

Hearing Transcript

House Homeland Security Committee Hearing on President Obama's Fiscal 2017 Budget Request for the Department of Homeland Security and Readiness

March 16, 2016

MCCAUL:

The Committee on Homeland Security will come to order. The committee is meeting today to examine the Department of Homeland Security's budget and readiness to counter homeland threats. I now recognize myself for an opening statement.

Almost 15 years after 9/11, the war against Islamist terror has entered a dark phase. New battlefields have emerged across the world, and our enemies are on the offensive. They are recruiting through retweets and crowdsourcing their attacks.

And they've brought the conflict to our doorsteps in new and dangerous ways. Only months ago, in San Bernadino, we witnessed the horrible violence terrorists can inflict on our communities. Yet, we were reminded in the wake of that tragedy that such radicalism is no -- is no match for our resolve.

The American people will not submit to the intimidation of jihadists, and we will not allow their repressive world view to infest and infect our free society. Secretary Johnson, your team faces no small task.

We are in the most serious threat environment since 9/11, and the Department of Homeland Security is on the front line. You are responsible for keeping threats away from our shores at a time when terrorists are targeting us aggressively.

Just two weeks ago, this committee released a report showing that, since 2014, ISIS has been tied to 75 terrorist plots against the West. One-third of those plots were aimed at the United States, making our nation the group's number one target.

But I am alarmed that this fight, these threats -- the president still lacks a coherent vision for winning the wider war against Islamic terror. The administration's wait-and-see and lead-from-behind foreign policy not only allowed ISIS to create a terror incubator in Syria and Iraq, but it also allowed a terrorist wildfire to sweep the globe.

Even still, the president has failed to develop credible plans for containing, let alone rolling back, new extremist safe havens. If we do not win this war on offense, then our security falls to our defense. And much of that rests on your shoulders, Mr. Secretary.

We've arrested, as you know, more than 80 ISIS supporters in the United States, and homegrown terror cases are being investigated in all 50 states. That is why I'm grateful DHS is ramping up efforts to combat domestic radicalization. Your department takes the issue seriously and has shown much needed leadership.

Overall, though, I'm disappointed the administration is not doing more. Once again, the president is asking Congress to give him billions more for countering climate change than for countering violent extremism.

Terror threats, however, are not the only homeland security challenge. Our borders are not secure, and they have become highways of illicit traffic and violence. The American people are demanding that Washington do its job and secure our territory. But time and again, they have let us down.

The lack of a clear vision for securing the border is one of the administration's greatest failings. Incredibly, in this year's budget, the White House proposes cutting the number of border patrol agents. This sends a signal to the American people that the government is not serious about fixing this crisis.

I hope today we will also spend time examining our cyber- defenses. The effective cyber-intrusions are felt every day across America, from corporate boardrooms to kitchen tables. DHS has stepped up its efforts to secure federal networks and to assist the private sector.

But our country is still under daily assault, and the bad guys are winning. Network security is a central element of our national security. And today, I hope we can discuss department's cyber-security agenda and where we need to focus our efforts the most.

Finally, I'm concerned about the steep cuts, more than \$500 million, in this year's DHS budget for the Urban Area Security Initiative and state homeland security grant programs that help first responders. Once again, the terror threat level's higher than it's ever been during my time in Congress.

State and local responders are the country's first line of defense, and we need them to be vigilant, trained and equipped to stop acts of terror. So why on Earth would we slash their grant funding?

Today, we are hoping for a good explanation, because I can tell you that, right now, our first responders don't need us to cut their budgets. They need us to have their backs.

So let me, again -- Mr. Secretary, thank you for being here today. We hope to cover a wide range of issues, and I look forward to hearing about your plans to confront these challenges.

And with that, the chair now recognizes the ranking member.

THOMPSON:

Thank you, Chairman McCaul, for holding today's hearing. Secretary Johnson, thank you for appearing today. As you know, this is your first time before us this Congress, and we're happy to see you.

Today's hearing's, titled, "DHS in Today's Dangerous World: Examining the Department's Budget and Readiness to Counter Homeland Threats," invites us to take broad look at the threats that we face in the United States, and how the department is prepared to handle them.

Mr. Secretary, the current threat posed by foreign terrorist organizations, such as ISIL and Al-Qaeda, is significant, and rightfully receive extensive attention. However, at the same time, anti-government and militia groups grew by one-third in 2015.

In a study by the Triangle Center at Duke University, 74 percent of law enforcement identified anti-government groups as the top terrorist threat in their jurisdiction. Last year, we also witnessed the troubled (ph) surge of domestic terrorist groups.

Mr. Secretary, you've stated that we have moved to a world that includes the threat of terrorist-inspired attacks, but terrorists are motivated by something on the internet. Both right-wing extremists and foreign-inspired terrorists have used the internet to organize and plan attacks.

For instance, just this weekend, a militia group organized on Twitter to attend and use force at presidential campaign events. Mr. Secretary, I want to hear from you how the department is maintaining situational awareness and response capability during the increasingly violent -- and violent presidential campaign season.

I know that the department has long recognized the threat from violent extremism, and in 2015, established the Office of Community Partnerships. In its budget, the department requests \$49 million for countering violent extremism grants for emerging threats from violent extremism and complex, coordinated attacks.

To date, the department has provided Congress with little -- little information on how these grants will be distributed. I hope that, contained within forthcoming grant guidance, are instructions for some of the funding to be directed at the prevention of right-wing extremist attacks.

Mr. Secretary, as you've stated and as both sides of the aisle agree, it is the state or local cop on the street that may prevent the next terrorist attack. Right-wing attacks on the rise and ISIL recruiting within our borders, it's baffling that cuts to state and local grants preparedness programs are in the budget.

As the Chairman said, nearly \$500 million are slated to be cut under your budget request. I do not believe the department's budget should be focused on being balanced on the backs of first responders. I want to hear from you, Mr. Secretary, how you expect the proposed cuts to affect the ability of state and local response capabilities.

And the other concern is the staffing level at our nation's airports. The Federal Aviation Administration is projecting passenger growth at a rate of 2 percent a year, making this summer one of the busiest in recent years.

I, along with other members of this committee, continue to hear from large airports, such as the letter we received from the head of the Atlanta airport, that the infrastructure for many security lanes -- but that they have the infrastructure, but due to staffing shortages, they can only use a small number of those lanes.

Given the forecast of increased passenger volume, along with underutilized checkpoints, I'm concerned that congested screening lines will create another vulnerability. So we need to hear from you, Mr. Secretary, on that. We've done pre-check. It's been a good thing. But the lines are still getting longer.

Also, let me suggest that you look at the TSA behavioral detection program as a possibility for over 3,000 people who are, I would assume, doing a good job. But we've yet to be provided the science behind the behavioral detection program that says it works.

And so we've spent a lot of money doing that. And if we don't have the science, let's put the men and women who are in that program in -- in the position to provide relief to some of our airports.

Additionally, I remain concerned about the Secret Service. I am supportive of the budget request that reflects the recommendation of the Protective Mission Panel and the office of the inspector general.

However, I cannot stress enough that the Secret Service cannot enter a new chapter with an ugly cloud of a decades' long racial discrimination suit hanging over its head. Sixteen years, Mr. Secretary, is far too long. Let's put this baby to bed and -- and get on with detecting and doing the job that our men and women do.

Again, I don't have to tell you about morale. OPM (ph) does its annual report. We have to do something to get the morale up. And I look forward to your testimony.

Now yield back, Mr. Chairman.

MCCAUL:

I thank the ranking member. I recognize myself for questions. I realize there's a Rose Garden ceremony at 11 o'clock. Let us know if you need to leave at any time.

(UNKNOWN)

(OFF-MIKE)

MCCAUL:

Yeah. Oh, I -- I apologize. Let me recognize the secretary for an opening statement.

JOHNSON:

Thank you, Chairman McCaul, Ranking Member Thompson, members of this committee.

The 2017 budget request by the president funds our vital homeland security missions, but it does reflect hard choices to fit within the budget caps agreed to by the Congress and the president last year.

We are requesting from Congress \$40.6 billion in appropriated funds, which is down from the \$41 billion level that we currently have in F.Y. '16. The topline is an increase, however, from \$64.8 billion this year to a request of total spending authority of \$66.8 billion for F.Y. '17.

This includes a request for an increase in various fees to support that funding at \$66.8 billion, mostly centered around aviation security. Be happy to answer questions regarding that proposed fee increase. We have submitted to the Congress authorization language to authorize such a fee increase.

The vital homeland security objectives that do need to be funded and are funded in this budget request center around aviation security, cyber-security, adequate funding for the Secret Service, border security, and enforcement and administration of our immigration laws, recapitalization (ph) of the Coast Guard, the funding of a long- overdue new headquarters for the Department of Homeland Security, and grants.

I recognize that this budget request reflects a significant cut in the grants. Again, the budget request reflects hard choices to fit within the budget caps. But I do recognize and appreciate the importance of our grant activity to fund and support state and local law enforcement and first responders.

My top priority for the Department of Homeland Security while I'm secretary this last year in office, is the top overall priority I had last year, which is management reform to more effectively and efficiently deliver our homeland security to the American public.

The overarching effort here is our Unity of Effort initiative, which I launched two years ago to have more centralized and effective and efficient decision-making when it comes to things such as budgeting, acquisition and the like.

I want to thank this committee for the support that you have provided to Homeland Security since I've been secretary. I want to thank members of this committee for the hard work that went into the cyber-security act of 2015.

I know that individual members of this committee spent long hours working with the intelligence committees to come to a bill that passed the full Congress, was signed by the president. It is a good bill, and we are in the midst now of implementing this new law. We are meeting the milestones to implement this new law. One milestone occurs tomorrow, and we will meet that milestone on time.

I appreciate this committee's support for authorization of many of our activities. This committee has already voted out authorization for our joint task forces on the southern border; for our Office of Community Partnerships, as was noted; for our (inaudible) office; the Office of Chemical, Biological, Radiological and Nuclear and Explosives detection (sic); our office of policy, ramping that up.

This committee has done a lot to authorize these various activities to improve the workings of our department, and I very much appreciate that. It's been done on a bipartisan basis. We're looking for Congress for support for our reorganization of NPPD into a more streamlined and effective and operational cyber and infrastructure protection agency.

We're looking for authorization for our Joint Requirements Council, for acquisition reform and for authorization for joint duty assignments within the Department of Homeland Security so we're less stove-piped.

We have our various missions, which have been noted by the chairman and ranking member, which I remain focused on. But my overall goal for the Department of Homeland Security, my remaining 10 months in office, is to leave it better than I found it and to make it a more effective and efficient place to deliver our services to the American people.

Thank you. I look forward to your questions.

MCCAUL:

I thank the secretary. I -- I think you have improved the department significantly. We appreciate that.

I recognize myself for questions. We -- I also want to thank you for the -- discussing the authorization bills, particularly the cyber- security bill, which I think was perhaps the most significant bill passed out of this committee in quite some time. And so I thank you for that.

I had a question about the -- the border. In a letter you sent to Secretary of Defense Ashton Carter dated November the 30th, 2015, you requested a 50 percent reduction of flight hours by the National Guard, or the equivalent of -- of 3,850 hours less than what was provided last year.

And then a reduction in 300 border patrol agents. So as we look at trying to get the border more secure, can you tell me why you have requested a 50 percent reduction in aviation assets?

JOHNSON:

Chairman, you're referring to Operation Phalanx. This is something that the Department of Defense provided over the last 10 years or so, which includes flight hours with DOD assets. DOD began, originally, supporting that effort some years ago, when DHS itself had far less capability in that regard, both in terms of people on the ground and surveillance equipment in the air.

In the intervening years, because of the support of Congress, DHS is in a much better place in terms of flight hours, aerial capability and capability on the ground. And so, this past year, the Department of Defense and I did agree that we could accept less from DOD because of the investments that -- that had been made over the last several years by DHS itself.

So overall, we're at a much better place in terms of total flight hours. So we accepted less from DOD, which represents about a 5 percent cut in flight hours from last year. But longer term, we're in a much better overall place.

MCCAUL:

(inaudible) move on to another issue. The Paris attackers and the Garland case involved what's called dark space (ph), a communications -- an encrypted space using apps. Without the ability to see these communications, it's hard to stop it.

