equally effective to -- to either, frankly. It's -- but again, as I've testified and I believe some of the other -- the sheriffs have testified, is that unless you're -- have technology on that fence, unless someone's observing, unless you have coverage on that fence, unless you have someone to do the interdiction when someone comes over that fence or under that fence or through that fence, it's a obstacle and not a barrier.

BARRAGAN:

How often -- does anybody have any information on how often or how frequently the border agents will catch somebody hopping the fence or, you know, shortly after they have?

MARTINEZ:

I guess in hopping the fence I don't think they have that many apprehensions where I'm located, but for the week of January 27th through February 3rd they apprehended 461 individuals in the Del Rio sector. Del Rio has a -- a two-mile fence. I think Maverick County, Eagle Pass, Texas has a three-mile fence, so all those individuals that were -- my belief, all those individuals that were apprehended were apprehended outside of that boundary.

BARRAGAN:

Were those that were apprehended people that turned themselves in, or people that were -- didn't voluntarily turn themselves in?

MARTINEZ:

I -- I would believe that they didn't voluntarily turn themselves in.

BARRAGAN:

Sheriff Wilmot, do you want to add to any of that?

WILMOT:

Congresswoman, I would have to defer to Border Patrol for those numbers. I do not have that available to me.

BARRAGAN:

OK.

WILMOT:

I -- I could only comment on -- on the facts that I know for sure.

BARRAGAN:

Great.

TREVINO:

The only comment I would add, Congresswoman, is the fact that in speaking with the local border sector chiefs I do know that the apprehensions are -- have decreased considerably over the last several years. That's the only statistic that I'm aware of, but I don't have the specific numbers.

BARRAGAN:

OK.

Sheriff Wilmot, you -- I know some people have asked about this -- you have advocated for removing funding for FEMA and moving it into DHS. Who would suffer -- who's being serviced by the FEMA funding that you are advocating that we move those funds over?

WILMOT:

I don't believe anybody would suffer any financial loss from moving those funds from FEMA to DHS. They started out in DHS to begin with, as I understand it. So nobody would lose any funding.

BARRAGAN:

Do you know what their funds are currently used from -- for that we would be pulling from FEMA?

WILMOT:

Those funds were specifically designated from the very beginning for Operation Stonegarden overtime and -- and equipment to help partner with our -- our Border Patrol and federal counterparts. There was no funding removed, that I am aware of, from any other budget for that to happen.

MCCRAW:

Congresswoman, it -- it was just administratively changed. It used to be in DHS -- administered the homeland security grants. It was moved to FEMA. So the funding stream didn't change, just who administrates it.

BARRAGAN:

OK.

And then the last question: Sheriff Wilmot, you mentioned -- and I didn't catch it all, which is why I wanted just to follow up -- you mentioned that there has been prevention of a number of deaths in the desert. Can you just elaborate on what you said and how that prevention occurred? What was it that caused the prevention?

WILMOT:

As I stated in the beginning of my testimony, in 2005, 2006 Yuma County was the worst in the nation in regards to cross- border traffic as well as the criminal element that so much accompanies it. And we were experiencing, unfortunately, having to go out into the desert, sometimes on a

weekly or monthly basis, to recover those victims that were abandoned by those smugglers out in the desert.

We, as sheriffs, we are the ones that have to respond out there, whether it's federal land, state land. We have to process those crime scenes, and our officers -- officers were going out there, as I stated, if not weekly or monthly to recover those victims that were left out there abandoned to die.

BARRAGAN:

But what prevented that? I'm -- that what my question part...

WILMOT:

The -- the deterrent factor between the -- the partnerships with our federal officers, the combination of fencing, law enforcement presence on the border, and the technology with the cameras and sensors to be able to detect individuals crossing the desert was all a contributing factor in reducing that criminal element and those individuals being victimized coming across -- rapes, robberies, and the homicides.

BARRAGAN:

Great.

MARTINEZ:

If I can just add, in Brooks County since 2006 I think that they have worked 563 deaths in that county, and they are 100 miles from the border. That's people that have come across. So I don't know what the makeup of the -- if there is a fence there on the border in that area, but that's what Brooks County has suffered since 2006. And all that, I think -- a lot of that is at the taxpayers' expense.

BARRAGAN:

Great.

Thank you. I yield back.

MCCAUL:

Thank you.

Just -- I want to ask one last question. I know you've got flights to catch. I'll make it fast.

We hear a lot, you know, bricks and mortar versus fencing. And I hear a lot of different -- you know, I mean, there are a lot of people with the wall being talked about that they want a brick and mortar wall like Israel has, you know, and they say that'll be most effective.

Then I talk to people that actually -- like yourselves -- who actually live down there, and the fencing you can actually see through it, which provides an advantage if it's done correctly -- if the fencing is.

Does anybody on the panel have any comments on that comparison?

MCCRAW:

No, but -- but I think Secretary Kelly made a -- a good point about seeing through it. I mean, you'd like to see what's on the other side of it. To the extent that it can add the same obstacle type of capability and you can see through it, there's value in that.

MCCAUL:

I -- I tend to agree.

Sheriff Martinez?

MARTINEZ:

Yes. I've been to Israel and I've seen the fence there, and I see what -- I've seen what they go through. But, you know, just here in -- in D.C. how many fence-jumpers have you had here on -- on this property here? And it took an armed federal agent, you know, on the other side of that fence to neutralize the situation.

So the same -- back home is going to need the same kind of attention.

MCCAUL:

Yeah.

Sheriff Wilmot?

WILMOT:

I would agree that it helps to be able to see through. We have that type of fencing and it's a -- it's a plus, as far as our -- our Border Patrol agents are concerned. You know what's on the other side so you're not encountering that threat without even knowing it's five foot away from you.

MCCAUL:

Exactly.

Judge?

TREVINO:

Mr. Chairman, from my meetings and conversations with the -- the Border Patrol agents they certainly appreciate the fact that they're able to see and not necessarily always be seen. The -- the fear -- the -- the concern behind a more concrete or -- or -- or less visible barrier would give the advantage to the other side. And as the sheriffs have alluded to, I think our agents have to be able to know what's on the other side in order to properly defend themselves and protect whatever it is...

MCCAUL:

It's very helpful because, you know, again, a lot of these members that tout, you know, the bricks and mortar have never been down there. You guys are really the experts, so thank you for being here today.

Members may have additional questions in writing. I would ask that you respond in -- Sheriff, did you have one last comment?

WILMOT:

I would like to throw out there, sir, that our priority would be also to add in being able to support the U.S. attorney's office and getting U.S. attorneys that can actually handle the caseload. And they built a brand new federal courthouse in Yuma County that only has one federal magistrate, so all of our agents, all of our U.S. attorneys have to travel three hours to get to court in Phoenix.

They could save a lot of money by hiring a district judge to be in Yuma to handle the caseload and free those officers and agents up and those U.S. attorneys to be able to perform their jobs.

MCCAUL:

Yeah. The secretary discussed that, and my conversations with Jeff Sessions, who will be the attorney general. You know, he agrees. We talked about Operation Streamline, which was -- was very effective from a deterrent standpoint with prosecutions. And so that's -- that's very good.

Also, pursuant to rule 7(d) the hearing will be open for 10 days.

With that, without objection, the committee stands adjourned.