

**DEPARTMENT OF HOMELAND SECURITY
APPROPRIATIONS FOR FISCAL YEAR 2016**

WEDNESDAY, APRIL 29, 2015

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

The subcommittee met at 2:14 p.m., in room SD-138, Dirksen Senate Office Building, Hon. John Hoeven (chairman) presiding.
Present: Senators Hoeven, Cochran, Murkowski, Cassidy, Shaheen, Tester, Baldwin, and Mikulski.

DEPARTMENT OF HOMELAND SECURITY

STATEMENT OF HON. JEH JOHNSON, SECRETARY

OPENING STATEMENT OF SENATOR JOHN HOEVEN

Senator HOEVEN. I will call this subcommittee hearing to order. I would like to thank Secretary Johnson for joining us.

I also would like to thank Ranking Member Shaheen for being here, as well as also Senator Tester and Senator Baldwin. In addition, I would like to thank our Appropriations chairman, Senator Cochran, for joining us as well.

I have an opening statement. I will then turn to Senator Shaheen for an opening statement, as well as comments from any other Senators.

And then, Secretary, we would, certainly, welcome your opening statement and then proceed to questions.

Again, thank you for being with us today. We appreciate it very much.

In the 12 years that have passed since the creation of the Department, threats to the homeland have continued to evolve. These threats proliferate in a world that is more interconnected than ever before, and we need the Department of Homeland Security (DHS) to be prepared to face them.

Many of the latest incidents have not been new or novel in their approach. Data breaches, fence-jumpers, and airspace incursions, we have seen these types of incidents before.

For example, Verizon's 2015 data breach report notes that social engineering, phishing scams, and poor cyber hygiene are still responsible for the vast majority of cyber espionage and network intrusions.

In 1994, over 2 decades ago, an individual tried to crash his Cessna into the White House. And fence-jumpers have been a reality for the Secret Service for even longer than that.

So today, these incidents should be met with a clear response. DHS and partner agencies need to be up to the challenge.

The context for these concerns today is the fiscal year 2016 budget, which we are here to discuss and review.

Now the President sent a request that exceeds budget caps agreed to in the Budget Control Act. Since Congress will abide by spending limits, we appropriators have to do our work and sharpen our pencils for this 2016 process.

With a discretionary base appropriation of \$40 billion and 225,000 employees, DHS has significant resources at its disposal. Those resources need to be applied both effectively and judiciously in the face of fiscal constraints.

As such, my priority as chairman is to support the Department's many important operations as robustly as possible, but that means staying within budget and that means measuring the return on investment and holding the Department responsible, accountable for outcomes.

I want to start with border security. Senator Shaheen and I were in Texas a couple weeks ago to spend some time with Customs and Border Protection (CBP), Immigration and Customs Enforcement (ICE), the Coast Guard, and others. We saw the need for more technology, for better situational awareness, and for more tactical infrastructure like better roads and fencing.

But what is the right mix? What outcomes can we achieve with current resources? And what can we expect, if we invest more? That has to be measured.

The American people need a clear picture of border security measures. How many illegal aliens are coming across? How many are getting away? Of those we apprehend, how many are removed? How long does it take to get a disposition, particularly for families and unaccompanied alien children?

The border security measures go hand-in-hand with other measures: the information on those legally entering our country and when they exit, data on employers using E-Verify, and how we are doing in addressing visa overstays.

Over the past few weeks of hearings, we discussed measures on other aspects of DHS operations, including preparedness levels and the effectiveness of grant funding.

At the same time, building DHS into an organization to execute that mission effectively and efficiently remains a work in progress, as you and I have discussed, Mr. Secretary.

The DHS mission, whether it is border security, immigration enforcement, protection of the President, preparedness in the face of all hazards, and other issues, is compelling and challenging. We need a skilled frontline work force that has strong leadership and the right tools to do the job. And we need good metrics to track DHS performance.

I know you're committed as well to the better integration of the 22 agencies that comprise DHS. That is something that you and I talked about right at the outset. That interoperability versus a silo approach is a very important part of your "Unity of Effort" initiative.

I look forward to hearing more about your plans and views today, as well as how we move DHS to be more agile in responding to evolving threats.

With that, I would like to recognize Senator Shaheen for her comments.

STATEMENT OF SENATOR JEANNE SHAHEEN

Senator SHAHEEN. Thank you, Mr. Chairman.

I am very pleased to join you for this hearing on the budget of the Department of Homeland Security. I'm also pleased that we have the chair and ranking member of the full committee, Senators Cochran and Mikulski, who are with us this afternoon.

Mr. Secretary, welcome. First, I want to begin by thanking you for your assistance as we wrapped up the 2015 appropriations process, and note that in the first 5 years of the existence of the Department of Homeland Security, you received an annual appropriation at the beginning of each fiscal year. In 2015, you were the last Federal agency to receive a full appropriation.

I appreciate that this costly delay was due to a disagreement over the administration's immigration enforcement priorities, and I firmly believe that the Federal court system is the appropriate venue to resolve this issue. Because the courts are dealing with this case as we speak, I hope that we will not have that interfere with the ability to get a budget for the Department this year.

The Congressional Budget Office (CBO) scored the net discretionary budget request for the Department of Homeland Security for fiscal year 2016 at \$41.4 billion. Excluding the \$6.7 billion disaster cap adjustment and \$160 million in Coast Guard overseas contingency funding, this represents a \$1.7 billion increase, or about 4 percent, over fiscal year 2015.

Your budget for 2016 emphasizes border security, immigration enforcement, Secret Service protection activities, cybersecurity, emergency communications, and resilience programs. However, these priorities seem to come at the expense of funding for the Coast Guard recapitalization and first responder grants, which are both cut below fiscal year 2015 levels.

If the Subcommittee is forced to work within the constraints of the current discretionary budget cap, which essentially restricts us to the 2015 funding level, I think we will be hard-pressed to fund all of these priorities in addition to addressing the reductions that I have some concerns about.

As Senator Hoeven mentioned, he and I had the opportunity to spend 4 enlightening days looking at border security and immigration enforcement efforts along the southwest border in Texas. Because I've had a chance to speak with you and share with you my views on that trip as we came away I won't go into it. But I would just say that I was very impressed with the professionalism of the people who work for the Department of Homeland Security and with their effort to work together to get out of the silos that we have too often worked in, in the Federal Government, and to work not only cooperatively with each other but with other local law enforcement agencies and authorities on both sides of the border.

Your agency also protects us from a wide variety of threats originating at home and coming from abroad. We recently observed the

2-year anniversary of the Boston Marathon bombing, an attack that struck very close to home for me and to others of us from New England. Coupling that somber anniversary with the influx of foreign fighters into Syria and attempts by ISIS and AQAP to inspire attacks against the United States, I am reminded that we must remain ever vigilant against their hateful ideology.

As we speak, cyber criminals are conducting a relentless assault against government, corporate, and personal computer networks. Your budget seeks to enhance information-sharing and strengthen systems to detect and prevent these intrusions. Those are increases that I wholeheartedly support because this threat is ever evolving and growing.

And finally, as we recover from devastating tornadoes that ravaged the Midwest, and prepare for the beginning of the Atlantic hurricane season, we are reminded of the deadly threat that nature itself can pose. We just saw that on full display in Nepal this past weekend, and I just want to commend the Department for the search and rescue teams that are helping with that recovery.

So, Mr. Secretary, I look forward to your testimony and to the discussion today, and appreciate your leadership and your commitment to tackle the diverse and prolific set of homeland security challenges head on. Thank you.

Senator HOEVEN. Thank you, Senator Shaheen.

At this point, I would turn to both our chairman of the full Appropriations Committee, and then the ranking member, for any comment that they might have at the outset.

STATEMENT OF SENATOR THAD COCHRAN

Senator COCHRAN. Mr. Chairman, without delaying the hearing any further, and giving us an opportunity to hear from our witness from this agency of the Federal Government, let me just say that as we continue to analyze the budgetary needs and the demands that are being made throughout the jurisdiction of this subcommittee, I believe we have an opportunity to take some action prior to the start of other important ship programs by maintaining the national security cutter production line by adding a ninth ship. I think there's a strategy for assuring that this makes sense and will pay off for being able to carry out the responsibilities.

We need to be sure that we provide the ships and equipment our men and women in uniform desperately need, so they can carry out their responsibilities and missions.

We also know that we're living in a complex world with ever-changing threats to our nation's security. I look forward to hearing your thoughts on the impact of the president's budget on current and future operations carried out by your Department.

Senator HOEVEN. Thank you, Senator.

I would turn to our ranking member for the full committee, Senator Mikulski.

STATEMENT OF SENATOR BARBARA A. MIKULSKI

Senator MIKULSKI. Thank you very much, Mr. Chairman. I will be brief. I know we want to hear from the Secretary.

First, I'd like to really compliment you and Senator Shaheen for the excellent way that you proceeded when we were resolving the

so-called cromnibus in the beginning of this Congress. It was a little bit white knuckle, and we were a little bit afraid it was going to get bareknuckle, but we knuckled down and got the job done.

I would hope that we would not have a similar crisis again, because the men and women who do all of the wonderful work in homeland security that protect this Nation in so many different ways need the reliability and certainty of an appropriations process.

Second, as I look at these many demands, I say to my friends and those who are advocating lifting the caps in defense, something that we will be debated as we move forward, there is also, in addition to defending America over there, we need to protect America here. If we're going to lift up the caps for defense, I also think we should lift the caps on domestic funding, and homeland security should be one at the top of the list.

I will now stop and look forward to your testimony.

Senator HOEVEN. Thank you, Senator Mikulski. Thank you for being here today.

I would turn to our other members to see if there are any others who wish to offer an opening statement.

Hearing none, again, Secretary Johnson, we appreciate very much you being here and would welcome your opening testimony.

SUMMARY STATEMENT OF HON. JEH JOHNSON

Secretary JOHNSON. Thank you, Mr. Chairman.

Mr. Chairman, Ranking Member Shaheen, Ranking Member Mikulski, and your colleagues, you have my printed written advanced statement. I will not read it. I will just simply offer a few things.

First of all, I want to thank the Senators for your leadership in getting us a full-year appropriation for fiscal year 2015. That was a difficult time. It was difficult period. On behalf of the 225,000 men and women of my Department, thank you for getting us there to a full-year appropriation.

In our judgment, the budget submission for fiscal year 2016 at the \$41.2 billion level is a good budget submission. I am pleased that it got a relatively good reception on the House side, when I testified there about a month ago. It funds all of our key homeland security priorities.

At the sequester level, that would represent a major step backward in homeland security. I should point out that my Department probably, almost certainly more than any other, interacts with the American public more than any other department. The Transportation Security Administration (TSA) alone interacts with 1.8 million people per day.

Our budget submission represents a solid step forward in terms of budget security, aviation security, cybersecurity, enhancing the mission, and improving the mission of the Secret Service. If we have to live within sequestration levels because Congress does not remove sequestration, it will represent a major step backward, in my view, to levels that will not adequately fund the things we need to do on behalf of the American people.

Let's not forget that we have within our budget automatic pay increases tied to inflation and other things that we have to pay for.

So at the sequester level, it will be very, very difficult to do the things we need to do for the American people.

The other thing I would like subcommittee members to know is that, in calendar year 2015, I've made as a major priority for my Department of management reform, reforming the way in which we deliver our services to be more effective and more efficient.

So as the chairman has pointed out, for too long, we have pursued our mission through stovepipes. We have, over the last year, embarked on a unity of effort initiative to bring a more strategic and centralized approach to acquisition matters, to budget matters. We have embarked upon the southern border campaign strategy for the southern border to have a more DHS-wide strategic approach there. We have realigned major headquarters functions.

We are working to get off the Government Accountability Office (GAO) high-risk list. We are on a path to do that soon. GAO has referred to us as a government agency that is a model for how to get off the GAO high-risk list.

We are working very aggressively to improve morale within the organization. I have an aggressive, active campaign to do that—more transparency in hiring, promotion, training, and mentoring opportunities. I believe that morale is improving within the Department of Homeland Security.

Last but not least, I want to thank the Senate for your partnership in helping us to fill all the vacancies. When I came into office, there were a number of vacancies in the Department. Over the last 15, 16 months, we have had 12 Senate-confirmed presidential appointments to the Department. We have three new Assistant Secretaries.

In addition to that, yesterday, the President nominated our choice to be the next TSA administrator, Vice Admiral Pete Neffenger, who I think is a terrific choice. He is an incredibly dedicated and capable military officer, and I urge the Senate to act quickly on his nomination.

All that said, I look forward to your questions.

[The statement follows:]

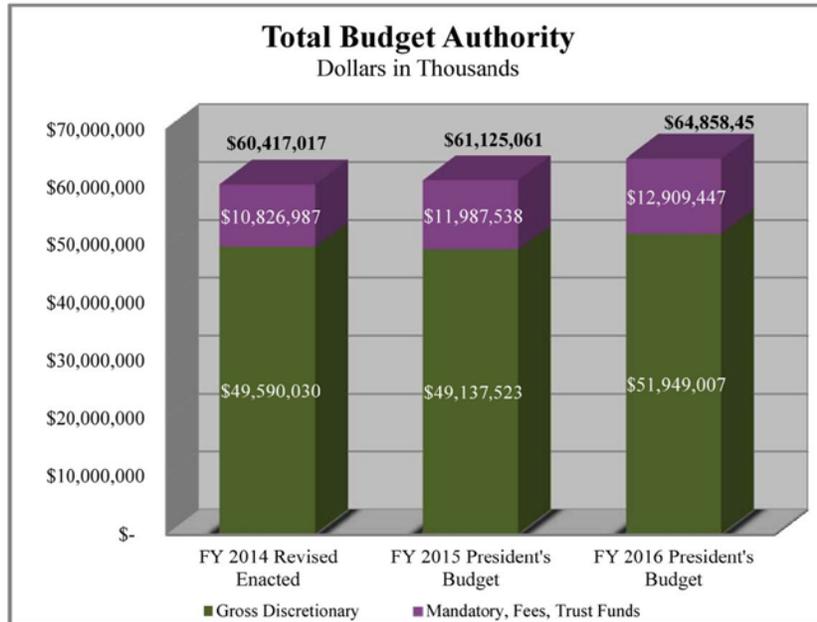
PREPARED STATEMENT OF HON. JEH C. JOHNSON

INTRODUCTION

Chairman Hoeven, Ranking Member Shaheen, and members of the subcommittee: On behalf of the 225,000 men and women of the Department of Homeland Security (DHS), I thank you for your continued support. We appreciate the hard work and leadership many on this subcommittee provided in delivering a full-year fiscal year 2015 appropriation for DHS under very difficult circumstances. The \$39.7 billion in net discretionary funding provided by Congress for this year fully funds our vital homeland security missions.

Now, we turn to fiscal year 2016.

The President's fiscal year 2016 Budget for DHS is \$64.9 billion in total budget authority, \$51.9 billion in gross discretionary funding, \$41.2 billion in net discretionary funding, and \$4.0 billion in discretionary fees. As part of total DHS funding, \$6.7 billion for the Disaster Relief Fund (DRF) is provided, pursuant to the Budget Control Act of 2011.



The President's budget request for fiscal year 2016 also proposes to end sequestration. Unless Congress acts to prevent it, sequestration kicks in again in 2016. This would bring homeland security funding to its lowest level, adjusted for inflation, in a decade. Now is not the time to take such a huge step backward in our Nation's homeland security funding. At a sequester level, funding for the Department would be inadequate to continue paying for our current workforce and programs. Meanwhile, pay and inflation costs would automatically increase notwithstanding sequestration. Many other key initiatives that were funded in fiscal year 2015 would be discontinued or sharply curtailed. These initiatives include added border security on our southern border, more CBP officers, more ICE attorneys for immigration enforcement, and more HSI agents. Furthermore, the fiscal year 2016 budget includes requests to implement recommendations of the United States Secret Service Protective Missions Panel. If sequestration returns, our ability to fully fund this, too, is jeopardized. We need to move forward, not backward, in our funding of homeland security.

Our fiscal year 2016 Budget focuses resources in each of the Department's mission areas: prevent terrorism and enhance security, secure and manage our borders, enforce and administer our immigration laws, safeguard and secure cyberspace, and strengthen national preparedness and resilience.

Since taking office in December 2013, I have also made management reform a top priority in the Department. In my view, improving the effectiveness and efficiency by which we pursue our missions is itself a homeland security imperative.

COUNTERTERRORISM AND ENHANCING SECURITY

As I have said many times, counterterrorism must remain the cornerstone of DHS's mission.

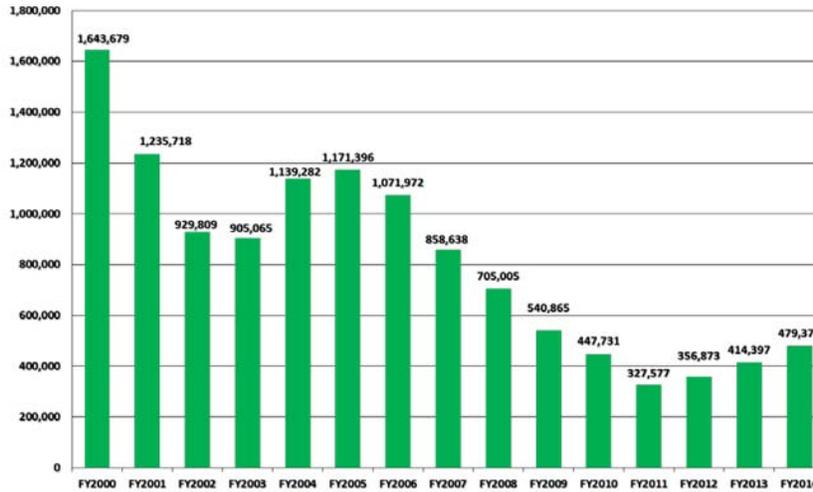
Safeguarding critical infrastructure and implementation of layered security on land, in the air, and on the sea are essential to combating any terrorist threat. The Department has prioritized investments in technology and risk-based, intelligence-driven programs like the Transportation and Security Administration's (TSA) Pre.TM and Global Entry, and in the assets necessary to carry out DHS front-line missions today and in the future. The President's fiscal year 2016 Budget will fund key priorities including a DHS data framework, enhancing information sharing between critical vetting programs, and service life extension of radiation portal monitors to sustain compliance with the SAFE Port Act. In this mission area, the fiscal year 2016 President's Budget includes funding requests for the following key investments:

- \$3.7 billion for TSA screening operations to continue aviation security at prior year levels, and more effectively align passenger screening resources based on risk. These risk-based security initiatives maximize security capabilities and expedite the screening process for low-risk travelers.
- Support for U.S. Customs and Border Protection’s (CBP) Trusted Traveler Programs, which provide expedited travel for pre-approved, low-risk travelers through dedicated lanes and kiosks. CBP’s Trusted Traveler Programs reached record numbers of enrollment in fiscal year 2014. An additional 1.25 million people enrolled in the agency’s Trusted Traveler Programs (Global Entry, SENTRI, NEXUS and FAST) this fiscal year to bring total enrollment to more than 3.3 million members. Global Entry, the agency’s largest program with more than 1.7 million members, is operational at 42 U.S. airports and 12 Preclearance locations, serving 99 percent of incoming travelers to the United States. CBP added nine Global Entry kiosk locations this fiscal year and enrolled its one millionth member in NEXUS.
- \$101 million for Radiological and Nuclear Detection Equipment Acquisition with which the Domestic Nuclear Detection Office and other DHS components, including the Coast Guard, CBP, and TSA, keep U.S. ports of entry safe and secure by detecting and interdicting illicit radioactive and nuclear materials.
- \$94.5 million for Infrastructure Security Compliance funding to secure America’s high-risk chemical facilities through the systematic regulation, inspection, and enforcement under the authority of the Chemical Facility Anti-Terrorism Standards. The request includes \$16 million to enhance regulation of the sale and transfer of ammonium nitrate.
- \$86.7 million to enhance White House Complex security, consistent with the recommendations of the United States Secret Service (USSS) Protective Missions Panel.
- \$83.3 million for the BioWatch Program to provide detection and early warning of the intentional release of select aerosolized biological agents.
- \$29.4 million for Visa Information Update System. This new program will allow non-immigrant visa holders to provide updated biographic and travel related information through a public website. The system will complement the existing visa application process and enhance CBP’s ability to make pre-travel risk determinations.
- \$65.8 million for the National Protection and Programs Directorate Replacement Biometric System. This system will replace the legacy Automated Biometric Identification System. In addition to reduced operating costs, the new system will have improved detection capabilities, more efficient processing, and improved scalability.

