

I would argue that -- that again nobody stretches those dollars any -- any -- anymore than those local -- local budgets. They do a very, very good job in our community. So with that I yield back. Thank you very much.

CAPITO: Thank you. Senator Kennedy. Questions?

KENNEDY: You caught me off guard Madam Chairman. Thank you.

CAPITO: Part of my strategy.

KENNEDY: I understand. You're good at it. Madam Secretary, I'm going to deal a preliminary issue out of the way first. The impoverished pregnant women in our detention centers who came here from Guatemala, Nicaragua, Mexico, where do you think they get better medical treatment, in our detention centers or back home?

NIELSEN: I would offer per what they have told us in our detention centers.

KENNEDY: OK. Let me ask you this. Is there a country on God's green earth that let's in more immigrants legally than the United States of America?

NIELSEN: Not close. No, sir.

KENNEDY: OK. How many illegal immigrants came into America last year?

NIELSEN: Well, we had 50,000 just the last month and the month before that I don't have the total figure but a substantial number.

KENNEDY: OK. While (ph), you're the Secretary of the Department, 500,000?

NIELSEN: Sure. That would be about right.

KENNEDY: OK. You're -- you're a National Security expert and you're Secretary of the Department. I want you to forget about the politics for a moment, I can't believe I'm saying this but forget about the money for a moment, forget about trying to make somebody happy for a moment.

I want you to -- to -- to take your expertise and tell me one, two, three, four, five, six, what we have to do to cut that 500,000 in half.

NIELSEN: OK, putting the other two aside, what we need to do is agree as a country that we are going to enforce the laws that Congress has passed.

KENNEDY: OK, I -- I understand that, Madam Secretary. I'm not trying to be rude, but I try to --

NIELSEN: Do you want me to go through the loopholes?

KENNEDY: -- stay within my time, and -- and I want to come down from -- from the -- the platitudes, tell me as secretary what we need to do. One, two, three, four, five.

NIELSEN: Sure, so we need to get rid of the floor as a settlement, we need to revise --

KENNEDY: Get rid of the what?

NIELSEN: The floor as settlement. We need to revise TVPRA, we need to get rid of --

KENNEDY: What is TVPRA?

NIELSEN: That is the -- trafficking prevention act -- victims prevention act. So what that does is unfortunately through the court cases, they way that they have --

KENNEDY: It's OK, I'll look it up later.

NIELSEN: OK, got it. Zebidos (ph), which is a court case that requires us to release illegal aliens back into the communities, we need a safe third country agreement with Mexico.

We need to increase the penalties for asylum fraud, all the fraud does is ruin the chances of people who really need asylum. We need to change the way in which we process UACs so that we discourage the smuggling and the TCOs, and we need to go ahead and very closely focus on dismantling the smuggling in TCOs from beginning to end.

I think that's six, I can keep going, but those six would get us probably 75 percent of the way there if not 80 percent.

KENNEDY: Now we're talking. Thank you for being candid. I'm going to have my -- my team get in touch with your team so we can go into that in a little more detail. I want to talk about the wall for a second.

We've got about 1,900 miles of border with Mexico. I know that all of it doesn't need a wall, I get that, and some of it is already walled. We've already built a wall in -- in America, 2,700 miles of walls along the interstate, spent about \$5 billion.

Now that's not how I would've spent the money, put walls along the interstate. I'd have spent the money fixing the interstate, but they did it anyway. We built 2,700 miles of walls along our interstates in America.

And they're tall walls, and they're thick walls. They cost \$1.8 million a mile. How come the wall with Mexico costs \$25 billion -- million -- \$25 million a mile?

NIELSEN: So I -- I'd be happy to come break it down with you. The border security investment plan goes section by section, not all sections are the same. We have some parts in the desert where we have floating wall.

We have other parts in Calexico where we need a 30 foot wall. We have parts in Yuma where the wall is very different. So first of all I just want to be clear, the -- the wall is not the same.

When you're filling in a wall in an area like Smuggler's Gulch, it's very expensive, excuse the numbers because you literally are building, you know, in a -- in a ravine. It's also the wall systems, so when we put the numbers together it's not just the infrastructure, but it's everything that makes that infrastructure work (ph).

KENNEDY: Suppose we told you look we understand that, we don't want a Cadillac wall, we want a Chevy wall. And we said how about -- how does \$12.5 million dollars a mile sound?

NIELSEN: What -- what --

KENNEDY: You can give a -- a Chevy wall, can't you?

NIELSEN: Well I don't know that we can, sir, because again this is all based on the needs that the men and women who have experience and do this for a living have told us that they need to ensure...

(AUDIO GAP)

But we have information now from you all as of 10 days ago, that on July 30, you will have a new deadline to deliver the joint concept of operations which we really need, both for the sake of these kids not to be trafficked or abused but also to be sure, as Senator McCaskill said, these kids actually show up at their court proceedings. And that's not happening now for a lot of kids.

So the Memorandum Agreement's good. We want to get this joint operations concept in place in order to insure these kids are protected. Thank you, Mr. Chairman.

