

Question#:	1
Topic:	Wall vs. Ports of Entry
Hearing:	Oversight of the United States Department of Homeland Security
Primary:	The Honorable Dianne Feinstein
Committee:	JUDICIARY (SENATE)

Question: According to the Drug Enforcement Administration (DEA), the bulk of drugs smuggled over the southwest border are transported through Ports of Entry rather than between the ports. (2015 National Drug Threat Assessment, DEA, Oct. 2015)

Given this observation, would your agency prioritize the design and construction of a wall over the strengthening of our established Ports of Entry?

Response: As the guardian of our nation’s borders and the gateway to our global economy, U.S. Customs and Border Protection (CBP) is a mission-focused agency committed to ensuring the nation’s safety, security, and prosperity. In addition to the crucial roles played by our law enforcement personnel and infrastructure, technology is a key multiplier in CBP’s efforts to secure our more than 5,000 miles of border with Canada, 1,900 miles of border with Mexico, and approximately 95,000 miles of shoreline at and between the Ports of Entry. CBP remains committed to securing our borders, associated airspace, and maritime approaches to prevent illegal entry of people and goods into the United States. The border environment in which CBP works is dynamic and requires continual adaptation to respond to emerging threats and changing conditions. Decisions to improve our border with barriers, technology, and personnel at or between borders depends on the location and threats. There is no “one size fits all” solution, and the operating environment is constantly changing. For CBP to remain agile in addressing the threat of illicit drugs entering through U.S. borders, a balanced approach is necessary for a comprehensive border security for investments between the border and at the Ports of Entry.

Question#:	2
Topic:	Cross Border Tunnel
Hearing:	Oversight of the United States Department of Homeland Security
Primary:	The Honorable Dianne Feinstein
Committee:	JUDICIARY (SENATE)

Question: According to Customs and Border Protection, since 1990, 201 illicit cross border tunnels have been discovered in the United States. Seventy-five of these were located in California - nearly half included lights, ventilation, and rails to transport narcotics. Because Mexico does not permanently close them upon discovery as the U.S. does, many tunnels have been reused.

What, if any, steps has the Department taken to encourage the Mexican government to immediately and permanently close cross-border tunnels upon discovery?

If the Department has not engaged with the Mexican government directly on this issue, will you commit to doing so?

Response: CBP and HSI are working with Mexican Attorney General (Procuraduria General de la República) in order to find ways to assist with tunnel detection and remediation. CBP works with the Mexican Federal Police and other local partners in the creation of bi-national tunnel enforcement teams, and exploring ways to provide bi-national tunnel enforcement training with relevant stake holders; HSI works with its Transnational Criminal Investigative Unit (TCIU) in the collection and investigative responsibilities of all tunnel-related leads with the desired outcome of disruption, dismantlement and prosecution.

Question#:	3
Topic:	Establish Standard Operating Procedures
Hearing:	Oversight of the United States Department of Homeland Security
Primary:	The Honorable Dianne Feinstein
Committee:	JUDICIARY (SENATE)

Question: A May 2017 GAO Report titled "Border Security: Additional Actions Could Strengthen DHS Efforts to Address Subterranean, Aerial, and Maritime Smuggling," found that between fiscal years 2011 and 2016, 67 cross-border tunnels were discovered. Additionally, 534 ultralight aircraft incursions and 309 drug smuggling incidents involving panga boats and recreational vessels along U.S. mainland borders were detected. The report further found that the agencies tasked with border security lack a comprehensive, collaborative approach. The report recommended that the Department of Homeland Security direct Customs and Border Protection-U.S. Immigration and Customs Enforcement tunnel committee to convene regularly and establish standard operating procedures to address cross-border tunnels and information sharing. It is my understanding that while Customs and Border Protection and Immigration and Customs Enforcement both agreed with this recommendation, the Department did not. Instead, the Department believes appropriate procedures are already in place.

Please explain the procedures that are in place and how these specifically address the concerns raised in the GAO report.

Response: We agree that effective and standardized operating procedures for addressing cross border tunnel interdiction and investigations benefits the unified mission of the Department of Homeland Security. On November 16, 2004, the U.S. Border Patrol and ICE signed a memorandum of understanding governing the interaction between the two agencies. It was agreed by both parties in the MOU that the U.S. Border Patrol has primary responsibility for all cross-border interdiction efforts, while ICE Homeland Security Investigations (HSI) maintains primary responsibility for all investigations.

The agencies agreed that the U.S Border Patrol will notify ICE-HSI, for the purpose of facilitating investigative efforts, of the interdiction or investigation of a cross-border tunnel. It also directs the USBP Chief Patrol Agent and the ICE-HSI Special Agent in Charge to jointly develop local notification thresholds and protocols that consider their unique operational environments.

This decision-making and coordination authority exists at the local level, which allows for rapid changes in mutual strategies, as migration patterns, trans-national criminal organizations and threats move along the border. We also agree that mutual communication at the headquarters level has value.

However, ICE-HSI did not concur with all of the GAO's findings because the recommended collaboration was already being done. In response to the significant

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increase in violence along the Southwest Border with Mexico, ICE, in partnership with CBP, as well as other federal, state, local, and international law enforcement agencies, created the Border Enforcement Security Task Forces (BEST). Several of the BEST units serve as Tunnel Taskforces, wherein HSI agents and USBP agents work side-by-side to eliminate redundancies and intelligence gaps, ensure that all component equities are maximized, and provide maximum visibility to Departmental leadership of all efforts to combat illicit tunnels.

In addition, both ICE-HSI and CBP work with the DHS Office of Science and Technology to evaluate technology solutions that could assist the agencies with improving their ability to detect and mitigate smuggling tunnels. Current technologies to identify and interdict tunnels along the border are experimental at this time and are undergoing various stages of testing. As successful technologies are further developed and then installed along the border, they will create opportunities to coordinate and develop additional processes to increase the efficiency and effectiveness of both agency's efforts to thwart trans-national criminal organizations in the subterranean environment.

Question#:	4
Topic:	Border Fencing Contributions
Hearing:	Oversight of the United States Department of Homeland Security
Primary:	The Honorable Dianne Feinstein
Committee:	JUDICIARY (SENATE)

Question: A February 2017 Government Accountability Office (GAO) report found that Customs and Border Protection (CBP) needs to improve its ability to measure how border fencing contributes to general border security operations. ("Southwest Border Security - Additional Actions Needed to Better Assess Fencing's Contributions to Operations and Provide Guidance for Identifying Capability Gaps," GAO, Feb. 2017)

What changes, if any, has the agency undertaken to address the recommendations in the GAO report?

Response: The U.S. Border Patrol (USBP) continues to work with GAO in formulating a corrective action plan, with estimated completion dates, to address the recommendations that align with top-level strategic guidance on wall investments, and actions that have emanated from it.

In order to address current threat activity along the southwest border, USBP developed an Impedance and Denial (I&D) Prioritization Strategy. A key component of this strategy is a decision support tool, developed to help evaluate and prioritize wall investments along the border by providing I&D, so that investments could be applied incrementally to the areas of greatest need, and in which such investments could have the greatest operational impact. In developing this decision support tool, the USBP began a process that is in alignment with GAO's Recommendation. GAO recommended that metrics to assess the contributions of pedestrian and vehicle fencing to border security along the southwest border should be developed and applied using the data USBP already collects when making investment and resource allocation decisions.

USBP intends to continue refinement and use of the decision support tool, and to incorporate the tool into the Requirements Management Process. USBP intends to identify specific metrics that can be used to evaluate I&D along the Southern Border, as well as metrics that can inform the lifecycle needs of wall investments to ensure wall integrity.

Question#:	5
Topic:	Asylum-Seekers at the Border
Hearing:	Oversight of the United States Department of Homeland Security
Primary:	The Honorable Dianne Feinstein
Committee:	JUDICIARY (SENATE)

Question: The San Diego Union-Tribune reported that a processing backlog at ports of entry in San Diego has left some asylum-seekers stranded in Tijuana. (Asylum seekers overwhelming U.S. processing in San Diego ports, SAN DIEGO UNION-TRIBUNE, Dec. 26, 2017) In July, I wrote a letter to then-DHS Secretary John Kelly expressing strong concerns over reports that asylum seekers were being turned away when they arrived at the border. The recently reported backlog has renewed my concerns on this issue.