SECURING AND MANAGING OUR BORDERS

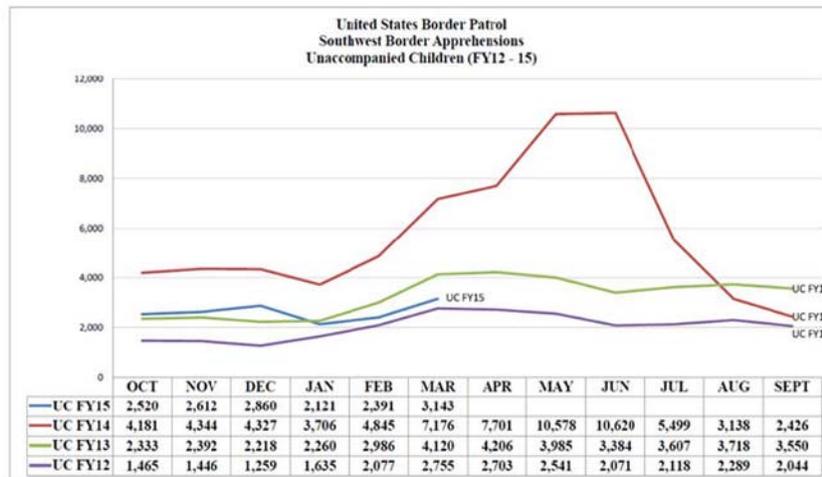
The Department has committed historic levels of front-line personnel, technology, and infrastructure to border security to reduce the flow of illegal immigrants and illicit contraband while fostering legal trade and travel. Over time, this investment has yielded positive results. The reality is that illegal migration is a fraction of what it used to be. In the year 2000, apprehensions on the southern border—which are an indicator of total attempts to cross the border—exceeded 1.6 million. Apprehensions on the southern border have dropped considerably since then, to around 400,000 a year in recent years. Apprehensions are in fact at their lowest rate since the 1970s.

SOUTHWEST BORDER
 USBP APPREHENSIONS FISCAL YEAR 2000—FISCAL YEAR 2014

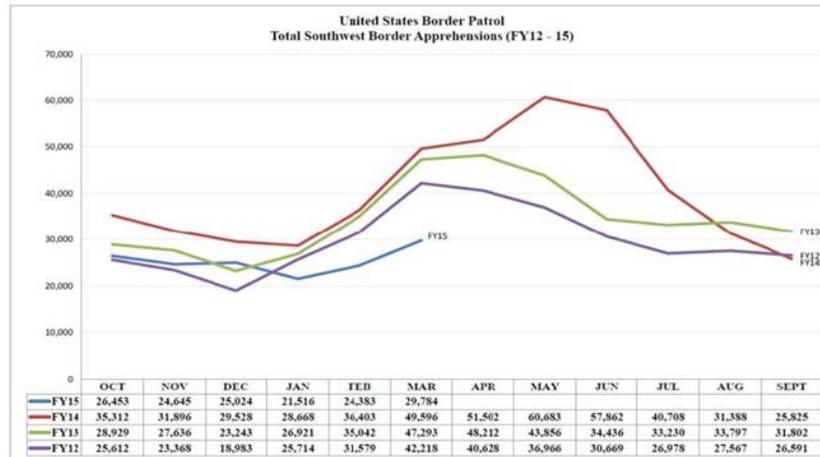


These numbers are no doubt partially due to economic conditions and trends in the U.S., Mexico and Central America, but also due to the very large investment this Nation has made in border security over the last 15 years. Today's Border Patrol has the largest deployment of people, vehicles, aircraft, boats and equipment along the southwest border in its 90-year history.

Without a doubt, we had a challenge last summer, with the unprecedented number of unaccompanied children and others who crossed a narrow area of our southern border into the Rio Grande Valley, in search of a family member and a better life in this country. We responded aggressively with more people and resources on the southern border. Beginning in mid-June 2014 the numbers of unaccompanied children crossing the southern border declined sharply. As the chart below reflects, the number of unaccompanied children apprehended at the southern border, month-to-month, are the lowest it has been in several years. As of March 31, 2015, the total number for the fiscal year is 45 percent less than it was the same time last year.



Meanwhile, as the chart below reflects, month-to-month, total apprehensions on the southern border are also significantly lower than they were this time over the last several years. Through March 31, 2015, total apprehensions this fiscal year is 28 percent less than it was the same time last year.



But, we are not declaring “mission accomplished” when it comes to border security. I am committed to building an even more secure border.

In the future, DHS will more effectively execute its border security responsibilities by implementing our new DHS-wide, inter-component Southern Border Campaign for securing the U.S. Southern Border and approaches. This Campaign will direct DHS resources in a much more collaborative fashion with pre-identified, Secretary-approved, outcomes and targets for the range of threats and challenges, including illegal migration, illegal drug, human and arms trafficking, the illicit financing of all these operations, and the terrorist threat. The fiscal year 2016 Budget supports this effort by requesting resources needed to support officer and agent staffing along the border, maintaining all statutory personnel floors, while supporting the 2,000 additional CBP officers first funded in fiscal year 2014. The Budget retains critical border patrol, watch-list, and targeting technology that enhance the capabilities of front-line officers and agents, and investments in Coast Guard recapitalization. Funding is included for securing and managing our borders in the following key areas:

- Salaries, benefits, and operating costs for 21,370 Border Patrol agents and 23,871 CBP officers.
- Resources to complete the hiring and training of up to 2,000 new CBP officers, to achieve a total end-strength of 23,871 CBP officers. This effort, which commenced in fiscal year 2014, is already yielding faster processing and inspection of passengers and cargo at U.S. ports of entry, as well as more seizures of illegal items, such as drugs, guns, and counterfeit goods.
- Resources for Coast Guard port security screening to secure key transportation nodes through security/background checks to ensure unauthorized and illicit individuals do not gain access to, or disrupt, key transportation and commerce nodes. All crew, passengers, and cargo of vessels over 300 tons are screened prior to arrival in U.S. waters, to mitigate potential risks to our borders.
- \$373 million to maintain the necessary infrastructure and technology along the Nation’s borders to ensure law enforcement personnel are supported with effective surveillance technology to improve their ability to detect and interdict illegal activity in a safer environment.
- Provides funds for the costs associated with apprehension and care of unaccompanied children. A portion of these funds will be used to prepare facilities for families and unaccompanied children in the event of a surge that exceeds prior year apprehension levels. The request proposes up to \$162 million in contingency obligation authority—enabling CBP and Immigration and Customs Enforcement (ICE) to respond effectively in the event migration volume significantly surpasses prior-year levels.

- Support for Coast Guard recapitalization to include \$340 million for production of six Fast Response Cutters (FRCs); \$102 million to convert Air National Guard C-27J aircraft for Coast Guard use; \$91.4 million for National Security Cutter (NSC) structural enhancement and post-delivery activities; and \$18.5 million to complete preliminary design evaluation of the Offshore Patrol Cutter (OPC). Recapitalization will ensure Coast Guard's continued ability to enforce laws and treaties and guard the maritime domain against illegal activity and potential acts of terrorism.
- \$85.3 million for the Non-Intrusive Inspection (NII) Equipment Refresh and Recapitalization program. The NII systems allow for passive radiation scanning and X-ray/gamma-ray imaging of cargo and conveyances. Large scale NII systems perform 7.2 million examinations per year at the ports of entry. In fiscal year 2016, DHS will begin replacement of NII systems that exceed designed life expectancy.
- \$90 million for Coast Guard operations and maintenance funds to support the delivery of new and more capable assets, including \$17.2 million in operations and maintenance for two new Coast Guard FRCs, which will provide critical maritime border security along the Atlantic and Gulf Coasts.

ENFORCING AND ADMINISTERING OUR IMMIGRATION LAWS

Each year Congress provides the Department resources for the prioritized removal of a portion of those living unlawfully in the United States. DHS allocates its resources to address the highest risks, targeting criminal aliens who pose a threat to public safety, recent border crossers, and employers who ignore our immigration laws. The fiscal year 2016 Budget continues the Administration's efforts to more effectively focus the enforcement system and our finite resources on identifying and removing high-priority individuals. For fiscal year 2016, the Budget includes funds to enable ICE to maintain more than the 34,000 detention beds and other funds requested for enforcing and administering our immigration laws, including the following:

- \$3.3 billion to provide safe, secure, and humane detention and removal of removable individuals who are held in Government custody because they present a risk of flight, a risk to public safety, or are subject to mandatory detention.
 - Funds to supervise approximately 87,000 individuals (average per day by the end of fiscal year 2016), including an additional \$94.5 million to support adult detention beds for higher risk individuals and \$122.5 million for the more cost-effective Alternatives to Detention program for those who are not considered a threat to our communities. The Alternatives to Detention program places low-risk individuals under various forms of intensive supervision or electronic monitoring rather than in detention.
 - \$129.4 million to identify and apprehend immigration fugitives in the United States, with an emphasis on those who pose the greatest risk to national security and public safety.
 - \$345.3 million to fund an increased number of family beds to address the surge in families with children crossing the U.S. southern border illegally.
 - The fiscal year 2016 President's Budget proposes \$45 million of Custody Operations funding be appropriated as five-year funding. This extension of funds availability (from one to 5 years) allows ICE to improve the cost efficiency of detention bed rates.

SAFEGUARDING AND SECURING CYBERSPACE

Cybersecurity is of growing relevance to our national and economic security. At DHS, we are building an agile and responsive cybersecurity capability. Central to our efforts is the National Cybersecurity and Communications Integration Center, or NCCIC. We are finalizing plans to open a satellite office in Silicon Valley that will serve as another point of contact with our friends in the technology industry. It is also my hope that an office in Silicon Valley will help us steal more private sector talent to help us realize our plans. I am already in the hunt to hire a new NCCIC director. I am personally participating in efforts to look for a recognized all-star in the cybersecurity field, and I believe we are going to hire such a person soon. My goal is to make the NCCIC a 24/7 cybersecurity operations center that brings together government and business, working side by side to assess and reduce the risks to America's cyber systems. We are enabling the NCCIC to provide near real-time automated information sharing to the private sector. Later this year, we will be in a position to begin to accept cyber threat indicators from the private sector in automated near real-time format.

Funding in this request supports the Department's two flagship cyber acquisition programs—the National Cybersecurity Protection System and Continuous Diagnostics and Mitigation—which enhance cybersecurity situational awareness and information sharing. Funding is also included to sustain the USSS network of 46 Financial Crimes Task Forces and 38 Electronic Crimes Task Forces which continues to leverage USSS partnerships with international law enforcement agencies through overseas field offices. In addition, the Department recognizes that it must maintain its own robust internal network security to be a national leader in cybersecurity. Therefore, DHS is allocating resources across all of its Components that own information technology systems as part of a plan to fix known system vulnerabilities and is preparing to implement National Protection and Programs Directorate continuous monitoring services. The fiscal year 2016 request includes the following key resources for safeguarding and securing cyberspace:

- The fiscal year 2016 President's Budget sustains ICE and USSS resources to combat cyber-crime and investigate cyber-criminals.
- \$479.8 million for Network Security Deployment, including the EINSTEIN3 Accelerated program which enables DHS to detect malicious traffic targeting Federal (non-Department of Defense) networks and prevent malicious traffic from harming those networks.
- \$102.6 million for the Continuous Diagnostics and Mitigation program which provides hardware, software, and services designed to support activities that strengthen the operational security of Federal (non-Department of Defense) networks.
- \$5.1 million for the CyberSkills Management Support Initiative. This initiative is intended to bolster DHS's ability to develop and maintain a robust cybersecurity workforce. As part of this initiative, DHS will ensure consistent execution of cybersecurity workforce support activities across the Department by consolidating these activities within the Office of the Chief Human Capital Officer, consistent with other workforce management programs.

STRENGTHENING NATIONAL PREPAREDNESS AND RESILIENCE

No matter the time of day or location on a map, a disaster can strike and overwhelm any of our Nation's communities. It is the goal of DHS to build a ready and resilient Nation through efforts to bolster disaster response information sharing and collaboration. The fiscal year 2016 President's Budget includes \$9.6 billion to support the DRF, grant programs, disaster preparedness plans, and training for our homeland security and law enforcement partners. Working closely with State, local, and tribal governments across the country, the Federal Emergency Management Agency (FEMA) will continue to make progress in its ability to plan, prepare for, and respond to disasters. These investments include:

- \$7.4 billion in DRF funding to provide immediate and long-lasting assistance to individuals and communities stricken by emergencies and major disasters.
- \$2.2 billion in total grants funding to prepare state and local governments to prevent, protect against, respond to, and recover from incidents of terrorism and other catastrophic events. These funds also include Firefighter Assistance and Emergency Management Performance Grants that support local first responders in achieving their missions.

Understanding and preparing for the impacts of a changing climate is also an Administration priority. Climate change—including an increase in prolonged periods of high temperatures, changes in precipitation, an increase in wildfires, more severe droughts, permafrost thawing, ocean acidification, and sea-level rise—is already impacting the Nation and will exacerbate many of our existing vulnerabilities. Managing these risks requires deliberate preparation, close cooperation, and coordinated planning across government, as well as by other stakeholders. The fiscal year 2016 President's Budget includes the following climate resilience investments which will strengthen our preparedness for the effects of climate change:

- \$616 million in support of the President's Climate Resilience Initiatives:
 - \$400 million to support flood mapping and risk analysis activities, which are essential to educating communities about flood risk and minimizing the loss of life and property as a result of flooding.
 - \$200 million in Pre-Disaster Mitigation Grants for hazard mitigation planning and/or project applications to mitigate damage associated with natural disasters.
 - \$10 million for analyses of climate change impacts on infrastructure critical to national and economic security, and national public health and safety.
 - \$6 million for FEMA climate workshops and regional resilience coordination.

REFORMING THE MANAGEMENT OF DHS

Since taking office in December 2013, I have made management reform a top priority in the Department. Improving the effectiveness and efficiency by which we pursue our missions is itself a homeland security imperative.

Over the last 15 months, we have filled almost all the senior-level vacancies that existed in the Department. I want to express my gratitude to the Senate for confirming Russ Deyo, the President's nominee for Under Secretary for Management, the number 3 position within the Department. In February, the President also named Joe Clancy to be the Director of the Secret Service. On Tuesday, April 28, the President will announce his nominee to be the new Administrator of the TSA.

Our "Unity of Effort" initiative has brought about a more centralized process for making decisions concerning budget requests, acquisition, strategy and other Departmental functions. Growing out of this initiative, we also realigned major DHS headquarters functions to consolidate like functions and promote efficiency. DHS is a very large conglomerate of 22 components that is only 12 years old. We are a large bureaucracy. In some ways, we are still finding our way, but we are headed in the right direction.

We have established the Southern Border and Approaches Campaign, as I mentioned earlier. We have built what I believe to be more candid and inclusive senior leadership discussions and decisionmaking. We have realigned seven major Department headquarters functions. We are developing a number of human capital initiatives, including a Department-wide approach to joint rotational duty assignments. And we are embarking on the Acquisition Innovation in Motion (AIM) initiative, which will be an ongoing and recurring set of activities to enhance the way the Department does business with the private sector.

DHS is one of 16 departments and agencies on Government Accountability Office's (GAO) so-called "High Risk List." DHS has been on that list since DHS was created in 2003, simply by virtue of the large realignment of government it took to create the Department. We are on a path to get off that list soon. In its most recent report to Congress on February 11, GAO once again noted DHS's good progress toward getting off the list. Specifically, GAO noted that since its last report in 2013, DHS has "fully addressed" 9 of 30 risk areas, and has made significant progress toward addressing theremaining 21. Overall, GAO has stated that DHS is a "model" for how Federal agencies can work to address GAO's high risk designations. GAO also stated:

"DHS's top leadership, including the Secretary and Deputy Secretary of Homeland Security (who assumed leadership of the department after our 2013 update), have continued to demonstrate exemplary commitment and support for addressing the department's management challenges. For instance, the department's Deputy Secretary and Under Secretary for Management, and other senior management officials have frequently met with us to discuss the department's plans and progress, which helps ensure common understanding or the remaining work needed to address our high-risk designation."

Concerning morale, one of the ways we are improving is to stop telling the workforce they suffer from low morale. We have moved on. We are no longer "studying" the issue of morale. We are doing something about it. The Deputy Secretary and I are on an aggressive, multi-faceted campaign to improve morale within components of DHS. We are developing more transparency in hiring, training, promotion and mentoring opportunities. In cascading fashion, we are encouraging all leaders and managers within the Department to invest time and effort to improving morale. We are thanking and acknowledging people for their good work. In October of last year we restored the Secretary's Awards Program, which had been dormant since 2008, to recognize more than 300 employees who have made outstanding achievements across DHS. I request that Congress continue to work with me to address DHS workforce issues, so the men and women all across the Department of Homeland Security remain upbeat, dedicated and patriotic.

We have improved the Department's responsiveness to Congress. This, despite the challenge of—depending on how you count—92 committees and subcommittees of Congress who claim an oversight role over this Department. Members of Congress on both sides of the aisle have taken note.¹

¹Rep. Beto O'Rourke (D-TX): "Mr. Secretary, I want to begin by thanking you for your accountability. Your responsiveness to our requests and our questions and your commitment to transparency—I think there's a long way still to go within the department, but in the last 12 months, we've seen more transparency than we've seen in hears. And so I really do appreciate that."

Continued

CONCLUSION

I thank you for the opportunity to speak with all of you and for your continued support, I look forward to your questions.

Senator HOEVEN. Thank you, Mr. Secretary. Appreciate it.

We will follow the early-bird rule, but I would like to first ask the subcommittee's indulgence to turn to Senator Murkowski, who has to leave, and allow her to proceed with her questions to start.

ICEBREAKERS

Senator MURKOWSKI. Thank you, Mr. Chairman, and other members of the subcommittee. I appreciate the indulgence. The administrator for the Environmental Protection Agency (EPA) is in the next room, and I'm supposed to start that hearing right now.

So if I may ask just one quick question, and I will submit others for the record.

This relates to our ability as a Nation to be prepared, to be resilient, in the Arctic. As you know, the United States assumed the chair of the Arctic Council on Friday. I was with Secretary Kerry. We were up in Iqaluit, Canada.

There is a great expectation for us as a Nation to assume the roles, the responsibilities, the obligations as an Arctic Nation. But it's kind of tough to do that when you can't move when you need to, whether it is for a search and rescue operation, whether it is to help our maritime commerce moving through waters that are now more open. And it comes down to our icebreaking capacity as a Nation.

As you know, we have the Polar Star. The Polar Star is our one full-strength icebreaker, and she is on assignment to Antarctica for the next 5 years. When she's done, she comes back, and, theoretically, we would have the opportunity to have her in the Arctic. But her useful life is between 6 to 8 years from now.