There's been a lot of talk with the Apple case, obviously, in federal court. You, at one point in time, talked about that if smart people were in the room together to ensure all stakeholders were represented in that discussion, that that could be part of the solution.

As you know, Senator Warner and I introduced a bill to form a national commission on technology and security to address this very important issue and then report to Congress, just as the 9/11 Commission did, with solutions to this very difficult challenge to federal law enforcement.

Can you give me your opinion on that?

JOHNSON:

Chairman, I agree that -- excuse me. There needs to be a discussion among smart people to arrive at the appropriate balanced solution to the encryption problem.

I think that, in response to demands from the marketplace, the tech sector has gone pretty far down the road of encryption, not to hide criminal or terrorist activity, but in response to the demands of the marketplace for increased security and encryption, you know, by Americans everywhere.

That has, in fact, made it harder for us to detect terrorist activity and criminal activity. I agree -- excuse me. (CLEAR THROAT) I agree...

MCCAUL:

I -- I have the same problem.

JOHNSON:

I agree that there needs to be a conversation among smart people representative of all the stakeholders in this debate to arrive at -- and I believe there is an appropriate solution to this. To arrive at it, that includes not only representatives of the law enforcement community, federal, state and local; privacy advocates; the tech sector; the intelligence community.

I believe we can arrive at that if you have the right people in the room to do that. So I'm agreeing with the principle of what you're saying.

MCCAUL:

And that is -- that is (inaudible) what the bill states.

Last question, on Syrian...

JOHNSON:

Excuse me, sir. Can I have just one second?

MCCAUL:
Oh, sure.

JOHNSON:
So you can hear me.

MCCAUL:
OK.

JOHNSON:
Sorry. (OFF-MIKE) I'll be right back. Excuse me.

I apologize. I think I'm in a better place. OK.

MCCAUL:
Yeah, I -- I -- we're all -- many of us are suffering from the same illness. So I think you agree conceptually with what the bill represents.

JOHNSON:
I think there needs to be a recalibration, and I believe that there is a solution to this problem that encompasses all interest. And some smart people, if they come together to consider this issue, I think can solve this issue.

MCCAUL:
Just going to the refugees, Syrian refugee issue. We had the SAFE Act that passed the House but not the Senate. You testified before this committee that it's a challenge. We know that organizations like ISIS might like to exploit the refugee program.

And then subsequent to that, the director of national intelligence wrote to me in a letter indicating that, quote, "individuals with ties to terrorist groups in Syria attempting to gain entry to the United States or have already attempted to through the -- the refugee program."

Let me ask you just two -- two-part question. One, do you still agree that that poses a potential threat to the security of the United States? Let me just ask you that question first.

JOHNSON:
In all candor, I do agree that the refugee flow coming out of Iraq and Syria represents a potential opportunity for terrorist organizations to move its members into other nations for potential attacks. So I agree that there is that potential, which is why, just within the last several months, we have enhanced our vetting for refugees.

That said, just week before last, I was in Turkey, as I think you know. One of the places I visited was a Syrian refugee camp. The overwhelming number of people in that camp are women and children, who left Syria because their homes had been ravaged and destroyed, and want to go back there.

They're the victims of terrorism and violence, and so I think we need to support the effort to resettle this population someplace else. But we're going to do it carefully. And we've put on a number of security enhancements to the process, which is already very cumbersome and time-consuming. And we're evaluating whether more is necessary.

But my basic answer to your first question is yes, sir.

MCCAUL:

Well, and let me just follow up. When I go home and I talk to my local community, state representatives -- you know, federal law requires that the state and local governments be consulted with.

And when I go home, they basically tell me, as you move the refugees in, and they are coming into the United States now, and as you move them in, the local communities want to know when you're -- when you're moving them in and where, for a lot of reasons. Safety and security, and maybe the safety of the refugees themselves.

Can you tell me why this is not being done?

JOHNSON:

Well, as -- as I'm sure you know, the actual resettlement in the United States is principally the responsibility of the State Department. And the State Department is supposed to be consulting with state governments, with local communities, local not-for-profit organizations.

My observation just in the state of Texas, and I've met communities that are -- have embraced Syrian refugees, in particular, in Texas, is that it's going -- it's going well. That the communities that have accepted the refugees are embracing of -- of refugees. They're learning the language. They're getting jobs. Their families are relatively happy to be here.

That has been my observation. I know that there is friction with governors, which the State Department and I have been seeking to address. And I think we're in a better place now than we were, say, in December with...

MCCAUL:

Well yeah, and I -- I would encourage you to do as much consultation as possible before they are moved into these communities.

With that, the chair recognizes the ranking member.

JOHNSON:

I am now adequately doctored up here with two cups of tea, a lot of candy and so forth. Lifesavers. So I'm good for another six hours.

MCCAUL:

There must be something in the air.

JOHNSON:

Thank you.

THOMPSON:

Thank you very much. Mr. Secretary, I talked a little bit about the wait times that a lot of airports presently are experiencing, and the implications for additional times -- wait times this summer.

We had Administrator Neffenger here before the committee recently and shared (inaudible) information with him. Can you, kind of, give some assurance to this committee that that existing problem, as well as future problem, is high on your radar screen, and -- and that this budget would not impede a solution to that problem?

JOHNSON:

The answer is yes. Let me say three things.

First, wait times are due, in significant part, to increased travel volume. More people are flying these days.

Number two, we have, in fact, applied a renewed focus to security at checkpoints at domestic airports. That is something that Administration Neffenger and I both support, and it's something I asked him to do, in part, because of the results of the inspector general's test last summer, which we all know about.

So we have made a renewed effort at aviation security, aviation screening at checkpoints, which I hope and expect and believe that the American public supports and understands that it is for the protection of them.

With regard to the workforce, as I'm sure you know, Congressman, for years we have been reducing the number of TSOs because of risk-based security. In this budget request, we're beginning to reverse that trend. We want to stop the process of reducing the number and, in fact, start building on that so that we have more TSOs available to do the screening.

That will help with the wait times. I -- I track wait times myself every time Pete Neffenger comes in to brief me. And I see the numbers going up. But I think it will get better over time. But a lot of it is due to increased travel volume, which is a good thing in my view.

THOMPSON:

So you -- you anticipate that the problem will be managed?

JOHNSON:

I anticipate that the problem will be managed, is -- is being managed. We're approaching the summer months, as you know, and I'm sure we'll see added wait times at certain airports.

But we're, in this budget request, seeking a slight increase in the number of TSOs, and I expect that to be a longer term trend to deal with the screening at airports. But there has been that renewed focus on security, without a doubt.

THOMPSON:

I talked a little bit about presidential campaign security. It's that time of the year. Some of us are concerned with the activities of people who are attending campaign events.

I would hope that the mission for the Secret Service is maintained toward the protection of -- of -
- of the particular individuals running for the office, and that other security responsibilities will fall to other law enforcement. Can...

JOHNSON:

That is exactly the line they draw. The Secret Service, and I want to make this very clear, is responsible for the physical security of the protectee. The Secret Service is not responsible for moving demonstrators, removing those who violate the rules or are noisy, unless it represents a physical threat to the protectee.

So very often at these large events, as you have observed, there will be security provided by the event space, provided, perhaps, by the event organizers. But the Secret Service, you know, the people that the taxpayers pay for, are there to provide physical security for the protectee. That's their job, and that's the limits of their jobs.

It also includes magnetometers at screening of -- of the events for the physical safety of the protectee. But as a protectee myself, I have been in situations where there are protestors, demonstrators, and things get a little -- things get a little hot.

But the Secret Service is there to just take care of the protectee. That's it. They're not there to deal with the demonstrators unless the demonstrators present a threat to the protectee.

THOMPSON:

Thank you. Yield back, Mr. Chair.

MCCAUL:

Chair recognizes Mr. King from New York.

KING:

Thank you, Mr. Chairman. Secretary Johnson, let me at the outset thank you for your service as homeland security secretary, both within the department and also the level of cooperation that you give to this committee and the open door that you have.

I'd like to focus on the grant programs. I say this coming from New York, but I think it would apply to almost any urban area, even suburban area, throughout the country. Time when the ISIS threats are so high, we see a 45 percent reduction in the urban area security initiative grants.

From my observations, these grants have been effective. They've been administered in an efficient way. I'm not aware of any particular waste or corruption or abuse of the grants. And also, they -- the cities attempt to process them as quickly as possible, the grant applications.

So I would just like your observations, as what you believe the effectiveness of these grant programs have been, now and going forward.

JOHNSON:

The budget request, Congressman, with respect to grants, again, reflects hard choices to fit within the budget caps.

I do agree that our grant activity is very important to state and local law enforcement, state and local first responders. I have seen first-hand the effectiveness of our grants that support, for the NYPD for example, communications equipment; surveillance equipment; overtime for cops, for firefighters; and active shooter training.

I personally attended an active shooter training exercise in the New York City subway system in November with Commissioner Bratton. Active shooter exercises right now, given the existing threat we face, are very important. So I've not only been to New York City, I've been to Miami to observe active shooter training exercises there, and in Louisville, Kentucky, to highlight the importance of this.

And so, given how, as was noted, we have more and more reliance on state and local law enforcement to detect the next terrorist attack, supporting state and local law enforcement in their counter- terrorism efforts is very, very important, in my judgment.

I support the president's budget, obviously. But I do agree that our grant money is very important for state and local law enforcement, state and local governments.

KING:

Thank you. I -- and I would just add to that. In many ways, the local police and fire departments are carrying out a federal function as far as resisting terrorism. So I -- I appreciate your testimony on that.

As a follow-up to what the ranking member was asking about Secret Service protection, I realize that their job is to protect the protectee. But planning for the conventions this summer, will the Secret Service have a role in dealing in -- the preparation with the local police and with the local security coordinators?

JOHNSON:

Yes.

KING:

Or with the candidates or the convention itself? And again, you have the local police departments?

JOHNSON:

Yes. A national political convention is an NSSE. There is a federal coordinator of the security of the effort. The planning that goes into that takes a year or more. And this year, in particular, I have told the Secret Service that we should do as much of that advance planning as possible. And I will be particularly involved myself.

It does involve working with state and local law enforcement, state and local first responders for perimeter security, traffic patterns and the like. I think this year, I want to see us ensure that we're adequately prepared.

KING:

Going forward, do you think more money should be allocated just for the, you know, contingency of what might happen going into a presidential year?

I mean, you could have been caught short this year just by, I think -- I don't think any of us anticipated the level of interest, the level of potential violence, and -- is there enough funding and, going forward, could you make a recommendation, you -- you know, for your successor?

JOHNSON:

I -- I believe we're adequately funded. But I'm going to speak for myself here and not for my administration for a moment to say that I think that we should -- I know we try to adequately fund the Secret Service at a higher level during election years.

But there're variables to campaigns. This year, at one point, we had 14 candidates running for the Republican nomination, any one of whom could have requested Secret Service. And they may have qualified for it.

But there is a huge variable there. I think, perhaps, and again, I'm speaking for myself, we ought to think about some sort of fund that is multi-year money that the Secret Service can draw on to deal with these variables.

I think that's something that we and the Congress should think about in the future, because there are some things you can't anticipate. Or you can, but depending upon events, it could be funding at this level versus that level, so.

KING:

Thank you, Mr. Secretary. I would just say, in conclusion, I certainly would urge the Congress to do all it can to restore the grant money and hope to get cooperation from the administration as we go forward on that.

Yield back. Thank you.

MCCAUL:

Chair recognizes Mr. Langevin.

LANGEVIN:

Thank you, Mr. Chairman. And Mr. Secretary, I want to thank you for being here, welcome you back. And want to thank you as well as the -- the hard-working men and women who work under your supervision at Department of Homeland Security, the work that both you and they do to protect our nation.

So I have a few questions on an issue that's of great importance to me, and I know to you and to the country. And that's, obviously, dealing with cyber-security.

And I just want to begin by saying that I was very pleased with the administration's Cyber-security National Action Plan that the president just announced recently, which I really do believe makes needed steps toward centralizing dot-gov information security, something that I've long called for for a number of years now.

Can you discuss the department's role in the -- the CNAP? In particular, how will DHS interact with the -- the new federal chief information security officer?

