



WRITTEN TESTIMONY

OF

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FOR A HEARING ON

***“AUTHORITIES AND RESOURCES NEEDED TO PROTECT AND SECURE THE
UNITED STATES”***

BEFORE THE

**UNITED STATES SENATE
COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS**

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Washington, DC

Chairman Johnson, Ranking Member McCaskill, and distinguished Members of the Committee:

It is a privilege to appear before you today to discuss the Department of Homeland Security's (DHS) crucial missions and how the President's Fiscal Year (FY) 2019 Budget request for the Department will help secure our homeland. Today I want to cover two main subjects: (1) certain authorities we need in order to close security gaps; and (2) the resources required to execute our missions.

Authorities Needed to Protect and Secure the United States

First, I'd like to thank the Committee for its efforts in reporting out an authorization bill for the Department in March. We need this legislation. It includes vital provisions for protecting our country, and it will update our authorities. I cannot stress enough how important this is. The Department was established 15 years ago—before smart phones were a part of everyday life, and our authorities have not kept pace with evolving threats, adaptive enemies, and emboldened adversaries. I applaud this Committee for championing a DHS reauthorization, alongside the House Homeland Security Committee. Now we need quick passage.

The Committee's bill establishes the Cybersecurity and Infrastructure Security Agency (CISA), which will replace the National Protection and Programs Directorate as the focal point for defending civilian Federal networks, protecting critical infrastructure, and interfacing with state, local, private sector, and other partners to advance collective defense in cyberspace. We need CISA urgently. The authorization of the Agency will allow DHS to better engage with stakeholders to guard against threats from nation states, cyber criminals, and other nefarious actors in the digital battlespace. This includes enhancing election security nationwide, which is one of the primary reasons we need Congress to pass this bill as soon as possible.

The bill also establishes the Countering Weapons of Mass Destruction Office (CWMD) at DHS. Let me be clear: WMD threats are real and on the rise. Nation states continue to advance their chemical, biological, radiological, and nuclear programs. And as we've seen in recent months, they are not afraid to use such deadly weapons. At the same time, terrorists continue to pursue WMD agents for use in attacks, and groups like ISIS have already used chemical weapons on foreign battlefields. CWMD is the Department's nerve center for protecting our country against these dangers, and the reauthorization bill would make sure CWMD is made permanent and can keep pace with today's dynamic threat landscape.

In addition, the bill includes important provisions for Federal Emergency Management Agency (FEMA) to help reduce disaster costs through pre-disaster mitigation, which the Administration supports when paired with reductions to other Federal spending. The Administration looks forward to working with Congress to ensure that FEMA can best help disaster survivors while simultaneously protecting American taxpayers from escalating federal spending on disasters. As we head into hurricane season, it is important we get these measures put in place.

Going forward, a regular authorization process will enable Congress and DHS to more quickly address emerging challenges. Senate passage will go a long way in continuing to improve

morale by demonstrating Congress's commitment to the men and women of our Department and their mission.

We also hope to work with you in the coming weeks to advance the Administration's legislative proposal seeking authority to counter the growing threat posed by unmanned aircraft systems (UAS). We have already seen transnational criminals adopt this technology to move drugs across the border. Terrorist groups overseas have used drones to conduct attacks on the battlefield and have plotted to use them in terrorist attacks elsewhere. This is a very serious, looming threat that we are unprepared to confront. We are currently unable to effectively counter malicious use of drones because we are hampered by federal laws enacted long before UAS technology was available for commercial and consumer use.

The Administration's legislative proposal would authorize DHS and the Department of Justice (DOJ) to conduct limited counter-UAS operations to identify, track, and mitigate drone threats. These authorities would apply to a narrow set of important and prioritized missions, and it would allow DHS and DOJ not only to protect Americans against UAS threats but to protect our own personnel who perform law enforcement and protective missions. I am grateful for the cooperation we have received so far from the Chairman and Ranking Member in working to move these authorities forward.