JOHNSON: Thanks, Senator Portman. Before I go into the second round of questions I just have -- I kind of want to walk through -- I will, by the way, reinforce what Senator Portman talked about the HB -- H2-B Visas. There's not one manufacturing plant in Wisconsin, not one dairy farm, not one resort that can hire enough people. So that really is a pressing need and I understand the problems you have with the rules and regulations.

I do want to give you the opportunity. I just put my UAC chart up there that, again, I think kind of shows that DACA sparked it. But I want you to go through three different examples and talk about the laws that you have to follow. That, in the case of UACs result in only three and a half percent being returned, which, again, from my stand point, when you come and you get to stay, that's a huge incentive for more to come.

But I want you to cover an example of UAC. I want you -- family units, and then an adult that claims credible fear. All under the backdrop, according to my calculations and this is an estimate, since 2013 about 750,000 unaccompanied children and a parent and one child, in terms of numbers we have, have entered this country illegally, and most of them are still probably in this country. But just -- just go through exactly what is the process? UAC show up and let's say they do it legally.

NIELSEN: Sure. So, a UAC, if they're unaccompanied we -- they come and they're put -- OK, let me back up.

JOHNSON: And, again, I want the laws or the precedence that actually...

NIELSEN: I understand.

JOHNSON: ... Force you to do what you do.

NIELSEN: So if they are Mexican children of Mexican origin, we can put them into expedited removal if they have no legal reason to be here. So that means they haven't claimed asylum, they don't have a legal visa, and they're not part of the legal immigration system. If they are other than Mexican which is the phrase in the law, so that's normally we talk about the northern triangle country. We do not put them in expedited removal.

In any case, we only keep the child for 48 hours. After 48 hours, we turn them over to HHS. We now have this process by which will help HHS vet the sponsors to help place the child in a safe place and safe care.

So that's the UACs. The UACs, though, important to know that overall under current court cases, we can only hold UACs for 20 days, which does quite a few things. It puts a lot of pressure, time pressure, on making sure that we find as a community, a suitable sponsor. But it also serves as a tremendous pull factor because they will only be apprehended for 20 days, even if there's no valid reason to be here.

JOHNSON: Can -- just quick talk about the laws, the legal precedents that force you -- you've got to give -- DHS has to give up an unaccompanied child within 48 hours to HHS. And then HHS can only hold them for 20 days.

NIELSEN: Yes, sir. That's under the Flores Settlement. It's a combination of the Flores Settlement and the Trafficking Act. The Trafficking Act is, in part, why we give them over to HHS.

JOHNSON: OK. Now, family units.

NIELSEN: So family units, they come if they are claiming asylum. We do all we can to keep them as a family as they go through the process, I mentioned earlier. Sometimes they're detained if we don't believe they're a risk, on a case-by-case basis, we do other methods such as, you know, we have alternatives to the detention process.

The difficulty there is the backlog. So we have a 600,000 person backlog. We've had an increase of 1,700 percent in asylum claims over the last -- you know, 10, 15 years. So, what that means as they go through the system is 80 percent of the people coming in past that initial credible fear. But only 20 percent are actually granted asylum by a judge. So our concern is that there's just a lot of fraud. It doesn't mean that you made a fraudulent claim, it could just mean that you believe that you can seek asylum, for example, for family reunification. But our laws don't allow you to seek asylum for the sole purpose of family reunification.

JOHNSON: But of the family units that have come here since 2013, how many have been returned because they don't qualify for asylum?

NIELSEN: Again, if they're with the children, we have to release the children. So that often means we release the parents as well and almost (inaudible) --

JOHNSON: So -- so -- so, a vast majority are still in this country?

NIELSEN: Yes, sir.

JOHNSON: OK, so now an adult with credible fear?

NIELSEN: So an adult with credible fear we process - well it's interesting. We have ongoing litigation that prevents us in some cases from detaining them; in some cases we must - must let them go on parole. There are certain exceptions to that but we do not have the ability to detain until we can process them and determine if they need to be removed.

They claim asylum, they go into the asylum bucket. Again, the problem with the asylum bucket is the backlog and it's very heavily abused by those who actually do not seek asylum there by putting those who need asylum in jeopardy of not receiving it in a timely manner.

JOHNSON: OK, thank you. Senator McCaskill.

MCCASKILL: (off mic)

First of all, I - I think you are really working hard at trying to address some of the shortcomings of these children and I - I - oversight sometimes is unpleasant but it doesn't mean that any of us up here don't respect how difficult your job is.

I am really worried about a case involving a whistleblower at TSA. And what is really upsetting to me about this particular case as you know there's been a lot of coverage about morale at TSA and problems of drugs and drinking and inappropriate behavior.

This is an actual complaint that was investigated by the office of the Inspector General at Homeland Security. And this activity predated you so I want to be clear about that. But following this investigation by the I.G. four charges were brought against an SES employee including poor judgment for maintaining an inappropriate relationship; basically lying about an intimate and sexual relationship during the investigation; inappropriate conduct by violating hiring practices and there's more details there; unprofessional conduct by forwarding an email to a subordinate employee in which he referred to an assistant administrator in inappropriate language I won't use in this hearing.

So what was really most concerning about this OIG report and I've got the report here and I'd like to make it a part of the record just so we have it. Mr. Chairman, if there's without objection I hope.

JOHNSON: Without objection.