To your knowledge, have immigration officials turned away any asylum seekers or left them stranded in Mexico as a result of the recent surge?

Response: CBP's policies and training are clear that no one seeking asylum may be turned away upon arrival to a port of entry. CBP treats all individuals in accordance with applicable U.S. law and international obligations.

Ports of entry may face capacity and facility constraints during surges. CBP policy states that every effort must be made to hold detainees for the least time required for their processing, transfer, release, or repatriation as appropriate and operationally feasible. Ports of entry were neither intended nor designed for the long term custody of individuals; they are intended as short term processing facilities used until the detainees can be turned over to U.S. Immigration and Customs Enforcement, Enforcement and Removal Office (ERO). CBP policy states that under no circumstances should the maximum occupancy rate, set by the fire marshal, be exceeded. As resources and capacity constraints are reached at the port of entry, it becomes necessary to limit the processing of new asylum claims until resources and space become available. These conditions were common during the last migrant surge in 2016, and are occurring again in 2018. When port resources and capacity are reached, intended asylum seekers are asked to remain in Mexico, where shelters and support from non-governmental organizations (NGOs) are available. Once resources and capacity are available, the port once again accepts new asylum seekers.

Question: Does the agency track the number of asylum seekers it turns away?

Response: According to U.S. law and CBP policy, if an alien arriving at a port of entry is determined to be inadmissible to the United States, and expresses a fear of return to his or her country of origin, he or she must be referred to either an asylum officer or issued a notice to appear before an immigration judge, as appropriate. CBP officers may not turn

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away such aliens and are not permitted to determine the validity of an alien's claim of fear.

Question: What measures is the agency taking to address the recent processing backlog?

Response: For all individuals seeking entry into the United States, processing occurs inside CBP's port of entry facilities. If, after CBP has processed individuals, they are determined to be inadmissible, they are generally transferred into the custody of U.S. Immigration and Customs Enforcement (ICE), Enforcement and Removal Operations (ERO), for detention and further disposition.

During any situation in which the number of individuals arriving at a particular port of entry is more than the facility can accommodate, CBP takes proactive steps to accommodate travelers by maximizing utilization of port of entry space as needed, leveraging additional U.S. Border Patrol facilities, and working with interagency partners. U.S. Customs and Border Protection Officers (CBPOs) continue to process all travelers entering the United States as quickly as possible; each person is processed as they arrive at the port of entry.

In addition, CBP closely monitors the processing of cases and coordinates with ICE ERO daily to ensure that cases are processed expeditiously and transferred to ICE ERO for placement at the detention facilities and further disposition.

Question: What is the agency doing to ensure that Customs and Border Protection officers are complying with the law in light of the processing backlog?

Response: CBP is committed to ensuring that CBPOs process all aliens arriving at ports of entry in accordance with applicable laws, policies, and standards. CBP maintains appropriate standards of care for those individuals that it must temporarily house in our facilities. CBP also regularly issues guidance to the field reminding CBPOs of their legal obligations towards those who express a fear of return to their country of origin.

Question#:	6
Topic:	Adapting to Climate Change
Hearing:	Oversight of the United States Department of Homeland Security
Primary:	The Honorable Dianne Feinstein
Committee:	JUDICIARY (SENATE)

Question: A recent GAO report highlighted the serious costs that global warming will incur in the coming decades because of increased flooding and more severe storms. ("Information on Potential Economic Effects Could Help Guide Federal Efforts to Reduce Fiscal Exposure," GAO, Sept. 2017) In spite of this, an executive order that required a new flood risk reduction standard for projects that receive federal funding was rolled back by President Trump in August, and members of his administration have questioned the scientific consensus on climate change. As we saw in Houston, doubting the reality of climate change has dire consequences for people who live in vulnerable communities.

What steps is the Department taking to help states and communities adapt to climate change?

Response: With FEMA’s consequence management mission, the agency is attuned to environmental changes that impact future disasters – including the built environment, human behavior, and variations in climate patterns. FEMA assists states and communities to identify future risks from such changes and natural hazards. FEMA also assists in providing means to address these changing risks over time. These activities are accomplished through a number of FEMA programs as follows:

Hazard Mitigation Planning:

Under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) for certain types of non-emergency disaster assistance and under Section 1366 of the National Flood Insurance Act of 1968 (NFIA), as amended (42 U.S.C. 4104c), FEMA requires state, tribal, and local governments to develop and adopt hazard mitigation plans as a condition for receiving assistance. The purpose of mitigation planning for state, tribal, and local governments is to identify their vulnerabilities to natural hazards and identify actions and activities to reduce potential losses from those hazards. The mitigation planning regulation at Title 44 Code of Federal Regulations (CFR) Part 201 Mitigation Planning requires risk assessments to include a description of the type, location, and extent of all natural hazards that can affect a given jurisdiction. In addition, mitigation plans include information on previous occurrences of hazard events and on the probability of future hazard events, using maps where appropriate.

FEMA’s Hazard Mitigation Assistance (HMA) programs, Pre-Disaster Mitigation (PDM) and Hazard Mitigation Grant Program (HMGP), provide funding for mitigation planning grants. The Flood Mitigation Assistance (FMA) provides funding for the flood-only portion of a mitigation plan. HMGP also provides funding for planning-related activities.

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National Flood Insurance Program (NFIP) / Community Rating System (CRS):

Under the NFIP, flood insurance is made available to communities that adopt minimal floodplain management standards as outlined in Title 44 C.F.R., Sec. 60.3. A corollary program, the CRS, incentivizes and rewards communities that implement floodplain management practices that go beyond the minimums outlined in NFIP regulations. Communities are assessed on a variety of floodplain management activities that enhance their overall resistance to flood hazards. Some of these activities such as preservation of open space, acquisition or elevation of flood prone structures, use of additional “freeboard” (building elevation above known flood levels) provide a margin of safety to help communities better withstand increasing flood levels due to sea level rise or increasing intensity of storm events as well as manmade influences (increased urbanization and concomitant increases in storm water runoff and flood levels). Implementation of these floodplain management practices can have a direct impact on flood insurance premium rates for a given community as they serve to directly reduce flood risk.

Flood Mapping:

Following legislative direction in the Biggert Waters Flood Insurance Reform Act of 2012, FEMA is exploring how to include future conditions information and data from other Federal agencies in flood map updates. Specifically, the Technical Mapping Advisory Council (TMAC) develops recommendations for future conditions mapping to take into account changes in flood prone areas over time. TMAC reports can be found here: <https://www.fema.gov/technical-mapping-advisory-council>.

Disaster Resistant Codes and Standards:

Disaster resistant building codes help to create resilient communities through stronger buildings that resist the effects of natural hazards. FEMA is actively engaged in efforts to develop and promote the use of disaster resistant codes also known as consensus codes developed by the International Code Council (ICC). FEMA Policy 204-078-2, Disaster Risk Reduction Minimum Codes and Standards released in September, 2016 is designed to encourage and, to the extent permitted by law, require the integration and use of nationally recognized voluntary consensus-based building codes and standards consistently across FEMA programs. For a variety of mitigation projects, utilization of these codes and standards are made a condition of funding to state and local grant recipients under FEMA’s Hazard Mitigation Assistance (HMA) and Public Assistance (PA) programs. The flood standards used include a margin of safety to account for

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increasing flood levels due to environmental changes and manmade alterations to the built environment.

Hazard Mitigation Grant Funding:

Sections 203, 404, 406, and 428 of the Stafford Act provide authority to provide funding for hazard mitigation measures, which are cost-effective and substantially reduce the risk of future damage, hardship, loss of life, and damage and destruction of property. Section 1366 of the NFIA, as amended, provides funding to reduce the risk of flood damage to structures covered by flood insurance under the NFIA.

FEMA’s Hazard Mitigation Assistance (HMA) programs encourage communities to become more resilient and to incorporate future risk considerations into their project scoping and development. FEMA’s three HMA grant programs, Pre-Disaster Mitigation (PDM) and the Hazard Mitigation Grant Program (HMGP), which are authorized under the Stafford Act, as amended, and the Flood Mitigation Assistance FMA program (authorized under the NFIA) provide an average of \$700 million annually in grants for communities to implement hazard mitigation measures.