JOHNSON:

Well, a couple things. DHS will be involved -- is involved with almost every aspect of that plan. Every head of federal agencies and departments, every head of them, is legally responsible for their own systems. But having a central information cyber- security officer, I think, is a good thing.

I am responsible for the overall security of the federal civilian dot-gov system. And I think we're fulfilling that responsibility right now, particularly with the authorities in the new law.

The CNAP, I think, puts focus on a couple of things that are important. One is education. The other is hiring a cyber-workforce. And the third, and I know this is the thing that the president is very emphatic about, modernization of our federal systems, which -- some of whom are very old, go back to the 1970s and '80s.

And so, we're requesting a huge, long-term investment in doing that. But DHS is involved in virtually every aspect of the plan. And we're involved in virtually every aspect of cyber-security day to day as we -- as we go about our mission.

LANGEVIN:

Thank you. And I understand that the -- the president's national plan of action is actually moving away from this idea of -- of departments and agencies procuring their own cyber- security. Is that your understanding as well?

JOHNSON:

I think the idea is we'd like to have a more strategic centralized approach to the acquisition of systems so that we get the best deals. And there are lessons learned across the departments, and a consistency in how we go about this. So it's not case-by-case and happenstance.

LANGEVIN:

Well -- so continuing along that line, in your testimony, you point out that CDM and Einstein continue to expand their reach across dot-gov programs like these, allow departments and agencies to outsource important cyber-security functions to subject- matter experts in your department.

However, as you point out, only 50 percent of personnel are protected by E3A at -- at the moment. Do you need more authorities to make sure agencies adopt these -- these valuable resources? And if not, how should we ensure that they are used?

JOHNSON:

I think that the cyber-security act of 2015 did a good job of addressing this. There was some doubt about the authority of DHS to go into other federal agencies with an intrusion detection system.

But the new law addresses that. I will say that there are still some lingering concerns about that in certain departments and agencies. But we're addressing them armed with this new law that you gave us last year.

LANGEVIN:

OK.

JOHNSON:

And -- and -- and one of the things the law requires is that we get to 100 percent by the end of this year, and I think we're on track to do that.

LANGEVIN:

I'm anxious for us to get there, and I know you are as well.

Mr. Secretary, one additional question, and I know my time's expiring. But two weeks ago, the department -- the Defense Department announced that it would be establishing a bug bounty program to provide security researchers a clear path to detect and report vulnerabilities to the DOD. Is this something that you would support for DHS?

JOHNSON:

I -- I haven't thought carefully about that question, but I -- it sounds like -- it sounds like a good idea. Yes, sir.

LANGEVIN:

Yeah. I mean, of all the places that you'd think would not want to support some of (inaudible) would, you know, in terms of being hyper-sensitive about security in their networks, to allow something like this I think is -- I think is very forward leaning, very creative. I support it. I think it's a good thing, and I -- I hope you would seriously consider doing something similar.

JOHNSON:

Yes, sir.

LANGEVIN:

OK. With that, thank you, Mr. Chairman. My time's expired. Yield back.

MCCAUL:

Chair recognizes Mr. Smith.

SMITH:

Thank you, Mr. Chairman. Mr. Secretary, I just want to get an idea, first, of the extent of the problem that we're trying to address with the budget.

First of all, how much of an increase has there been in illegal immigration in the last -- since the first of this year? My understanding is that it's up 25 percent. Is that accurate?

JOHNSON:
Are you referring to apprehensions?

SMITH:
Yes.

JOHNSON:
Since the first of this calendar year...

SMITH:
Correct.

JOHNSON:
... it has -- it has remained pretty steady. I have the numbers right here, if you'd like.

SMITH:
OK.

JOHNSON:
But as I mentioned earlier, apprehensions on the southern border...

SMITH:
I -- I...

JOHNSON:
... in February and January...

(CROSSTALK)

SMITH:
I misspoke. Rather than the beginning of this calendar year, I meant to say the beginning of the fiscal year.

JOHNSON:
Oh, I see.

SMITH:
First four months of the fiscal year, I understand apprehensions were up 25 percent.

JOHNSON:
The numbers beginning October 1 were creeping up in October, November, December.

SMITH:
Right.

JOHNSON:
And they decreased pretty significantly in January, February.

SMITH:
Is 25 percent accurate, generally?

JOHNSON:
Over the prior fiscal year, that is probably right because of that increase we saw in the fall.

SMITH:
Right. And also, with the corresponding same period of time, were the apprehensions for unaccompanied children up about 100 percent?

JOHNSON:
I don't know whether that's true or not. I don't know -- I don't know about that number.

SMITH:
OK. That's my understanding as well: apprehensions overall 25 percent, unaccompanied children 100 percent. No surprise, except that that's not an encouraging trend.

Let me go onto another subject.

JOHNSON:
But the trend has been back down again in January and February.

SMITH:
Yeah.

JOHNSON:
So the levels it was this time last year.

SMITH:
Right. They're still up, regardless, over the last year. The 100 percent over the corresponding same time, I understand. But you can -- you can get back to me if -- maybe even by the time we're finished today.

The other subject I wanted to bring up was, I was down recently at the border in Texas. And some individuals told us that the administration's catch and release program was being expanded. By -- by catch and release, I mean individuals were apprehended and not put into proceedings, but just turned around and released, or sometimes returned across the border.

Is that catch and release process being expanded, in your opinion?

JOHNSON:

No, I'd have to disagree with that, sir. As I think you know, we have expanded our capability for family residence centers...

SMITH:

Right.

JOHNSON:

... in several locations in Texas. And we have...

SMITH:

Agents are not being told just to not put individuals in proceedings? They're not being told just to release them?

JOHNSON:

No. That -- That's not my understanding, and that's not my expectation at all. We have -- just this fiscal year, we have sent back, either by the border patrol or ICE...

SMITH:

Right.

JOHNSON:

... something like 128,000 Mexicans.

SMITH:

Right, but I'm talking about something different. I -- I -- I'm sure individuals have been returned. I'm talking about -- and it sounds to me, I'd like to have you confirm it, that if an individual is apprehended, they're put into proceedings. They're not just released.

JOHNSON:

If an individual is apprehended, if they are not detained, they should be given a notice to appear and put in immigration proceedings.

SMITH:

OK.

JOHNSON:

And once they're ordered removed and they're a priority removal, then they should be removed.

SMITH:

OK. OK, good. And then lastly, and you probably anticipate this question because I ask it every time you're before this committee. How many thousands of individuals has the administration released who are criminal immigrants?

In other words, every year, it's around 28,000. Every year, you say, "It's wrong. We're not going to do it anymore." And we seem to be -- we seem to continue that policy. But how many criminal immigrants are being released?

JOHNSON:

Congressman, since you and I have been having this conversation, in F.Y. '13, the number was 36,000.

SMITH:

OK.

JOHNSON:

Last year, or the year before, I put in some reforms to the process...

SMITH:

Right.

JOHNSON:

... to tighten up that decision-making process.

SMITH:

Right.

JOHNSON:

In F.Y. '14, the number went down to about 30,000.

SMITH:

Right.

JOHNSON:

And in F.Y. '15, the number is, I think, around 19,000.

SMITH:

OK.

JOHNSON:

So it's gone down.

SMITH:

Why -- why is it 1,000? Why are we releasing any criminal immigrant back into our neighborhoods?

JOHNSON:

As you know, a lot of the decisions are made by an immigration judge, which is part of the Department of Justice. And because of the Supreme Court's decision *Enzabedas* (ph) which, after a removal order...

(CROSSTALK)

JOHNSON:

... gives us limited ability to hold people.

SMITH:

That -- that was cases or -- amount to about 2,000 of the 20,000. I'm talking about the other 18,000, which the administration, if it wanted to continue to incarcerate, they could, and they still continue to release thousands of people.

And as you know, the figures came out a few days ago where, over the last several years, hundreds of individuals who have committed capital crimes, who had been released who didn't need to be released. So when is the figure going to get down to zero, not 19,000 or -- or whatever it might be?

JOHNSON:

Well, I'm -- I'm constrained by the decision of an immigration judge, and I'm constrained by the law. I will tell you that a decreasing percentage of those released are released as the result of the exercise of discretion by an immigration officer.

SMITH:

OK.

JOHNSON:

And I'd like to see that continue in that direction. I, too, would like to see that number continue to go down, and it has gone down significantly in the last two years.

SMITH:

OK. Thank you, Mr. Chairman.

MCCAUL:

Thank you. Chair recognizes Miss Watson Coleman.

WATSON COLEMAN:

Thank you, Mr. Chairman. Good -- good morning, Mr. Secretary.

JOHNSON:

Good morning.

WATSON COLEMAN:

It's good to see you again.

I want to talk a little bit -- I want to ask you a question about the department's decision to up the number of individuals that it -- it plans to house at the headquarters from 12,800 employees to 18,000 employees, and from 230 square feet per person to 155 square feet per person.

And the reason I'm asking you this is because we've had many hearings here where the issue of chronic low morale has been raised. And it would seem to me that reducing this, sort of, personal workspace and increasing the number of people in that area might have a negative impact on -- also on morale.

So I'm wondering why that decision was made. What went into making that decision?

JOHNSON:

Well, first of all, we have an aggressive campaign to improve the levels of employee satisfaction, and I believe we will see an improvement in the levels of employee satisfaction this year because of the efforts we've been making over the last two.

We are building, with the support of this Congress, a new headquarters in southeast Washington. It'll be a really nice headquarters, much nicer than the temporary space we're in now, which, irrespective of the square footage, is not optimal for our headquarters personnel.

I believe, aside from whatever square footage there is, that once we get to a new consolidated headquarters, that will also improve levels of employee satisfaction. Just being in a new modernized headquarters space where we're all better able to have secure communications, more conference space and the like, is going to go a long way.

So I don't know about the -- I heard you mention the -- those numbers. I'm not familiar with the square footage numbers, but I do believe and I am convinced that, when we move to the new headquarters, that's going to do a lot for morale.

WATSON COLEMAN:

When I was -- way back when, when I was in school and studying issues of this nature, this whole issue of personal space and how you felt about your work environment kind of went hand in hand. So I just was sort of interested in how one decided that it -- this 75 square feet reduction wouldn't have a negative impact on an already, sort of, fragile work environment.

And -- And I do understand and appreciate that you've been doing a lot to try to lift morale and -- and make people happy about working in the important work that they do. Another...

JOHNSON:

I think -- I think moving to a -- a sparkling new headquarters is going to do a lot for that.

WATSON COLEMAN:

Well, that'll help. That'll help, truly, yes.

I wanted to talk to you a little bit more. We talked about the Secret Service and its role at these presidential debates and who it's supposed to protect. And so -- but I wanted to go a little bit beyond that, because these are major, large events, and I know you -- you speak to maintaining situational awareness at these major events.

And so, as we're moving forward, not only in, you know, this primary season but even in the general election season, even up to the various conventions, what is it that the department will be doing to maintain situational awareness and coordinate with state and local law enforcement during this whole campaign season, up to and including?

JOHNSON:

Well, the Secret Service is, in large part, a law enforcement agency. So a lot of what the Secret Service does is investigative in nature. So -- and a lot of the protection mission is investigative in nature.

The Secret Service, I know for a fact, works well with state and local law enforcement on a variety of things, including the protection mission. State and local law enforcement supports the protection mission in every place a protectee goes. I've seen that firsthand.

This election year, that's an expanded mission. And so, I anticipate, particularly as we move toward the national political conventions, that we're going to spend a lot of time working with local law enforcement in Cleveland, working with local law enforcement in Philadelphia.

Those are two NSSEs that we -- that we coordinate the security for every four years. And I anticipate that again happening in this year.

WATSON COLEMAN:

So will there be other personnel other than Secret Service...

JOHNSON:

Yes.

WATSON COLEMAN:

... personnel from your department that are engaged?

JOHNSON:

Yes, yes. Like the general assembly last year, our HSI personnel, our TSA personnel, our Coast Guard are all devoted toward the security of -- of the event. And other components of my department. So I anticipate that happening going forward with the conventions and with the campaign.

WATSON COLEMAN:

So will some of those personnel be involved in tamping down, calming down episodes at these events, like we've seen at some already? Or does it...

JOHNSON:

No, I don't -- I don't -- I would not put it that way. I think that what our personnel do to support the Secret Service is, say, magnetometer screening at events...