We are woefully behind. China has more icebreakers than the United States. Russia has three and four times more than we have here in the United States.

I understand that this is a question of funding priorities. I appreciate full well what the chairman of the full committee has noted in terms of cutter priorities for our Coast Guard and the importance of getting that ninth cutter going.

And know, Mr. Chairman, that I am entirely with you there.

But, Mr. Secretary, I need to figure out how we build this path forward for not only one icebreaker, but the six that have been recommended in the study that has been done. We know what we need. We don't need to spend more money on studies. We have \$4 million in the request here for initial acquisition activities for a new polar icebreaker. It takes 10 years to build one.

Funding is an issue. We all know that. But it is also ensuring that it is a priority. I noted in your comments as well as in your

Rep. Jason Chaffetz (R-UT): "I can tell you, since you've taken office, the production and the response to Congress in terms of responding to our letters and inquiries is—the difference, I cannot tell you how much better it is. And I thank you and the people who work on this. I do appreciate [that]."

Sen. Tom Coburn (R-OK): "Jeh Johnson has proven to be a capable leader, a transparent partner with Congress, and committed to making tough decisions and improving the Department."

prepared comments, there is no mention of what we need to do in the Arctic, short of a reference to permafrost thawing.

So I need to hear from you what you believe we might be able to do to step it up to assume those responsibilities that we have in the Arctic and, more specifically, to the need to how we might be able to expedite construction of a polar icebreaker.

Secretary JOHNSON. Senator, I have in 16 months in office become very committed to our icebreaking mission, particularly in the Arctic.

You are correct that there is \$4 million for preacquisition activities. I believe that we need to get to a new icebreaker. I also believe that we need to carefully look at what can be done with the Polar Sea.

I know the importance to commerce and to straight maritime security of an icebreaker, and not just the big ones you refer to, but the smaller fleet as well performs a valuable service in places like the Hudson River, for example, near where I grew up.

So you are correct that the Polar Star is years and years old, and we need to do something about that. So I am interested in recapitalizing and rebuilding the entire Coast Guard fleet. But I do recognize the importance of having the right number of icebreakers for our Coast Guard.

I note the fact that China and Russia have been able to fund a number of icebreakers. And I know the great value there is in having very large icebreakers to free up commerce and to basically save people and pull them out of the ice.

Senator MURKOWSKI. Well, know that I'm going to continue to press on it. If we can work with you and your team, obviously we are the Coast Guard, but I think this has to be across agencies, in terms of how we're going to place priority on this, so I look forward to working with you.

I do have a couple other questions, Mr. Chairman, that I will submit for the record. But I thank you for your indulgence in giving me this opportunity.

Senator HOEVEN. Certainly.

I would like to turn to Senator Tester. I believe you also have an engagement, and I will be more than happy to allow you to go next.

Senator TESTER. I apologize, Mr. Chairman.

Senator HOEVEN. No problem.

Senator TESTER. I also thank you.

Secretary Johnson, just building off of what Senator Murkowski said, I think the key here is funding. I mean, I don't think you want to waste a bunch of time if the money never comes. So we have to step up to give you the kind of money you need to rebuild your infrastructure.

Without Congress acting, without Congress doing the right thing—and hopefully, we will have a discussion about this, Mr. Chairman, when we have the full committee come together. Without us acting and doing the right thing, how can you spend a lot of time on something that is never going to happen unless we step up? So thank you.

BORDER PATROL PAY REFORM ACT

Look, we passed up the pay reform bill, Senator McCain and I did, last Congress. It's a good bill. It would not have passed without your support, and we appreciate that.

It increases manpower hours along the border, which I think we all think is more important, more predictable schedules for the employees and more predictable paychecks in that, and offers some recruitment advantages. It also saves about \$100 million a year. So it is the best of all worlds.

In moving forward, I expect this legislation to be implemented pretty quickly in its entirety in a way that really doesn't financially harm the agents, because you need those folks on the borders.

Can you give me an update on the implementation of the Border Patrol Pay Reform Act, as well as the timeline for full implementation?

Secretary JOHNSON. Well, first of all, Senator, thank you for your sponsorship of that bill. It's a really, really good piece of legislation. It's a win-win for our Border Patrol and for long-term fiscal discipline. It's an excellent piece of legislation. I'm really glad you got it passed to replace the Administratively Uncontrollable Overtime (AUO) system, which had a lot of problems.

The law requires implementation through the drafting of regulations. I have urged my people to do that as quickly as possible. I am told that we could be there as soon as late this summer.

Senator TESTER. For full implementation?

Secretary JOHNSON. For at least initial implementation, sometime late this summer.

I would like to see us move as quickly as possible, because we are talking about people's pocketbooks, and we are talking about people who work for me.

Senator TESTER. Yes.

Secretary JOHNSON. And I understand the importance of overtime in people's daily lives, so I'm urging our people to get this done. I'm urging our rule-writers, our lawyers, to get this done as quickly as possible.

I was, frankly, disappointed to hear that it is going to take as long as it is taking, and I know the importance of being able to fill the gap.

Senator TESTER. Are there impediments that we can help you knock down?

Secretary JOHNSON. We may want to come to you for that. I understand there is an issue with how the law should be interpreted, the wording of a particular provision. So we may need to come to you for a little help there.

But on my end, I'm pressing our people to get this done as quickly as possible.

FIREFIGHTER GRANTS

Senator TESTER. Okay. I appreciate your efforts.

We have the beginnings of a historic drought out West. Everybody knows about California. Washington and Oregon are right behind. And I'm afraid to say that Montana is not far behind them.

That means more fires. That means local firefighters need assistance, and they get that assistance through firefighter grants, SAFER grants, Assistance to Firefighters grants, and others.

The administration calls for a reduction in these programs, in the fiscal year 2016 budget at least. What is the justification for that proposed cut? Was it done because you thought we would probably bump it back up? Because things don't look particularly well in the Western United States, so it's not just one State, as far as fire goes.

Secretary JOHNSON. Well, first of all, if we got into a real problem, I'm sure there are ways to compensate through grantmaking properly for firefighter relief and other things.

Senator, I do know that at the top line, we have requested \$2.2 billion in grants for statewide and for Urban Area Security Initiative (UASI) money, which can go to all sorts of different things, including firefighters. I know that we are funding, in some cases, overtime for firefighters.

When it comes to firefighters in rural areas, which I think is implicit in your question—

Senator TESTER. That's true.

Secretary JOHNSON [continuing]. Let me take that for the record. I do want to understand better the reason for our current funding request.

[The information follows:]

The President's Budget requested \$335 million for the fiscal year 2016 AFG program and \$335 million for fiscal year 2016 SAFER grants, which are the same amounts requested in fiscal year 2015. This was a decision made within the context of the overall DHS budget request in which many varying needs are weighed. The decision to request the same amount as in the prior fiscal year was made to maintain constant funding from one fiscal year to the next fiscal year.

Senator TESTER. Okay. Thank you. I have some of the questions I'll put in the record.

But I just want to say, personally, Jeh, I really appreciate the job you have done since you've been here at Homeland Security. I appreciate your common-sense perspective on things, because it is a tough job, maybe the toughest job in the administration. I just thank you for the work you do, and I look forward to supporting your success.

Secretary JOHNSON. Thank you.

FUNDING ALLOCATIONS

Senator HOEVEN. Thank you, Senator.

Mr. Secretary, I guess I would like to start with the top line total in your budget. You requested, in discretionary funding, \$41.426 billion. The House mark, the House 302(b) allocation, and I think you maybe already had your initial hearing with House appropriators? Is that correct?

Secretary JOHNSON. Yes, I did.

Senator HOEVEN. So their mark is \$39.32 billion. Did you discuss that difference with them?

Now, it looks like we're close to reconciling on the budget between the House and the Senate, and then we will be setting up our 302(b)s, so we don't know what that 302(b) is going to be yet for the Senate. Our chairman and ranking member undoubtedly

are already having that conversation. So don't know exactly where this 302(b) is going to come in. But for starters, you've already seen that the House is about \$2 billion below your number.

So what was the discussion in terms of prioritization and the adjustments that you would make relative to that House number versus your budget request?

Secretary JOHNSON. When I testified, it was late March, March 26, March 27. I think that the House budget number had just come out, maybe a few days before that. So we did not have an in-depth discussion, except to say that if we have to do this on the sequester level, it is going to be a real setback for the key Homeland Security missions that we have, and the things that immediately come to mind are border security and aviation security and funding the Secret Service, in addition to cybersecurity. Those are the four big items where we have new initiatives for Homeland Security that funding at the \$41.2 billion level gets us to.

If we have to fund at the sequester level, that's a very different exercise. I've been working with my Chief Financial Officer to understand exactly how we would try to compensate for that. It's not easy.

If we have to do it, we have to do it. But I'm urging Congress to give us some relief here, so we can deliver the services that I know you want us to deliver.

Senator HOEVEN. I'm asking that question on purpose, because you have both the chairman and the ranking member of the full Appropriations Committee here, so this is your chance to make your case before that 302(b) allocation is made. So that's your shot right there, because obviously we are going to have to set that number. In all likelihood, it may be different than the House number.

So this is where I think you plead your case.

But there is going to have to be some prioritization, in all likelihood, between the budget number and our number. But our number may very well be higher than the House number. So that is why I offer you that opportunity.

Secretary JOHNSON. Well, I know Congress places huge value on national security, on funding our military, on funding national defense. In my judgment, equal to that in importance should be basic homeland security, the security of our borders, the security of our ports, the security of our airplanes, the security of the Internet.

My Department, as I said earlier, interacts with the American public more than any other department of government. TSA alone does. So when we talk about the basic security of the American people, we are talking about homeland security, in my judgment, aviation security, maritime security, cybersecurity.

After a number of years of really difficult budgeting, with less than desirable top lines because of the economy and because of where we were in our overall budget process, we are now at a place where I think we can really fund our vital homeland security missions with added surveillance and technology for the border.

Everybody in Congress wants us to do a better job on border security. So we put forth a budget with added technology, added surveillance capability. I know Congress is concerned about aviation security. So we have put forth a budget that in our view adequately

funds aviation security. And we need to do something about cybersecurity. This Congress is active right now in legislating cybersecurity. But we need to pay for that as well.

So there are very important missions at the \$41.2 billion level that we need to fund, that I know Congress wants us to pursue, and that will be very difficult to do if we have to live with sequestration.

In my judgment, homeland security is a fundamental part of basic national security as well.

Senator HOEVEN. With that, I would normally turn to Senator Shaheen, but I understand that she would like to defer.

Senator Mikulski, would you like to go next?

Senator MIKULSKI. Thank you, Senator Shaheen. Yes, I do.

Mr. Chairman, Ranking Member Shaheen, I just want to comment first about Baltimore. We've been through a rough time in Baltimore. Our protests were important to insist that justice be done for Mr. Freddie Gray, who died in police custody. But then there were a group of children, teens, tweens, that really did some acting out and severe damage.

But we are calm now. Our city is calm. Children are back to school.

And by the way, that awful day when the disruption occurred, 85,000 of our children went home peacefully, went to after-school activities, sports, faith-based, et cetera. So 85,000 were okay.

But let me tell you why this is important to this committee, which goes to the emergency preparedness grants and to the continuity of government.

I just want to say to the subcommittee, first of all, Baltimore is calm. We are not a city that lacks leadership or lacks commitment or lacks compassion. So we will get through this. Baltimore emergency management, this was funded significantly through your office, as was Governor Hogan's Maryland emergency management, which was also activated.

To my colleagues, what this does, at a time like this, is ensure the continuity of government and the continuity of services. So not only do our schools need to be open but people who might need kidney dialysis need to be able to get there and know where to go and how to do it.

I saw this operation full-scale, full-bore moving forward.

Today, I received a call from the CVS drugstore corporation that had been burned out. And I thought, are they calling me to tell me they are pulling out? No. They called me on how they could deliver prescription drugs to needy people in neighborhoods that had been disrupted.

Because I could connect them to Baltimore emergency services, connected to the appropriate police district commanders, to protect the drug stores that were open, as of 2 o'clock today, we had a whole method, thanks to the interoperability of their medical and pharmaceutical records, and working with the Federal Emergency Management Agency (FEMA) backed up by the Mississippi Emergency Management Agency (MEMA), we can meet the needs of the senior citizen that needs insulin or the child that needs antibiotics.

So this is really what we pay for. Yes, it is guarding our borders, yes guarding our Internet, all the excellent things you do every

day. Of course, we can't have a Port of Baltimore without the Coast Guard.

But I just wanted to share that, because we don't always think about the bread-and-butter issues and what must go on. So of course, I salute the men and women in Baltimore who are responding, and all those who have come to our assistance. But this is the kind of stuff we pay for.

And thanks to the fact that they train, that it is in place, and they are available, we can meet the needs of our citizens.

So I just wanted to say that.

H-2B VISA PROGRAM

Shifting gears, though, I would like to raise the issue about something that goes very important to jobs in my State, which is the famous H-2B visa program.

First of all, Mr. Secretary, I want to thank you and Secretary Perez for issuing the regulations that you said you would. By and large, I like them. I can have some flashing lights.

But I have a real problem and so does my business community where they have not been able, because of the H-2B cap, be able to get the visas they need for this year.

Are you aware that's a problem?

Secretary JOHNSON. Yes, I am.

Senator MIKULSKI. I have a suggestion on how to meet that problem without legislative change. I'm asking whether you would do an audit on the number of nonimmigrant H-2B visas that have been requested, and then also to know where they are not being used and, therefore, the ability to be used by others who could use them.

What I mean is, in my seafood industry, a company might ask for 100 visas. They might've been doing this for 10 years. Crabs are down. They only need 50. You would have 50 to use. Well, this year, we need all 100.

So can you offer your suggestions on how to deal with this H-2B, because I certainly know we coastal Senators are facing real problems. The landscape industry is facing real problems.

Quite frankly, they create American jobs. In the landscape industry, there are 13 people who are of Mexican heritage who have come every year for 10 years. They are ready to go to work, and they keep this whole landscape business with American jobs going. Thirteen helps create another 40.

The seafood industry, the crab pickers keep a lot of our seafood industry going, and so do restaurants.

Secretary JOHNSON. As you know, Senator, the cap is set by law. If there is a way legally to do as you suggest, I would like to work with your staff on that.

Fortunately, we have a way forward for next year. We got the new reg out. It's a joint reg issued by DHS and Labor for the future that satisfies the litigation.

And you are correct. We reached the cap when we issued H-2B visas during that window period of time.

If there's a way to look at it, to do some kind of audit, I would be very interested in hearing ideas on that. I'd be happy to have my folks engage with yours on that.

Senator MIKULSKI. Well, thank you.

Mr. Chairman, Senator Shaheen, you have been very generous. I have other questions related to cybersecurity and unaccompanied children. Again, thank you for your steadfast work on that. And I will give you a letter on H-2B. I wouldn't be me without having some suggestions to give you.

Thank you, Mr. Chairman.

Senator HOEVEN. Senator Cochran.

NATIONAL FLOOD INSURANCE PROGRAM

Senator COCHRAN. Mr. Chairman, thank you.

I was looking at the briefing book before we came over here to see whether or not there were issues other than the one I raised in my first round of questioning. I was reminded the flood insurance program is real important and was gladly applauded by those in coastal and low-lying areas who built houses where they probably, in some cases, shouldn't have.

But in many cases, Mother Nature is just unpredictable, and nobody can predict exactly where the next storm is going to be and how deep the water is going to get.

So I am asking whether or not the framework affordability for flood insurance has been completed yet by the Department, and whether or not we can expect to have something done, let's say, this fall, as required by the Homeowner Flood Insurance Affordability Act.

Can you give us an update? If not from your notes here, for the record? Give us some idea of what your reaction to this framework is?

Secretary JOHNSON. Two things, Senator.

One, you are correct that there was legislation passed by Congress last year and the year before to give homeowners some relief on flood insurance. Overall, I am interested in two things, and I know Administrator Fugate agrees, affordability and solvency. We want to make sure that we have a solvent National Flood Insurance Program. We want to make sure that we have one that is affordable to those who need the insurance longer term.

In this year's budget submission, we have a request for new flood mapping to make sure that we get this right, to update the districts, update the areas that are high-risk. And again, I think that that should be done with the purpose of a solvent National Flood Insurance Program (NFIP) and to make sure that it is an affordable one for people in high-risk areas. There's no point in having flood insurance if nobody can afford it.

So this continues to be a major item of mine. I hear about it a lot from Members of Congress, from individual homeowners. We have litigation in the Northeast right now that I'm very focused on.

So, Senator, I want you to know on behalf of your constituents in Mississippi and others in high-risk areas, this is a top priority of mine to make sure that we have a solvent and affordable flood insurance program.

Senator HOEVEN. Senator Shaheen.

HURRICANE SANDY CLAIMS

Senator SHAHEEN. Thank you, Mr. Chairman.

Since you mentioned the ongoing Hurricane Sandy claims, I understand that there may be a breakthrough in the effort to settle some of those claims. Do you want to take this opportunity to comment on that?

Secretary JOHNSON. Senator, Administrator Fugate and I are very interested and determined to do the right thing for those who were the victims of Hurricane Sandy. So we've been working overtime to try to find a settlement to the litigation in New York, and I'm pretty confident that we will have a resolution to that is, which a good result for the homeowners, for the people that we are pledged to serve. I think we're pretty close to a solution.

STATE HOMELAND SECURITY GRANT PROGRAM

Senator SHAHEEN. That's very encouraging. When Administrator Fugate came before this subcommittee, we had the opportunity to question him on what had happened with the Hurricane Sandy claims. I think it's fair to say that he acknowledged that people had not been treated in the way the agency would've liked.

I think many of us felt that FEMA did too little too late. But it's very positive to hear that you think there's a positive outcome here and a settlement pending that will benefit the homeowners and allow them to receive their claims and to get moving with their lives. So I'm pleased to hear that.

Mr. Secretary, I would like to be a little parochial for a minute and bring to your attention a problem that Grafton County, which is in the northern part of New Hampshire, is having with the State Homeland Security Grant Program. It has been delayed. It's now ready to move forward, if we can get your help. I hope that you will be able to help us cut through the red tape and get this important public safety communications project done. Is that something that you would be willing to help us pursue?

Secretary JOHNSON. I believe this is the matter that you have raised with me before?

Senator SHAHEEN. That is correct.

Secretary JOHNSON. And as I said then, I would like to find a way to resolve the issue. I do know that there is a large amount of grant money from FEMA that is still at the State level in New Hampshire. I suspect that they would tell you that it has all been spent already.

But I would like to find a way to resolve the issue. The issue is spending the money within the 2 years. And going forward, I changed that policy to make it a 3-year expiration period, because I was hearing from a lot of people that 2 years very often is not enough time.

So I've had this conversation with FEMA, and I will continue to do that.

HIRING

Senator SHAHEEN. Well, thank you. I appreciate your attention to this issue because it does mean a lot, particularly to first responders and folks up in very remote towns in the State of New Hampshire.

I want to go back to the budget request and ask, as you are thinking about 2016 and where we may wind up in terms of the

funding levels, because of the delayed enactment of the 2015 appropriations bill, is there a possibility to ratchet back to some degree some of the new hiring requests because the delay in funding has meant that the hiring requests are going to be delayed and might bump into 2016? Is that a place where there may be an opportunity to see some savings?

Secretary JOHNSON. I'm not sure I understand your question. Because we had the delay in funding for fiscal year 2015, we are hiring later in the year?

Senator SHAHEEN. Right. I'm trying to understand how that is working and whether that is a place where there might be an opportunity to recoup some savings.