Additionally, FEMA’s HMA programs have incorporated new project types and enhancements to encourage communities to apply for HMA grants to reduce the risk of harm resulting from the effects of changing climatic conditions. These actions include expanding the use of ecosystem service values for applicable project types, the use of sea level rise considerations in benefit-cost analyses and project development, and projects that serve to mitigate drought conditions and an increasing wildfire hazard. FEMA’s Public Assistance Program also assists communities to become more resilient by funding measures to protect damaged facilities against future damage, restoration of facilities to local codes and standards, implementing the hazard-resistant design provisions of the International Code Council’s building codes for buildings that have sustained significant damage, and by relocation of some facilities outside hazard- prone areas.

Question#:	7
Topic:	Refugees Admitted
Hearing:	Oversight of the United States Department of Homeland Security
Primary:	The Honorable Dianne Feinstein
Committee:	JUDICIARY (SENATE)

Question: The Wall Street Journal recently reported that only about 5,000 refugees were admitted into the United States during the first three months of fiscal year 2018. (Refugee admissions to U.S. off to slow start in fiscal year 2018, WALL STREET JOURNAL, Jan. 7, 2018) If this trend continues, the Trump Administration will fail to reach its goal of admitting 45,000 refugees, which is already a historic low.

What explains the delay in processing refugees?

Response: While we defer to the U.S. Department of State on the scheduling of refugees for travel to the United States, we note that refugee admissions rarely proceed at a steady pace throughout the year, and admissions during the first quarter of the fiscal year are often less than 25 percent of the annual ceiling. It is premature to predict the number of refugees who will ultimately be admitted in FY 2018.

That said, the level of admissions in the first half of FY 2018 was affected by recommendations resulting from the 120-day review called for under Executive Order (EO) 13780, *Protecting the Nation from Foreign Terrorist Entry into the United States*, that ran through October 24, 2017. As a result of that review, certain new procedures and additional security checks are required for refugee applicants. Additionally, EO 13815, *Resuming the United States Refugee Admissions Program with Enhanced Vetting Capabilities*, also called for a 90-day review that ran through January 29, 2018, and resulted in additional screening and vetting enhancements for certain populations of refugee applicants. DHS and the Department of State have been working to implement these changes, but the changes have slowed the pace of admissions.

USCIS continues to conduct refugee processing circuit rides to interview refugee applicants, and also continues to interview refugee applicants in locations where USCIS has staff posted abroad.

Question: What plans does the Department have to meet the refugee cap of 45,000 this fiscal year?

Response: We respectfully defer to the U.S. Department of State on the pace of admissions for this fiscal year, but note that 45,000 is a ceiling for FY 2018.

Question#:	8
Topic:	Sources of Refugees and Circuit Rides
Hearing:	Oversight of the United States Department of Homeland Security
Primary:	The Honorable Dianne Feinstein
Committee:	JUDICIARY (SENATE)

Question: Of the refugees admitted thus far in fiscal year 2018, what are the top six source countries, and how many refugees from each of these source countries have been admitted?

Response: Statistics as of December 31, 2017. Source: Worldwide Refugee Admissions Processing Systems (WRAPS).

Bhutan	1535
Dem. Rep. of Congo	1154
Burma	655
Ukraine	487
Eritrea	428
Russia	132

Question: How many circuit rides have been scheduled for fiscal year 2018 thus far and where will these circuit rides take place?

Response: The following circuit rides were completed in Quarter 1 of FY 2018.

- Burundi
- Tanzania
- El Salvador
- Honduras
- Guatemala
- Nepal
- Ukraine
- Moldova
- South Africa
- Thailand
- Russia (processed in USCIS Moscow Field Office)
- India (processed in New Delhi Field Office)

The following circuit rides are scheduled for Quarter 2 of FY 2018. The circuit rides are subject to change, including dates and location.

- Burundi
- Tanzania
- Rwanda
- Uganda

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El Salvador
Honduras
Malaysia
Thailand
Nauru
Papua New Guinea

Circuit rides for the remainder of the 2018 fiscal year are in the planning stages.

Question#:	9
Topic:	Family-Based Petitions
Hearing:	Oversight of the United States Department of Homeland Security
Primary:	The Honorable Dianne Feinstein
Committee:	JUDICIARY (SENATE)

Question: A Reuters analysis and report of data provided by U.S. Citizenship and Immigration Services (USCIS) revealed that the approval of family-based petitions has dropped to its lowest level in more than a decade. (Fewer family visas approved as Trump toughens vetting of immigrants: Reuters review, REUTERS, Jan. 4, 2017) It further noted that there have been significant delays in the adjudication of I-130 applications.

What is the explanation for the sharp decrease in adjudications and approvals of family-based petitions?

Response: Per the data provided below, there was a sharp decrease in Form I-130 adjudications in Fiscal Year 2017 compared to the three previous years. The primary reason for that was a drop in adjudications of preference classification I-130s. Typically, a visa number for a preference classification will not be available for years after the I-130 is filed, and adjudicating the I-130 far in advance of visa number availability provides no immigration benefit to a petitioner or beneficiary. USCIS finds that prioritizing case processing where the beneficiary will not be able to apply for a visa or adjustment of status for many years is not the most efficient use of officer resources. USCIS decided in January 2017 to focus resources on other workloads, in order to prioritize adjudications of forms and benefits that are immediately or almost immediately available to applicants and beneficiaries.

U.S. Citizenship & Immigration Services Form I-130, Petition for Alien Relative Pending Petitions for Principal Beneficiaries January 26, 2018	
Preference Category	Number of Pending Petitions
Immediate Relatives	631,792
Subtotal I-130 Preference	954,295
1st	52,119
2nd (2A)	207,218
2nd (2B)	123,736

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3rd	78,820
4th	492,402
Grand Total	1,586,087

Please note:

1) *The report reflects the most up-to-date data available at the time the report is generated.*

2) *Publically available reports based on manual reporting show that the I-130 preference pending*

total was 825,000 in September 2017.

Database Queried: January 26, 2018

Report Created: January 26, 2018

System: C3 Consolidated

By: Office of Performance and Quality (OPQ), Performance Analysis and Data Reporting (PAER), KS

Parameters

Date: All time

Form Number: I-130

Data Type: Count of Pending Petitions

**U.S. Citizenship & Immigration Services
Form I-130, Petition for Alien Relative
Approvals and Denials for Principal Beneficiaries
Fiscal Year 2013 - 2017**

Fiscal Year	Preference Category	Approvals	Denials	Total Completions	Approval Rate	Denial Rate
2013		558,418	41,261	599,679	93.1%	6.9%
	Immediate Relative	404,366	29,116	433,482	93.3%	6.7%
	1st Preference	7,866	1,762	9,628	81.7%	18.3%
	2nd (2A) Preference	95,696	4,002	99,698	96.0%	4.0%
	2nd (2B) Preference	21,696	2,327	24,023	90.3%	9.7%

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	3rd (Preference)	5,791	1,160	6,951	83.3%	16.7%
	4th (Preference)	23,003	2,894	25,897	88.8%	11.2%
2014		833,731	63,742	897,473	92.9%	7.1%
	Immediate Relative	580,318	35,127	615,445	94.3%	5.7%
	1st Preference	35,574	4,972	40,546	87.7%	12.3%
	2nd (2A) Preference	103,963	9,049	113,012	92.0%	8.0%
	2nd (2B) Preference	52,704	7,394	60,098	87.7%	12.3%
	3rd (Preference)	11,606	2,387	13,993	82.9%	17.1%
	4th (Preference)	49,566	4,813	54,379	91.1%	8.9%
2015		744,648	62,743	807,391	92.2%	7.8%
	Immediate Relative	491,916	30,854	522,770	94.1%	5.9%
	1st Preference	21,922	5,010	26,932	81.4%	18.6%
	2nd (2A) Preference	101,241	5,853	107,094	94.5%	5.5%
	2nd (2B) Preference	27,268	4,334	31,602	86.3%	13.7%
	3rd (Preference)	21,784	2,959	24,743	88.0%	12.0%
	4th (Preference)	80,517	13,733	94,250	85.4%	14.6%
2016		684,489	50,288	734,777	93.2%	6.8%
	Immediate Relative	543,836	31,315	575,151	94.6%	5.4%
	1st Preference	13,963	3,177	17,140	81.5%	18.5%
	2nd (2A) Preference	98,267	6,593	104,860	93.7%	6.3%
	2nd (2B) Preference	10,383	3,255	13,638	76.1%	23.9%
	3rd (Preference)	4,305	1,713	6,018	71.5%	28.5%
	4th (Preference)	13,735	4,235	17,970	76.4%	23.6%
2017		546,185	52,565	598,750	91.2%	8.8%
	Immediate Relative	484,302	34,511	518,813	93.3%	6.7%
	1st Preference	5,163	2,609	7,772	66.4%	33.6%
	2nd (2A) Preference	45,206	6,809	52,015	86.9%	13.1%
	2nd (2B) Preference	3,125	3,931	7,056	44.3%	55.7%
	3rd (Preference)	2,016	2,293	4,309	46.8%	53.2%
	4th (Preference)	6,373	2,412	8,785	72.5%	27.5%
Grand Total		3,367,471	270,599	3,638,070	92.6%	7.4%

Please
note:

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1) The report reflects the most up-to-date data available at the time the report is generated.