WATSON COLEMAN:

OK.

JOHNSON:

... to ensure that no prohibited items are brought in. But in terms of dealing with -- with demonstrators and the like, that is largely a...

WATSON COLEMAN:

Local law...

JOHNSON:

... private security function and a local law enforcement function.

WATSON COLEMAN:

I have one -- one other quick question. In regards border agents, the problem that you're having with recruitment and with retention. And there was some information about -- one of the problems with this is that a lot of these border agent applicants couldn't pass the polygraph test.

So I'm wondering, are you doing a broad recruitment, or is this a narrow recruitment? What is the problem here in being able to retain the workforce as you state you need and as you're asking for here?

JOHNSON:

We simply have not been able to hire to the levels that we want to hire to. And so, the commissioner of CBP, with my encouragement, has been very focused on an intense campaign to get people through that process faster.

We now have a hiring and recruitment command at CBP. We have these things called hiring hubs. And we're doing a number of things to get through the polygraph and the vetting process quicker. This is a top priority of the commissioner, and I know he's focused on it.

WATSON COLEMAN:

So this is not an issue of not enough candidates. This was an issue of the system not being -- being able to move...

(CROSSTALK)

JOHNSON:

I think that's a -- I think that's a fair statement.

WATSON COLEMAN:

OK. Thank you. Thank you, Mr. Secretary, my time is up. Thank you, Mr. Chair.

MCCAUL:

Chair recognizes Mr. Duncan.

DUNCAN:

Thank you, Mr. Chairman. Mr. Secretary, a lot of statistics we hear about visa overstays are that 49 percent of all illegals in this country are people that overstayed their visa. I want to thank you for putting together this Entry/Exit Overstay Report put out in January.

I read it with some interest because it looks like y'all have left out some of the visa overstay categories. For instance, this report is limited to foreign nationals who entered the United States as non-immigrant visa visitors for business, i.e. B-1 and WB visas, or pleasure, i.e. B-2 and WT visas through ARC (ph) ports of entry.

You left out F-1 student visas, which is a large category of these overstays. Can we expect a report from your office on the anticipated number of visa overstays that are F-1 visa holders?

JOHNSON:

Yes, we -- we should and we must get there. The reason that the visa overstay report that you have is limited to B-1, B-2 visas is because that was the place where we could provide you with reliable information. It's based on biographic (ph) exit, and with regard to non-immigrant B-1, B-2 visas, we're now in a place where we can give -- give that data on a reliable basis.

The problem with student visas is we don't always know how long the validity period is, because it varies with student visas. But when somebody's issued a visa for -- for tourism for -- it's for a defined period, and so that's more readily available information, so.

DUNCAN:

Right.

JOHNSON:

This is -- as you know, this has been a long-term effort. We finally got to the place where we could provide visa overstay information with regard to B-1, B-2. But I agree with you that it needs to be a work in progress, and we're going to keep at this (inaudible).

DUNCAN:

And absolutely. I think you would agree with me we need to continue our efforts on an entry/exit visa system -- entry/exit system biometric so we know when someone enters and leaves the country.

I noticed the visa waiver program numbers aren't included in here either. You mention that is a challenge, and I understand that. I just hope we'll continue working on that. That wasn't a thrust of my intention this morning, but I read this with some interest. And I -- I applaud you for at least taking a -- a first step on that.

The Department of Defense recently released its plan for closing the prison at Guantanamo Bay and relocating those terrorists to U.S. soil. DOD visited a site in South Carolina, the Charleston naval brig, among other sites within the United States. Housing terrorists in the United States could, potentially, increase the threat to our homeland, including Charleston in my home state.

So two-part question: has the department conducted any analysis into the security threat that would be posed to the homeland in bringing these terrorists into the United States, and specifically, has there been any analysis conducted into the potential increased threat posed to communities that would house these terrorists?

JOHNSON:

With regard to that last question, I'd have to refer you the Department of Defense. From my homeland security perspective, I certainly support the closing of the facility at Guantanamo. But from my homeland security perspective, I'd want to know two things.

I'd want to see a threat assessment done with respect to the surrounding community for wherever we select to send some of these people in the United States. And I'd wanna -- I'd wanna be sure from a legal perspective that the laws that provide for various immigration protections do not apply to these people. And...

DUNCAN:

I agree with you on that part. That our civil liberties and constitutional rights should not apply to terrorists just because they're brought to United States soil in captivity. I agree.

JOHNSON:

Well, I've seen legal analyses that the immigration laws, immigration benefits would not apply to a law board detainee in the United States. I'd wanna be sure that's true.

DUNCAN:

OK. The brig in Charleston has an elementary school a mile or less from the brig. It's a -- it's a security concern. I think it does absolutely fall under your umbrella of jurisdiction because if you bring these terrorists to U.S. soil, and we're holding them there -- right now, they're on that island.

It's very hard for ISIS for Al Qaeda to attack that prison. But if they come to the United States soil -- and we've already seen San Bernardino and other terrorists attacks happen. A lot of folks believe that those cities themselves where those terrorists are -- are -- are housed could be targets themselves for active terror just because.

Now, it could be a -- a attempted breakout. We saw a helicopter land in a local prison in upstate South Carolina in a -- in a prison break. So these are legitimate concerns.

The administration this week, just yesterday, reversed course on a five-year plan for oil and gas leasing in the Atlantic Ocean. And they said in their statement they did so because of input from stakeholders, the local community and whatnot. Do you believe or would you not agree that it's appropriate to include the state governors in the talks of moving the terrorists into their state?

JOHNSON:

Yes.

DUNCAN:

Thank you. 'Cause I think the administration -- if you use presidents of oil and gas leasing in the Atlantic, using stakeholder input -- they absolutely ought to listen to the governors in the state. So governors have written letters to the administration voicing their concerns and opposition to not only bring a terrorist onto U.S. soil but into their individual states.

Governor Haley in my state ought to be commended for being one of those governors that say we don't want these terrorists in our state. And I think the administration should listen to the governors, just like they listen to the environmentalists with regard to oil and gas leases.

So thanks for your comments, Mr. Chairman. I appreciate it and yield back.

JOHNSON:

If I may, I know from my experience years ago as General Counsel of the Department of Defense that when we were looking at this question, we would consult governors and members of Congress that represent potential locations.

DUNCAN:

And -- and I don't know that the administration is listening at this point to the governors or the members of Congress on this particular issue at this time. And I yield back.

MCCAUL:

Chair recognizes Mr. Keating.

KEATING:

Thank you, Mr. Chairman. Thank you, Mr. Secretary for being here. Let me just throw out some questions and see if time permits you to answer them here or if you'll have to follow-up in writing.

First of all, I wanted to touch base on -- again, emphasizing what the Chairman said in the -- his opening remarks about the UASI grants, the Urban Area Security Initiative Grants. Those cuts, as well as cuts to state homeland security grant monies -- we're concerned about those.

In Boston, we saw the value of those UASI grants firsthand, and we continue to utilize those effectively. And also, last September you announced that the Office of Community Partnerships initiative of the -- the cuts in these state and local programs could indeed hurt the effectiveness of that effort as well. That's number one.

Number two -- the long wait lines that so many airports are experiencing right now. We're experiencing them. We're among the many. We experience them in Logan Airport, particularly with the influx of summertime vacations and the warm weather that's coming.

It's my understanding from some of the airports that passenger screening K-9s could help expedite this. In fact, they said in Logan Airport, they said the two to four dogs in increase that -- with their efforts assisting and with explosive detection would greatly reduce passenger times.

Number two -- I wanna see if there can be something to -- to address that, as well as if you go ahead with the long-term solution for some of the staffing shortages.

The third thing is a (inaudible) bill that I put in with the Chair dealing with detection and identification and seizures of cultural properties, artifacts that are there, which fuel terrorist activities. Part of that was signed into law in February. How are you doing with progressing with that in terms of staffing up to deal with that detection program?

And I'll leave it with that, although I would -- do wanna, in writing I'll talk about some of the more local issues in the Bedford Airport and Hyannis Harbor with CBP people, as well as give you a thank you. Your staff is helping us to expedite H2B visa issue, which is -- because of Department of Labor concerns -- is being slowed up.

But your -- your people have been helping us to -- in the overall process to shorten that. So thank you. I know I gave you a lot. I apologize.

JOHNSON:

With regard to the last question about the artifacts law, I believe we are doing what we have to do to meet that law. We support that law.

I agree with you about the effectiveness of K-9s. It's my assessment that use of K-9s -- a dog's nose is about as good as technology as there is. We are addressing wait times at the airports, but part of it is due to increased travel volume. But we want to -- we want to reverse the trend to downsize TSOs.

Part of added wait times is simply more security. We have, both the TSA administrator and myself, embarked upon a plan to bring about more aviation security at domestic airports. So that's an intended -- what's -- it is not an unforeseen consequence that we're having longer wait times. But a lot of it is due to the increased travel problem -- travel volume.

I do agree with the importance of UASI grants. I've seen the effectiveness of it myself. Given the evolution of the global terrorist threat, I think supporting state and local law enforcement is important. The submission you have you before you for FY17 does reflect our choices to fit within the budget caps.

KEATING:

Maybe we can address some of those here hopefully. In the Office of the Community Partnerships, how is that going?

JOHNSON:

I think it's going well.

KEATING:

'Cause it's an important -- important program, I think.

JOHNSON:

It's countering violent extremism. Given the current threat environment, it is in my judgment as important as any of our homeland security missions. And under the leadership of George Saleen

(ph), we're building bridges. We're building bridges to the tech sector for help there. We're building bridges to philanthropies.

I'm very supportive and appreciative of the Congress' efforts to help us out with grant money to do all this. There -- there is bipartisan support in Congress for our CVE efforts, and I'm glad to see that.

KEATING:

Great. Thank you, Mr. Secretary. I yield back.

MCCAUL:

Chair recognizes Mr. Barletta.

BARLETTA:

Thank you, Mr. Chairman. I happen to chair the subcommittee that oversees federal buildings. The first federal building I went into -- they had 1,500 square feet per employee. That's -- that's a little bit more than a cubicle.

So it's been my request and the request of the president to reduce the federal footprint of federal properties. And we have done that so far.

The agencies have complied. And today we've saved \$2.9 billion in the agencies that have now moved into spaces that are 180 square feet or less per employee. So I appreciate Homeland Security working with us. And it's going to be a beautiful facility.

And at the same time, there will be more money for your mission, rather than wasted space that most Americans don't have in their day-to-day jobs. So that's a sidebar, and I think -- again, I appreciate you working with the committee.

Mr. Secretary, the 9/11 commission taught us that to terrorists, travel documents are just as important as weapons. It's the preferred method of entry into the country for terrorists. Come here legally, and then just stay. Disappear into the mainland.

Nevertheless, our government continues to fail at keeping track of who has entered our country and whether they have left or not. And if you -- if you are home to an international airport, your state, you essentially live in a border state.

This is a point I have consistently raised since joining this committee. And that's why I have, again, introduced legislation that makes a simple tweak to our laws.

As we all know, if someone illegally crosses the southern border, they are unlawfully present in the United States. If someone comes in on a visa and then overstays their visa, they are unlawfully present in the United States.

In fact, over 40 percent of the people that are here illegally didn't cross the border illegally. They come on a visa, and they don't go home.

Yet the penalty is very different, even though both people in this situation have the same legal status -- unlawfully present. Their status is the same. So why is the penalty different, and why doesn't it make sense for the penalty to be the same -- a criminal and not a civil offense.

And just last month, we saw a reason why this isn't a debate club argument but an issue that impacts my constituents at home.

A Ukrainian national most likely lied to get into this country. Authorities say he came into the United States on a three-month work visa, then got a tourist visa that expired in March 2013.

He then enrolled as a freshman at a Harrisburg school just six months later. He took on a false identity, a fake name, he lied about his age. He started school as a freshman, a 20-year-old freshman in our schools.

His, quote, "surrogate parents," Stephanie McClure Potts (ph) and Michael Potts (ph) helped enroll him with fake documents. The criminal complaint said that they also helped him get a Pennsylvania driver's license under the name of Asher Potts in 2014.

He's being charged with multiple offenses, including theft, identify theft, tampering with public records, conspiracy, and statutory rape. Now his surrogate parents say he talked about attacking students at his high school. Nothing could be more chilling than the thought of terrorists enrolling as students.