Secretary JOHNSON. Well, I would have to look at it at a more specific level; I guess component by component, work force by work force. That's an interesting question. I hadn't thought of that, so I am not in a position to answer intelligently on it, but it's something we may have to do, if the sequestration caps are not lifted.

Senator SHAHEEN. And let me be clear, I think we should lift the sequestration caps. I'm committed to doing that on both the defense and domestic side of the budget. I don't think it makes sense for us to talk about lifting caps on defense if we are not going to also lift caps on the domestic side of the budget. So I am fully in support of that, but I would just raise that and ask you to take that back and see if there's an opportunity there.

Secretary JOHNSON. Okay. Thank you.

Senator SHAHEEN. Thank you, Mr. Chairman.

Senator HOEVEN. Senator Cassidy.

FEDERAL FLOOD RISK MANAGEMENT STANDARD

Senator CASSIDY. Good afternoon.

A couple things. I'm looking at the Federal Flood Risk Management Standard. And this is Executive Order 13690 that will replace the current 100-year base elevation for flood insurance.

I'm from Louisiana, so obviously I guess we're a little interested in flood insurance.

There are three options for the floodplain, one of which is to build to the 500-year elevation approach. Now, I almost start laughing when I read that. We have no idea what the flood will be in 500 years, because it depends upon assumptions, which are imponderables.

I just say that because in 1970, they were predicting a new Ice Age. Now we speak of global warming. I'm not casting doubt on the latter, I'm just pointing out that the former was quite untrue.

So I'm just curious, how are we coming up with a dagum—if you're going to build on the gulf coast, you have to build to a 500-year floodplain. That just like defies logic.

Since that will impact the economic development of my coastline, what thoughts do you have, because obviously a lot of families and their jobs and their livelihood depend upon having common sense approaches to this?

Secretary JOHNSON. Senator, I would have to reread the executive order in full. On the face of what you say, a 500-year floodplain, I'm not sure I understand that either. But I would have to

refresh my memory on the wording of it and to understand it better and what the motivation is for a 500-year plan.

Senator CASSIDY. Then we will give you a question for the record. Secretary JOHNSON. Sure.

CONTRACTING AND EFFICIENCIES

Senator CASSIDY. They have other options, one of which is 100-year floodplain plus 2 to 3 feet more, which sounds like they are trying to get to a 500-year floodplain.

And, of course, we are afraid that that will chill economic development, because the Federal Government to announce this is to bring with it the threat of all kinds of sanctions if you don't comply sort of thing.

Secondly, one thing I'm interested in, I have a lot of maritime industry in my State. To what degree could we outsource some responsibilities of say the Coast Guard and save money? I point that out because they replace a buoy, I am told—I've learned this through what I have been told, not what I know—that it costs about \$2,000 an hour to replace a buoy. They have a tender that goes out and lifts it, et cetera, when you could contract that out for far less, reserving the Coast Guard men and women for interdiction and rescue, et cetera.

Also, Senator Murkowski I think initially talked about an icebreaker. We could have an icebreaker with non-Coast Guard folks manning, and I'm gathering although the Coast Guard likes to have a multi-kind, you know, can do different things at once, when you're in the middle of an ice floe, I can't imagine that you're doing very much drug interdiction.

So I think they could save a lot of money and again redirect resources. Any thoughts about all that?

Secretary JOHNSON. Well, let me say this, I am interested in the most cost-efficient and effective outcome for the taxpayer possible. And in many scenarios, that can include outsourcing, contracting, so long as it is not regarded as an essential government function. And we do do that in a number of different contexts.

So if there is a case to be made by my people or to my people for outsourcing a particular function, I'm interested in hearing that, sir.

LEASING BOATS

Senator CASSIDY. Okay. The other thing that occurs to me, so much in industry leases boats, and we seem to want to pay as we go, even though it's hard to pay as we go right now. I didn't know whether that which private industry has found quite profitable, which is to lease, would be something that we could apply to, for example, the Coast Guard, allowing the builder of the boat and the one which is leasing to the government to be responsible for up-keep, et cetera.

So I think Don Young had some hearings on this a few years ago. I will track that down and send it over to you as a question for the record.

Secretary JOHNSON. Yes. I do know that the Coast Guard in particular does lease. It leases aircraft from time to time. We're doing that right now.

Senator CASSIDY. So we have precedent.
 Secretary JOHNSON. Where there is a case to be made for leasing,
 I think it can and should be done.
 Senator CASSIDY. Okay.
 I yield back. Thank you.
 Senator HOEVEN. Senator Baldwin.

ICE BREAKERS

Senator BALDWIN. Thank you, Mr. Chairman.
 I want to be the third Senator to talk about icebreakers today.
 We had an Alaska Senator, a gulf coast Senator, and now a Great
 Lakes Senator. Wisconsin is on both Lake Superior and Lake
 Michigan.

Obviously, the icebreaking capacity is critical to our maritime se-
 curity but also to our economy.

I was struck reading a report by the Lake Carriers Association
 about the cost of the very severe winter that we had in the 2013–
 2014 season. The cost to the economy due to limited icebreaking ca-
 pacity on the Great Lakes, \$700 million and nearly 4,000 jobs. That
 is a huge impact to the Great Lakes economy.

I note that, in contrast to the acquisition cost of a new heavy ice-
 breaker, the U.S. Coast Guard has only one in the Great Lakes of
 around \$225 million to \$275 million, so still a big price tag but
 comparatively speaking with the economic impact in a region for
 just one severe winter. And we have had another very significant
 and severe winter since that time.

What I just want to ask you is are you willing to work with me
 and this entire subcommittee to ensure that the Coast Guard takes
 a fresh look at the best way to carry out its icebreaking mission
 on the Great Lakes, including a new evaluation using updated data
 reflecting the last two harsh winters we have had of a potential ac-
 quisition of a second heavy icebreaker for the Great Lakes?

Secretary JOHNSON. Basically, yes. I know the value of ice-
 breakers, and not just in the Arctic or Antarctic. There was a ter-
 rific article, I don't know if you saw it, in the New York Times
 about a month ago on the value of icebreakers. The specific story
 was about the Hudson River and the value in a number of respects
 that icebreakers have in colder weather regions of the country,
 which most definitely includes the Great Lakes.

So I am a convert to the importance of icebreakers. So if we are
 not assessing the need for them properly, then I want to be sure
 that we do do that.

ANTIDUMPING AND COUNTERVAILING DUTIES

Senator BALDWIN. Well, I appreciate that willingness and will
 work with you. I didn't mean to neglect. I wanted to appreciate the
 fact that there is a commitment to upgrade two of the medium-
 sized icebreakers that operate on the Great Lakes. But the capacity
 for a heavy icebreaker is a real critical issue.

Second, I wanted to turn to U.S. Customs and Border Protection.
 They are charged with enforcing our trade laws. That includes
 antidumping and countervailing duties, which are incredibly impor-
 tant tools to level the playing field for U.S. manufacturers.

I remain concerned about our ability to identify the products coming into the United States that are subject to these duties. For example, antidumping and countervailing duties are currently in place for several types of paper products from China, including lightweight thermal paper.

Still, we know that importers evade the duties, the duty orders, by misclassifying, transshipping, and relabeling products to keep their costs below fair market value. Now I understand that steps have been taken to identify steel products that are subject to duty orders at ports of entry, including a CBP library of imported steel.

What I want to ask, coming from the number one paper producing State in the country, is why hasn't a similar imported paper product library been started at CBP? And does CBP need additional resources in obtaining the products that are subject to the antidumping or countervailing duty orders in order to build such a library?

Secretary JOHNSON. My short and honest answer is I don't know, but I will find out for you.

[The information follows:]

CBP Laboratories and Scientific Services Directorate (LSSD) can determine whether a product falls within the scope for the majority of current Antidumping/Countervailing Duty (AD/CVD) orders. Also, CBP LSSD has several viable country of origin (COO) programs for products subject to AD/CVD laws and duties. Each commodity and accompanying AD/CVD scope present their own unique challenges. Thus, a prospective product requires a particular scientific analysis and methodology that must be researched, statistically evaluated, and validated to meet several standards (i.e., quality requirements, Daubert standards, and other court precedents, etc.) in order for the product to be usable for customs purposes. The COO programs are resource- and personnel-intensive since they can take several years to develop and must be updated continuously.

For COO determinations, authenticated, traceable reference samples must be obtained from the multiple regions (or manufacturers) within the country subject to the AD/CVD order and from multiple regions (or manufacturers) in countries where transshipment is suspected in order to accurately (or within a high level of confidence) determine the actual origin of the commodity. As a result, there are many AD/CVD commodities that are either too homogenous in their construction/fabrication (i.e., steel and most steel products, solar cells, etc.) or are too variable from product to product where a notable difference or trend cannot be identified/discerned for origin determinations to satisfy the AD/CVD orders.

As for the AD/CVD order on lightweight thermal paper, CBP LSSD has had discussions with representatives of the U.S. paper industry regarding several scientific technologies and methodologies that could be used in determining a specific country or manufacturer of origin. However, the methodology still needs to be evaluated and validated to satisfy the many quality and court-driven standards before it can be utilized for enforcement purposes. Also, CBP has not been able to obtain the necessary authenticated reference samples from the manufacturers within the countries subject to this order because of the manufacturer's unresponsiveness to requests. These reference standards are essential in making any country of origin or manufacturer of origin determination possible.

CBP LSSD would require additional personnel and dedicated yearly resources (i.e., funding for authenticated reference standards and equipment) to address the technological challenges and requirements of each new AD/CVD order and to expand/enhance current capabilities for existing orders. Any AD/CVD libraries of products and accompanying databases obtained and developed by CBP LSSD for enforcement purposes are considered Law Enforcement Sensitive since the release of any of the data contained in this list would most likely lead to a means of evading AD/CVD orders.

Senator BALDWIN. Well, very good. We will look forward to your follow-up. And if additional attention is needed, we will, certainly, look forward to working with you on that.

Secretary JOHNSON. Let me say also, Senator, that you mentioned the Chinese. I was in Beijing 3 weeks ago. I met with my Customs counterpart in Beijing. I think that we had a good meeting in terms of a heightened agreement to work together on customs issues. So I think we are in a better place there in terms of trade with that country. We still have some areas of disagreement, but I think we are in a better place there.

But I'm interested in the answer to your question. I will look into it and get back to you on the record on that.

BORDER SECURITY: SURVEILLANCE

Senator HOEVEN. Mr. Secretary, as Senator Shaheen said just a minute ago, she and I were down on the southern border recently for about 3 or 4 days and looked at everything from airports and seaports to the land border.

Clearly, we need to get the right mix of people and technology on the border to truly secure the border. I also come from the State of North Dakota where we are on the northern border. Out of Grand Forks, they actually have responsibility for border surveillance all the way from the Great Lakes well out into Montana.

So with the idea that we have to use people and technology in the right mix to be as effective as possible on border security, including our coastline as well as our land borders, and that we have a limitation of resources and we have to be as cost-effective as we can, how can we use technology better? How do we get the right mix? And specifically what about doing more with unmanned aerial systems (UAS), RPAs, remotely piloted aircraft, to really leverage our security efforts on the border?

Secretary JOHNSON. I agree with the spirit of your question, Senator. We have 21,000 Border Patrol agents. The northern border, in particular, has lost a remote area, and, therefore, I believe that a key to having increased situational awareness is aerial surveillance, not necessarily unmanned.

Aerostats, for example, although aerostats are very costly to maintain, we have been working with the Department of Defense (DOD) to see if we could take more of theirs. I believe that aerostats are a wave of the future. Our Border Patrol experts, when I ask them directly what they need, they tell me aerostats, but they also tell me about increased surveillance, increased mobile surveillance.

I think the balance between person power and technology is shifting and it probably should shift, given that we have better technology. I want to see us expand situational awareness across the northern border and the southern border.

Just within a very short period of time, with each subsequent budget request, I've seen us move in the right direction, and I would like to continue to do that as part of an overall risk-based strategy.

Senator HOEVEN. And we observed the effectiveness of the aerostat, and that is something we have seen overseas as well. The same thing holds true with UAS. I think two of the systems most in demand in the war on terror overseas are the Predator and Global Hawk. So can't we do more on the border with both of those systems as well?

Secretary JOHNSON. Well, I had this conversation yesterday with the Deputy Commissioner of CBP. CBP's view is that, in terms of unmanned aerial systems, we have at the moment what we need. What we do need are the people to man these things, to make them work. We are a bit short there.

I also know that in our budget request, we do make requests for added surveillance capability, in other respects. Overall, I agree with what you say, that more technology, more surveillance on the border, is the wave of the future and it is needed.

Senator HOEVEN. Where I'm going with this right mix of people and technology is also then going into metrics, managing the effectiveness of our border security, our coastal security.

That is going to be a little bit longer question than my time remaining, so at this point I'm going to have to step out. I'm going to ask Senator Cassidy to chair the meeting for a few minutes. I will be back.

Senator SHAHEEN. Let me just follow up on Senator Hoeven's question, because I think one of the things we were both very impressed with when we were down at the border were the aerostats and the use of different surveillance systems to improve the ability of our CBP agents to do their jobs.

I know that there is some funding in the 2016 request, about \$18 million for more mobile surveillance systems, \$11 million for intrusion detection systems at land ports of entry, and more than \$85 million to begin capitalizing nonintrusive inspection equipment at the ports. If you were going to prioritize this, and I know you don't like to do that, but where would you prioritize? What do you think is most important as you are looking at surveillance systems and the need for improved technology? Is it at the ports of entry, or is it for those mobile surveillance systems that can be used along the border?

Secretary JOHNSON. If I had to prioritize, I would say that the mobile surveillance systems between ports of entry are crucial to gaining additional situational awareness and additional border security, if I had to prioritize.

But I do believe that our priorities are reflected in our current budget submission.

IMMIGRATION COURTS

Senator SHAHEEN. Sure. I do appreciate that.

And again, I thought what is happening is very impressive, in terms of the impact it was having on those people who are working the border.

One of the other things that we heard virtually everywhere we went in Texas, at immigration courts, the processing center, the border, and the ports of entry—was a plea that if we were going to increase one area of the budget in terms of dealing with illegal immigration at the border, we need to look at increasing the whole system, because to plus-up in one area and create a bottleneck in another area doesn't solve the challenge that we are facing.

And I observed that one of the places where it appeared that there is a bottleneck is with the immigration courts. Now I know that in the 2015 appropriation, there was some increased funding to help support additional immigration judges. But have you talked

with folks in the Justice Department about efforts to move along that process in a way that might help as we are thinking about how to increase the number of immigration judges and remove that bottleneck?

Secretary JOHNSON. Yes, we have that conversation all the time. And to your point about supporting the entire system, our fiscal year 2016 request has a request for additional attorneys, ICE attorneys who represent the government in immigration courts. My recollection is that there was a request for additional judges in the supplemental last summer.

Senator SHAHEEN. Maybe that's where it was.

Secretary JOHNSON. And I believe there is a request, but this is the Department of Justice's (DOJ) request, in fiscal year 2016 for additional judges, but I don't recall the number.

But we are meant to be companions in this, so I made an additional request for attorneys and presumably DOJ is making an additional request for judges.

You are correct that there is a huge backlog in these cases. We are prioritizing the cases to deal with the more recent influx of illegal migration. So I believe as an administration, we have asked for added resources in the immigration courts.

Senator SHAHEEN. Is that a place where it would be helpful for Congress to weigh in with looking at the Justice Department's request or asking these questions?

Secretary JOHNSON. I would say, yes. I don't recall their request offhand, but I do believe it is worthwhile to assess, from your perspective, whether the numbers that we sought from each of us works and works in tandem.

Senator SHAHEEN. Thank you.

Let me just say, because my time is almost up on this round, I just want to be counted in the record as weighing in also in support of the importance of icebreakers. Living in a coldwater State where we have had sometimes difficulty getting oil tankers in to provide the number two heating oil that so many people in New Hampshire use to heat their homes, it is a very big issue for us.

I just happened to be during this winter at the Coast Guard in New Hampshire, and the day before they had had an injury—I don't know if that's the right term to use in talking about what happens to a boat—but an icebreaker in Boston Harbor, because of the conditions.

They were repairing it, obviously, but it's an ongoing problem. And I appreciate your commitment to try and address that.

Secretary JOHNSON. Thank you.

Senator SHAHEEN. Thank you, Mr. Chairman.

Senator CASSIDY. [Presiding.] Well, I'm from Louisiana but my State makes icebreakers, so that makes it pretty unanimous. We are interested in icebreakers.

Secretary JOHNSON. For the record, DHS has a lot of things going on in your State, in addition to the Coast Guard.

HOMEOWNER FLOOD INSURANCE AFFORDABILITY ACT

Senator CASSIDY. Thank you. The next thing that you have going on in my State is flood insurance again.

In the Homeowner Flood Insurance Affordability Act last year, there was stipulated \$25 surcharge on primary residences, but a \$250 surcharge for nonprimary. My legislative director, so I have a copy of it, gets a notice that he has a \$250 surcharge on his primary residence. Since when I was on the House side, we have worked on this, of course, he understands it is supposed to be a \$25 surcharge.

It's interesting. It doesn't really designate. It just says you have to put up \$250. I can give you a copy, once I ink out he and his wife's names. It doesn't say this is because—it's from a write-your-own organization. It doesn't say that's \$250, not \$25, because it is a secondary residence.

So we get a letter from I guess NFIP to homeowners, and he did not receive this, but I gather this goes out to policyholders, which indicates they are required to give a \$25 surcharge for primary residences, \$250 for nonresidential and nonprimary residences. To establish that your home is your primary residence—I gather the default is that it is not your primary residence. This is my understanding.

The default is that you pay the \$250 not the \$25, and to prove that it is your primary residence, you have to give a driver's license, automobile registration, several other things.

So several questions. Again, my legislative director that helped write the Homeowner Flood Insurance Affordability Act—

Secretary JOHNSON. This is the same person who got the letter?

Senator CASSIDY. Yes. He knew enough to bring it to my attention.

So I guess a couple questions. Do you have a sense of what that NFIP or FEMA is doing to inform primary homeowners that their surcharge is \$25, not \$250? And how can we make sure that the write-your-own companies are indicating that the \$250 might be too much, if this is your primary residence?

And last, it seems like this is a fairly short window of 30 days. If somebody from Louisiana moved to New Hampshire, and 2 weeks there gets this letter and they have to have their New Hampshire driver's license, their registration, voter registration, et cetera, it seems like a tight timeframe.

So just thoughts about all that and what we can do going forward?

Secretary JOHNSON. Well, I'm interested in receiving that letter. If you want to block out the name, that's fine. If you don't, we will treat it with the appropriate level of privacy and confidentiality. And I will ask all the right questions and get back to you on that, sir, both you and your legislative director, about the letter.

Senator CASSIDY. Yes. And you know, it just so happens, in the whole scheme of things, like of all the gin joints in all the world, you walk into mine, if my legislative director that helped write the legislation got such a letter, presumably there are millions more also receiving such letters. So it would also be nice to have a sense of the scope of the issue, because again, there's no indication that it should have been only \$25.

Senator JOHNSON. Understood.

Senator CASSIDY. I yield back.

Senator HOEVEN. [Presiding.] Senator Baldwin.

Senator BALDWIN. Thank you.

Just closing off the last topic we were discussing, you are reporting that you had recently met with a Chinese official, their equivalent of Customs. I would be really interested in follow-up conversations about your sources of encouragement.

I guess particularly with what I've experienced in discussions with the paper industry in Wisconsin, the various ways of misclassifying and circumventing the orders that have been imposed here are of great concern. If you have made some headway, we would love to hear the report and be a part of monitoring any progress that you see.

But I want to shift to an issue that we're watching very closely also in Wisconsin, and that is the credible increase in the number and length of oil trains that traverse our State.