2) Cases may have been adjudicated in a later year than the one in which they were received.

Database Queried: January 22, 2018

Report Created: January 22, 2018

System: C3 Consolidated

By: Office of Performance and Quality (OPQ), Performance Analysis and Data Reporting (PAER), KS

Parameters

Date: Oct 1, 2012 - Sep 30, 2017

Form Number: I-130

Data Type: Count of Approvals, Denials

Legend

Beneficiary Type	Preference Category
Husband or wife of U.S. Citizen, 201(b) INA	IR
Parent of U.S. Citizen, 201(b) INA	IR
Unmarried child (under age 21) of U.S. Citizen, 201(b) INA	IR
Unmarried son or daughter (21 or older) of USC, 203(a)(1) INA	1st
Husband or wife of permanent resident, 203(a)(2)(A) INA	2nd (2A)
Unmarried child under 21 of permanent resident, 203(a)(2)(A) INA	2nd (2A)
Unmarried son or daughter (21 or older) of LPR, 203(a)(2)(B) INA	2nd (2B)
Married son or daughter of US Citizen, 203(a)(3) INA	3rd

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Brother or sister of US Citizen,
203(a)(4) INA

4th

Question: Has the Department issued new guidance or policies regarding the adjudication and approval of family-based petitions? If so, summarize those changes.

Response: There are no new policies on family petitions.

Question: What new anti-fraud or screening measures has the Department adopted, which affect the adjudication or approval of family-based petitions?

Response: Consistent with Executive Order 13780, *Protecting the Nation from Foreign Terrorist Entry into the United States*, Section 5 (a), USCIS is working to maximize the effectiveness of interviews as a tool to improve the integrity of the adjudication process and detect benefit fraud or national security concerns. To increase the quality, quantity, and effectiveness of interviews, USCIS has:

- USCIS will no longer exercise discretion under 8 C.F.R. to waive the interview in certain types of adjustment cases. As a result, USCIS is interviewing for all applicants adjusting status based on an underlying K-1/I-129F (Petition for Alien Fiancé(e), or (Form I-140, Immigrant Petition for Alien Worker), and for following-to-join beneficiaries (Form I-730, Refugee/Asylee Relative Petition) already residing in the United States. As a result of these workload shifts, USCIS will add an estimated 200,000 interviews to existing workloads, a 20 percent increase in workload on an annual basis.
- Initiated a focused, multi-year training effort designed to enhance the skills of interviewing officers. In addition to mandatory annual interview skills training, interviewing officers will take a U.S. Customs and Border Protection (CBP) Enhanced Communications Course and a USCIS Fraud Detection and National Security (FDNS) National Security Indicator Training course. This training will inform interviewing officers on how to recognize and act upon national security concern indicators discovered during file review or the interview.
- Tested the usefulness of social media checks on a sample of cases that warranted referral for suspected fraud or other reasons.

Next Steps

Question#:	9
Topic:	Family-Based Petitions
Hearing:	Oversight of the United States Department of Homeland Security
Primary:	The Honorable Dianne Feinstein
Committee:	JUDICIARY (SENATE)

- USCIS will interview Form I-751 (Petition to Remove Conditions on Residence) petitioners who consular-processed as conditional residents, unless the officer has a reason to waive the interview.
- USCIS will continue to evaluate and expand the number of interviews based on an analysis of the risk posed by the individuals.

Question#:	10
Topic:	Searching Electronic Devices at the Border
Hearing:	Oversight of the United States Department of Homeland Security
Primary:	The Honorable Dianne Feinstein
Committee:	JUDICIARY (SENATE)

Question: Customs and Border Protection (CBP) recently provided new guidance about searching electronic devices at the border.

What measures is the Department taking to ensure that this incredible authority is not abused?

Response: CBP conducts border searches of electronic devices in accordance with all legal requirements. CBP’s Directive provides for robust supervisory reviews and controls and imposes certain policy requirements, above and beyond prevailing legal requirements, to ensure that the border search of electronic devices is exercised judiciously, responsibly, and consistent with the public trust. In order to facilitate audits and other accountability reviews of border searches, all CBP officers conducting a border search are responsible for completing all after-action reporting requirements, such as completing required forms and/or updating appropriate records in CBP systems. Supervisors review and approve all after-action reporting requirements to verify the border search was conducted in compliance with the CBP Directive. As a further control, CBP requires GS-14 level supervisory approval for any advanced border search. The new Directive requires CBP to develop and periodically administer an auditing system to ensure that border searches of electronic devices are conducted in accordance with law and policy, and in addition to CBP’s internal oversight, the DHS Office of the Inspector General is required by statute to conduct annual reviews, over the course of three consecutive years, to determine whether CBP’s border searches of electronic devices are consistent with the CBP Directive. CBP Headquarters reviews a minimum of 30 randomly selected after-action reports monthly to verify that the border search was conducted in compliance with the CBP Directive. Finally, CBP provides travelers whose devices are subject to border search with a “tear sheet” that answers frequently asked questions and provides contact information should travelers have additional questions or concerns about the search of their device(s).

Question: What training is CBP providing to its employees with respect to the implementation of this new guidance?

Response: All CBP officers have received the Directive, briefings, and internal memoranda defining the updated policy and are required to adhere to Departmental policies. CBP employees have received, and will continue to receive, extensive training on conducting border searches of electronic devices in accordance with applicable legal and policy requirements, including training on the appropriate handling of information (such as the use, maintenance, and dissemination of Personally Identifiable Information

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(PII) and information protected by various federal statutes). Those individuals who are trained to conduct advanced border searches are trained by Laboratory and Scientific Services personnel to conduct the search without harming the device or its content in a week-long training course that also includes more extensive legal training on border search authority. Since the new CBP Directive was released, CBP is creating a module for training all new CBP officers on the CBP Directive for border searches of electronic devices at the basic officer training academy. The current training for new CBP officers includes training on advanced border searches of electronic devices in the Anti-Terrorism module. The revised curriculum based on the new directive will be implemented to all new CBP officer classes starting July 2, 2018. To reinforce the basic academy lessons, a new post-academy module for border searches of electronic media is under development, and expected to be released by August 31, 2018.

Question#:	11
Topic:	CAM Program
Hearing:	Oversight of the United States Department of Homeland Security
Primary:	The Honorable Dianne Feinstein
Committee:	JUDICIARY (SENATE)

Question: Last year, Acting Secretary of Homeland Security, Elaine Duke, announced the termination of the Central American Minors Program (CAM) parole program. The administration also announced that it would stop accepting new applications for the CAM refugee program in November 2017.

How many minors have lost their parole status as a result of the CAM program's termination? Out of those whose parole has expired, how many have re-applied for parole or any other immigration status?

Response: The termination of the CAM parole program in August 2017 did not affect the period of parole for anyone who had already been paroled into the United States under the program. Individuals who have been paroled into the United States under the CAM Parole program maintain parole until the expiration of that period of parole unless there are other grounds for termination of parole under DHS regulations. CAM parolees already in the United States may apply for re-parole on Form I-131 before their current parole period expires or apply for any immigration status for which they may be otherwise eligible. USCIS considers each request for re-parole based on the merits of each application and may re-parole individuals who demonstrate urgent humanitarian reasons or a significant public benefit.

USCIS has received 55 requests for re-parole filed by individuals who entered the United States through the CAM parole program. USCIS does not track how many CAM parolees have since applied for other immigration status.

Question: Have any minors who received parole under the CAM parole program been removed from the country? If so, how many and to which countries?