Previously, we've heard of terrorists taking flying lessons, but imagine them sitting next to your kids in algebra class. The fact that this has happened in central Pennsylvania shows how serious this is.

Imagine if instead of being a 23-year-old Ukrainian national named Artur Samarin posing with the name of Asher Potts, this man had an Arabic or Hispanic last name.

That sure would get everyone's attention, and this is the same thing, no matter what his name is. If they heard that someone overstayed their visa had created false documents, joined the ROTC and talked about wanting to joining Nassau and had allegedly made threats to attack students.

Now, we've seen concrete evidence in Harrisburg. Where else is this happening? How many more Asher Potts are there nationwide? My question is, how many individuals have overstayed their visas, falsified their identities, lied about their age and are sitting in school classes today?

JOHNSON:

Congressman, a couple of things. First, the visa overstay report that was recently released reveals that with regard to those who entered on V1, V2 visas -- year-to-year, the population of those who overstayed at any one time -- that could be a day or a year -- is somewhere around 400,000. I don't have the exact number, but it's reflected in the report.

I'm going to agree with the spirit of your question. I think that in this current environment and this current threat environment, the potential for fraudulent travel documents is a big concern. So I've done a lot to support DHS's fraudulent documents lab, which we have. We have the capability to detect fraudulent documents.

I also have asked our folks to -- now that we have some better clarity on visa overstays -- develop priorities for enforcement with regard to visa overstays. Right now, priority three reflects -- in my policy, reflects those who -- I can't remember the exact words -- commit fraud of the system.

But I've told our folks we need to develop priorities within the visa overstay population to get at this population. I think that there is -- I think there's a concern we should all have about fraudulent documents.

BARLETTA:

Especially if they can get in our schools, lie about their age and -- you know, there wouldn't be a more horrific crime here than -- than what kind of -- if you can use your imagination of what could happen.

And don't you think the penalties should be the same if you cross the border or you overstay your visa? You're both -- you're still -- your status is the same. You're unlawfully present here. Shouldn't the penalties at least be the same?

JOHNSON:

I -- I -- I -- I'd have to think about that a bit more. I'm concerned about the fraudulent travel document problem because of the migration crisis we have, primarily. I understand the spirit of your question, too. But I -- that -- that is my concern.

BARLETTA:

Thank you. Thank you, Mr. Chairman.

MCCAUL:

Thanks. Chair recognizes Mr. Payne.

PAYNE:

Thank you, Mr. Chairman and Secretary. It's good to see you again. And you -- as you know, my district, your home, takes in the port of Newark and Newark Liberty International Airport. Custom and border protection, agricultural specialists at the airport nearly clear up to 20,000 passengers every day.

You know, the port is one of the busiest on the East Coast, and the CPB agricultural specialist inspects, you know, all types of items that could harm domestic agriculture.

And I'm concerned that our understaffed ports lead to delays in our commercial lanes as cargo waits to enter the U.S. commerce, but also creates significant hardship for CBP officers.

And there is a severe shortage of agricultural specialists, adding to reports of entry in the neighborhood of 30 members. What is the strategy in terms of working on these issues with the lack of personnel?

JOHNSON:

The strategy is an aggressive plan to make for a more efficient hiring process through aggressive recruitment, a recruitment-hiring command within CBP, hiring hubs and a more expedited way to get through the polygraphs.

We do have shortages in person power that are reflected around the country, including in northern New Jersey. And I've told the commissioner that this has got to be a top priority this year to address. And I believe he is addressing it. He is acutely aware of the shortages that you refer to.

PAYNE:

OK. Thank you. Also, you know, in November 2012, DHS OID found that although the Department had spent \$430 million on developing interoperable communications capabilities, radio users for different jurisdictions could not communicate.

The DHS Interoperable Communications Act, which I -- which I reintroduced this Congress, was the first bill of 2015 out of this committee and signed into law last July.

But the Department has failed to issue the mandated strategy by January 2016 deadline and has rebuffed many requests to provide status briefings on this. When could this committee expect to receive the department's strategy to achieve interoperability, and why has it been delayed?

JOHNSON:

Well, Congressman, first of all, if we're not being responsive to Congress, that is something that I will address. And I know from a briefing I had recently that we are in a better place than we were certainly in 2012 with regard to interoperability.

Day-to-day, we're functioning much better now. There's still areas of needed improvement without a doubt. But I think interoperability, both within DHS and across law enforcement agencies, is -- is -- is key.

I will address the question of getting back to you with regard to your outstanding request, make sure that that's met.

PAYNE:

Absolutely. I mean, you know, we all understand how crucial interoperability is in the event of a catastrophe or a terrorist attack or a natural disaster that agencies on the ground need to be able to communicate with each other and also within the department, specifically.

Let's see, well I guess I will -- I'm running out of time. So I will yield back. But I hope that you -- if you're gonna be in Washington, that you vote by mail and vote for your Congressman again. Thank you.

(LAUGHTER)

MCCAUL:
Wow. Chair recognizes Mr. Perry.

JOHNSON:
That's a new one at a hearing.

(LAUGHTER)

But I'll accept the challenge.

PERRY:
Thank you, Mr. Chairman. Thank you, Secretary, for being here. Next week the president is making a legacy trip to Cuba.

And last October, Deputy Secretary Mayorkas traveled to Cuba to meet with senior Cuban government officials and according to your press release or DHS's press release, to discuss focused on -- the discussion focused on enhancing cooperation in customs and border protection and exploring new areas of collaboration.

Now given the Cuban government's past activities related to human rights violations, counter-intelligence activities and subversive actions towards America, as well as the fact that they have lifted the visa requirement, we're seeing Cuban refugees coming through Central America and walking across the land border into Mexico.

There are some serious questions that remain as to how DHS plans to coordinate with Cuba. Yet when the oversight committee that I chair requests information and informational briefing to DHS -- to members on the DHS activities related to Cuba, DHS headquarters at CBP has refused to provide briefers, saying that they have to have State Department present for such a briefing.

And of course, as you can imagine, State Department's saying, "Well, we've gotta have DHS present for such a briefing." So we're getting the runaround here. Is there -- is there some secrecy here or something I'm missing.

I mean, is there something that the Department can't tell us autonomously, and if we have to verify it with the State Department, we'll do that if they refuse to come or deal with them separately, or what's -- what's happened here?

JOHNSON:
Congressman, I'll -- I will look into that for you.

PERRY:
OK.

JOHNSON:

Now that you've put that on my radar, I can tell you that in general, we are making an effort to build a greater degree of law enforcement cooperation with the Cuban government. And I think that's in our public safety interest...

PERRY:
Absolutely.

JOHNSON:
... in terms of maritime security, law enforcement port security. I think that's in our interest.

PERRY:
And -- and -- and you've always...

JOHNSON:
We've been having those discussions...

PERRY:
The Department's always been cooperative, so I'm concerned about this, and members of the committee are as well. And of course this is emerging and -- and -- and changing policy. And we wanna make sure that we're involved in it as representatives...

JOHNSON:
I do know that we are -- we're pretty focused right now on the president's visit, which is coming next week. But I'll look into this, and I'll -- as I hope you know by now, I believe in responsiveness to Congress.

PERRY:
I appreciate that. And I do know that, so thank you. Recently, or at least previously, you -- you stated in this committee that your position -- it's your goal to get DHS off the GAO high risk list.

JOHNSON:
Yes.

PERRY:
And I'm assuming that's the same thing. And I suspect your staff has informed you of the oversight committee's findings and the hearings that we've had where literally every single thing we've examined has shown gross mismanagement, whether it's in the human resources information, HRIT technology system, the vehicle fleet management and other areas where we just see millions and hundreds of millions of taxpayers' dollars wasted.

And I'm just wondering -- I know you've requested \$225 million for St. Elizabeth's. I've been out there. It's -- you know, it's gonna take a lot of resources without a doubt. But you also manage the second largest civilian fleet in the federal government and costs over \$460 million to operate. And I found some unimaginable things occurring there.

And I'm just wondering -- if getting off the high risk list, GAO's high risk list, you know, even -- there's not much asked for in improving your expedition process, which was another point of contention, and only a miniscule fraction is devoted to that.

So I'm just wondering as you weigh everything and try and prioritize with St. Elizabeth, et cetera, and the mission that you've got to complete, president's visit to Cuba...

JOHNSON:
Well...

PERRY:
... how does this fit in?

JOHNSON:
As I indicated in my opening remarks, management reform is my top overall priority. We continue to make good progress with GAO. In fact, GAO has told us that they consider us a model agency for how you get off the high risk list.

PERRY:
If I may interject -- when they told you that, did they tell you that in writing, or, because I don't get that sense. No disrespect. I don't get that sense when they...

(CROSSTALK)

JOHNSON:
I believe -- I believe that they did, because when I was told that verbally, I said, "Get me the piece of paper that says that."

PERRY:
Great. I -- I -- as long as you're working on the hearing, you can, if you could provide that as well.

JOHNSON:
I would -- Congressman, I would -- I don't know how recent your last briefing from us was on our reforms that we have applied for HR and acquisition. If you haven't already, I would encourage you to sit down with our new undersecretary for management, Rusty O. (ph), who is a retired Johnson & Johnson executive, who has done a lot already in his year to reform our HR process, our acquisition process.

And I'm -- I don't know when the last review that was, but I think we're moving in the right direction.

PERRY:
All right. We'll look forward to that. Thank you, Mr. Secretary.

MCCAUL:
Chair recognizes Ms. Torres.

TORRES:

Thank you -- thank you so much. Good morning.

JOHNSON:

Morning.

TORRES:

Nice to see you again. In the Consolidated Appropriations Act of 2016, the Office of Community Partnership was appropriated \$10 million for grants to extend to outside stakeholders to further its mission to counter violent extremists.

Last week, Department of Homeland Security, the FBI, along with my police departments, fire departments, all got together with key communities stakeholders. Is \$10 million a -- enough money to ensure that these grants are available for all communities across the U.S.?

And if not, I wanna know how I can get my community in the front of the line.

JOHNSON:

Frankly, no, it's not. We originally thought we had \$50 million. And we when we looked at the report language, we saw that it was \$10 million for CVE and \$39 million for preparedness for complex tax situations. But the same language, which I have read myself, says that if you wanna make a reprogramming request, make a reprogramming request.

So I would like to see us fund our grants across the country. \$10 million doesn't go very far, given where -- given where I think the needs are. So I can make a reprogramming request, which I hope Congress would honor, if I believe I need more, and I may need more.

TORRES:

I hope that you would ask for more. Communities like San Bernardino -- they have suffered so much. It hasn't been because of the lack of interest from the community to want to work and participate in being the solution to threats to our homeland.

But currently, this funding -- I don't think it's enough. On the issue of interoperability, within the radio system, you heard the tape -- the -- the radio conversations with our first responders as they were responding to San Bernardino -- to the incident in -- in San Bernardino.

I have a -- a big concern that a lot of our agencies have not upgraded their -- their radio systems and have no way to encrypt their communications, directing first responders to critical incidents, such as the one in San Bernardino. What is the plan to address this critical issues (inaudible)?

JOHNSON:

Congresswoman, I -- interoperability is a work in progress. I think we've made significant progress over the last couple years. But interoperability is, in my law enforcement experience, crucial.

And we have to be able to talk to each other within DHS and across law enforcement agencies. The active shooter training exercise I attended in New York City in November was devoted -- and funded by DHS -- was devoted principally to interoperability of communication.

That's the level of importance that we and I attach to that. So we're moving in the right direction.

TORRES:

Right. And it's important for them to be able to talk to each other, but it's critically important for them to be able to encrypt those communications.

JOHNSON:

Understood.

TORRES:

I -- thank you. And I yield back.

MCCAUL:

Thank you. Chair recognizes Mr. Carter.

CARTER:

Thank you, Mr. Chairman. And, Mr. Secretary, thank you for being here. Mr. Secretary, in my district, my constituents, as you can imagine, are -- are most concerned about securing our borders.

They're most concerned about making certain that the people who are coming in here, that we know who they are and that we know that -- whether they're coming here to hurt us or not. And -- and I trust, Mr. Secretary, after having interacting and -- and gotten to know you for the -- for the past 16 months, that you -- you have the same concern and share the same concern.

