

THE WAY FORWARD ON HOMELAND SECURITY

HEARING
BEFORE THE
COMMITTEE ON HOMELAND SECURITY
HOUSE OF REPRESENTATIVES
ONE HUNDRED SEVENTEENTH CONGRESS
FIRST SESSION
MARCH 17, 2021
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THE WAY FORWARD ON HOMELAND SECURITY

Wednesday, March 17, 2021

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC.

The committee met, pursuant to notice, at 9:50 a.m., via Webex, Hon. Bennie G. Thompson (Chairman of the committee) presiding.

Present: Representatives Thompson, Jackson Lee, Langevin, Payne, Correa, Slotkin, Cleaver, Green, Clarke, Swalwell, Titus, Watson Coleman, Rice, Demings, Barragán, Gottheimer, Luria, Malinowski, Torres, Katko, McCaul, Higgins, Guest, Bishop, Van Drew, Norman, Miller-Meeks, Harshbarger, Clyde, Gimenez, LaTurner, Meijer, Cammack, Pfluger, Garbarino.

Also present: Representatives Escobar and McClintock.

Chairman THOMPSON. The Committee on Homeland Security will come to order.

The committee is meeting today to receive testimony on “The Way Forward on Homeland Security.”

Without objection, the Chair is authorized to declare the committee in recess at any point.

I ask unanimous consent for Members not on the committee to sit and question the witnesses.

The gentlelady from New Jersey, Mrs. Watson Coleman, shall assume the duties of the Chair in the event that I run into technical difficulties.

I now recognize myself for an opening statement.

The Committee on Homeland Security is meeting today to examine “The Way Forward on Homeland Security.” We are joined by Secretary of Homeland Security Alejandro Mayorkas, who is testifying before Congress for the first time since being sworn in last month. We look forward to speaking to him about the administration’s vision for the future of the Department of Homeland Security.

To be sure, Secretary Mayorkas has inherited a Department damaged by the previous administration and its failed homeland security policies. For years, President Trump left DHS without a lawfully-appointed, confirmed Secretary and kept critical positions vacant so he could exploit the Department for political gain.

I am pleased that President Biden has made some key nominations and look forward to competent Senate-confirmed leadership now that Secretary Mayorkas has been sworn in and the administration is moving forward with filling leadership positions across the Department.

Just as President Trump made DHS less able to carry out its mission, his failed policies also made the homeland less secure. He downplayed the threat of COVID-19, despite the warnings of doctors and scientists, left States to fend for themselves to obtain testing supplies and PPE, and failed to implement a National vaccine distribution plan.

He sided with Putin and Russia over our own intelligence community, even though our adversary meddled in our elections and hacked into our computer systems. He helped fuel the rise of domestic terrorism in America and incited right-wing violent extremists to attack the United States Capitol.

Americans continue to pay the price for these failures, with over half a million dead from COVID-19, experts struggling to understand the scope of the SolarWinds hack, and an unprecedented surge in domestic terrorism.

Secretary Mayorkas and the 240,000 dedicated, hard-working men and women of DHS are left to deal with the mess the last administration left behind. This will be no easy task, and Congress should be focused on ensuring the Department has the resources and authorities to do so.

Unfortunately, some are so desperate to make Americans forget Trump's failures, they have resorted to fear-mongering about the challenges we face at the border. That rhetoric is shameful and does nothing to improve the situation on the ground.

Others are engaging in revisionist history, saying that all was well at the border under the last administration. Nothing can be further from the truth.

During the 2019 surge at the border, President Trump ripped thousands of children from their parents, hundreds of whom have still not been reunited, and only stopped when the American people rejected his immoral policy. He implemented policies to discourage family members from coming forward to sponsor unaccompanied children and left kids to languish in Government shelters for months.

He squandered billions in taxpayers' money on a politically motivated border wall that is useless for responding to an influx of children and families. He cut off lawful means of immigration, dismantled our immigration infrastructure, and refused to address the underlying cause of migration.

Let me be clear, the Trump administration's cruel, shortsighted policies directly contributed to the situation at the border now.

The Biden administration is taking action. Administration officials have announced repeatedly that people should not come to the border now. The administration is increasing capacity to shelter unaccompanied kids humanely while testing them for COVID-19. It is restarting the Central American Minors program to allow vulnerable children to apply to come to the United States in a safe and orderly way.