Our legislation mirrors the existing statutory authority granted to Department of Defense (DOD) in the Fiscal Years (FY) 2017 and 2018 National Defense Authorization Acts (NDAA). DOD has been able to use these authorities to protect designated facilities and assets here in the United States. The legislative proposal contains robust measures designed to protect privacy and civil liberties. Specifically, the proposal limits the collection and retention of communications to and from the drone and ensures that such collection is undertaken only for the purpose of mitigating the threat caused by the UAS.

When it comes to critical needs, there is probably no issue more important for DHS right now than border security and immigration. It is my job to protect our borders and enforce our immigration laws. But it is also important for me to tell you when I *cannot* do my job. So I want to make clear to the Committee today that legal loopholes are preventing me from fully securing our borders and ensuring the integrity of our immigration system. Our laws are outdated. Our system is broken. And our borders are being exploited by illegal aliens, criminals, smugglers, and a range of nefarious actors. We are doing everything we can—within our authorities—to defend our country. But I implore Congress to act by closing dangerous loopholes and addressing this crisis once and for all. Any nation that cannot control its borders ceases to be a sovereign nation.

DHS will continue to work with Members of Congress to pass critical legislation to eliminate the loopholes that undermine border security and place our communities at risk. This includes terminating the *Flores* Settlement Agreement, amending the TVPRA, clarifying the statutory definitions of "unaccompanied alien children" and "special immigrant juvenile," passing legislation that clearly defines an "aggravated felony," and allowing DHS to promptly remove violent criminal aliens from our nation. These solutions will provide the essential tools that the men and women of DHS need to secure our borders and defend our communities.

Resources Needed to Protect and Secure the United States

On the resources side, the FY 2019 Budget request provides funding to advance all core DHS missions. It sustains and strengthens our most critical programs and capabilities and places emphasis on protecting our nation from terrorism and countering threats; securing and managing our borders and enforcing our immigration laws; preserving and upholding the nation's prosperity and economic security; securing cyberspace and critical infrastructure; and strengthening homeland security preparedness resilience. Throughout all of these missions, the budget also prioritizes my goal of putting our dedicated employees first—and maturing DHS operations.

The FY 2019 President's Budget for DHS requests \$47.5 billion in net discretionary funding and an additional \$6.7 billion for the Disaster Relief Fund (DRF) for response and recovery from major disasters.

This Budget would make crucial investments needed to secure our borders against threats and illegal entry. The request includes recruitment, hiring, and training of 750 additional U.S. Border Patrol Agents, 2,000 additional U.S. Immigration and Customs Enforcement (ICE) law enforcement officers, and more than 1,500 support staff needed to more robustly execute the Department's border security and immigration enforcement missions. It also funds construction and renovations at the Federal Law Enforcement Training Centers to meet increased training requirements for DHS.

Investments in our layered defense at the border would include 65 miles of new border wall construction in the highest-traffic zones along the southwest border, as well as priority tactical infrastructure, border security technology improvements, and aircraft acquisition. The Administration also reiterates the importance of addressing the unfunded border wall requests from the FY 2018 Budget in addition to the investments outlined in the FY 2019 Budget. These investments ensure DHS law enforcement personnel are supported with effective surveillance technology and equipment to improve their ability to detect and interdict illegal activity.

The FY 2019 President's Budget also includes funding for 52,000 detention beds, including 2,500 beds reserved for family units, to ensure that apprehended aliens who are subject to removal from the United States—such as illegal border crossers, criminal aliens, and national security threats—are detained in safe and secure detention facilities pending their removal. For apprehended aliens who are not considered a threat to our communities, but who may pose a diminished flight risk, the President's Budget would fund ICE's Alternatives to Detention Program to provide intensive supervision for up to 82,000 average daily participants through a combination of home visits, office visits, alert response and electronic monitoring. Proposed funding for removal operations will facilitate the complex coordination required to return aliens safely and expeditiously to their home countries and pay for transportation costs.

Unfortunately, some of these critical missions are impeded by jurisdictions that refuse to cooperate with DHS in the enforcement of federal law. This makes it more dangerous for federal agents and officers to do their jobs. And it creates a greater threat to public safety, and results in

greater expense to American taxpayers. I hope the Committee will work with DHS to help make sure jurisdictions around the country do not harbor criminal aliens or put the men and women of DHS at risk while they are doing their jobs to protect the public.