So my -- my question is this: You've expressed support of the budget during the time that you've been here. But the budget -- the budget includes funding for 300 fewer border patrol agents than was mandated in the Fiscal Year '16 budget.

And I'm just -- I'm just wondering if indeed, as I believe, you share that same concern about securing our borders, how -- how can you be satisfied with this budget if it includes 300 fewer border patrol agents than what was mandated in the Fiscal Year '16 budget?

JOHNSON:

Two things: The budget submitted to you reflects hard choices to fit within the legally mandated caps. And the request reflects a considered decision to focus on technology and surveillance equipment at the border given the nature of what we're seeing in the changing character of those crossing the border.

Very often, as I'm sure you know, people -- particularly people from Central America -- anticipate that they're gonna be caught. And so the key is to know where they're crossing through technology, through surveillance equipment, and get our personnel there in place to meet that -- that surge. And so...

(CROSSTALK)

CARTER:

And, Mr. Secretary, I -- I appreciate that and understand that. But, you know, we had the opportunity on this committee to visit the border and -- and the border patrol agents were telling us, "We need more boots on the ground." And that's what we were hearing for them.

Now, granted, you are correct. We do need the technology; I'm not arguing that fact. And it -- it will -- it has helped us. But -- but again, they're crying out for more boots on the ground.

If I could -- if I could shift gears for just a second, a couple of weeks ago on March the 2nd, we had the administrator of TSA, Mr. Neffenger, here. And at that time, we talked about the -- the Screening Partnership Program, something that I'm very interested in.

I'm from Georgia, of course, and -- and, as you're aware, the -- the administrator for Hartsfield-Jackson International Airport has -- has expressed concerns about the long waits and the long lines, and has actually talked about perhaps utilizing this program.

And what I wanted to ask you, Mr. Neffenger had told us that -- that we were getting cost estimates from GAO. When can we expect those cost estimates to be in?

JOHNSON:

Let me get back to you on that, sir.

CARTER:

OK.

JOHNSON:

I've spent a lot of time at Hartsfield myself. Sixty- three thousand people work at Atlanta Hartsfield Airport. And one of the things that, I'm sure you know, we're focused on there is -- is airport security.

And so the administrator's issued directives for self-assessments and the -- and the like. It's -- it's the busiest airport in the country and so any best practice we could bring there. But I'll look into that issue of the report for you.

CARTER:

OK. Well, on other thing. And that is I -- I notice that you -- in -- in -- in your budget, you requested over \$900 million in -- in air passenger and airline fees.

JOHNSON:

Yes.

CARTER:

And -- and this is a 43 percent increase. I mean, this is significant -- a significant increase. And you requested to allow TSA to increase the messenger security fee from \$1.00 to \$6.60. I mean, that -- that's a big jump. Now, what we're told is that the...

JOHNSON:
Yeah. I think...

CARTER:
... Screening Partnership Program can potentially save up to 17 percent. Why are we not -- why -- why are we not pushing this more? I mean, if -- if it's gonna save us money and you're still gonna have oversight over it, why aren't we pushing this?

And -- and -- and when we push it, why aren't we getting more creative? As I had suggested to Mr. Neffenger, perhaps you offer half of that savings to the airport? And you still are gonna realize eight-and-a-half percent savings in -- in your budget.

JOHNSON:
Well, first of all, aviation security is not just simply a matter of dollars and cents, as I'm sure you appreciate. First and foremost, it's the protection of the American people. And I wanna know that whatever force we are providing to the mission is the best we have.

The proposed increase is from \$5.60 to \$6.60. As I'm sure you're aware, in 2013, Congress increased it from \$5.00 to \$5.60. We're asking for another increase. My view is that rather than ask the American taxpayer in general to pay for aviation security, maybe you oughta ask a little more from those who actually use the system.

CARTER:
I understand. But I -- I -- I certainly hope that you look very carefully at the Screening Partnership Program. To me, you know, I wanna privatize as much as we can. And -- and you're still gonna have oversight on it.

If it can save us money and we still do the job -- and I appreciate your concern for safety. We're all concerned for that. But at the same time, if it can -- if it can provide the safety and -- and be safe and effective and save money, that's what we oughta be going toward.

Thank you, Mr. Secretary, and I yield back, Mr. Chairman.

MCCAUL:
Thank you. Chair recognizes Mr. Walker.

WALKER:
Thank you, Mr. Chairman. Secretary Johnson, thank you again for being here today at the lower table, so appreciate your acknowledgement there. We -- I...

JOHNSON:
I'm down here with you.

WALKER:

OK. All right. We -- you mentioned the -- the term migration problem a little earlier in your testimony. That's where I'd like to focus a little bit. Got a couple questions.

The budget -- 2017 budget requests -- proposes to cut funding for ICE detention and removal operations, including a reduction in detention beds. With reduced detention capacity, what does the Department intend to do if there is a surge in illegal migration numbers?

Before you answer that, I wanna get this second question because I believe probably one answer would suffice both of them. Second question is a little bit longer, but it -- there's a little background with question number one.

The budget request recognizes that administration policies may continue to encourage thousands of unaccompanied alien children to attempt to cross the border as it requests based funding for 75,000 UACs.

According to our records, that -- that would be a record number. This is a result of failures in removal of the USC population to date. In 2014, there were over 1,900 that were repatriated. And I believe in 2014, 1,882 was the number that were sent back.

This is a small fraction when compared to 83,337 that ICE transferred to the Department of Health and Human Resources custody in the same years. Do you agree that the incentives established by this administration are helping to fuel potentially another surge? So can you answer -- can you speak to that as well as the -- the surge in the illegal migration numbers from question one?

JOHNSON:

I disagree.

WALKER:

OK.

JOHNSON:

First let me start with the detention bed issue. The quest we have is for approximately 41,000 beds across adult space, family unit space. At the time we submitted the request last year, I think we were at about 28,000, so we don't wanna ask ya for more than we think we need.

At present -- and I haven't checked this in a while -- but at present, I think we're at about 31,000, which is what we're asking for. There is the possibility of a reprogramming request if there's another surge.

I disagree that our policies encourage UACs to migrate here. I had been very public about if you come here and you are apprehended at the border, we will send you back consistent with our laws. Just the other day, I put out a public statement about Operation Border Guardian that focuses on the return of those who came here as children.

And I said in that statement, "This fiscal year, we have sent back, to Central American, 28,000 people. And we have sent back to Mexico 128,000 people." My consistent message since I've been in office, almost, is if you come here illegally, we will send you back consistent with our laws and our values.

WALKER:

Thank you, Secretary Johnson. And it's (fair) hope that administration continues to augment that clear message there.

I -- in -- for this fiscal year, the budget requests \$49 million for countering violent extremism, including grants and efforts to prevent, prepare for and respond to emergent threats from violent extremism and complex, coordinated terrorist attacks.

Specifically looking at the San Bernardino, can you draw a distinct line as far as how that \$49 million would impact these communities in making sure they're more properly prepared for such attacks?

JOHNSON:

We're in the implementation phase now, but I think that the intent of Congress was that communities be better prepared for -- for complex attacks of -- of the San Bernardino type. And so we're in the implementation phase.

I'm sure that -- I mean, it's a -- it's a worthwhile mission. As I mentioned to Congresswoman Torres, I also think that the CDE grant money is important for even earlier in the process, in case somebody's heading in the wrong direction. To encourage communities to let law enforcement know.

And so between the 10 and the 39, I think those are two very good objectives. I wish we had a little more to work with.

WALKER:

Thank you, Secretary. One last question: How is or do you feel like DHS, when it comes to examining social media, are we doing a more accurate, thorough job? Can you just take a few...

JOHNSON:

Yeah.

WALKER:

... to address that?

JOHNSON:

Yes. Under my watch as secretary, we have stepped up our use of social media in connection with immigration benefits. We have, in addition to that, something, like, over 30 uses of social media for intelligence and law enforcement purposes.

We've have pilot programs. And in response to a task force report that came to me, I said we need to expand upon this and amplify this, and make this a regular part of our practice. And so that's what we are moving toward and that's what we're doing.

WALKER:

Thank you, Secretary Johnson. I yield back to the Chairman.

MCCAUL:

Chair recognizes Ms. Sanchez.

SANCHEZ:

Thank you, Mr. Secretary, for being with us today. I have a question about the accounting -- countering violent extremism. So in the Consolidated Appropriation Act of Fiscal Year 2016, the Office of Community Partnerships was appropriated \$10 million for grants to extend to outside stakeholders to further the CVE mission.

It's still unclear how those grants are gonna be administered. Can you fill us in on -- if any of the nuts and bolts of that...

JOHNSON:

My -- my vision for that, Congresswoman, is that we have a grant application process where community organizations have the opportunity to come forward, apply for a grant, we scrub it carefully like we do lots of other grants, and the money be used for messaging in communities at the local level for programs at the local level to prevent people from heading in the direction of violence, to give people an alternative way to channel their energy.

I -- in my numerous CVE engagements around the country in places like Minneapolis, California, Texas, I've heard over and over again from communities, we need help ourselves in dealing with this issue -- dealing with the problem. And I think it's a -- it should be a national, federal government effort to -- to support that. So...

SANCHEZ:

I ask this...

JOHNSON:

... I -- I -- I wanna see a competitive, efficient process for evaluating grant applications in supporting that.

SANCHEZ:

Well, again, it's only \$10 million, so I would hope it would be efficient. And who knows who will...

JOHNSON:

As I said earlier, I'd like to see more.

SANCHEZ:

... ask for it. My biggest concern is, you know, there -- there are two types of things going on, at least in my arena back in California, for example. I have a very large Muslim population in Orange County.

So what -- what would you see -- when you say -- let's say somebody wins a grant. What kind of programs would you see would help that, that is -- that is a place maybe people will come and get to, you know, 'cause there's bigger numbers and possibilities, for example, of something happening, versus something like this whole, you know, lone wolf kind of radicalization coming from the internet thing that happened to us in San Bernardino, which is also just, like, 30 minutes away from me.

JOHNSON:
Right.

SANCHEZ:
So when you say non-profits, competitive, let's say they get a grant. What -- what -- what kind of programs to steer people in a different direction. What would that look like, in your opinion?

JOHNSON:
Could be some form of counseling program. Could be some form of competition, like we're supporting now in colleges, for counter-messages where you encourage people to develop counter-messages to focus on young people, to steer them away from the appeal of the Islamic states' messages.

Could be a variety of things. So I wanna encourage a certain level of creativity. As the federal government, I don't necessarily have all the answers, so I wanna see these applications and see what kind of ideas we generate.

SANCHEZ:
And can you give me -- what's the timeline that you would see for something like that? Timeline of where in grant applications might be how...

JOHNSON:
Well, we have money this fiscal year, 2016, so I wanna see applications this fiscal year.

SANCHEZ:
OK.

JOHNSON:
And hopefully this is a program that will continue in '17 and '18 and beyond.

SANCHEZ:
Thank you. My last question, your department has established an insider-threat program designed to mitigate the threat resulting from employees and contractors who purposefully or inadvertently commit security breaches.

Can you give me an overview of that program, how it works and is that program limited to the detection of abnormalities in data usage or how are you monitoring what's going on to the extent you can in public, obviously?

JOHNSON:

Yes. I'm -- I'm not sure whether you're referring to TSA at airport security or a broader program. I'd have to -- if you would allow me, I'd like to take that question for the record and get back to you in a more informed way.

SANCHEZ:

That would be great because I'm sure that some of it might be something you might not want to air in public. Thank you.

JOHNSON:

Thank you.

SANCHEZ:

Thank you, Mr. Chairman.

MCCAUL:

Thank you. Chair recognizes Mr. Loudermilk.

LOUDERMILK:

Thank you, Mr. Chair. Mr. Secretary, it's a pleasure to have you here again. Different times. We're -- we're looking at growing debt of nearly \$20 trillion, so we know that we have to address that.

We know that we have to cut spending in certain areas. The taxpayers expect that. The taxpayers expect us to do these difficult things. They also expect us to protect them. And this comes down to priorities and -- and what we're gonna with the limited funds.