Meanwhile, DHS is reluctantly continuing to use its authority to expel adults and family units from the United States in order to manage increased flows in the near term. In fact, the Biden administration is expelling more people than the previous one. Our borders are not open.

Clearly, more will have to be done to respond to this situation while upholding our values. What we must not do is return to the morally bankrupt policies of the last administration toward children.

Rest assured, this committee will continue to conduct careful oversight of the Department's actions at the border. I want to hear from Secretary Mayorkas about how the Department is responding.

Meanwhile, we must not take our eyes off homeland security threats, like terrorism, cyber attacks, and disaster preparedness and response.

For its part, the Biden administration is working to rebuild DHS, reform our Nation's homeland security policy, and address the situation at the border while upholding our values. However, it cannot be expected to repair in a matter of weeks everything President Trump destroyed over 4 years.

I look forward today to hearing from Secretary Mayorkas about his vision for the way forward on homeland security.

With that, I recognize the Ranking Member, the gentleman from New York, Mr. Katko, for an opening statement.

[The statement of Chairman Thompson follows:]

STATEMENT OF CHAIRMAN BENNIE G. THOMPSON

MARCH 17, 2021

The Committee on Homeland Security is meeting today to examine "The Way Forward on Homeland Security." We are joined by Secretary of Homeland Security Alejandro Mayorkas, who is testifying before Congress for the first time since being sworn in last month. We look forward to speaking to him about the administration's vision for the future of the Department of Homeland Security.

To be sure, Secretary Mayorkas has inherited a Department damaged by the previous administration and its failed homeland security policies. For years, President Trump left DHS without a lawfully-appointed, confirmed Secretary and kept critical positions vacant so he could exploit the Department for political gain. I am pleased that President Biden has made some key nominations and look forward to competent, Senate-confirmed leadership now that Secretary Mayorkas has been sworn in and the administration is moving forward with filling leadership positions across the Department.

Just as President Trump made DHS less able to carry out its mission, his failed policies also made the homeland less secure. He downplayed the threat of COVID-19 despite the warnings of doctors and scientists, left States to fend for themselves to obtain testing supplies and PPE, and failed to implement a National vaccine distribution plan. He sided with Putin and Russia over our own intelligence community even though our adversary meddled in our elections and hacked into our computer systems. And, he helped fuel the rise of domestic terrorism in America and incited right-wing violent extremists to attack the U.S. Capitol.

Americans continue to pay the price for these failures, with over half a million dead from COVID-19, experts struggling to understand the scope of the SolarWinds hack, and an unprecedented surge in domestic terrorism. Secretary Mayorkas and the 240,000 dedicated, hard-working men and women of DHS are left to deal with the mess the last administration left behind. This will be no easy task, and Congress should be focused on ensuring the Department has the resources and authorities to do so.

Unfortunately, some are so desperate to make Americans forget Trump's failures, they have resorted to fear-mongering about the challenge we face at the border. That rhetoric is shameful and does nothing to improve the situation on the ground. Others are engaging in revisionist history, saying that all was well at the border under the last administration. Nothing could be further from the truth.

During the 2019 surge at the border, President Trump ripped thousands of children from their parents, hundreds of whom have still not been reunited, and only stopped when the American people rejected his immoral policy. He implemented policies to discourage family members from coming forward to sponsor unaccompanied children and left kids to languish in Government shelters for months.

He squandered billions in taxpayer money on a politically-motivated border wall that is useless for responding to an influx children and families. He cut off lawful means of immigration, dismantled our immigration infrastructure, and refused to address the underlying causes of migration. Let me be clear—the Trump administration's cruel, short-sighted policies directly contributed to the situation at the border now.

The Biden administration is taking action. Administration officials have announced repeatedly that people should not come to the border now. The administration is increasing capacity to shelter unaccompanied kids humanely, while testing them for COVID-19. It is restarting the Central American Minors program to allow vulnerable children to apply to come to the United States in a safe and orderly way.

Meanwhile, DHS is reluctantly continuing to use its authority to expel adults and family units from the United States in order to manage increased flows in the near term. In fact, the Biden administration is expelling more people than the previous one. Our borders are not open. Clearly more will have to be done to respond to the situation while upholding our values. What we must not do is return to the morally bankrupt policies of the last administration toward children. Rest assured this committee will continue to conduct careful oversight of the Department's actions at the border.

I want to hear from Secretary Mayorkas about how the Department is responding. Meanwhile, we must not take our eyes off homeland security threats like terrorism, cyber attacks, and disaster preparedness and response.