Secretary JOHNSON. I'm sorry, the number and length of what? I'm sorry?

RAIL SAFETY

Senator BALDWIN. Oil trains bringing Bakken oil. In fact, Chairman Hoeven got to hear me last week when we had in this very subcommittee Administrator Fugate here to talk about FEMA's efforts to build capacity for responding to catastrophic disasters.

Just a few years ago, an oil train in Wisconsin was a pretty rare sight. Now we have many such trains, some with more than 110 tank cars in tow traversing our State, sometimes down the Mississippi River, sometimes across the State.

Citizens and local governments are concerned, especially as we have seen a significant number of derailments, explosions in the region, as well as just across the United States and even in Canada.

This week, a committee of the Milwaukee City Council—in fact, I think it's later today—is taking a closer look at that issue, as many of these trains come through downtown Milwaukee, but also traverse some of the more rural areas of the State.

I guess I want to ask questions more about preparedness and prevention of you, Secretary Johnson. Let me start with, we have at least 10 oil trains going through downtown Milwaukee a week. Your thinking and your Department's thinking about the impact on the local community? The preparedness level right now of State and local first responders, if there were to be an accident? And then secondly, I think especially as we prepare to move to the appropriations bill, what flexibility does the Department of Homeland Security have to adjust its current grant programs to meet this growing threat?

Secretary JOHNSON. Well, I do know, Senator, that this mission is a shared mission with the Department of Transportation (DOT) and with the EPA. And certainly, we do have a role with regard to the potential hazard of a rail accident involving oil tankers, particularly in urban areas like Milwaukee. And I suspect that there is some flexibility in our grant-making. It probably also depends upon the grant application that is submitted by an urban area or by a State.

And if there are changing circumstances, like increased rail traffic through an urban area, that ought to be something that is factored into whatever risk-making is done to evaluate the level of

a grant. So if the increased rail traffic is a new phenomenon, we ought to be sure that that is reflected in whatever grant-making goes to address this particular hazard.

But I also know that DOT and EPA have a lot of the role in this area.

Senator BALDWIN. They certainly do. I guess I would ask, again, if you would work with us, bring to our attention any limitations or lack of flexibility, because I know a lot of the preparedness grants, mitigation grants, et cetera, are focused on terrorism. But this change in circumstances in our State is one that has caused great concern, alarm. And we want to build capacity, capability in case there ever is an emergency. Of course, we hope there never is.

BORDER SECURITY: METRICS

Senator HOEVEN. Thank you, Senator.

Mr. Secretary, I want to go back to the point we were talking about earlier, and that is getting the right mix of people on technology on the border to do the best job possible, both in terms of security, but also in terms of cost-effectiveness.

We started out talking about limited resources. So how can we make sure we are getting that right mix, number one? And second, how do we measure the results, metrics? So how are you making sure that we know who is coming, who is trying to come across the border? And are we apprehending them? How many are we missing?

But it goes beyond that. How do we also make sure that we have the entry-exit system at all international airports and seaports? How do we make sure that we are measuring visa overstays, so we are able to undertake enforcement actions there? And in the workplace, how are we making sure that our employers are using E-Verify, through CIS, and that we are measuring that, as well as managing it?

So they go together, right? The use of people and technology to provide security on the border and on the coast, but then all these other technologies go into not only ensuring that security, but the metrics to know how well we are doing at getting the job done?

Secretary JOHNSON. Thank you for that, because I actually omitted metrics from my last answer to your question.

I think that having an agreed-upon, settled standard of border security metrics is a good idea to measure the effectiveness of how we are doing. I have undertaken with my staff to consult outsiders about a good set of border metrics, and we are moving in that direction now.

It is something I would like to achieve while I'm in office, so that the public and Congress understand how we are measuring our effectiveness, and what goes into that calculation.

I think that your second question answers your first. In other words, how do you ensure that you have the right mix of people and technology? One way to do that is by measuring, in a very transparent, public way, what our standards for improvement and for failure are.

So we have in the works now in my Department a set of metrics. Probably one of the few things I liked about a bill offered on the

House side, the Secure Our Borders First bill, was that there was an attempt there to come up with border metrics. And there are a lot of other things about the bill that I didn't like, but I thought it was a pretty good attempt.

So we took that, and I've asked some experts to see if we can develop something here, because I think it is worthwhile.

On visa overstays, I've seen a report, and I had some questions about its reliability. So I sent our people back to ensure that the projections and estimates there are right. Visa overstays is a hard measure. So before I am ready to share it with the Congress and the public, I want to make sure we get it right.

I know it's overdue, that there's a visa overstay report that is overdue. The draft that I have seen, I have some real concerns about. So that, too, is a work in progress.

BIOMETRIC EXIT

Senator HOEVEN. How about biometric exit at airports and seaports?

Secretary JOHNSON. Biometric exit, as I'm sure you know, is a longstanding goal of ours. We do consider it the gold standard. It is something we are working toward.

We've been at this for quite some time. It is hugely expensive, as you know. I know that you know we have biometric entry now in a number of respects, a number of different places.

Biometric exits at all of our land, sea and air ports is a huge and costly undertaking, but it will improve security. It will improve our ability to measure visa overstays, without a doubt.

E-VERIFY

Senator HOEVEN. I observed the biometric entry system at the Houston airport, utilized 100 percent. It appeared to me that it was very effective. So it was good to see that on the entry side, the progress you've made on biometrics.

What about E-Verify? Talk a little bit about the progress you're making in terms of E-Verify.

Secretary JOHNSON. I think mandatory E-Verify is a good thing. My recollection is that it was part of the comprehensive immigration reform bill that passed the Senate 2 years ago, and I think that mandatory E-Verify is a good thing, and we ought to do it.

Senator HOEVEN. It seems to me that if we can combine your effort to make sure that you have interoperability throughout the agency, that you don't have silos, that you have everybody working together as well as possible, which you indicated to me is one of your absolute priorities, and we can combine that with getting good metrics, it seems to me that that would be of great benefit to the entire homeland security effort.

Secretary JOHNSON. I agree.

Senator SHAHEEN. Thank you, Mr. Chairman. I have to inform you that while you were out, Senator Cassidy, Senator Baldwin, and I, as coastal States, all determined that funding the icebreaker is a top priority in the budget. So since you have no water, I figured you wouldn't object to that.

Senator HOEVEN. Our chairman was here and he mentioned another national security cutter, as I recall, so you have a little bit more work to do.

IMMIGRATION: BONDS

Senator SHAHEEN. Let me refer again to the trip we took to Texas. This is an issue that I raised briefly with you, Mr. Secretary, but while I was there, I had the opportunity to speak with ICE attorneys, with immigration court personnel, with some outside groups who advocate for undocumented children and families who are in the immigration processing system.

I heard different responses with respect to how bonds are set for families in immigration courts, and there didn't seem to be uniformity or at least an understanding among all those groups as to how those bonds are set. There was one allegation that it depends on how many identification documents the immigrant has, that the immigration judge could set a bond, but that ICE could come in and dramatically increase it.

Can you clarify for us what the bond policy is, and what DHS is doing to make sure that people understand that and know how that is set?

Secretary JOHNSON. Well, after our first conversation on this topic, I went back to ask these same questions. Bonds set by an immigration official can be reviewed by an immigration judge. They are reviewable by an immigration judge in every circumstance that the immigration lawyers I had around the table yesterday could imagine, when I asked this question.

I asked, can an immigration official add a bond on top of what an immigration judge has set, and I was told no, bonds are reviewed by judges.

When it comes to bond policy for family units, which is what we have been discussing, that is something that is under my review right now. I want to make sure that we have an appropriate and adequate bond policy for the current circumstances.

We had a spike in illegal migration that involved family units last summer. We expanded our family unit detention capability. It looks, in the first 6 months of fiscal year 2015, as if the numbers are way down and we will not have a repeat of last summer, although I am always on guard for that and am always looking at the numbers.

I want to make sure we get our bond policy right for the current circumstances, so it is under review right now. Several Members of Congress, including you, have raised this issue with me. So I have undertaken, along with our Immigration and Customs Enforcement people and our lawyers, to look at the policy to make sure it's right.

FAMILY DETENTION CENTERS

Senator SHAHEEN. Well, thank you. I appreciate that. And I would hope that once that has been determined, that there is a real effort made to make sure that all of those groups who are involved in these cases understand what that policy is and how it is determined, because clearly there is misinformation right now about that.

Let me also raise another issue.

Secretary JOHNSON. If I could, we are looking at the issue of family detention generally, to make sure it is right. I've sent a number of people down to the facilities to inspect the conditions, and it is something that I'm continually looking at.

Senator SHAHEEN. And we did have a chance to visit Dilley while we were in Texas. I thought the conditions there, other than the fact that people were being detained, certainly were not conditions that I was concerned that people were not getting proper treatment. I thought that they seemed to be getting proper treatment.

One of the other issues, however, that some of the advocates raised with me was about Karnes, the family detention center. We didn't have a chance to visit Karnes, but heard that there have been reports in the media of a hunger strike that may have taken place there.

I just wondered if you were aware that there was under strike, and if you had any idea why people went on strike. One of the concerns that was raised was that some of the women were put in medical isolation rooms for their participation, or for speaking up about conditions.

Do you know anything about that?

Secretary JOHNSON. I've heard nothing to corroborate the suggestion that people are put in isolation rooms as a deterrent or as punishment or anything like that.

On the issue of hunger strikes, we have looked into that rather extensively with a number of visits. I've received several reports. There are some people who report and assert to be on a hunger strike.

The standard we have is a certain number of missed consecutive meals, and it does not appear that is the case. It also is the case that a number of people on strike are also going to the commissary. But it's entirely possible they are going to the commissary to feed their kids.

So I know what my folks are telling me, and I'm having difficulty getting to a ground truth conclusion that there are, in fact, hunger strikes. But I am sensitive, having dealt with, as the lawyer for the Department of Defense, Guantanamo Bay, Bradley Manning, I am sensitive to not letting an issue like this overwhelm an overarching policy goal. So it's something that I'm carefully looking at.

Senator SHAHEEN. Thank you. I appreciate your attention to that.

Thank you, Mr. Chairman.

Secretary JOHNSON. I don't mean to equate migrants in South Texas with detainees at Guantanamo Bay or anyplace else.

Senator SHAHEEN. I did not take it that way.

Secretary JOHNSON. Okay.

ADDRESSING INCIDENTS

Senator HOEVEN. Mr. Secretary, there have been a number of incidents: the gyrocopter on the Capitol grounds, a drone landing on the White House grounds, Secret Service going through a bomb investigation, a fence-jumper who got into the White House.

Talk about what you're doing to make sure that these are fully addressed, fully understood, and that they are not repeated in the

future. And particularly a situation where, in one of these incidents, somebody could have had a bomb or firearms or something.

So how are you working with the respective agencies to make sure that these are fully understood, fully addressed, and not repeated?

Secretary JOHNSON. Good question. Let me give you a couple answers.

First of all, with respect to the airspace over the national capital region, which includes parts of this city that the Secret Service is responsible for securing, I had a meeting last week with the Commander of the USNORTHCOM, Admiral Bill Gortney, who is responsible militarily for the defense of North America, including our airspace here.

We do have a protocol. DOD has aspects of it. Secret Service has aspects of it. The Coast Guard has aspects of it. The protocol kicks in—something airborne, something of suspicion—multiple times regularly.

So what he and I have resolved to do is we have to take a closer look at whether we have the protocol right for something that is very low-flying and of low speed, like a gyrocopter that can fly at an altitude, or a drone, one of these smaller drone devices, that can fly at an altitude of 40 to 60 or 100 feet.

The military is not necessarily the correct response for something like that. So we have undertaken a review to assess low-flying, low-speed airborne devices, whether they are gyrocopters or smaller drone-type things, to make sure we have that right.

With regard to fence jumpers, we are enhancing security at the White House compound short term. There was a request in our fiscal year 2016 budget submission to go further in that regard, to modify the fence, to make other enhancements to the security of the White House compound.

And longer term, I believe that through sustained oversight of the Secret Service, we will make sure that the Secret Service is taking advantage of the latest improvements in technology and the latest research and development (R&D), both within my Department, and our science and technology directorate, and outside of the Department. So through the sustained engagement of the Secretary, I believe that the Secret Service, which has been a department that has somewhat of an insular culture to it, it takes adequate advantage of what is going on within my department and outside, in terms of the latest technology.

So Director Clancy and I are both committed to doing that.

CYBERSECURITY: PRIORITIES

Senator HOEVEN. What are your biggest priorities in terms of cybersecurity? What are you focused on, in terms of trying to make sure we are getting on top of the cybersecurity issue?

Secretary JOHNSON. A couple things: better information-sharing with the private sector; encouraging the private sector to share with us cyberthreat indicators; faster, near real-time information-sharing that takes adequate account of privacy concerns.

We have a program going right now at our NCCIC, our National Cybersecurity Communications and Integration Center, to better automate our information-sharing to make it faster.

I believe that cyber legislation can help. I am pleased that two bills passed the House last week, in that regard. I think information-sharing is the key. I think that limits on criminal and civil liability for those who share cyberthreat indicators with the Department of Homeland Security is a strong inducement toward information-sharing. I believe that a national data breach notification requirement, as opposed to the patchwork of requirements we have across States, is a good thing, and we support it in the administration. I believe enhanced penalties for cyber crimes are warranted as well.

But in general, something that gives the private sector a well-known primary portal of access for sharing cyberthreat information with the Federal Government is warranted. And we have done a number of things to move in that direction, with the cyber framework we announced last year. There was some legislation passed at the end of the last Congress that makes some steps in this direction.

But I am very pleased to see that Congress is active in this, and I hope we can accomplish something on a bipartisan basis.

FIREARMS: TRANSPORTING OVERSEAS

Senator HOEVEN. Yes, that is encouraging to hear. I hope so as well. I think we have that opportunity, and I agree with you on it.

This will be my last question. Recently, CBP issued a rule that for hunters taking their firearms overseas, they would have to get an employer ID number in the same way that somebody who is in the business of exporting firearms would get an employer ID number. Very problematic for sportsmen and hunters who want to hunt overseas, and they cross over on ground or they are flying somewhere to hunt.

I met with Commissioner Kerlikowske, and he agreed to go back to the old process, one that the hunters have used for years. So I would just ask for your assurances that any changes made would be something common-sense and make sure that it works for hunters and sportsmen who are taking a firearm with them.

Secretary JOHNSON. Let me look into that for you.

Senator HOEVEN. Thank you.

Senator.

SECRET SERVICE ISSUES

Senator SHAHEEN. Thank you, Mr. Chairman.

I just have two more questions, and they are really follow-ups to the issues that you've raised, the first with respect to the Secret Service.

As Senator Hoeven said, there have been a number of issues with the Secret Service, and there have also been a number of recommendations from the Protective Mission Panel about how to address some of the issues that were raised by these incidents with the Secret Service. I want to commend the effort to go forward and address those recommendations, but also raise with you the concern about what the impact would be if we wind up with budget numbers that are near the sequester level and what that would do to the ability to carry out the recommendations from that panel.

Secretary JOHNSON. Two things, really three things.

One, we are entering a presidential election cycle. That means hiring more people. And we are about to have an additional former President. That means hiring more people, most likely.

So in this budget request is a request for additional people for those two reasons, because one of the things the independent panel identified was that a lot of our people are working overtime. They are not getting adequate opportunity to train, as they should be.

Part of this is on the Secret Service. They haven't hired as fast as the authorizations and appropriations from Congress.

But one of the consequences of not funding the Secret Service to the requested level is it will have a direct impact on our ability to match the independent panel's recommendations and our ability to hire the people that we need for the protection mission.

Senator SHAHEEN. Given that we can't postpone the election and we know that we are going to have another President, what would that mean in terms of the security?

Secretary JOHNSON. It means that our people are further stretched in terms of overtime, in terms of their ability to train. The independent investigation identified the need for just getting our folks additional time to do their training.

So if we have to fund the Secret Service at sequestration levels in the midst of a presidential election cycle with a lot of people who are running, some of whom may require Secret Service protection, that's going to be a real crunch. This is right now, for the Secret Service, given the needs and demands on that agency that have been highlighted. And given where we are in the cycle, it is not the time to force them to function at sequestration levels.

CYBERSECURITY: HIRING

Senator SHAHEEN. Thank you.

Another follow-up on cybersecurity, because when we had Assistant Secretary Ozment here at an earlier hearing, one of the things that he and CIO McCormack talked about were the challenges of the work force, getting people who can address the very complex issues around cybersecurity, and our ability to compete with the private sector. We don't have enough people being trained at all, and then when we have to compete with the private sector in our ability to provide the pay and benefits that the private sector can, it's a real challenge.

Do you want to speak to that?

Secretary JOHNSON. Well, we got some relief in legislation last year. Part of the border pay reform legislation also included, I think, added authority for hiring cyber talent. And I would like to see us go further in that regard.

You are correct that it is tough to compete with Citigroup and JPMorgan, the financial sector, and competing against Silicon Valley. When I gave a speech to 4,000 people at the RSA conference last week in San Francisco, one of my appeals was please think about serving the country for a couple years before you go into the private sector or before you return to the private sector.

I have had to personally recruit cyber talent myself, to make sure we have the right people. And it is difficult. We need help. I'm competing against the private sector, and I'm competing against my interagency partners.

So I agree that added cyber talent is crucial to our cybersecurity mission.

Senator SHAHEEN. So maybe we need a cyber draft? Just kidding. I'm just kidding.

Well, thank you very much, Mr. Secretary.

And thank you, Mr. Chairman. It's been a very helpful discussion.

Senator HOEVEN. Thank you, Senator Shaheen.

Again, Mr. Secretary, thank you for being here. We appreciate it very much.

ADDITIONAL COMMITTEE QUESTIONS

The hearing record will remain open for 2 weeks from today. Senators may submit written questions for the record, and then we would ask that you would respond within a reasonable length of time.

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

QUESTIONS SUBMITTED BY SENATOR THAD COCHRAN

FEDERAL FLOOD RISK MANAGEMENT STANDARD

Question. Please identify any non-government organizations or individuals that had any role whatsoever in composing, editing, drafting, reviewing or developing any part of the Federal Flood Risk Management Standard (FFRMS), the draft version of the Implementing Guidelines published in a Federal Register Notice on February 5, 2015, pursuant to EO 13690. Identify the individuals, their organizations, their roles in the process, including any individuals or organizations that worked through a contractual relationship with any office, agency or department of the Executive Branch.

Answer. Executive Order (EO) 13690 revises and updates EO 11988 (1977) and reflects insight gained from significant experience addressing Federal floodplain management issues since that time. In working to establish a new flood risk management standard, entities across the Federal Government drew on lessons learned from recent flood events, consensus-based standards, current practices within communities, input and views from a wide range of stakeholders and experts, and decades of experience under EO 11988. As detailed further below, the Standard reflects the work of the Mitigation Framework Leadership Group (MitFLG), the Hurricane Sandy Rebuilding Task Force, and the Task Force on Climate Preparedness and Resilience, among others. This process of incorporating lessons learned, input, and feedback—including from governors, mayors, and other stakeholders—remains ongoing.