Response: U.S. Immigration and Customs Enforcement does not track this data.

Question#:	12
Topic:	Commission Data
Hearing:	Oversight of the United States Department of Homeland Security
Primary:	The Honorable Dianne Feinstein
Committee:	JUDICIARY (SENATE)

Question: On January 3, 2018, President Trump issued an executive order terminating the Presidential Advisory Commission on Election Integrity (Commission). In a statement that same day, the White House Press Secretary said that the President had "asked the Department of Homeland Security to review [the Commission's] initial findings and determine next courses of action." (January 3, 2018 Statement of the White House Press Secretary) Then on January 9, the Director of White House Information Technology, Charles Herndon, submitted a sworn declaration in *Dunlap v. Presidential Advisory Commission on Election Integrity*. That lawsuit was brought by Commission member and Maine Secretary of State Matthew Dunlap, who alleged that he was prevented from obtaining Commission documents and therefore from being able to discharge his duties as a Commission member.

In his declaration, Mr. Herndon states the following about sensitive voter roll data that the Commission had requested from all 50 states: "The state voter data has never been transferred to, or accessed or utilized by, the Department of Homeland Security ('DHS') or any other agency. The state voter data will not be transferred to, or accessed or utilized by, DHS or any other agency, except to the National Archives and Records Administration ('NARA'), pursuant to federal law, if the records are not otherwise destroyed. Pending resolution of the outstanding litigation involving the Commission, and pending consultation with NARA, the White House intends to destroy all state voter data." (Second Declaration of Charles C. Herndon, *Dunlap v. Presidential Advisory Commission on Election Integrity*, January 9, 2018)

The statements of the White House Press Secretary and the Director of White House Information Technology appear to be at odds.

Has the Department received any state voter data from the Commission, the White House, or any other federal agency?

If the Department has received any such data, what has the Department done with that data? What does the Department plan to do with that data?

To date, has the Commission shared any data, information, or findings other than state voter data with the Department?

If so, which office, agency, branch, or unit within the Department received that data or information or those findings? What has the Department done with the data, information, or findings? If the Department has not yet taken any steps, what does the Department

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plan to do with the data, information, or findings?

Whether or not the Department has received any data or information, has the Department been asked by the President, any member of the Commission, or any other Administration official to "determine next courses of action" in light of the Commission's dissolution, as indicated by the White House Press Secretary?

Before the dissolution of the Commission, did anyone in the Department coordinate with or communicate with any Commission members or staff about the Commission's efforts to collect sensitive voter roll data, or how the Commission intended to use data that it collected?

Has anyone in the Department communicated with any Commission members or staff about the Commission's "initial findings" or the Department's "next courses of action," as referenced in the White House Press Secretary's statement?

Does the Department have any information as to whether the White House intends to destroy the information collected by the Commission, rather than turn it over to the National Archives and Records Administration?

Response: DHS has not received any state voter data from the Commission, the White House, or any other federal agency.

Prior to its dissolution, a former DHS Counselor met with the Commission to discuss programs and authorities DHS currently has to verify or ascertain citizenship or immigration status of an individual responsive to a jurisdiction.

The Department is not aware of any findings of the Commission.

Question#:	13
Topic:	ICE Commission Work
Hearing:	Oversight of the United States Department of Homeland Security
Primary:	The Honorable Dianne Feinstein
Committee:	JUDICIARY (SENATE)

Question: According to a Reuters article from January 5, 2018, Kris Kobach, vice chair of the Commission, stated that he expected Immigration and Customs Enforcement (ICE) - a branch of the Department - to continue the Commission's work. (Dustin Volz, DHS election unit has no plans for probing voter fraud: sources, REUTERS, Jan. 5, 2018)

Has Immigration and Customs Enforcement been tasked to continue the Commission's work?

Does anything in ICE's mission or jurisdiction relate to voting integrity or allegations of voter fraud? If not, what does ICE plan to do with the information provided to the Department?

Response: The U.S. Department of Homeland Security (DHS), in support of state and local governments, is focused on securing elections against those who seek to undermine the integrity of the election system. DHS is examining current legal authorities, privacy protections, and operational considerations with regard to investigative support of voter fraud.

As with any voter registration information provided to DHS, U.S. Citizenship and Immigration Services (USCIS) currently has a program in place since 1986 to respond to queries from a federal, state, or local government agency seeking to verify or ascertain the citizenship or immigration status of any individual within the jurisdiction of the agency. Under its authority, USCIS currently verifies the naturalized or derivative U.S. citizenship of voters, to the extent that information is available from USCIS records, for a limited number of state or local agencies responsible for maintaining voter lists who participate in the program.

Question#:	14
Topic:	Illegal Votes
Hearing:	Oversight of the United States Department of Homeland Security
Primary:	The Honorable Dianne Feinstein
Committee:	JUDICIARY (SENATE)

Question: Do you agree with the President's claim that 3-5 million people voted illegally in the 2016 Presidential election? If so, does this represent the Department's official view?

Response: The Department has not evaluated this issue and defers to State and local officials responsible for administering elections.

Question#:	15
Topic:	Election Security Taskforce
Hearing:	Oversight of the United States Department of Homeland Security
Primary:	The Honorable Dianne Feinstein
Committee:	JUDICIARY (SENATE)

Question: According to press reports from this past October, in late September 2017, the Department created an election security taskforce, with a mission to help protect voting infrastructure. (DHS Forms Election Security Taskforce, NEXTGOV, Oct. 3, 2017) Prior to the creation of this taskforce, the Department conducted election security operations through its infrastructure protection division. But a January 5, 2018 article suggests that the Department's election security unit - which appears to be the same as the election security taskforce - "has no immediate plan to probe allegations of electoral fraud." (Dustin Volz, DHS election unit has no plans for probing voter fraud: sources, REUTERS, Jan. 5, 2018)

Has the Department's election security taskforce or its election security unit been tasked to continue the work of the Presidential Advisory Commission on Election Integrity? If so, how does the Commission's work fit within the mission of the taskforce?

Response: No, the Department is not undertaking any work of the Commission.

Question#:	16
Topic:	Expanding the Taskforce
Hearing:	Oversight of the United States Department of Homeland Security
Primary:	The Honorable Dianne Feinstein
Committee:	JUDICIARY (SENATE)

Question: Does the Department plan to expand the taskforce's focus beyond its current mission to safeguard critical election infrastructure? If so, what will be the focus of that expanded mission?

Response: Any work related to election security is unrelated to the current statutory obligation the Department has to respond to inquiries made by federal, state, or local government agencies seeking to verify or ascertain citizenship or immigration status of any individual within the jurisdiction of the agency for any purpose authorized by law.

Question#:	17
Topic:	Commission Findings
Hearing:	Oversight of the United States Department of Homeland Security
Primary:	The Honorable Dianne Feinstein
Committee:	JUDICIARY (SENATE)

Question: Which findings of the Commission on Election Integrity, if any, relate to assessments of the security of our nation's election infrastructure?

What does the Department plan to do with information provided by the Commission that is unrelated to the Department's mission of protecting state and local voting infrastructure?

Response: The Department is unaware of any findings of the Commission, and the work the Commission did was unrelated to the security of election infrastructure. Further, the Commission did not provide any information to the Department.

Question#:	18
Topic:	Assimilation and Contribution
Hearing:	Oversight of the United States Department of Homeland Security
Primary:	The Honorable Dianne Feinstein
Committee:	JUDICIARY (SENATE)

Question: The Administration's Report to Congress on "Proposed Refugee Admissions for Fiscal Year 2018" states that "PRM and DHS/USCIS will work closely with UNHCR to ensure that, in addition to referrals of refugees with compelling protection needs, referrals may also take into account certain criteria that enhance a refugee's likelihood of successful assimilation and contribution to the United States."

How does the Administration measure "likelihood of successful assimilation and contribution to the United States"?

Have DHS/USCIS provided new guidance to the Refugee Corps regarding refugees' "likelihood of successful assimilation and contribution to the United States"? If so, what guidance has been provided?

Response: DHS has not provided guidance to its Refugee Corps regarding a refugee's likelihood of successfully assimilating into and contributing to the United States.

Question#:	19
Topic:	UAC Court Appearances
Hearing:	Oversight of the United States Department of Homeland Security
Primary:	The Honorable Dianne Feinstein
Committee:	JUDICIARY (SENATE)

Question: During the Senate Judiciary Committee's hearing on "Oversight of the United States Department of Homeland Security" on January 16, 2018, you testified on the topic of unaccompanied alien children (UAC). You stated that "90% of those released never show up to court."