For its part, the Biden administration is working to rebuild DHS, reform our Nation's homeland security policy, and address the situation at the border while upholding our values. However, it cannot be expected to repair in a matter of weeks everything President Trump destroyed over 4 years.

I look forward today to hearing from Secretary Mayorkas about his vision for the way forward on homeland security.

Mr. KATKO. Thank you, Mr. Chairman. Thank you very much for holding this important hearing today.

Thank you to our witness, Secretary Mayorkas, for appearing as well. We had a nice discussion yesterday, and I am glad to see that we are getting off on the right foot, Mr. Secretary.

To everybody out there, my mother would kill me if I didn't say this, Happy St. Paddy's Day.

I can't think of a more important time for both sides of the aisle to work together on threats facing the homeland. The issues we face each and every day are more complex and severe than I have ever seen, and we will only be successful by working together. I must say, engaging in divisive rhetoric is not the answer and never will be.

In just the first few months of the 117th Congress, we have faced the on-going pandemic, a deadly winter storm in the South, an attack on the U.S. Capitol, fallout from cyber attacks that have had significant impacts on both individuals and corporations, and the burgeoning crisis along our Southern Border, not to mention threats from authoritarian nation-states like China and Russia that are only getting more emboldened in their malign activities.

Just over a week ago, a cyber attack on Microsoft's Exchange email server is believed to have infected tens of thousands of entities across Government and industry alike. Much like the SolarWinds cyber campaign, we probably will not know the extent or the damage caused by this attack for a while.

Mr. Chairman, I know that you and I are in lockstep on this issue, as is the Secretary. I truly believe that cybersecurity is the preeminent threat to our National and homeland security, and if we don't act swiftly and decisively, we will come to regret it.

Additionally, we are now facing a crisis on our Southern Border that should have and could have been avoided. Through irrespon-

sible rhetoric and actions by this administration, we are seeing an unprecedented crisis unfold during a pandemic.

The situation at the border continues to get worse every day, with inadequate action or even proper acknowledgment of the severity of the situation.

I just returned from the border, where I started my career as a Federal organized crime prosecutor in the mid-1990's, and I can tell you without hesitation that it is indeed a crisis that continues to deepen each and every day.

One thing that deeply disturbed me was the number of children being encountered along the border, exposed to the elements and having experienced a dangerous, traumatic journey from their home countries.

As we quickly approach peak levels of unaccompanied children crossing the border, I am very concerned that the administration's rhetoric and policies are encouraging more to attempt this dangerous journey. There is just no question about that based on my conversations with the Customs and Border Patrol agents and other experts along the border.

Mr. Secretary, as I said during our phone call a few weeks ago and again yesterday, I want to find ways to work together with you and to keep the homeland safe. It is not about who gets credit or blame. It is about doing the right thing for America.

I also told you that I would be frank and transparent with you when I believe that the Department and administration is not living up to its end of the bargain. Regrettably, that is where we find ourselves today.

I am deeply concerned that this administration has created a border crisis through predictably misguided policies and Executive Orders, denied the reality of the situation, and dodged accountability.

At the same time that American schools remain closed across the country, the United States border is open to foreign nationals.

After taking office, President Biden wasted no time. In fact, one of his first acts was to pull out his pen and unravel our border security and immigration enforcement posture by, among other things, halting construction of the border wall system, which the CBP agents say works; implementing selective enforcement of our immigration laws; ending the Remain in Mexico policy, allowing the entry of thousands of migrants waiting in Mexico into the country; reimplementing Catch and Release; and canceling the Asylum Cooperative Agreements with Central American partners. It is no wonder we have this issue we have at the border.

While the President's overdue message yesterday to migrants to not make the journey to our Southern Border is certainly better late than never, words alone cannot undo the impact of his policies. The statistics simply do not lie about the impact of these policies.

In February 2021, CBP encountered the highest number of migrants recorded in the month of February in over 7 years, 100,441 people, a whopping 173 percent increase compared to February 2020; a 163 percent increase in family units from January 2021; a 61 percent increase in unaccompanied children from January 2021.

CBP officials are projecting a peak of 13,000 unaccompanied children crossing the border per month by May, which would exceed unaccompanied children encounters at the height of the 2019 crisis.

Just as an aside, at the Border Patrol facility that houses unaccompanied children in El Paso, they are already over capacity, and we have more coming.