The interagency Hurricane Sandy Rebuilding Task Force (created by EO 13632 (December 7, 2012)) played a significant role in the reassessment of Federal flood standards in light of experience with Hurricane Sandy and lessons learned since EO 11988 was issued in 1977. This Task Force was chaired by the Secretary of Housing and Urban Development (HUD), who led the effort in coordination with multiple Federal partners, as well as an advisory group composed of state, local, and tribal elected leaders. As one of its first actions, the Task Force developed a flood risk reduction standard for major Federal investment in Sandy rebuilding that took into account data on flood risk and applied that standard to all investments in Sandy-affected communities. After months of engagement by Federal partners—including with local leaders and community groups—the Task Force issued a Rebuilding Strategy, which established recommendations to help guide the Federal funding decisions related to Sandy-related rebuilding. The Task Force called for all major Sandy rebuilding projects in Sandy-affected communities using Federal funding to be elevated or otherwise flood-proofed according to this flood risk reduction standard, which was created using the best available base flood data plus one additional foot of free board. Subsequent to this pilot program, the President's June 2013 Climate Action Plan directed agencies to take the appropriate actions to reduce risk to Federal investments, and specifically to update their flood risk reduction standards.

In response to Hurricane Sandy, the President also established the President's State, Local, and Tribal Leaders Task Force on Climate Preparedness and Resilience in November 2013, with 26 governors, mayors, and local and tribal leaders serving as members. After a year-long process of receiving input from across state, local, tribal, and territorial governments; private businesses; trade associations; academic organizations; civil society; and other stakeholders, the Task Force, in addition to several other recommendations, recommended to the President in November 2014:

Federal agencies should adjust their practices in and around floodplains to ensure that Federal assets will be resilient to the effects of climate change, including sea level rise, more frequent and severe storms, and increasing river flood risks, as called for in the President's Climate Action Plan. Projects that receive Federal funding should be sited and designed with the best-available climate data and include margins of safety, such as freeboard and setbacks, to account for uncertainties and reduce costs and disruption from future hazards.

Federal members of MitFLG, including representatives from the Departments of the Treasury, Interior, Commerce, Defense (including the U.S. Army Corps of Engineers, or USACE), Health and Human Services, HUD, Transportation, and Energy; the Department of Homeland Security's Federal Emergency Management Agency (FEMA); the Environmental Protection Agency; the General Services Administration; the Office of Management and Budget; and the Council on Environmental Quality came together to apply lessons learned from Hurricane Sandy and other events across the country to bear more broadly through a Federal flood management standard, consistent with many of the Task Force on Climate Preparedness Force's recommendations and Resilience's recommendation and the President's Climate Action Plan directive. These members of the MitFLG worked to develop a Federal Flood Risk Management Standard (FFRMS) that reflects the best available science, lessons learned, and input and recommendations gathered from experience, feedback, government-led convening, and coordination and discussions with stakeholders on these issues.

As a result of these efforts, on January 30, 2015, the President issued EO 13690, "Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input."

Contractual support for facilitation and technical editing was initially provided under a FEMA contract by Clark Group LLC. Subsequently, those services were assumed under a USACE contract with The Council Oak.

Question. Please identify the Governors, mayors, and other stakeholders from whom input was solicited prior to the establishment of the new FFRMS. Include the dates input was solicited, the dates any response or input was provided, and a summary of any input and responses that were considered in the development of the FFRMS.

Answer. EO 13690 revises and updates EO 11988 (1977) and reflects insight gained from significant experience addressing Federal floodplain management issues since that time. In working to establish a new flood risk management standard, entities across the Federal Government drew on lessons learned from recent flood events, consensus-based standards, current practices within communities, input and views from a wide range of stakeholders and experts, and decades of experience under EO 11988. As detailed further below, the Standard reflects the work of the MitFLG, the Hurricane Sandy Rebuilding Task Force, and the Task Force on Climate Preparedness and Resilience, among others. This process of incorporating lessons learned, input, and feedback—including from governors, mayors, and other stakeholders—remains ongoing.

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Contractual support for facilitation and technical editing was initially provided under a FEMA contract by Clark Group LLC. Subsequently, those services were assumed under a USACE contract with The Council Oak.

Question. Please provide a detailed summary of the activities of the Mitigation Framework Leadership Group since its inception relating to the development of the FFRMS, including a list of Federal members. Also provide a list of non-Federal members, including state, local and tribal governments, private sector and non-government organizations, and include a summary of their involvement in the development of the FFRMS and the dates such involvement occurred.

Answer. DHS issued the National Mitigation Framework (NMF), which established the MitFLG in 2013 to coordinate mitigation efforts across the Federal Government and to assess the effectiveness of mitigation core capabilities as they are developed and deployed across the Nation. The MitFLG includes 10 State, local, tribal, and territorial members that serve as non-Federal participants. Specifically, representatives from the State of Mississippi Department of Health; Terrebonne Parish, Louisiana, Commissioners; City of Palm Bay, Florida, Planning Department; and the New York City Office of Recovery and Resiliency have been members since July 2014. Representatives from the State of Georgia Environmental Finance Authority, Energy Resources Division; Tillamook County, Oregon; and the Fond Du Lac Tribe of the Chippewa have been members since April 2015. The MitFLG facilitates information exchange, coordinates policy implementation recommendations on national-level issues, and oversees the successful implementation of the NMF.

Question. Consistent with Executive Orders 13563 and 12866, please detail the methods used in determining the costs, benefits or scientific rationale of the FFRMS prior to its issuance, and provide the results of any such analyses.

Answer. The issuance of an EO does not require that a cost-benefit analysis of alternatives be completed. However, an economic analysis is typically required as agencies undertake rulemaking or significant policy development.

Once the implementing guidelines are finalized, each Federal agency will carefully consider how to appropriately apply this standard to their programs. In many cases,

those individual agency processes of updating regulations and procedures will involve their own process of notice and comment.

When implemented, the FFRMS will reduce flood risk, increase resilience, and diminish the likelihood of future losses, thereby reducing future costs to the Federal Government, state and local governments, and the private sector.

Floodplain management standards have a proven record of reducing the costs of floods to individuals, communities, the Federal Treasury, and society as a whole. The existing floodplain management standard saves the country more than \$1.6 billion annually in prevented damages. But given the challenges of the increasing number and intensity of flood events, EO 13690 seeks to create a higher standard to better protect communities, national investments, and lives.

Previous studies have shown that the expense of elevating new structures during construction is low, generally adding between 0.25 to 1.5 percent to the total construction costs for each foot of added height.

Projects based on these standards have been shown to be cost-effective and provide longer-term protection against future disasters. Additionally, the Multi-hazard Mitigation Council of the National Institute of Building Sciences conducted a study on the benefits of FEMA-funded mitigation projects and concluded that they were successful and cost-effective, saving society, on the average, \$4 for every dollar spent. Put simply, studies show that although building higher and safer can be more costly initially, over time, it saves money because future storms cause less damage to properly elevated buildings.

Further, for structures built using Federal funds that require the purchase of flood insurance, the cost of building to the FFRMS may in some instances be recovered, in full or in part, in the form of decreased insurance policy payments.

Question. Please provide a detailed accounting of any activities to engage the public and their representatives in Congress in the development of the FFRMS prior to January 30, 2015, not otherwise addressed herein.

Answer. Please see the answer to the first question for a summary of the background of the development of the FFRMS.

Question. Please provide a detailed accounting of any funds expended to support the activities of the Water Resources Council, including the source of all such funds. Identify any Executive Branch personnel, including offices, departments, and agencies, utilized to support the activities of the Water Resources Council. Also include the dates any meetings of the Water Resources Council were held, attendance at such meetings, and whether there was any public notice of any meetings.

Answer. The Water Resources Council (WRC), a group comprised of the heads of eight departments and agencies, has not convened to date regarding the FFRMS, issued in January of this year.

QUESTIONS SUBMITTED BY SENATOR BILL CASSIDY

IMMIGRATION

Question. The Administration has requested a more than 17 percent increase for Immigration and Customs Enforcement (ICE) and more than 6 percent for Customs and Border Protection and Citizenship and Immigration Services. Together, this is a nearly \$2 billion request for three organizations within your agency.

While I absolutely believe we need to secure the border and provide the resources for our men and women to do that, I'm also concerned about our lack of interior enforcement. In April 2014 in an article published by the Los Angeles Times, months before the President issued his new round of amnesty, former ICE Director John Sandweg said, "If you are a run-of-the-mill immigrant here illegally, your odds of getting deported are close to zero—it's just highly unlikely to happen." In fact, the Associated Press reported last September "DHS confided to a group of immigrant advocates during a confidential meeting that about 70 percent of illegal immigrants traveling as families failed to report back to ICE as ordered after they were released at the border."

The reality is that with numerous options for illegals to remain in this country, many more will be allowed to stay if they aren't deemed a priority for removal.

And earlier this month, the Washington Times reported that ICE had released more than 30,000 criminal aliens back into the community. In fact, an internal ICE report from the Office of Enforcement and Removal Operations from last fall showed that nearly 900,000 aliens who had received a final order of removal were still in the United States. 167,000 of those were convicted criminals released by ICE and were at-large.

(a) Given that the data I've cited was from September and the Administration issued its new executive orders in November, is it safe to assume the number is higher than 900,000?

(b) For fiscal year 2015, the Administration requested \$5.4 billion for ICE. Half of that request was for Detention and Removal Operations—\$2.57 billion. Congress recently approved \$5.93 for ICE billion a few months ago, and \$3.4 billion for Detention and Removal Operations. For fiscal year 2016, the Administration has requested \$6.28 billion for ICE, an increase of about \$350 million, yet they've actually requested less for Detention and Removal Operations—\$3.3 billion. I share this with you, because it further highlights the Administration unwillingness to enforce our immigration laws.

(c) This morning the Associated Press reported that deportations are on track to be the lowest since the middle of the last decade. You were quoted as saying, "there's lower intake, lower apprehensions." But we'd both agree that there could be close to 1 million illegal immigrants with final order for removal.

(d) You also said a contributing factor to the decline is due to the process for removing illegal immigrants from countries other than Canada and Mexico is different. However, according to data from DOJ's Executive Office for Immigration Review the number of in absentia orders for aliens released on bond or on their own recognizance increased by 153 percent. So they are not even showing up, and it's clear from the number I've cited that your Department isn't even trying to fulfill these court orders. How do you reconcile all of this in the context of job performance?

Answer. As of May 9, 2015, there are currently 911,959 individuals who have been issued final orders of removal from an immigration judge or by the Board of Immigration Appeals who are still physically present in the United States. They include aliens whose cases are before a Federal court on appeal. This figure includes those detained in ICE custody pending removal, those who have been booked out of ICE custody and placed on orders of supervision or other condition of release, and those whose removal orders ICE may seek to enforce consistent with the Department's existing civil enforcement priorities.

The reality is that it also includes individuals who are not priorities for enforcement action under the Department's civil enforcement guidelines. In the November 20, 2014, memorandum entitled Policies for the Apprehension, Detention and Removal of Undocumented Immigrants, I outlined clear Department-wide enforcement priorities that guide all of DHS's immigration enforcement actions. These priorities ensure that the Department focuses its limited resources on individuals who pose the greatest risk to public safety, national security, and border security. Accordingly, DHS is endeavoring to use appropriate prosecutorial discretion and is dedicating resources, to the greatest degree possible, toward the removal of individuals who are considered enforcement priorities, which includes recent border entrants, as well as those who have been convicted of felonies, convicted of significant or multiple misdemeanors, and engaged in gang activity.

In fiscal year (FY) 2015, Congress appropriated \$5.93 billion for U.S. Immigration and Customs Enforcement's (ICE) Salaries and Expenses appropriation, of which \$3.4 billion was for Detention and Removal Operations. The fiscal year 2016 President's Budget requests \$5.88 billion for the Salaries and Expenses appropriation, of which \$3.3 billion is for Detention and Removal Operations.

The net result of ICE's immigration enforcement efforts each fiscal year are driven by a number of factors, including but not limited to: the number of individuals apprehended at the border; the level of cooperation that we receive from our state and local law enforcement partners as part of our interior apprehension efforts; the need for the agency to expend resources in response to emergent situations; and/or whether or not state statutes or other legislation are passed or judicial decisions are issued that have an adverse impact on the abilities of ICE agents/officers to enforce the immigration laws. Despite these largely external forces, in fiscal year 2014, ICE was nevertheless able to conduct 315,943 removals and returns, 102,224 of which were individuals apprehended in the interior of the United States. Eighty-five percent of the individuals removed or returned from the interior had been convicted of a criminal offense, reflecting a significant increase in the removal of individuals with convictions as a percentage of overall removals, up from 67 percent in fiscal year 2011 and 38 percent in fiscal year 2008.

In 2014, and continuing now under the clear priorities outlined in the November 20, 2014, memorandum entitled, "Policies for the Apprehension, Detention, and Removal of Undocumented Immigrants," ICE focused its resources on individuals who pose the greatest risk to public safety, national security, and border security. To that end, more than 309,000, or 98 percent of all of ICE's removals in fiscal year

2014, met one or more of the Department's civil immigration enforcement priorities at the time.

ICE agents, officers, and attorneys review each case they are presented with, considering not only whether the individual is a civil immigration enforcement priority, but also any other extenuating circumstances related to the particular offense, how long ago it occurred, evidence of rehabilitation, ties and contributions to the community, and compelling humanitarian factors. ICE personnel not only assess whether a violation of the immigration law has occurred, but whether the particular enforcement action is in line with the agency's enforcement priorities and whether the agency is likely to succeed in pursuing the individual's removal, based on the available evidence and relevant case law.

Question. Mr. Secretary, USCIS is funded primarily by the collection of fees. The majority of its budget comes from fees that are collected from applicants for most types of immigration benefits. The Immigration and Nationality Act requires that the agency is supposed to charge applicants a fee that equals the cost of processing the benefit, plus some money for the agency's overhead and also to subsidize the processing of applications for which there is no fee such as refugee and asylum applications, military naturalizations, the anti-fraud division, low-income applicants who qualify for a fee waiver and other activities.

Recently, USCIS Chief Financial Officer Joseph Moore revealed during a Senate Judiciary Subcommittee hearing on March 3, 2015, that USCIS has accumulated a "reserve fund" that now totals \$1.2 billion.

Why does USCIS need a 6 percent increase when it has \$1.2 billion in unexpended revenues?

Answer. The agency's fee account budget estimates for fiscal year 2015 and fiscal year 2016 that were presented in the fiscal year 2016 President's Budget were developed prior to the injunction halting the implementation of Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA) and the expanded Deferred Action for Childhood Arrivals (DACA). As such, the fiscal year 2016 budget estimates assumed full implementation of DAPA, expanded DACA, and all other Executive Action (EA) initiatives that were not enjoined and are moving forward. The fiscal year 2016 budget estimates showed projected growth in spending from \$3.770 billion in fiscal year 2015 to \$4.004 billion in fiscal year 2016 (across all accounts)—an increase of \$223.612 million or six percent. Most of this projected growth in spending is attributable to the anticipated future implementation of the DAPA and expanded DACA initiatives (from which, as noted, U.S. Citizenship and Immigration Services (USCIS) is currently enjoined from implementing). However, USCIS currently is operating within its \$3.260 billion spending estimates provided to Congress in the fiscal year 2015 President's Budget, which is well below the \$3.770 billion spending level presented in the fiscal year 2016 President's Budget. As the DAPA and expanded DACA initiatives are currently enjoined, USCIS does not anticipate that it will spend at the \$3.770 billion level presented in the fiscal year 2016 budget for fiscal year 2015. Revised fiscal year 2015 spending estimates for the USCIS fee accounts have been submitted to the House and Senate appropriations committees in the form of a reprogramming notification pursuant to Section 503 of the fiscal year 2015 DHS Appropriations Act (Public Law 114-4). Assuming that DAPA and expanded DACA remain enjoined in fiscal year 2016, USCIS likely will have spending requirements similar to the fiscal year 2015 level. However, even if the injunction remains in force, there may be operational conditions unrelated to DAPA and expanded DACA (e.g., workload changes in other benefit types) that drive changes in projected spending requirements for fiscal year 2016. USCIS continues to monitor operational conditions and anticipated workloads and will adjust its spending estimates accordingly.

USCIS's estimated spending authority presented in the annual budget submission represents what USCIS anticipates it needs to spend in order to meet its mission and maintain acceptable application and petition processing times. To meet its fee account spending requirements, USCIS may have to use a combination of available current year revenue and carryover balances from prior year revenue collections. Because USCIS cannot predict application and petition volumes, or processing costs, with 100-percent accuracy, in some years revenue collections will exceed spending and in others spending will exceed revenue collections. Over time, through its fee review and fee-setting processes, USCIS seeks to set fees at a level that will recover actual costs so that revenues and expenses net out.

Question. The fiscal year 2016 budget fee account spending estimates represent notification to Congress of projected spending for the upcoming fiscal year from revenue that USCIS projects it will collect plus available carryover balances. As annual revenue is projected to be lower than spending, a portion of the carryover balance in the account is part of the required spending authority presented to Congress in

the President's Budget, rather than the spending authority requested in the budget being an increase over the carryover balance.

Mr. Moore told the subcommittee that the Agency has a policy to maintain \$600 million in reserves in the event of revenue fluctuations. What is the Agency's intended purpose for the other \$600 million?

Answer. Of the approximately \$1.2 billion of prior year revenue collections that USCIS carried over in the Immigration Examinations Fee Account (IEFA) at the start of fiscal year 2015 (after adjusting for the release of fiscal year 2014 temporarily sequestered funds), approximately \$467 million was from premium processing revenue authorized by Section 286(u) of the Immigration and Nationality Act (INA). Use of premium process revenue is statutorily limited to provide certain premium processing services to business customers, and to make infrastructure improvements in the adjudications and customer service processes. As such, these balances are not available to meet general agency operating expenses. Since the 2007 fee rule, USCIS has devoted premium processing revenue to the Transformation Program (currently referred to as the Electronic Immigration System—USCIS ELIS). However, since that fee rule, demand for premium processing services has grown and has exceeded Transformation spending, resulting in the \$467 million premium processing balance at the start of fiscal year 2015. Based on the annual funding requirements included in the Life Cycle Cost Estimate for the Transformation program, USCIS has more premium processing funding than it will need to fund the program. As a result, USCIS currently is considering options for expanding the use of premium processing revenue to fund other types of expenses that are consistent with the statutory limitations.

The remaining balance of approximately \$735 million was from nonpremium processing revenues authorized by Section 286(m) and (n) of the INA. USCIS traditionally has maintained at least \$600 million in carryover in the account to adjudicate applications and petitions that were received during the prior year but have not been adjudicated yet (since applicants/petitioners pay the fee at the time their application/petition is submitted, not when the application/petition is adjudicated). The carryover also is needed for cash-flow purposes, because the agency incurs obligations and expends funds to meet payroll and contractual requirements to continue operations at the start of the fiscal year, before it has collected sufficient current year revenue. This is similar to a business that must maintain operating balances for cash-flow needs. Unlike agencies that receive discretionary appropriations that are accompanied by a Treasury warrant that funds the full annual appropriation amount shortly after the appropriations bill is enacted, the USCIS fee accounts have to rely on prior year collections to meet obligations until sufficient current year revenues are deposited in the fee accounts. Carryover balances also are needed to mitigate the impact of fluctuations in revenue due to economic conditions to ensure that sufficient funding is available to cover fixed costs, while making the appropriate operational resource adjustments.

Question. In fiscal year 2015, USCIS projects that nonpremium spending is expected to exceed non-premium revenue. As a result, USCIS anticipates that the fiscal year 2016 beginning IEFA non-premium processing revenue balance likely will drop below \$600 million. USCIS is considering options to expand its use of premium processing revenues to fund other types of expenses, consistent with the statutory limitations, to better align available funding with spending requirements.

The fee for DACA applicants (\$485) only accounts for biometric screening and work authorization. Yes or no? Will you be using revenues from other immigrant fees to account for the full cost of processing applications created under President Obama's executive orders?

Answer. Yes; however, DACA requestors must file Form I-821D, Consideration of Deferred Action for Childhood Arrivals (no fee) and Form I-765, Application for Employment Authorization (\$380), and pay the Biometric Services Fee (\$85) for a total of \$465. The revenue from these fees has proven sufficient to cover the cost of the initiative, which requires adjudicating the Form I-821D and Form I-765 as a package.