And I think that's where a lot of our differences lie because I -- I -- I know your heart is to protect the American people as -- as your -- your job is -- is given you that. And I believe that that's -- that's -- that's where your heart is. That's definitely where my heart is, to do with what we can.

But yesterday, Emergency Preparedness, Response and Communication subcommittee had a hearing regarding the \$599 million cuts to the FEMA terrorist preparedness grants.

JOHNSON:

Right.

LOUDERMILK:

We had quite an illustrious filed of witnesses that were here, included Mr. Jim Butterworth, who is the head of Georgia Emergency Management Agency, and the chief of the Atlanta Police Department, who said that these cuts would be -- would cause significant damage in their ability to -- to prepare, not only against terrorist activities, but the other threats along with those, from cyber threats, natural disasters, et cetera.

Mr. Senna, who is with the now -- Northern California Regional Intelligence Center who is testifying on behalf of the National Fusion Center Association, when I ask him about it he said that he believed that these cuts would actually cause them to have to shut down many of our fusion centers.

And that is of grave concern to me. Can you -- can you respond to -- to what your thoughts are on that?

JOHNSON:

Congressman, our budget request reflects hard choices to fit within the caps. I will not disagree with you about the importance of our grant money. I've seen it myself to support fusion centers, to support interoperability of communications, to support surveillance technology, to support the Atlanta police chief to pay his cops overtime, to support New York City, to support active shooter training.

And given the nature of the global terrorist threat right now, which must involve fusion centers, local law enforcement to help us detect the next terrorist attack on the country, I think our grant-making is important.

I would have preferred grant-making request for both state-level funding and UASI funding, and the competitive grant programs at a higher level. But the budget request reflects hard choices...

LOUDERMILK:

Do...

JOHNSON:

... without a doubt.

LOUDERMILK:

Do you concur that this could cause fusion centers to actually have to close their doors?

JOHNSON:

I -- I don't know whether that's true or not. It depends on the choices people would make with the money that they -- that they have. But I do concur that with the importance of fusion centers and JTTFs in general...

LOUDERMILK:

And -- and -- but this would definitely have an impact on their -- their operations?

JOHNSON:

A cut of that magnitude most likely would. Yes, sir.

LOUDERMILK:

Just about two weeks ago, we passed on the House floor the ALERT Act, which I think -- from a conversation earlier, I think you're aware of. The strong bipartisan support of the law offered that

actually removed some of the bureaucratic hurdles and -- and obstacles that were in the way of coordinating more effectively between federal agencies and local law enforcement as -- law enforcement as a force multiplier in the war on terror.

Most of that was focused on those fusion centers. There was a strong CDE element as part of that as well. And -- and part of my concern is if -- if we shut down some of the fusion centers or if we take away enough of the funds to where they're ineffective, the impact that that's gonna have on the local law enforcement, which we were gaining -- we're growing to a point where we see them as an extension of our ability to fight terror.

And with that in mind, is there -- is there anything that we can do within these budget caps to reduce the -- the \$599 million cut or move from other areas, other cost-savings that we can find?

JOHNSON:

Well, I think that's -- I think that's a -- an issue the appropriators are gonna have to wrestle with. I do think the grant-making means public safety and homeland security.

And, you know, separate and apart from the levels of grant-making, and I'm -- I suspect you'll agree with this Congressman -- I would encourage you to encourage law enforcement in the State of Georgia to continue training -- active shooter training that is multi-jurisdictional and multidisciplined.

In a place like Georgia, I think that's critical. In a place like the Atlanta metropolitan area, I think that's critical given the threats that we face. But these are hard choices that the appropriators are gonna have to wrestle with, sir.

LOUDERMILK:

Well, I -- I appreciate that and I hope that you'll work closely with us because when we look at this magnitude of cuts to -- on top of with the Department of Justice suspending the revenue sharing through the Asset Forfeiture Program, which has already had an impact in my district with the federal and local law enforcement agencies cooperating together.

Now you -- you put on top \$599 million cuts, I think this could have a drastic impact. But I -- I thank you and I hope we can work together to try to find a resolution for this.

JOHNSON:

Thank you.

MCCAUL:

Chair recognizes Mr. Donovan.

DONOVAN:

Thank you, Chairman. Mr. Secretary, thank you again for being with us. And being the most junior member of this committee, everyone asks your questions before it's time for you to actually ask a question. But...

MCCAUL:

I -- I used to say that a -- a while ago. Yeah.

DONOVAN:

It -- it's still true. Mr. Loudermilk was -- was at that hearing with me yesterday. And one of the things that we heard -- and you and I have discussed this -- is of course you wish you had more money and of course you wish you didn't have to make the cuts to the UASI money -- grant money.

But we did hear testimony from Mayor de Blasio, who then went to speak with you afterward and some of the gentlemen on the other panel and -- and the chairman's fire commissioner from Austin, Texas, spoke -- she heads the fire association for the entire country -- about the effects there.

One of the things that we're hearing -- it wasn't from you -- but hearing from the administration of why the cuts were -- were appropriate. One was that FEMA's efforts -- the actually quote was, "FEMA's successful investments in prior years may be as appropriate."

And the other was that places like New York City was sitting on \$600 million of unspent money, so they really didn't need it. The administrator for FEMA, Craig Fugate, stated that the capabilities built for these grants are perishable and they have to be maintained so that whatever their successes were in the past will diminish as time goes on. They need to keep them fresh.

And as I'm sure you're aware, the grants that were already allowed take time to be spent. In New York City, we certainly have to bid it out. We have (inaudible) spenders. We have to have things like the fire boat that detects nuclear weapons in the harbor had to be designed. It had to be created. It had to be delivered.

And all of the monies that were allocated in the last grant cycle, at least in New York, have already been obligated. So those answers to our questions that we got from other parts of the administration seem to be hollow at -- at this point.

Is it -- is it your opinion that these are just hard choices that have to -- have to be made? It seems like the spending level from Fiscal Year '16 and -- and '17 are almost, almost equal -- or, the request is almost equal.

So I guess there have been increases in other parts of the budget that are making up the difference for the amount of monies that were cut in this grant program.

JOHNSON:

Well, the -- the requested appropriation from Congress is lower than the '16 money. It's 40.6 versus 41. Plus, there are other places where we definitely are focused on. On the -- on the timing of the grant money, we had a policy in place that you had to spend it within two years.

This was an issue with New York City, which I address with Mayor de Blasio and his emergency response people and others -- a few members of Congress, too. But I expanded that to three years. From -- it went from two to three to give jurisdictions more time to spend the money.

That has meant that bleeding into FY '17, I believe -- or, maybe it's '16. That is -- that's about 54 million total, so that's not a lot. So that certainly is not a justification for a cut of this magnitude.

The reality is it's -- it's our best effort to make hard choices to fit within the -- the budget caps. But it is -- it is the case that very often cities, metropolitan areas, take a very long time to spend the money that we give them.

And so I would hope that together we can encourage your constituents and others can encourage their constituents, mayors, to spend the money fast, efficiently and effectively so that it's -- so we don't have this problem with -- with money basically turning into a pumpkin, which has happened from time to time.

DONOVAN:

Thank you, sir. Mr. Chairman, I yield back.

MCCAUL:

Chair recognized Mr. Hurd.

HURD:

I'd like to thank the Chairman and the ranking member for saving the best for last. Mr. Secretary, appreciate you being here.

You -- you -- you commented in your opening remarks on the desire to reorganize and restructure the National Protection and Programs Directorate, which, as we all know, leads a national effort to protect and enhance the resilience of our nation's physical and -- and cyber infrastructure.

Can you expand on why you think that effort is necessary and give us as sense of what we can expect should this committee...

JOHNSON:

Yes.

HURD:

... authorize and (inaudible) to do so.

JOHNSON:

I -- I think that we need an agency, not just a directorate. An agency. A directorate's like an office. We need an agency focused on cyber security and infrastructure protection.

And so our vision is to reform, rebuild the NPPD, which is a directorate, into a cyber and infrastructure protection agency. Given our current threats to cyber, to critical infrastructure, I think we need an agency that is focused on this. That's one thing.

Within NPPD, I wanna see us restructure it so that the end kick, which is our -- I don't know if you've ever been there -- it's our cyber security center has stripped away from it some of the

administrative functions, like acquisition, so that they're focused solely on their cyber security operational mission.

But in general, I wanna see this DHS component with more of an operational focus in an agency like TSA, like the Coast Guard, like CBP, ICE. Certainly the cyber security mission of the federal government warrants that, I would think.

So that's -- that's the vision. And -- and I could give you a more detailed briefing of this restructuring, but that's the overall vision.

HURD:

Do we have the time to pull this off? You know, 'cause -- 'cause my -- my fear is -- is if we don't do this sooner rather than later, that we're going to -- you know, all -- all the experience and lessons learned that you and your team have -- have gained may be lost in -- in -- you know, as a -- in the next transition of government. Do we think we...

JOHNSON:

Well...

HURD:

... have enough time?

JOHNSON:

I think that's an issue with our cyber talent and cyber experience generally. Below the political appointee level, we've got some really talented, terrific people that I hope would stay in government. As you know, recruiting good cyber talent is an issue.

But this is a reorganization that does require congressional authorization, and I hope Congress would respond. I think there's definitely a demand and a need for this nation's cyber security mission that we have that agency.

HURD:

Right. You -- we've been talking about tough budget decisions. And one I wanna talk about and just get your prospective on -- the National Center for Zoonotic and Animal Disease Defense. This is dealing with -- with the Zika.

You know, if -- if there were additional funds, is this something that you would -- you know, would think is important to continue if we didn't have to make that -- that difficult budget decision?

JOHNSON:

Well, we're learning more about Zika every day. Within DHS, we're focused on making sure our customs personnel know how to detect this disease at a port of entry. We're focused on a possibility of the Zika virus in an immigration detention. And we're focused on protecting our own workforce.

There's always that possibility with an unanticipated event for a reprogramming request. And we have broken ground on our (inaudible) in Kansas and that's, as far as I know, on schedule. And that'll be a good thing when it's completed.

HURD:

Good. Copy you. Thank you, sir. And I yield back my time.

MCCAUL:

Chair recognizes Mr. Ratcliffe.

RATCLIFFE:

Thank you, Mr. Chairman. Mr. Secretary, appreciate you being here with us today. I had, unfortunately, another hearing. I had to step out. And I caught the tail-end of the Chairman asking you at the beginning of the hearing about Operation Phalanx. I wanted to follow-up in that regard.

Let me just ask you: I -- I saw where you had a 50 percent reduction in the persistent aerial detection in this request versus your most recent prior request. Can you tell me why?

JOHNSON:

There was a 50 percent reduction in the level of support the DOD is providing...

RATCLIFFE:

Right.

JOHNSON:

... in overall flight hours. Since we started that program with DOD support, DHS capability in this area has dramatically increased so that flight hours, border patrol capabilities have increased, thanks to the support of this congress, dramatically in the last five, 10 years.

So we were in a position to accept less from DOD 'cause they needed their assets back. That has represented a reduction of about five percent overall in flight hours. But longer-term in the last couple years, we've dramatically added to that capability ourselves.

RATCLIFFE:

OK. And I had -- I -- I was familiar with that and I knew that it -- it resulted in a -- in a reduction. I was familiar with your testimony before the House Appropriations committee in that regard.

And the reason I wanna follow-up with the -- I -- I know that my governor, Governor Abbott, and -- and one of my colleagues on the Democratic side, (inaudible) wrote you a letter back in February expressing concern over this issue about given the fact that our southern border's not secure, why we would be doing less and not more.

And I know you talked in the beginning about making hard choices. But would you agree with me that the aerial surveillance on our southern border is an area where we should be...

JOHNSON:

In -- in general, I think we need more -- we need a -- we need more of an investment in technology for surveillance. When I asked border patrol agents, what do you need? They're always telling me about mobile surveillance, aerial surveillance and the like.

So in general, I think we need investments in -- in that technology and I think this request reflects that.

RATCLIFFE:

OK. And can you just tell me, have you responded to the Governor and -- and Congressman (inaudible)?

JOHNSON:

I think I...

RATCLIFFE:

There was a request for some...

JOHNSON:

I think I did.

RATCLIFFE:

... there was a request for some explanation about metrics and I was...

JOHNSON:

I think I did.

RATCLIFFE:

OK.