The Budget gives our frontline operators the tools and resources they need to more aggressively disrupt and dismantle transnational threats. It would advance the Administration's efforts to block terrorists, criminals, and other nefarious actors from reaching the United States and exploiting our immigration system. It would further integrate intelligence into DHS operations to make sure rapid changes in the threat environment are met with a near-real-time change in our response. And it proposes funding across the Department for initiatives that will help us keep pace with adaptive enemies and new threats.

For example, the Budget focuses on bolstering DHS activities to counter transnational criminal organizations (TCOs). TCOs are facilitating the illicit flow of opioids and other deadly substances into America. The drugs and violence they import are a threat to our communities and the American people, which is why we are focused on ramping up counter-TCO activities. The Budget bolsters the capacity of ICE/Homeland Security Investigations special agents to conduct transnational criminal investigations, and it provides funding to support law enforcement hiring and workload growth consistent with this mission, including \$105 million for critical training, IT, facility support infrastructure, and wiretaps associated with ICE's proposed increased staffing and workload.

The Budget proposes essential funding to implement the President's executive orders to intensify vetting of U.S.-bound travelers and individuals in our immigration system. Since the beginning of last year, DHS has undertaken historic efforts to improve every phase of the vetting process so that we can be more confident in knowing who is coming into our country—and more capable of identifying nefarious actors. This includes making applications more rigorous, deepening background checks, tightening travel and arrival screening, and enforcing foreign government information-sharing requirements. The Budget will facilitate the stand-up of the newly announced National Vetting Center (NVC), which will become a central U.S. Government hub for fusing intelligence, law enforcement, and homeland security data to enhance the vetting process. A detailed implementation plan is currently under development to identify NVC capacity and operational needs that will inform future budget requests.

DHS is seeking to provide critical resources to the U.S. Coast Guard (USCG) to better defend the nation against transnational threats and support the response to natural disasters. USCG secures our maritime borders by operating up to more than 1,500 miles offshore to extend the Nation's security and to enforce laws. During the 2017 hurricane season, the USCG, working alongside the Federal Emergency Management Agency (FEMA), was prepared and immediately responded to the needs of our citizens and partner nations. Their unique blend of statutory authorities combines civil law enforcement, response, and prevention with military service capabilities, resulting in an extremely agile force capable of responding to any significant event or emergency.

The FY 2019 President's Budget requests \$1.9 billion for the recapitalization of USCG assets. This funding provides for a new Offshore Patrol Cutter, four Fast Response Cutters, and the

Nation's first new heavy Polar Icebreaker in more than 40 years, providing an advanced command, control and communications platform capable of operating in the harshest environments. It also provides for timely and necessary sensor and service-life extensions to aircraft and improvements to shore infrastructure. These are the investments we need to be making to defend our territory, and I hope the Committee will support our requests.

Furthermore, we are also seeking important cybersecurity enhancements. This Committee knows that the dangers we face online are serious, and they emanate from hackers, TCOs, nation-states, and other nefarious actors, as I noted earlier. DHS is on the digital frontlines of this fight and is undertaking historic efforts to safeguard the Federal Government's civilian information technology systems and to work with all levels of government, international partners, and business sectors to share cybersecurity information and build resilient systems.

The President's Budget would continue investments in cybersecurity initiatives that protect federal networks and address identified vulnerabilities. More than \$644 million is requested for DHS's Continuous Diagnostics and Mitigation program and the National Cybersecurity Protection System, which provide network monitoring, intrusion prevention, intrusion detection, and analytical capabilities to strengthen the cybersecurity of federal civilian departments and agencies.

The threat is real, and we know that a sophisticated adversary can put the foundations of our democracy at risk through cyberattacks, which is why our request for FY 2019 would also make sure DHS is positioned to counter malign foreign influence efforts by supporting state and local election officials in defending the integrity of election systems. The Budget also would provide \$158 million to secure the Nation's interoperable emergency communications capabilities that enable first responders and government officials to continue to communicate in the event of natural and man-made disasters.