For the parts of Executive Action (EA) that are not halted due to the injunction, USCIS is operating within its fiscal year 2015 spending estimates provided to Congress, is using available fee account revenue to support implementation of these initiatives, and expects that it will realize revenues that fully offset the additional costs. Should the injunction preventing implementation of the DAPA and expanded DACA initiatives be lifted, USCIS similarly would use available balances and manage any new start-up costs within its fiscal year 2015 spending authority until new fee revenues were collected from individuals requesting DAPA or expanded DACA, to fully offset the cost of the initiatives. USCIS does not intend that other fee-paying customers will subsidize the EA initiatives.

FFRMS EXECUTIVE ORDER

Question. On February 6, 2015 I joined Senators Thad Cochran (R–MS), David Vitter (R–LA), John Cornyn (R–TX), Johnny Isakson (R–GA), Roger Wicker (R–MS), Roy Blunt (R–MO) and John Boozman (R–AR) in sending a letter to President Obama regarding his issuance of Executive Order 13690, “Establishing a Federal Flood Risk Management Standard (FFRMS) and a process for Further Soliciting and Considering Stakeholder Input.” As I detailed in the letter I am concerned with the implementation of this Executive Order because its development was conducted with little transparency or input from the public or lawmakers.

Which non-government organizations or individuals that had a role in composing, editing, drafting, reviewing or developing any part of the FFRMS, the draft version of the Implementing Guidelines published in a Federal Register Notice on February 5, 2015, pursuant to EO 13690. Who were the individuals, their organizations, and were their roles in the process, including any individuals or organizations that worked through a contractual relationship with any office, agency or department of the Executive Branch?

Answer. Executive Order (EO) 13690 revises and updates EO 11988 (1977) and reflects insight gained from significant experience addressing Federal floodplain management issues since that time. In working to establish a new flood risk management standard, entities across the Federal Government drew on lessons learned from recent flood events, consensus-based standards, current practices within communities, input and views from a wide range of stakeholders and experts, and decades of experience under EO 11988. As detailed further below, the Standard reflects the work of the Mitigation Framework Leadership Group (MitFLG), the Hurricane Sandy Rebuilding Task Force, and the Task Force on Climate Preparedness and Resilience, among others. This process of incorporating lessons learned, input, and feedback—including from governors, mayors, and other stakeholders—remains ongoing.

The interagency Hurricane Sandy Rebuilding Task Force (created by EO 13632 (December 7, 2012)) played a significant role in the reassessment of Federal flood standards in light of experience with Hurricane Sandy and lessons learned since EO was issued in 1977. This Task Force was chaired by the Secretary of Housing and Urban Development (HUD), who led the effort in coordination with multiple Federal partners, as well as an advisory group composed of state, local, and tribal elected leaders. As one of its first actions, the Task Force developed a flood risk reduction standard for major Federal investment in Sandy rebuilding that took into account data on flood risk and applied that standard to all investments in Sandy-affected communities. After months of engagement by Federal partners—including with local leaders and community groups—the Task Force issued a Rebuilding Strategy, which established recommendations to help guide the Federal funding decisions related to Sandy-related rebuilding. The Task Force called for all major Sandy rebuilding projects in Sandy-affected communities using Federal funding to be elevated or otherwise flood-proofed according to this flood risk reduction standard, which was created using the best available base flood data plus one additional foot of free board. Subsequent to this pilot program, the President’s June 2013 Climate Action Plan directed agencies to take the appropriate actions to reduce risk to Federal investments, and specifically to update their flood risk reduction standards.

In response to Hurricane Sandy, the President also established the President’s State, Local, and Tribal Leaders Task Force on Climate Preparedness and Resilience in November 2013, with 26 governors, mayors, and local and tribal leaders serving as members. After a year-long process of receiving input from across State, local, tribal and territorial governments, private businesses, trade associations, academic organizations, civil society, and other stakeholders, the Task Force, in addition to several other recommendations, recommended to the President in November 2014:

Federal agencies should adjust their practices in and around floodplains to ensure that Federal assets will be resilient to the effects of climate change, including sea level rise, more frequent and severe storms, and increasing river flood risks, as called for in the President’s Climate Action Plan. Projects that receive Federal funding should be sited and designed with the best-available climate data and include margins of safety, such as freeboard and setbacks, to account for uncertainties and reduce costs and disruption from future hazards.

Federal members of the MitFLG, including representatives from the Departments of the Treasury, Interior, Commerce, Defense (including the U.S. Army Corps of Engineers, or USACE), Health and Human Services, HUD, Transportation, and En-

ergy; the Department of Homeland Security's Federal Emergency Management Agency (FEMA); the Environmental Protection Agency; the General Services Administration; the Office of Management and Budget; and the Council on Environmental Quality came together to apply lessons learned from Hurricane Sandy and other events across the country to bear more broadly through a Federal flood management standard, consistent with many of the Task Force on Climate Preparedness and Resilience's recommendations and the President's Climate Action Plan directive. These members of the MitFLG worked to develop a Federal Flood Risk Management Standard (FFRMS) that reflects the best available science, lessons learned, and input and recommendations gathered from experience, feedback, government-led convening, and coordination and discussions with stakeholders on these issues.

Question. As a result of these efforts, on January 30, 2015, the President issued EO 13690, "Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input."

Contractual support for facilitation and technical editing was initially provided under a FEMA contract by Clark Group LLC. Subsequently, those services were assumed under a USACE contract with The Council Oak.

Which Governors, mayors, and other stakeholders did FEMA solicit information from prior to the establishment of the new FFRMS?

Answer. EO 13690 revises and updates EO 11988 and reflects insight gained from significant experience addressing Federal floodplain management issues since that time. In working to establish a new flood risk management standard, entities across the Federal Government drew on lessons learned from recent flood events, consensus-based standards, current practices within communities, input and views from a wide range of stakeholders and experts, and decades of experience under EO 11988. As detailed further below, the Standard reflects the work of the MitFLG, the Hurricane Sandy Rebuilding Task Force, and the Task Force on Climate Preparedness and Resilience, among others. This process of incorporating lessons learned, input, and feedback—including from governors, mayors, and other stakeholders—remains ongoing.

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In response to Hurricane Sandy, the President also established the President's State, Local, and Tribal Leaders Task Force on Climate Preparedness and Resilience in November 2013, with 26 governors, mayors, and local and tribal leaders serving as members. After a year-long process of receiving input from across State, local, tribal and territorial governments, private businesses, trade associations, academic organizations, civil society, and other stakeholders, the Task Force, in addition to several other recommendations, recommended to the President in November 2014:

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Federal members of the MitFLG, including representatives from the Departments of the Treasury, Interior, Commerce, Defense (including USACE), Health and

Human Services, HUD, Transportation, and Energy; the Department of Homeland Security's FEMA; the Environmental Protection Agency; the General Services Administration; the Office of Management and Budget; and the Council on Environmental Quality came together to apply lessons learned from Hurricane Sandy and other events across the country to bear more broadly through a Federal flood management standard, consistent with many of the Task Force on Climate Preparedness and Resilience's recommendations and the President's Climate Action Plan directive. These members of the MitFLG worked to develop an FFRMS that reflects the best available science, lessons learned, and input and recommendations gathered from experience, feedback, government-led convening, and coordination and discussions with stakeholders on these issues.

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Please summarize the activities of the Mitigation Framework Leadership Group since its inception relating to the development of the FFRMS, including a list of Federal members. Also a list of non-Federal members, including state, local and tribal governments, private sector and non-government organizations, and please summarize their involvement in the development of the FFRMS and the dates such involvement occurred.

Answer. DHS issued the National Mitigation Framework (NMF), which established the MitFLG in 2013 to coordinate mitigation efforts across the Federal Government and to assess the effectiveness of mitigation core capabilities as they are developed and deployed across the Nation. The MitFLG includes 10 state, local, tribal, and territorial members that serve as non-Federal participants. Specifically, representatives from the State of Mississippi Department of Health; Terrebonne Parish, Louisiana, Commissioners; City of Palm Bay, Florida, Planning Department; and the New York City Office of Recovery and Resiliency have been members since July 2014. Representatives from the State of Georgia Environmental Finance Authority, Energy Resources Division; Tillamook County, Oregon; and the Fond Du Lac Tribe of the Chippewa have been members since April 2015. The MitFLG facilitates information exchange, coordinates policy implementation recommendations on national-level issues, and oversees the successful implementation of the NMF.

Question. Please detail the Administration's methods used in determining the costs, benefits or scientific rationale of the FFRMS prior to its issuance, and provide the results of any such analyses.

Answer. The issuance of an EO does not require that a cost-benefit analysis of alternatives be completed. However, an economic analysis is typically required as agencies undertake rulemaking or significant policy development.

Once the implementing guidelines are finalized, each Federal agency will carefully consider how to appropriately apply this standard to their programs. In many cases, those individual agency processes of updating regulations and procedures will involve their own process of notice and comment.

When implemented, the FFRMS will reduce flood risk, increase resilience, and diminish the likelihood of future losses, thereby reducing future costs to the Federal Government, state and local governments, and the private sector.

Floodplain management standards have a proven record of reducing the costs of floods to individuals, communities, the Federal Treasury, and society as a whole. The existing floodplain management standard saves the country more than \$1.6 billion annually in prevented damages. But given the challenges of the increasing number and intensity of flood events, EO 13690 seeks to create a higher standard to better protect communities, national investments, and lives.

Previous studies have shown that the expense of elevating new structures during construction is low, generally adding between 0.25 to 1.5 percent to the total construction costs for each foot of added height.

Projects based on these standards have been shown to be cost-effective and provide longer-term protection against future disasters. Additionally, the Multi-hazard Mitigation Council of the National Institute of Building Sciences conducted a study on the benefits of FEMA-funded mitigation projects and concluded that they were successful and cost-effective, saving society, on the average, \$4 for every dollar spent. Put simply, studies show that although building higher and safer can be more costly initially, over time, it saves money because future storms cause less damage to properly elevated buildings.

Question. Further, for structures built using Federal funds that require the purchase of flood insurance, the cost of building to the FFRMS may in some instances be recovered, in full or in part, in the form of decreased insurance policy payments.

Did FEMA or the Administration conduct any activities to engage the public and their representatives in Congress in the development of the FFRMS prior to January 30, 2015?

Answer. EO 13690 revises and updates EO 11988 (1977) and reflects insight gained from significant experience addressing Federal floodplain management issues since that time. In working to establish a new flood risk management standard, entities across the Federal Government drew on lessons learned from recent flood events, consensus-based standards, current practices within communities, input and views from a wide range of stakeholders and experts, and decades of experience under EO 11988. As detailed further below, the Standard reflects the work of the Mitigation Framework Leadership Group (MitFLG), the Hurricane Sandy Rebuilding Task Force, and the Task Force on Climate Preparedness and Resilience, among others. This process of incorporating lessons learned, input, and feedback—including from governors, mayors, and other stakeholders—remains ongoing.

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Please provide a detailed accounting of any funds expended to support the activities of the Water Resources Council, including the source of all such funds. Identify any Executive Branch personnel, including offices, departments, and agencies, utilized to support the activities of the Water Resources Council. Also include the dates any meetings of the Water Resources Council were held, attendance at such meetings, and whether there was any public notice of any meetings.

Answer. The Water Resources Council (WRC), a group comprised of the heads of eight departments and agencies, to date has not convened regarding, or been involved in, the Federal Flood Risk Management Standard, issued in January of this year.

Question. In addition, this executive order would arbitrarily expand the definition of “floodplain” well beyond the long-accepted 100-year floodplain historical definition and there is a great deal of uncertainty over the scope of this executive order and how it would apply to a variety of Federal government programs that interact directly with the private sector on construction-related issues. Does FEMA intend for the recent Executive Order on the Federal Flood Risk Management Standard to apply to private construction projects that need Federal permitting (i.e. Clean Water permits, Endangered Species Act permits)? If this executive order essentially requires every Federal agency to create a new definition for a floodplain this order would thus apply to all Federal activity and would also apply to private development that receives a Federal permit. I find that troublesome and disconcerting and feel that it is an expansive Federal overreach that will create confusion and conflict in the private market. Is your agency aware of all the chaos and confusion that will be caused if this executive order is implemented?

Answer. More than 1,500 unique comments were provided during the recent public comment period on the draft Guidelines, and similar questions regarding the scope of the FFRMS were raised. Many of these comments expressed concern regarding how the Executive Order will affect private development. In addition, many of these comments expressed that the Government didn’t go far enough to protect floodplains and Federal investment. The MitFLG is committed to considering the input of the individuals and organizations that provided their perspective on the issue. FEMA and the Federal interagency community, through the MitFLG, will analyze the comments received and respond, as appropriate, in the draft Guidelines. The MitFLG will provide public feedback on the types of comments received and how those were considered, adjudicated, and used to inform the policy decisions.

After the Guidelines are released, each Federal agency will carefully consider how to apply the FFRMS to its programs appropriately, and agency processes may include additional opportunities for the public to provide input before making final decisions about implementing the FFRMS.

CYBERSECURITY

Question. The Departments’ requested budget reduction for cybersecurity education programs is inconsistent with DHS’s stated emphasis on the cybersecurity workforce and its specific goal of educating 1.7M students by 2021. The justification for the reduction is to serve higher priority cybersecurity efforts; however, proposed technology investments will not be useful if there is not a trained workforce to support those tools in future years.

In February 2015, GAO released a report re-designating DHS and cybersecurity as “high risk” in the area of Ensuring the Security of Federal Information Systems and Cyber Critical Infrastructure. GAO noted that progress is being made in assessing the cybersecurity workforce and identifying critical shortages—mainly due to Congress passing The Homeland Security Cybersecurity Workforce Assessment Act, which requires DHS to identify cybersecurity positions and specialty areas with critical shortages in the DHS cybersecurity workforce. But assessing the problem is not an excuse for delaying or not taking actions to address the problem. In April 2015, the Partnership for Public Service published its report “Cyber In-Security II: Closing the Federal Talent Gap. The report noted that the pipeline of potential new cyber talent was inadequate—nationwide demand still outstrips supply. Specifically, even though the administration has continued to encourage more Americans to develop science, technology, engineering and mathematics (STEM) skills, efforts to grow the pipeline will take time to bear fruit, because the demand for cyber-related skills is

projected to rise at an ever faster pace. In the fiscal year'15 DHS Congressional budget justification, DHS highlighted its leadership role in cybersecurity education. DHS “leads the national effort for cybersecurity education, workforce planning, training, and professional development.” DHS also stated that it would strengthen cybersecurity at the high school level and expand the pipeline of cybersecurity professionals entering the workforce—“affecting 1.7M students over the next 10 years.”

The DHS Cybersecurity Education and Training Assistance Program (CETAP) is expected to provide training and education to approximately 200K students this year and, if funded, 400K next year—significantly expanding the cybersecurity workforce pipeline. What is the Department doing to meet its goal of providing cybersecurity education and training to 1.7M students in order to expand the pipeline of cybersecurity professionals entering the workforce?

Answer. The Department supports the previously stated goal of educating 1.7 million students by 2021—ensuring that the future workforce pipeline is able to meet the projected national demand. DHS leads several programs that serve a broad stakeholder base across the Nation, providing cybersecurity education programs that are flexible and responsive to meet the rapidly changing cyber environment and that also take into account today’s fiscal constraints. As these initiatives develop and mature over time, the Department refines its strategies and processes to address identified gaps, maximize outreach, and ensure implementation success. Each of these programs is an integral factor in strengthening the Nation’s cyber resilience and ensuring that there is a robust national cybersecurity pipeline.

DHS believes that a critical component to success in this area is developing a pipeline of skilled cybersecurity personnel. In order to fill the most immediate needs, the Department focuses on outreach and engagement with higher education institutions where students are enrolled in a curriculum of study tied to science, technology, engineering, math, and cyber/computers (STEM-C). As part of developing a skilled workforce, students must be able to see where they fit into a cybersecurity career path and be aware of opportunities available to them to hone those skills or find employment. As detailed below, DHS programs such as the Centers for Academic Excellence and Scholarship for Service lend themselves to this type of engagement.

During 6th–12th grades, a student (or through teachers or counselors) will have identified an aptitude in STEM-C subject areas and likely will have been encouraged to seek advanced placement coursework in those areas of study. DHS programs such as Cyber Competitions and the Integrated Cybersecurity Education Communities Project support increased student engagement in these formative grades. Engaging students early in their education careers will ensure a strong and sustained workforce pipeline that will meet mid-term and long-term operational workforce demands.

A layered approach to education and workforce engagement that progresses from K–12 through higher education will enable DHS to reach, and potentially exceed, its goal of educating 1.7 million students in cybersecurity in 10 years. This is an update to previous methodologies and will ensure that DHS education programs address both immediate and future workforce needs.

An overview of the Department’s efforts in workforce and pipeline development is provided below.

Higher Education Programs

National Centers of Academic Excellence (CAE, Co-sponsored by the National Security Agency)

The CAE program works to reduce vulnerability in our national information infrastructure by promoting higher education and research in Information Assurance (IA) and producing a growing pipeline of professionals with IA expertise in various disciplines. There are now more than 185 academic institutions with CAE designation in 43 States, the District of Columbia, and Puerto Rico.

Scholarship for Service (SFS, Co-sponsored by the National Science Foundation)

The SFS program provides scholarships to 58 universities across the country; students receive SFS scholarships for up to 2 years to study cybersecurity, after which they owe the Government a period of service equivalent to the length of their scholarship. This program is specifically called out in appropriations language and funding is required by the Department.

K–12 Education Program

The Integrated Cybersecurity Education Communities Project (ICEC)

In fiscal year 2013, the Department issued the competitive Cybersecurity Education and Training Assistance Program (CETAP) grant in the amount of \$5 million to fund the ICEC project to provide cyber education for teachers and students.

In support of the National Initiative for Cyber Education (NICE), the ICEC project holds cyber education summer camps around the country, with the primary goal of educating middle school and high school teachers who return to their schools prepared to educate students on cyber-related content across multiple academic disciplines. Cyber education camps were held in four communities in the summer of 2014, with more than 35 high schools participating. Each high school sent students and teachers as participants. Upon completion of summer camp, the Department estimates each teacher will educate approximately 120 students over the course of an academic year. Therefore, the anticipated impact was nearly 9,000 students during the summer of 2014.

The initial funding in fiscal year 2013 and fiscal year 2014 allowed for the development of the curriculum and training modules for teachers and students; this additional funding was required in fiscal year 2013 and fiscal year 2014 to complete these developmental activities. In fiscal year 2015, the Department plans to fund the ICEC project in the amount of \$3.0 million, \$2.0 million less than previous years, due to the culmination of the curriculum and training module development phase. Fiscal year 2015 funding will continue to provide direct training, camps, and outreach to middle school and high school teachers and students. The various locations in which camps and workshops are held are geographically and socio-economically diverse.

The following activities are planned for fiscal year 2015:

- 16 STEM: Explore Discover Apply Workshops geared toward teachers;
- 7 Cyber Discovery Camps geared toward students; and
- 1 Education Forum

The grant also supports integration of cybersecurity topics into high school curricula, which high schools across the country can adopt and offer to numerous students each year. The Department plans to leverage this curriculum and provide free, on-demand training to teachers nationwide through the Federal Virtual Training Environment (FedVTE). Utilizing a virtual capability to reach teachers in any location, at any time, demonstrates the project's flexibility and outreach potential. Ultimately, the ICEC project serves as a force multiplier and a continuous return on investment as teachers who participate in the summer camps return to their schools and integrate cybersecurity into their classrooms.