What is the source for this statistic and what time period does it cover?

Do you believe that access to legal representation increases the likelihood that a child will appear in immigration court?

Response: The U.S. Department of Justice's Executive Office for Immigration Review tracks statistics on immigration court appearances, and the Department of Homeland Security (DHS) defers to that office for additional information on how these statistics are compiled.

Aliens, including minors, in removal proceedings before an Immigration Court are entitled to retain counsel to represent them at no expense to the government, *see* INA §§ 240(b)(4)(A), 292; *C.J.L.G. v. Sessions*, 880 F.3d 1122 (9th Cir. 2018), and all those arrested by DHS and placed into removal proceedings are provided with a list of free legal services aid resources, including pro bono providers. DHS lacks statistical information to support any position regarding whether the participation of counsel affects an alien's likelihood of appearing at a scheduled immigration hearing.

Question#:	20
Topic:	Separating Families
Hearing:	Oversight of the United States Department of Homeland Security
Primary:	The Honorable Dianne Feinstein
Committee:	JUDICIARY (SENATE)

Question: During the hearing, I asked whether you were considering a proposal that would separate children from their parents at the border, as reported in the press. It has also been reported that the Administration is already implementing such a policy. (Trump Administration Considers Separating Families to Combat Illegal Immigration, NEW YORK TIMES, Dec. 21, 2017)

Has the Department assessed the constitutionality of this proposal? If not, please explain why and if there a plan to do so.

Has the Department consulted with child welfare experts about the policy's potential impact on children?

Does the Department collect data or information on the number of children separated from their parents? If so, how many such instances has it recorded from FY 2017 to date?

Response: On May 5, 2018, the U.S. Border Patrol (USBP) began to increase referrals for prosecution under the Attorney General's zero tolerance initiative. In coordination with partner agencies, this initiative aimed to refer to the U.S. Attorneys' Offices for prosecution all amenable aliens who enter the United States in violation of 8 U.S.C. § 1325(a), including adults that are part of a family unit. Like every policy implemented by the Department of Homeland Security (DHS), the initiative was closely reviewed by agency attorneys for any and all related legal issues.

DHS, being a law enforcement agency, has a general mandate to prosecute those who criminally violate our immigration laws, and this includes those who happen to be parents. Like prosecutions pursued against U.S. citizens and legal permanent residents in the non-immigration context, the DHS initiative did result in adult-minor separations. Under previous administrations, parents accompanied by their children had, in certain circumstances, also been prosecuted. Similarly, these prosecutions also led to parent-child separations. While DHS takes its prosecutorial mandate seriously, it also takes the welfare of detained parents and children seriously. This is why, for instance, the agency follows rigorous physical and mental health and general safety standards in all of its detention facilities.

When claimed-family units are encountered at the border separation may occur 1) when USBP is unable to verify the custodial relationship USBP determines the adult accompanying the child is not the child's legal parent or guardian; 2) when USBP

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determines that a child may be at risk with the custodian; 3) or when the custodian is transferred to a criminal detention setting due to criminal charges. The President signed an Executive Order (EO) on June 20, 2018, stating that DHS “shall, to the extent permitted by law and subject to the availability of appropriations, maintain custody of alien families” throughout both the criminal prosecution of any adults who have entered illegally and any subsequent removal, or expedited removal, proceedings. Relevant departments and agencies continue to evaluate the implementation of the EO, including actions to expand family detention capacity.

It is important to note that court rulings which favor the release of children often require DHS to release illegal alien children into communities across the United States. This practice has not only led to aliens failing to appear for court hearings or complying with removal orders, but has also incited smugglers to place children into the hands of adult strangers so they can pose as families and be released from immigration custody after crossing the border. This creates a safety issue for these children, who have already made an extremely dangerous journey to reach the United States, risking possible abuse, abandonment, and death along the way.

The Department of Health and Human Services (HHS) has identified 103 children aged 0-4 and 2,551 children aged 5-17 as potentially separated children to be reviewed for reunification under the *Ms. L vs. ICE* court order. U.S. Immigration and Customs Enforcement is working closely with HHS to reunite parents and children following background checks and case reviews to ensure the safety of each child

Question#:	21
Topic:	Surge Initiative
Hearing:	Oversight of the United States Department of Homeland Security
Primary:	The Honorable Dianne Feinstein
Committee:	JUDICIARY (SENATE)

Question: In July, Senator Kamala Harris and I wrote to your predecessor, Mr. John Kelly, regarding reports that the federal government planned to begin a surge initiative targeting the parents and relatives of unaccompanied children fleeing violence and hardship in Central America.

How many total individuals have been arrested as part of this surge initiative?

Did any of these individuals claim a credible fear of persecution? If so, how many?

Of the individuals who have been arrested, how many have been charged with human smuggling, human trafficking, or any other federal crimes?

Response: In Fiscal Year (FY) 2017, U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI) conducted Phases I and II of the Unaccompanied Children Human Smuggling Disruption Initiative which resulted in 487 administrative arrests, 34 criminal arrests, and 14 indictments. The federal criminal charges included violations of 8 U.S.C. § 1324 (Human Smuggling), 8 U.S.C. § 1326 (Reentry of Removed Aliens), and 8 U.S.C. § 1253 (Willful Failure or Refusal to Depart).

In FY 2017, ICE HSI's overall human smuggling investigative efforts resulted in 2,718 criminal arrests and 3,132 administrative arrests with the initiation of 3,920 investigations.

Question#:	22
Topic:	Thwarting Cyberattacks
Hearing:	Oversight of the United States Department of Homeland Security
Primary:	The Honorable Dianne Feinstein
Committee:	JUDICIARY (SENATE)

Question: When I was on the Intelligence Committee, we passed a cybersecurity bill in 2015 that required voluntary sharing of cyber threat information, and for the Homeland Security portal to share information on cyber threats. Since passage of the bill, cyberattacks have grown. F-Secure labs found that in 2017, there was an overall increase of 223% of cyberattacks since 2016. That is alarming.

Can you please describe DHS' progress in both thwarting cyberattacks and making sure that cyber threat information is adequately shared?

Are there additional legislative options that should be explored to strengthen the law we passed in 2015 to encourage more sharing of cyber threat information?

Response: Safeguarding and securing cyberspace is a core homeland security mission.

The Department of Homeland Security (DHS) provides entities with information, technical assistance, and guidance they can use to secure their networks, systems, assets, information, and data, by reducing vulnerabilities, ensuring resilience to cyber incidents, and supporting their holistic risk management priorities. DHS capabilities to protect network from cyber attacks leverage a defense in depth strategy that recognized no single technical solution will effectively secure networks and computers. The National Cybersecurity Protection System and the Continuous Diagnostics and Mitigation programs are several examples of these capabilities.

These efforts are carried out by DHS's National Protection and Programs Directorate, which includes the National Cybersecurity and Communications Integration Center (NCCIC). The NCCIC operates at the intersection of the private sector, state and local governments, federal departments and agencies, international partners, law enforcement, intelligence, and defense communities. DHS also works with government partners, including the National Institute of Standards and Technology, to support the adoption of the NIST Framework for Improving Critical Infrastructure cybersecurity, which is a voluntary, flexible, risk-based approach an organization can use to manage its cybersecurity risks.

DHS participates in the bi-directional sharing of cyber threat indicators and analysis through various methods, including through automated, machine-speed capabilities to enhance collective cybersecurity. The automated indicator sharing (AIS) capability enables the exchange of cyber threat indicators between the Federal Government and the private sector at machine speed. AIS is a part of DHS's effort to create an ecosystem

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where as soon as a private sector company or federal agency observes an attempted compromise, the indicator will be shared in real time with all of our partners, protecting them from that particular threat. In addition to AIS, DHS encourages the multi-directional exchange of information and establishment of a community of trust among analysts in all levels of government, the private sector, and international partners that share and integrate cyber threat information through analytical and technical exchanges associated with cybersecurity risks.