JOHNSON:

I try to respond to every letter with, you know, 10 days or so. I think I did. When I s that letter date?

RATCLIFFE:

February 1st.

JOHNSON:

I hope I did.

RATCLIFFE:

OK. Well, would you mind looking in to that for me?

JOHNSON:

Yes.

RATCLIFFE:

OK.

JOHNSON:

And -- and certainly Henry and I have talked about the issue, too.

RATCLIFFE:

Well, I just -- again, I think that expresses that this is a bipartisan concern here. I'm not making this a partisan issue. And so I appreciate if you -- if you would follow-up in -- in that regard.

Let me turn to conversation that I had with Director Rodriguez (ph) earlier in a hearing, Director Rodriguez over at U.S. Citizenship and Immigration Service, about the Syrian refugee issue.

And in -- in that exchange that I had with him, he -- the -- the topic related to the issue of social media as part of the vetting process. And he related that social media vetting was only doing in cases where a red flag had been raise.

And -- and my concern there is I think social media vetting should be part of the base level of scrutiny with -- with regard to vetting of refugees as opposed to a secondary level of scrutiny only when a red flag was raised. And I wanted your perspective on that.

JOHNSON:

Social media right now is done manually by an examiner, by -- by a CIS officer. That is a time-consuming process. We do right now have a protocol for the use of social media. He used the phrase red flags if there's certain indicators.

But that does not preclude the possibility that an officer in the first instance could consult social media, and I would not discourage that.

RATCLIFFE:

OK.

JOHNSON:

But it's something that -- the use of social media general is something we're expanding upon my two years as secretary.

RATCLIFFE:

Well, and you, I -- I know, can appreciate the point because you've testified about this is the -- the expression from groups like ISIS that they intend to use the program to cause harm to Americans and to America through that.

And social media being a -- literally a treasure trove of information in some cases with regard to some of these individuals, I'd really like to see it as part of our base level of scrutiny, especially when you have folks coming from countries where we would suspect that those individuals maybe be coming...

JOHNSON:

It is also true that the more and more we focus on this publicly, the more they're gonna take their communications offline.

RATCLIFFE:

Well, my time's expired. I look forward to continuing this conversation with you at a later -- later date. Again, I thank you for your service and...

JOHNSON:

Thank you.

RATCLIFFE:

... being here today.

JOHNSON:

Thank you.

RATCLIFFE:

I yield back.

MCCAUL:

Chair recognizes Ms. McSally.

MCSALLY:

Thank you, Mr. Chairman. And thank you, Secretary Johnson. I know some others talked about manning at the ports of entry. I wanna follow-up on that, both manning at the -- at the ports and then also in between the ports and border patrol.

At our ports of entry, we're seeing a constant decline in the manning. We were on a verge -- we literally had to kinda meet together with the business community and the local port director a few weeks ago.

They were thinking about shutting down service on Saturday (inaudible). And they're just seeing this bleeding in their manning, and it's impacting wait times. It's impacting potentially, obviously, security. It's impacting economic opportunity -- people coming over to shop, just giving up.

And we're hearing anecdotes about individuals going through the process to be hired, it taking 18 months. The vetting process -- which we all agree we wanna make sure our people are vetted -- being something that they -- some of our constituents have been very concerned about that experience in that.

My first bill passed into law was the Border Jobs for Veterans Act, trying to fast-track our veterans, many of which have already been through security clearances and background checks to fill these positions.

So can you just speak a little bit more about what you're doing in order to -- I mean, insanity is doing the same thing over and over again, expecting a different result. This -- this backlog is

something that's gone on now -- you know, we increased the authorizations at the ports of entry by 2,000 a couple years ago.

You're still under that and, I think, asking for another 2,000 more. But if we can't fill the positions, then we still have a problem. So what are we doing about that specifically? And if a veteran is taking advantage of the Border Jobs for Veterans Act and -- how are you implementing that?

If somebody has had a background check and has had a clearance in the military, please don't tell me you're going through the same process and making -- going through all the polygraphing if they've already had a background check.

JOHNSON:

Congresswoman, as I'm sure you know, this is something the commissioner is focused on. I've heard enough about this and I've heard enough concern about this that it's now become a priority of mine.

With NCVP, the commissioner's put in place a separate command for hiring and recruitment to expedite this process. At the DHS headquarters level, we have reformed our acquisition -- our -- our HR process to institute policies to make this more expedited.

It should not take 18 months because in that 18 months my guess is somebody will have...

MCSALLY:

They get another job.

JOHNSON:

... another job.

MCSALLY:

Exactly.

JOHNSON:

We've -- we've -- we've instituted the creation of hiring hubs to expedite the process. And I agree with our point that if somebody's a military veteran and they've gone through the process of getting there, which probably includes a security clearance, that there ought to be some way we abbreviate this -- this process.

MCSALLY:

Right.

JOHNSON:

So, I am acutely aware of the shortages in personnel at ports of entry and on the border. And so before I leave office this year, I wanna -- I want to fix this problem.

MCSALLY:

Thank you. This also impacted -- I mean, we've had a congressionally mandated floor of 21,370 border patrol agents. At the end of last year, you guys were 1,208 below that. And this budget request, you're asking for a 300 position cut.

Is that -- I mean, and border security, you said earlier, is a high priority. Is that because you just can fill these positions, so you don't wanna have positions authorized? Or why -- or why...

JOHNSON:

We're seeking 300 fewer/less because we think that the money should be invested in technology. But we're also determined to hire to whatever level Congress authorizes us. So we still need more work to hire to the requested level of, I think, 21,000 -- or, 20,070, as I recall.

MCSALLY:

Great. Thanks. Just shifting gears. I'm now the Board and Maritime Security subcommittee chair. We had our first hearing last week. One of the challenges and frustrations that we have is how we measure border security.

In the old days it used to be operational control. And the last time we used that, it was at about 44 percent. Then we shifted to number of apprehensions with is -- you know, you don't know whether that's good or bad if apprehensions have gone up or down. And especially if you don't know what the denominator is.

JOHNSON:

Right.

MCSALLY:

You're currently reporting your effectiveness, which is based on apprehensions over the number of people that you caught plus got away, that you knew about. But we still don't know the ones that we don't know about.

And clearly the price of drugs on the streets would tell you that there is probably a lot that we don't know about. When I finally asked the acting chief, like, what percentage of the border do you think you have situational awareness of, he said 56 percent.

So can you work with us on better measures of effectiveness and measures of reporting to us and the American people of -- I don't -- we don't need to be hyperbolizing. We don't need to be over- or under-addressing this.

It needs to be based on facts. But I look at it from a fighter pilot. We need to know situation awareness and we need to know operational control. Like, of what can we see, what can we intercept and then how much can we just not see?

These seem like -- I mean, it's not that complex, but will you work with us on coming up with better measurements that build transparency?

JOHNSON:

Yes. And I agree. Within DHS, we have an initiative called Border Stat where we are working with a federally-funded research center to develop more concrete metrics to measure border security. I agree with you.

MCSALLY:

OK. Great. Thank you. My time has expired. Thank you, Mr. Secretary.

MCCAUL:

Chair recognizes Mr. Clawson.

CLAWSON:

Following up on the Congresswoman's comments, we -- in my office, we've been going back a year, year-and-a-half asking for some data on this border stuff and been told by your people that they would give it, and we never see it at any level.

You've referred me to outside studies or so on, so forth. But any kinda summary data on how you're doing and -- and what the return -- return on investment for the American taxpayer would be wonderful.

With our background, I know you know what that means. But the next set of summary data on performance from your group will be the first that I have seen. Just wanna let you know. I wasn't even gonna bring that up today, but since you went -- I just kinda gave up after asking so many times.

You -- if you went back and looked at the clips, you know, we'd just like to see some -- some border data on how you're doing with all the people, particularly since you asked for more money on capital expenditures.

We get request for capital expenditures and no operational data on how you're doing, and we can probably ask till you're gone and we still won't see it. So if you'll -- if you'll send us some data -- we don't have anything to criticize 'cause we never get to see anything. We'd just like to see it. Just some data, please, for the American taxpayer.

In my district, after 9/11, we were told by TSA to spend money on EDS inline inspection equipment, as you-all know about. And so we did that. We did that with the promise from TSA that we would be repaid.

I know you know about this, Mr. Johnson -- Honorable Mr. Johnson. So to my knowledge, 20 airports around the country are owed \$400 million. In my district, it's \$40 million just for the Fort Myers airport in South Florida. We'd like to get our money back. You-all are killing us. You're killing us.

You told us -- we got it in writing. You told us to get the equipment for safety after 9/11. We bought the equipment. TSA told us they'd reimburse us and we never get our money. And we have -- you know, we -- we -- there's always requests for committee hearings and everything else.

You-all are killing us. I mean, don't double-cross people. This is \$40 million that we paid locally with the promise in writing explicit from TSA that it would be paid back. We'd like our money back. We'd really like our money back.

We see, Honorable Mr. Johnson, that you-all got almost \$200 million for transportation screening technology for your current budget. I'm saying, my god, you owe me my money and you're spending new money without paying people for what you told 'em you were gonna pay 'em.

So we -- we -- we wanna be polite, we wanna be respectable, but how long does it take to get our money back. So if you could let us know, we just -- we just want to money you-all told us you'd give us when we bought the equipment.

JOHNSON:
My -- I -- I just asked me CFO...

CLAWSON:
If I'm missing something, you-all tell me. But I mean...

JOHNSON:
I just asked my CFO, "What's the story?" And we need to -- we need to get you a better-informed answer. I think you deserve an answer to your question, sir.

CLAWSON:
Yeah, I mean, we all say that, you know, government -- role of government -- and this administration likes to say that the role of government -- this, that and the other -- it's not to double-cross folks at the local level.

And so we would really -- I don't wanna make a problem out of this, but every time I fly home, I go through that airport and guys are saying, "Where's our \$40 million Mr. Congressman? We want our \$40 million." It was local money that was supposed to -- you know, we don't wanna be you-all infinite credit bank.

Time, cost of money, after over 10 years, you get what I'm saying. This is just...

JOHNSON:
What -- what year was this investment made?

CLAWSON:
Well, it was -- it was -- it was mandated or a directive right after 9/11.

JOHNSON:
OK.

CLAWSON:
So you're going back over 10 years now.

JOHNSON:

Yes.

CLAWSON:

So, you know, if -- if my folks in my district are getting a little prickly on the issue, I think we have a right to do so. And so you-all give us our money back. We don't want another letter, you know, saying that, you know, this has to compete.

The last letter we got from you-all said, "This has to compete with new investment." Why does my CapEx from 10 years ago have to compete with new investment when you-all told me you were gonna pay me back?

If I did that in the corporate world, everybody would -- would -- would kick me out as chairman. I couldn't last one board meeting. You-all are double-crossing suppliers here. We want our money back. We...

JOHNSON:

I will get with TSA and I will get you an answer. I'd like to know the answer, too.

CLAWSON:

Please do it. I mean, I -- look, we don't want a problem. We just want our money like you-all told us you'd give it to us. You-all the federal government. We believed ya. People in my airport been there forever. They believed ya.

We wanna believe in the government to get stuff done. Just help us out a little bit here. It's -- it's - - you know, it's \$40 million for my -- for my airport. That's not -- that's not chump change to me, you-all.

Final thing I wanted to say -- and the lines are getting bigger, as you-all know. That's good news in Florida because we -- means we have more tourists. So to your previous conversation, you know, our -- our lifeblood is tourism, so anything you-all do to shorten the lines, extend the pre-hours and that sorta thing operationally, so that our businesses can hire more people and do more business, we really appreciate that.

Glad it came up today and appreciate ya looking into it. Thank you.

JOHNSON:

I have -- I have family that flies to that airport, so I hear about this from them, too.

CLAWSON:

It's a good air -- it's a -- it's a well-managed airport. We just waiting on that bottleneck in TSA. That's my bottleneck, you know? The -- the -- the airport runs well and -- and we like the -- the inspectors that are there. I think we just need more. Thanks -- thanks for taking my question.

JOHNSON:

Thank you. Thank you.

MCCAUL:

Secretary, let me just say thank you for being here today. Thank you for your service, also, in a very challenging and high-threat environment. And pursuant to the rules, the hearing record will be open for 10 days. And without objection, the committee stands adjourned. Thank you.