Cyber Competitions

DHS supports cyber competitions through its sponsorship of the annual Air Force Association CyberPatriot competition, steering middle and high school students toward cybersecurity careers and studies. Since 2009, the program has experienced per annum growth of more than 20 percent. In 2014, registration for CyberPatriot VI exceeded 1,500 teams, marking unprecedented growth for the program. This growth can be attributed to the inclusion of scouting troops and Boys and Girls Clubs organizations that were invited to field teams for the first time. Continuing the growth trend, DHS expects approximately 12,000 students to participate in 2015.

Training and Workforce Development Programs

The National Initiative for Cybersecurity Education Effort (NICE)

The NICE mission is to raise cybersecurity awareness among all U.S. citizens, promote cybersecurity formal education, and evolve the cybersecurity professional field. These activities include public service campaigns, cybersecurity competitions, and offering tools and resources for developing cybersecurity skills and abilities among the current workforce.

National Initiative for Cybersecurity Careers and Studies (NICCS)/CyberU

The DHS NICCS portal promotes the National Cybersecurity Workforce Framework (which provides a common taxonomy to ensure professional development of the Nation's cybersecurity workforce) by providing tools and resources for organizations focused on cybersecurity workforce development and information for individuals about cybersecurity careers. The CyberU will promote adoption of professional development standards by equipping and connect users with resources in a more user-friendly format. The CyberU portal will replace and improve upon the NICCS portal by hosting the Cybersecurity Training Catalog, a clearing house of cybersecurity-re-

lated education and training courses offered across the United States, and by providing easy access to the current FedVTE training portal (discussed further below).

Federal Virtual Training Environment (FedVTE)

FedVTE is an online training platform that provides Federal cybersecurity and IT professionals with hands-on labs and training courses. Annually, FedVTE provides training to approximately 60,000 cybersecurity professionals across the Federal Government. The environment is accessible from any Internet-enabled computer and is free to Federal users and their agencies. This program has saved the Federal Government \$72 million annually compared to similar training provided by a private vendor.

Federal Cybersecurity Training Events (FedCTE)

FedCTE provides training classes ranging from 1 to 3 days, which are conducted both in-person and virtually on a variety of cybersecurity topics. In fiscal year 2014, 467 individuals received training through FedCTE, and 1,370 individuals have received training since FedCTE's inception in 2010.

JONES ACT COMPLIANCE

Question. The Jones Act is an important maritime law which requires that vessels be U.S.-built, U.S.-crewed, and U.S.-owned in order to transport merchandise between two points in the U.S. The economic and security benefits of the law can only be realized however when people comply with it. DHS is responsible for Jones Act enforcement. The Coast Guard verifies the nationality of vessel owners and crew, and Customs and Border Protection ensures the legal transportation of cargo.

Our shared goal on this issue should be informed compliance, but that is not possible without active enforcement of the law. Certain bad actors who believe they will not be caught, or only receive a slap on the wrist if they are, will unfortunately make a business decision to break the law and thumb their nose at the Department. When that happens, U.S. mariners and shipyards suffer along with the Department's credibility. CBP's role in documenting violations and assessing and collecting penalties is essential to achieving deterrence of these violations and letting those bad actors know that there are consequences for illegal actions.

Do you agree that CBP and the Coast Guard should enforce the requirements of the Jones Act?

Answer. Yes, it is imperative that U.S. Customs and Border Protection (CBP) and the U.S. Coast Guard, as the two DHS agencies charged with enforcement of the Jones Act, both leverage their respective resources and roles to effect the utmost enforcement of this important law.

Question. Do you agree that civil penalties are an important enforcement tool to protect against willful violations of the law?

Answer. Yes, the assessment and collection of civil penalties is an extremely important tool to effectively deter violations of this law.

Question. In order to effectively deter violations, do you agree that cases should be processed in a timely manner? Please explain your efforts to ensure timely processing of cases by CBP and any additional resources that may be required to accomplish that goal.

Answer. Yes, in order to effectively deter violations, penalty cases should be processed in a timely manner. CBP works to adhere to standard response times for processing violations and responding to petitions, generally within 90 days of receiving all of the necessary information from relevant parties. CBP's Office of Field Operations constantly monitors the open cases report for all Fines, Penalties & Forfeiture Offices to ensure compliance with these standards. Various factors can impact the timeframes on these cases, including an interested parties' request for information, or a request from a party for an extension to research or obtain information from another party.

AIDS TO NAVIGATION SERVICING CONTRACTING

Question. Mr. Secretary the United States Coast Guard has requested \$1.5 billion to conduct Aids to Navigation operations. The Coast Guard is charged with the maintenance of over 50,000 Federal government-owned buoys, beacons, and other aids-to-navigation that mark 25,000 miles of waterways. The maritime sector contributes more than \$650 billion annually to the U.S. gross domestic product and sustains more than 13 million jobs. Nearly 100 percent of our overseas trade enters or leaves the U.S. by vessels navigating the marine transportation system. I am interested in the savings and efficiencies that could be gained through contracting some of aid to navigation services.

What is the cost per hour to preform aid to navigation operations? Examples of which could include maintaining of government owned buoys and beacons.

Answer. The \$1.5 billion reported in the President's Budget crosses several appropriations. Approximately \$1.1 billion of that figure is for operating expenses. The remainder is distributed to Reserve Training, Acquisition Construction and Improvements (AC&I), Research Development Testing and Evaluation (RDT&E), Medicare Eligible Health Care Fund (MERHCF) Contributions, and Retired Pay.

As stated in the background, the Coast Guard is responsible for marking the 25,000 miles of coasts and waterways to facilitate the safe and efficient movement of commerce. This work requires a variety of assets (cutters, boats, aircraft, land units) and navigation hardware. Buoys range in size from 9x35 foot steel hulls weighing 18,000 pounds to 30 inch foam hulls weighing 115 pounds, and beacons include a wide variety of sizes and structures.

While the Coast Guard has not calculated the hourly cost of servicing aids to navigation, it has published reimbursable rates for its assets in COMDTINST 7310.1 (series) manual, "Hourly Rates for Cutters, Boats, and Aircraft." The hourly rate for a surface aids to navigation asset ranges from \$7,305 per hour to \$2,217 per hour, but these numbers should not be used to identify the cost to perform the aids to navigation mission, nor should this rate be considered when comparing the cost of a private entity performing the service. This rate is calculated to include personnel, maintenance, overhead costs associated with support of the asset, and an estimate for the total value of the Coast Guard command and control structure that enables all missions.

Question. Has the Coast Guard considered contracting aid to navigation operations to private sector companies? If not, why?

Answer. The Coast Guard has conducted several studies since 1990 that examined accomplishing parts of the aids to navigation mission via commercial contracts. On each occasion, the Coast Guard concluded that the contracted services would be more expensive and less effective than using Coast Guard resources.

Question. Many of the USCG vessels involved with aid to navigation operations are multi mission vessels, such as Law Endowment, Search and Rescue, and other national security operations, correct? If their aid to navigation missions with contracted to private sector organizations would these vessels be available to conduct more national security missions?

Answer. All Coast Guard assets are multiple-mission capable. If a primary mission requirement was removed without commensurate decrease in operational hours, they could be used to augment other mission areas. However, in the specific case of ATON units, this has not been considered due to the cost prohibitive nature of privatizing this mission.

Question. Additionally, while these vessels can perform multiple missions how many times have aid to navigation vessels been diverted to secondary missions while conducting aid to navigation activities?

Answer. Coast Guard platforms performing the aids to navigation mission have been diverted to other missions. However, the actual number of times that this has occurred is not documented in any accessible form and therefore the actual number of these instances cannot be determined with any degree of accuracy.

QUESTIONS SUBMITTED BY SENATOR PATRICK LEAHY

PRECLEARANCE

Question. One of the major obstacles to cross-border travel today is CBP passenger screening. Over the past couple years, DHS has made great progress in the construction of pre-clearance facilities. I am pleased that DHS has signed a pre-clearance agreement with Canada's Minister of Public Safety, Steven Blaney. While the Canadian Parliament must still act on this agreement, I am confident we are that much closer to making decisions on individual pre-clearance projects.

Secretary Johnson, Vermont used to enjoy Amtrak service across the Canadian border to Montreal. One of the hurdles to restarting this service is safely and securely screening the train. We need help and support from CBP to make the construction of pre-clearance facilities happen. I understand that CBP staff have begun site visits for a number of projects. Can we count on your assistance to work with Vermont, New York and Quebec to make a pre-clearance facility in Montreal a reality?

Answer. Yes, the new U.S.-Canada Land, Rail, Marine, and Air Transport Preclearance Agreement provides for authorities and jurisdiction for U.S. Customs and Border Protection (CBP) personnel operating within a potential rail environ-

ment. This agreement outlines that rail companies may request rail passenger preclearance. Such a request would be reviewed by each Party based on many considerations, including a secure corridor, resource and funding availability, and the availability of adequate facilities. CBP is committed to evaluating all preclearance expansion requests in a transparent and consistent manner. The four base categories of expansion evaluation criteria that will be used to review each applicant from Canada are outlined below:

1. Security: Determine the homeland or national security benefit to the U.S.
2. Facilitation: Determine the economic benefit to the U.S. and host country.
3. Strategic Impact: Determine opportunities to enhance international partnerships and U.S. global influence.
4. Feasibility: Determine the speed and ease with which potential preclearance locations can be set up and become operational.

At the request of Amtrak, CBP reviewed a preliminary concept design with Amtrak and the Canada Border Services Agency. CBP has not entered into formal facility design discussions regarding a rail facility in Montreal. Further discussions concerning the possibility of establishing preclearance may occur once the preclearance agreement has entered into force and if requested by Amtrak, as provided by the agreement.

Question. I understand a CBP team has also visited Toronto's Billy Bishop airport. The Homeland Security Appropriations bill for fiscal year 2015 exempts Canadian airports from any preclearance restrictions, including carrier requirements. Will you let me know if that language was unclear, or if the Department needs additional assistance from Congress on moving forward with pre-clearance at this location? If additional assistance is required, I'd ask that the Department work with my staff so we can resolve any outstanding issues standing in the way of adding additional pre-clearance location.

Answer. CBP recently concluded its technical site visits to possible preclearance expansion locations in Canada, including Billy Bishop Toronto City Airport (April 13, 2015). The locations will be examined to determine the potential impact on national security, passenger facilitation, and on the achievement of long-term trade and travel goals. Additionally, we have partnered with Departments of State and Transportation to evaluate candidate airports, and their respective governments' support, through an open and deliberative process that heavily weighed air carrier competitive balance.

For the current fiscal year, with the exception of countries with preclearance facilities in service prior to 2013, pursuing a new preclearance agreement requires the presence of an operating U.S. air carrier. The Department took seriously the concerns raised by Congress and U.S. air carriers on the importance of seeking competitive balance at new preclearance locations. Therefore, with respect to considering expansion of preclearance operations at countries where such operations are already ongoing, DHS and CBP are focusing possible expansion on those locations that already maintain the presence of air passenger operations by a U.S. air carrier. Given the significant interest by multiple airports, this decision allows the Department to prioritize locations that provide preclearance opportunities to multiple air carriers.

We continue to engage with airports at the technical level on the possibility of pre-clearance expansion, similar to Billy Bishop, even if the airports lack a U.S. carrier. Billy Bishop Airport will be evaluated and ranked alongside the other preclearance candidate airports. As part of that process, competitiveness factors, which include the presence of a U.S. carrier, will be an important part of the analysis. Accordingly, while the fiscal year 2015 appropriations bill eliminated the requirement of U.S. carrier presence for countries that have previously had preclearance locations, CBP continues to urge Billy Bishop to attract a U.S. carrier as that is an important evaluation factor for expansion locations.

We will continue to work with Billy Bishop to assess the feasibility of the location for preclearance operations and support efforts to have U.S. air carriers consider operations at the airport. All of these efforts are contingent on the successful ratification of the new preclearance agreement by the Canadian Parliament and passage of the Civilian Extra-territorial Jurisdiction Act by the U.S. Congress prior to the new U.S.-Canada Land, Rail, Marine, and Air Transport Preclearance Agreement entering into force.

NORTHERN BORDER STAFFING

Question. I appreciate that CBP has been working hard to fill the 2,000 positions for which Congress previously allocated funding. However, I remained concerned that staffing along the Northern Border remains lower than where it has been his-

torically. Does the Department have plans to submit a proposal to Congress on how to fully meet these staffing needs?

Answer. CBP is developing a plan and taking action to accelerate the hiring process for CBP Officers (CBPO) and Border Patrol Agents (BPA) required to maintain the proper level of security. CBPOs, based at the Nation's ports of entry, are responsible for screening all foreign visitors, returning American citizens, and imported cargo that enters the United States. BPAs, operating between the ports of entry, are responsible for safeguarding nearly 6,000 miles of land border the United States shares with Canada and Mexico, and more than 2,000 miles of coastal waters. CBP's plan will include information concerning current CBPO and BPA staffing levels, the current hiring pipeline, projected fiscal year 2015 CBPO and BPA attrition rates, and CBP frontline hiring challenges. The plan also will present information detailing CBP's efforts, recent and ongoing, to reengineer the frontline hiring process, streamline hiring processes, and reduce the cost and time-to-hire.

Question. In the most recent round of staffing decisions, Vermont port of entries received 10 additional positions. I believe that hiring locally will help with the retention of CBPOs in Vermont. What efforts are in place by DHS in order to hire local residents when positions are available?

Answer. CBP hires candidates to fill both law enforcement officer positions and non-law enforcement positions nationwide. CBP posts Job Opportunity Announcements (JOA) on USAJOBS, the U.S. Government's official website for listing civil service job opportunities with Federal agencies. The site is operated by the U.S. Office of Personnel Management. Consistent with qualifications, application requirements, and other considerations identified in each JOA, all individuals interested in the position advertised can apply to the JOA. In some instances, the JOA will limit the area of consideration for applicants to the local commuting area.

Sustaining CBP frontline CBPO and BPA staffing levels requires annually attracting and assessing thousands of applicants to replace employee losses resulting from retirement and other attrition, as well as to fill any new positions funded or authorized by Congress. To meet these staffing requirements, CBP recruits nationwide and opens several JOAs each year. Individuals interested in CBPO and BPA positions will apply for a geographic area or specific location identified in the particular JOA.

To promote a common work experience, all entry-level BPA hires begin their careers at a duty station on the Southwest Border. Similarly, CBP has begun efforts to focus entry-level CBPO hiring toward large and high-volume POEs to maximize pre- and post-academy training experiences. As part of their career progression, CBPOs and BPAs may pursue future promotional and reassignment opportunities to other duty locations, including their prior location of residence. CBP non-law enforcement position JOAs will identify the specific location where the selected individual will perform the position duties detailed in the announcement. Often, these JOAs will limit the area of consideration to candidates within the local commuting area.

Question. What options are available to the Department to help incentive staff to fill positions and combat attrition in the hard-to-staff areas on the Northern border?

Answer. As appropriate and within spending limitations, CBP uses incentives (e.g., recruitment, retention, and relocation) to fill positions and retain employees in hard-to-fill duty stations, including those along the Northern border. A recruitment incentive may be paid to a newly appointed employee if the position is likely to be difficult to fill in the absence of an incentive. A retention incentive is another tool available when an agency has determined that an employee (or group of employees) would be likely to leave for a different position in the Federal service. Relocation incentives may be paid to a current employee who must relocate to accept a position in a different geographic area that the agency has determined likely to be difficult to fill in the absence of an incentive. Payment of these incentives may not exceed 25 percent of the employee's annual rate of basic pay and require the employee to sign a written service agreement prior to receiving the incentive.

LAPTOP SEARCHES AT BORDER

Question. Several Federal courts have recently brought to light the Department's practice of conducting forensic examinations of laptops and other electronic devices at the border without a warrant or even a reasonable suspicion of a crime. Several courts have rejected this approach, including the U.S. District Court for the District of Columbia just last week, holding that such an in-depth search of an electronic device requires a reasonable suspicion of criminal activity. As you know, these devices hold an almost unimaginable amount of highly personal information, as well as trade secrets, privileged communications, and other private data. Without legiti-

mate suspicion of criminal activity, an individual should not have to surrender every intimate detail to the government simply because he or she crosses our border. Although I recognize the critical need to safeguard our borders, I am concerned with the privacy implications of this practice, and believe that routine border searches should not be used as a loophole to avoid the Fourth Amendment warrant requirement.

What is the Department's current policy regarding border searches of laptops and electronic devices?

Answer. CBP's policy on the border search of electronic devices is available online at: http://www.cbp.gov/sites/default/files/documents/elec_mbsa_3.pdf. U.S. Immigration and Customs Enforcement's (ICE) policy is available online at: https://www.dhs.gov/xlibrary/assets/ice_border_search_electronic_devices.pdf.

Question. Does the Department plan to amend its policies in light of the Ninth Circuit's decision in *United States v. Cotterman*, and the D.C. District Court's recent decision in *United States v. Kim*?

Answer. Officers and agents operating in the Ninth Circuit comply with the holding in *United States v. Cotterman*, 709 F.3d 952, 960 (9th Cir. 2013) (en banc), regarding reasonable suspicion for forensic searches of electronic devices at the border, and DHS continually evaluates its procedures to account for changing priorities and to make its operations more effective and efficient. In addition, DHS is consulting with the Department of Justice on whether the Government should pursue further review of the *Kim* decision.

FAMILY DETENTION

Question. I strongly believe that the administration's decision to expand family detention is wrong. The new oversight actions announced on May 13, 2015 do nothing to end or even scale back the use of this ill-advised policy. There is clear evidence that detention has a significant negative impact on the well-being and mental health of the mothers and children detained, especially given the violence many of them are fleeing and the trauma they have already endured. The Department's rationale for detention—that it serves as a deterrent—is both contrary to basic notions of due process and irrational. Even if family detention were an acceptable policy, we simply do not have enough beds to make it an effective deterrent. Instead, our policy subjects the unlucky few who arrive on the border when a detention bed happens to be free to months of detention at enormous cost to the taxpayer, while the vast majority who arrive when beds are full avoid detention all together.

I am particularly troubled by the policy to detain families who have passed their credible fear interview. Why does DHS/ICE continue to detain families who have passed their credible fear interview?

Answer. While the Immigration and Nationality Act (INA) allows for the detention of individuals subject to expedited removal who have established credible fear (see INA § 235(b)(1)(B)(ii), 8 U.S.C. § 1225(b)(1)(B)(ii)), ICE does not have a policy that requires detention. Rather, ICE makes discretionary custody determinations for families and individuals who have established a credible fear on a case-by-case basis, accounting for the unique aspects of each case and setting appropriate release conditions.

Question. What is the current cost per day of detaining a family unit at the new family detention facility in Dilley, Texas? What is the cost for each individual? What is the expected cost per day for both a family unit and an individual when the facility is fully operational? What expenses are reflected in the above calculations?

Answer. Due to the variable nature of the size of a family unit, ICE does not calculate costs per family unit, but rather only calculates costs on an individual basis. The cost per day to house individuals at the South Texas Family Residential Center in Dilley, Texas, is \$313.00 as of March 2015, although it is expected to change as the year progresses and the contract reaches full capacity.

The expenses for family residential centers include costs similar to those for detention facilities, such as facility staff, food, and medical and mental healthcare, as well as expenses for family-related services such as residential advisors, educational programs, short-term monitored care, expanded recreational facilities, and specialized counseling.

SUBCOMMITTEE RECESS

Senator HOEVEN. With that, we will adjourn the hearing.

[Whereupon, at 3:58 p.m., Wednesday, April 29, the subcommittee was recessed, to reconvene at a time subject to the call of the Chair.]