Moreover, DHS is seeking to ramp up "soft target" security efforts. From terrorist attacks to school shootings, we have seen public areas continue to be prime targets for violence. Our National Protection and Programs Directorate (NPPD) is helping to lead the charge on soft target security. The President's Budget would provide almost \$12 million for the establishment of the Soft Target Security Program which would expand NPPD's capabilities to reduce the risks to these locations through a mix of technology integration, targeted threat information sharing, training, and improved standards for security. This program will provide a more comprehensive, innovative, and coordinated approach to address threats to soft targets—including schools, entertainment venues, major events, and public spaces.

Our wider transportation system also faces persistent and emerging threats, as terrorists adapt their tactics to target airlines, airports, and other transportation hubs. The President's Budget was built to confront these challenges. It would add 717 TSA screeners and 200 additional computed tomography systems in order to stay ahead of our enemies, especially by helping to better detect concealed explosives, threat devices, and suspicious passengers. This budget would also provide an increase of nearly \$27 million for CBP's National Targeting Center to improve our capabilities to identify high-risk individuals and cargo both entering and exiting the United States in the air, land, and sea environments.

The President's Budget recognizes that *homeland security* is central to *economic security*. It would provide funding to ensure DHS components are able to facilitate lawful trade and travel, mitigate threats, hold violators accountable, counter foreign economic aggression, and advance America's economic interests. For instance, the Department is focused on maintaining a level playing field for the \$2.4 trillion dollars of imports crossing our border each year, which is why the President's Budget includes funding to enhance the Automated Commercial Environment (ACE) and to put more attention on high-risk imports while facilitating the movement of smaller, legitimate shipments more quickly. The request also includes funding for additional attorneys, trade specialists, and financial specialists to provide adequate support for trade facilitation and enforcement activities.

The men and women of the U.S. Secret Service (USSS) also protect our Nation's financial infrastructure, and the FY 2019 Budget supports the USSS in its use of advanced technologies and task force partnerships to enforce counterfeiting laws and to safeguard the payment and financial systems of the United States from financial and computer-based crimes. The agency also protects our highest elected officials, visiting foreign dignitaries, select Federal facilities, and major events. The request would allow for an additional 450 USSS agents, officers, and professional staff and would fund critical protective infrastructure and technology upgrades.

Last year our country experienced one of the most costly and damaging seasons for natural disasters in recent history. DHS is committed to helping our communities in the wake of these catastrophic events, and FEMA will devote the resources and attention needed—in cooperation with state, local, tribal, and territorial governments across the country—to ensure we recover. The President's Budget supports the DRF, which sustains FEMA's response and recovery efforts and funds a variety of federal assistance programs that enable state and local governments to prevent, protect, respond, and recover from incidents of terrorism and other catastrophic events. The Budget also focuses on other efforts that will help create a "culture of preparedness" nationwide and make our nation more resilient to disasters.

The 2019 President's Budget is committed to ensuring that every American dollar is spent wisely, and DHS continues to identify efficiencies to meet this goal. The Budget funds the construction of a new headquarters building for FEMA at the St. Elizabeths campus, which will consolidate a wide range of DHS entities in a common location when complete. This will not only foster integrated decision making and collaboration, but it will provide for more efficient use of shared resources across the Department, while also reducing the Department's rent costs.

Closing

The DHS workforce is exceptional. Our dedicated professionals are on watch 24-hours-a-day, 365-days-a-year protecting Americans from threats by land, sea, air, and in cyberspace, while also promoting our Nation's economic prosperity. I have seen their courage and grit firsthand. And I have seen them take decisive action to protect us all from terrorists, transnational criminal organizations, rogue nation states, natural disasters, and more. Let's show them we have their backs by working together to secure the authorities *and* resources they need to do their jobs.

Thank you again for the opportunity to appear before you today and for your continued support of DHS. I remain committed to working with Congress, and I look forward to forging a strong and productive relationship to secure our homeland.

I am pleased to answer any questions.