The Cybersecurity Act of 2015 incentivized information sharing by providing liability protections for entities that share cyber threat indicators and defensive measures, thus removing key legal impediments to information sharing. To further increase participation, DHS is prioritizing engagement with Information Sharing and Analysis Organizations (ISAOs), including Information Sharing and Analysis Centers (ISACs), entities where a cyber incident could cause the greatest consequences, and cybersecurity service providers. By working with these entities, DHS is able to assist them with overcoming technical, resource, and cultural impediments to information sharing. DHS also believes that as data volume and quality of information sharing increases, companies not actively participating in or sharing information will be incentivized to participate.

One study recently found that, compared to other security feeds, AIS threat indicators appeared several months ahead of time, allowing participants to stop attacks that have otherwise gone undetected for too long. But DHS continues to focus on improving the quantity and quality of information shared, to include context and prioritization. For instance, DHS seeks initial feedback from each entity connected to the AIS capability 90 days after establishing a connection to better understand how entities are using the capability (e.g., are they sharing further to a customer base or implementing internally in a novel manner), quality of information shared, obstacles to finalizing the AIS connection, costs associated with establishing the connection, how individual entities recommend measuring the value of cyber threat indicators and defensive measures, and recommended changes to the data fields.

Through these feedback engagements with connected entities, DHS has received positive feedback on the high quality and low number of false positives found in the AIS data as compared to several commercial feeds. DHS also learned from one organization that the AIS indicators were useful for them in hunting for an advanced persistent threat actor that had been targeting their company. AIS is also advancing its technical capabilities. This year, DHS will be adding the ability to receive voluntary automated “sightings” and “response actions” for indicators shared. This will allow DHS to know if indicators were found within a company’s network and whether a company took a network defense action in response (e.g., blocked traffic). This machine-speed feedback will further help

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DHS improve indicator quality and allow DHS to measure timeliness of the indicators being shared.

Question#:	23
Topic:	Healthcare Cybersecurity Issues
Hearing:	Oversight of the United States Department of Homeland Security
Primary:	The Honorable Dianne Feinstein
Committee:	JUDICIARY (SENATE)

Question: In the 2015 cybersecurity bill, Congress established the Health Care Industry Cybersecurity (HCIC) Task Force to address the challenges the health care industry faces when securing and protecting itself against cybersecurity incidents. A report by that task force was issued in May 2017 describing some of the key healthcare cybersecurity issues.

What work has DHS done in response to that work to counter cyberattacks on the healthcare industry?

One of the recommendations in the report indicates it is unclear which federal agency provides cybersecurity leadership and coordinates preparedness for the health care sector - can you please explain which federal agency is the lead so that the healthcare industry understands who they should turn to when they want to discuss cyber threats?

Response: The Cybersecurity Act of 2015 established a Health Care Industry Cybersecurity Task Force. The Department of Homeland Security (DHS) participated in the task force, which has completed its work.

DHS and the U.S. Department of Health and Human Services (HHS) have important cybersecurity roles and responsibilities. DHS is the lead federal government agency responsible for securing and enhancing the resiliency of the Nation's 16 critical infrastructure sectors. DHS's National Cybersecurity and Communications Integration Center (NCCIC) is authorized by statute and policy to share cybersecurity information and provide technical cybersecurity assistance, including incident response and analysis, to entities regardless of sector. Furthermore, the NCCIC's mission is to maintain situational awareness of cybersecurity risk and response efforts across all sectors.

HHS supports the NCCIC in its mission by evaluating sector risk, developing sector-wide mitigation plans, and coordinating outreach to the Health and Public Health (HPH) sector. As the HPH Sector-Specific Agency, HHS has responsibility for engaging the HPH sector and sharing information unique to the HPH sector as well as information developed and shared via the NCCIC. In the case of a major cyber event affecting the HPH sector, HHS will support the NCCIC in sharing relevant information and providing subject matter expertise. DHS and HHS understand the critical role each entity plays through bi-directional information sharing in the collective defense of HPH sector entities.

Question#:	24
Topic:	Cyberhate
Hearing:	Oversight of the United States Department of Homeland Security
Primary:	The Honorable Dianne Feinstein
Committee:	JUDICIARY (SENATE)

Question: During one year of the last Presidential election, the Anti-Defamation League found 2.6 million tweets that had anti-Semitic language, with nearly 20,000 tweets directed at 50,000 U.S. journalists. One Jewish reporter received threats over Twitter, including a photoshopped picture of her face on a corpse in a concentration camp. (Massive Rise in Hate Speech Twitter during Presidential Election, USA Today, Oct. 21, 2016.) The photo included a message saying, "Don't mess with our boy Trump, or you will be first in line for the camp." This type of cyberhate has targeted other minority communities as well, including Muslim and immigrant communities.

What is the Department doing to address this type of cyberhate?

Response: While the Federal Bureau of Investigation and the U.S. Department of Justice investigate and prosecute bias crimes, the Department of Homeland Security (DHS) takes very seriously violent threats online especially from international terrorists or domestic terrorists targeting others on the basis of race, religion, or creed. Recently, DHS has stepped up its efforts to prevent the use of the Internet for terrorist purposes. For example, the Office of Terrorism Prevention Partnerships hosted two Digital Forums on Terrorism Prevention, with one in September 2017 in Arlington, Virginia and the second on February 2018 in Silicon Valley, which the Secretary personally opened. The Digital Forum brought together 144 technologists and terrorism prevention leaders to increase information sharing and to showcase technologies and techniques developed to counter terrorist use of social media. A summary of the meeting and planned outcomes is found at <https://www.dhs.gov/publication/executive-summary-digital-forum-terrorism-prevention>.

In the case of content such as hate speech online, which may not violate U.S. law, the U.S. government does not ask service providers to remove content that is protected by the First Amendment. However, DHS, along with other Federal partners, has taken a very proactive and forward-leaning approach in fostering voluntary collaboration with the communication service providers (CSPs), who may remove such content based on their own terms of service. DHS leadership and staff have been engaged in a series of meetings with CSPs in order to encourage them to increase their efforts to remove terrorism-related content. One result of that effort has been greater cooperation between the large service providers and many smaller companies, whose platforms are likely to be easily exploited.

Question: Do white nationalist groups also use online tools to grow their operations?

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Topic:	Cyberhate
Hearing:	Oversight of the United States Department of Homeland Security
Primary:	The Honorable Dianne Feinstein
Committee:	JUDICIARY (SENATE)

Response: Violent white supremacist groups, use a variety of online tools to promote themselves, communicate, recruit, fundraise, and threaten perceived enemies. Mainstream social media networks that are specifically geared towards text messaging are popular, particularly those with encrypted chat functions. Such groups are also attracted to mainstream social media sites that have less stringent restrictions against hate speech, such as Gab. They are also using online technology to fundraise and transfer money through “crowdfunding” and using cryptocurrency. Lastly, violent hate groups “dox” their perceived enemies, which entails collecting as much personally identifying information available online about a person, company, or group, and sending harassing and/or threatening electronic messages.

Question: What can Congress and policymakers do to address this?

Response: DHS would welcome the opportunity to further discuss legislative proposals that Congress may be considering.

Question#:	25
Topic:	Cyber Swatting
Hearing:	Oversight of the United States Department of Homeland Security
Primary:	The Honorable Dianne Feinstein
Committee:	JUDICIARY (SENATE)

Question: Earlier this year, a teenager in Israel was allegedly responsible for hundreds of bomb threats on Jewish Community Centers and other religious institutions, paralyzing communities. These types of attacks have been referred to as "swatting," and appear to be growing in the hundreds according to the FBI. Recently, a man was shot and killed in Kansas due to a swatting incident. I am working on legislation to address this specific type of cyber harassment.

What can Congress and policymakers do to address this type of cyber harassment?

Will you support my effort to prohibit cases of cyber swatting?

Response: Swatting uses the 911 system to report false incidents at a location and results in the dispatching of emergency services. Swatting poses a potential significant threat to public safety by diverting first responder resources needed to handle real emergencies during incident response time. These calls can also result in accidental deaths by inadvertently placing unsuspecting victims targeted by a call in a confrontational situation with law enforcement tactical response.

Related incidents include malicious actors targeting an entity or group of entities rather than via the 911 system to deliver a bomb threat or other threatening message via phone or email. These hoaxes are often intended to force an evacuation of the threatened location.

These malicious actions strain first responder resources. Through its various mechanisms of sharing intelligence and information, the Department of Homeland Security (DHS) helps to increase awareness of these threats. DHS is committed to working with state and local law enforcement, as well as policymakers in Congress, on methods to deter this malicious activity.

Question#:	26
Topic:	Terrorist Activities on Social Media
Hearing:	Oversight of the United States Department of Homeland Security
Primary:	The Honorable Dianne Feinstein
Committee:	JUDICIARY (SENATE)

Question: Recently, British parliament's Home Affairs Select Committee released a report finding that social media platforms, such as Facebook, Twitter, and YouTube, failed to remove extremist material posted by banned jihadist and neo-Nazi groups, even when that material was reported. The committee urged tech companies to pay for and publicize online content monitoring activities, and called on the British government to strengthen laws related to the publication of such material. I am working on legislation to require tech companies to report known terrorist activity on their platforms to law enforcement. The provision is modeled after an existing law which requires technology companies to notify authorities about cases of child pornography.

Would law enforcement benefit from knowing when technology companies see terrorist plotting and other illegal activity online?

Response: DHS respectfully defers to the U.S. Department of Justice on this question.

Question: In what ways do you think that tech companies can do more to curb this type of activity occurring on their platform?

Response: Over the past year, we have seen significant progress from the tech companies to curb the exploitation of their platforms by illicit users. A number of international engagements, including the G7 and the Five Country Ministerial, have seen heightened cooperation among governments and tech companies, to fight this problem. In the summer of 2017, in what was seen as a major step forward, four of the largest companies—Facebook, Twitter, YouTube and Microsoft—formed the Global Internet Forum to Counter Terrorism (GIFCT). The companies committed to stepping up their efforts to remove illicit content, to work with smaller companies in helping them to do the same, and to supporting academic research on this topic. In February 2018, Secretary Kirstjen Nielsen and UK Home Secretary Amber Rudd traveled together to Silicon Valley where they met with leadership from the GIFCT, who have now created a secretariat and further stepped up their efforts. DHS assesses that the companies are making demonstrable progress, and for now we should continue to support their voluntary efforts to remove illicit content. Further, there are concerns that any legislation to force removal of content may be in conflict with First Amendment rights.

Question: Do you have any ideas on how to do this, while also protecting individual free speech and privacy rights?

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Hearing:	Oversight of the United States Department of Homeland Security
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Response: It remains important to acknowledge that within the legal framework of the United States, one's personal beliefs—regardless of what they are or the cause they support—are protected by the First Amendment. In practice, that means that merely advocating political or social positions, strong rhetoric, or the philosophic embrace of violent tactics may be protected by the Constitution. Just looking at ISIS online content or visiting a neo-Nazi website does not constitute illegal activity under the U.S. legal system. Again, as mentioned above, DHS has been working actively with international partners as well as with the communication service providers, and the past year in particular has seen tangible progress as a result of these efforts.

Question#:	27
Topic:	Using Tech Platforms to Commit crimes
Hearing:	Oversight of the United States Department of Homeland Security
Primary:	The Honorable Dianne Feinstein
Committee:	JUDICIARY (SENATE)

Question: As you know, there is a relentless and growing ISIL recruitment effort through social media platforms. Recruitment is repeatedly identified in nearly all of the 100+ criminal indictments brought by federal authorities during the past two years relating to ISIL. Anwar al-Awlaki is frequently named as one of the inspirational sources in many of these indictments. I understand that civil injunction authority exists for the Attorney General to obtain orders against those who provide material support to a foreign terrorist organization, as well as to shut down websites from distributing software for spying on people.

Do you believe that this type of civil injunction authority could help prevent terrorists and extremists from using tech platforms to commit crimes?

Response: DHS defers to the U.S. Department of Justice for a response to this question, given the authority cited in the question lies with the Attorney General.

Question#:	28
Topic:	Anti-Muslim Rhetoric
Hearing:	Oversight of the United States Department of Homeland Security
Primary:	The Honorable Dianne Feinstein
Committee:	JUDICIARY (SENATE)

Question: Since the election in 2016, there has been a tremendous amount of rhetoric from this Administration and over the internet by hate groups, fostering intense anti-Muslim behavior and hate crimes. This deeply troubles me, and offends the core religious tolerance enshrined in our Constitution. I also believe that anti-Muslim rhetoric undercuts our national security. During our last DHS oversight hearing, then Secretary Jeh Johnson was fervent in saying that anti-Muslim rhetoric undermines our credibility among Muslim communities, thereby fracturing important law enforcement partners.

Do you agree with former Secretary Johnson's previous assessment regarding the use of rhetoric that alienates certain communities, thereby undermining national security?

Response The Department of Homeland Security (DHS) emphasizes the need to maintain an open dialogue with communities across the United States to ensure that community concerns are heard and trust is built and maintained. The Office for Civil Rights and Civil Liberties holds regular roundtable meetings among community leaders and federal, state and local government officials to facilitate feedback from diverse American communities. In addition, the Office of Terrorism Prevention Partnerships (OTTP) continues to engage with communities across the country to ensure that government agencies and civic leaders work together to prevention radicalization and inspiration to violence from taking root in our communities.

Question: How do you think lawmakers and political leaders can help promote better outreach to marginalized communities?

Response: OTTP has improved and expanded our outreach to a variety of diverse communities, increased awareness about radicalization to violence, attended cultural events, and hosted dozens of international visitors to share best practices and learn new ideas.

Through these efforts, we have learned that local organizations that provide “off-ramps” are best positioned to address people at risk for radicalization and mobilization to violence. Lawmakers and political leaders can support the work of the organizations that mirror methods proven in related fields like domestic violence and suicide prevention, as this is not a fight DHS or the U.S. government can win on its own.

Question#:	29
Topic:	Lost Status and Work Authorization
Hearing:	Oversight of the United States Department of Homeland Security
Primary:	The Honorable Dianne Feinstein
Committee:	JUDICIARY (SENATE)

Question: How many DACA recipients have lost their deferred action status and work authorization since the Trump Administration terminated the program on September 5, 2017?

Response: As of February 7, 2018, a total of 14,811 DACA recipients lost their deferred action under DACA due to expiration or termination (unrelated to the rescission memo) and have not submitted a Form I-821D (Consideration of Deferred Action for Childhood Arrivals) renewal (see attached table). These data are based on the number of persons who had active DACA (approved Form I-821D) as of September 5, 2017 (689,900 in total). Another 11,018 active DACA recipients as of September 5, 2017, lost their deferred action under DACA due to expiration or termination (unrelated to the rescission memo) but have a renewal request pending. In addition, 4,454 active DACA recipients as of September 5, 2017, have obtained lawful permanent resident status as of February 7, 2018.

Question#:	30
Topic:	TPS Citizenship
Hearing:	Oversight of the United States Department of Homeland Security
Primary:	The Honorable Dianne Feinstein
Committee:	JUDICIARY (SENATE)

Question: Your announcement terminating TPS for El Salvador stated "only Congress can legislate a permanent solution addressing the lack of an enduring lawful immigration status of those currently protected by TPS."

Does the Trump administration support legislation that would provide a path to citizenship for TPS recipients?

Response: The Administration supports the creation of a merit-based immigration system and will need to review any new legislation prior to taking a position.

Question#:	31
Topic:	Executive Order Report
Hearing:	Oversight of the United States Department of Homeland Security
Primary:	The Honorable Dianne Feinstein
Committee:	JUDICIARY (SENATE)

Question: In January 2018, the Department of Homeland Security released a report entitled "Executive Order 13780: Protecting the Nation from Foreign Terrorist Entry into the United States Initial Section 11 Report."

Of the foreign-born individuals convicted of international terrorism-related charges detailed in the report, how many were from the list of countries subject to the travel suspension in Executive Order 13780?

Response: Based on DHS review of the available data provided by the Department of Justice, 69 of the 402 terrorists identified in the report had a country of origin from a state identified in E.O. 13780.¹

Question: How many of these convictions stemmed from acts that occurred outside the United States?

Response: The U.S. Department of Justice (DOJ) is responsible for prosecuting international terrorism-related offenses in federal courts, and DHS defers to DOJ for information related to the specifics of any particular case.

¹ It should be noted that "country of origin" and "country of nationality" are not synonymous. An alien's country of origin or birth may not be or remain his or her country of nationality. Nationality determinations are especially difficult with respect to certain countries-including Syria, Iran, and Sudan-whose nationality laws confer birthright citizenship on the basis of descent of one or both parents who are nationals regardless of whether the individual has resided in the country.