Hundreds of Border Patrol agents are being diverted from interior drug checkpoints in the Northern and Coastal Borders to respond to this surge.

DHS has asked for volunteers to help manage the overwhelming number of migrants at the border. Some members of FEMA have been taken away from dealing with the pandemic and vaccinating Americans to deal with the crisis.

We are clearly in the midst of a humanitarian security and public health crisis that the administration refuses to acknowledge and is not being transparent about.

This is also a crisis that has to be costing millions of dollars a day, and I expect more specificity from the Department in the weeks ahead on the exact magnitude of this preventable financial burden.

I know from going to the border this week that CBP agents have told me that they are taking money from future payments for Customs and Border Patrol agents later this year and that if there is not a supplemental, they won't have money at the end of the year to pay their agents. That is how bad it is.

Mr. Secretary, going back to the beginning of my statement, I do not want to simply throw stones, I just don't. I would sincerely like to work with you and the administration on this issue and come to the table with solutions.

Today, I would like to propose several measures the administration can take in short order to get this crisis under control.

We can restart already appropriated wall funding. There is nothing more bipartisan than keeping our country safe, and the CBP agents are screaming for this, and strong border security is part of that.

Reimpose the Remain in Mexico policy, end Catch and Release, and protect Title 42 authorities.

Listen to our front-line workers and continue to invest in more barriers, technology, access roads, and resources for personnel.

Work with our foreign partners once again to prevent more migrants from reaching our border in the first place.

Prioritize the need to test and vaccinate the front-line Customs and Border Patrol and ICE workforce.

Help me finalize legislation to follow a Homeland Security Advisory Council recommendation to create a trust fund for border surges so we can deal with them in a more timely manner.

I sincerely hope that, despite the rhetoric, the administration is taking this crisis seriously and that we can work together to find solutions that are good for the country.

I really sincerely mean that, Mr. Chairman and Mr. Secretary.

Mr. Chairman, I want to thank you again for holding this hearing. I look forward to the testimony of our witness.

With that, I yield back.

[The statement of Ranking Member Katko follows:]

STATEMENT OF RANKING MEMBER JOHN KATKO

Thank you for holding this important hearing, today, Mr. Chairman, and thank you to our witness, Secretary Mayorkas, for appearing, as well.

I can't think of a more important time for both sides of the aisle to work together on threats facing the homeland. The issues we face each and every day are more complex and severe than I have ever seen, and we will only be successful by working together.

In just the first few months of the 117th Congress, we have faced the on-going pandemic, a deadly winter storm in the South, an attack on the U.S. Capitol, fallout from cyber attacks that have had significant impacts on both individuals and corporations, and a burgeoning crisis along our Southern Border. Not to mention threats from authoritarian nation-states like China and Russia that are only getting more emboldened in their malign activities.

Just recently, a cyber attack on Microsoft's Exchange email server is believed to have infected tens of thousands of entities across Government and industry alike. Much like the SolarWinds cyber campaign, we probably will not know the extent or the damage caused by this attack for a while. Mr. Chairman, I know that you and I are lockstep on this issue, as is the Secretary. I truly believe that cybersecurity is the preeminent threat to our National and homeland security and if we don't act swiftly and decisively, we will come to regret it.

Additionally, we are now facing a crisis on the Southern Border that could have and should have been avoided. Through irresponsible rhetoric and actions by this administration, we are seeing an unprecedented crisis unfold during a pandemic.

The situation at the border continues to get worse every day, with inadequate action, and no proper acknowledgement of the severity of the situation. I just returned from the border where I started my career as a Federal organized crime prosecutor in the mid-90's, and I can tell you without hesitation that it is indeed a crisis that continues to deepen each and every day.

One thing that deeply disturbed me was the number of children being encountered along the border, exposed to the elements and having experienced a dangerous, traumatic journey. As we quickly approach peak levels of unaccompanied children crossing the border, I am concerned that the administration's rhetoric and policies are encouraging more to attempt this dangerous journey.

Mr. Secretary, as I said during our phone call a few weeks ago and again just yesterday, I want to find ways to work together to keep the homeland safe. It's not about who gets credit. It's about doing the right thing for America. I also told you that I would be frank and transparent with you when I believe that the Department and administration is not living up to its end of that bargain.

Regrettably, that is where we find ourselves today. I am deeply concerned that this administration has created a border crisis through predictably misguided policies, denied the reality of the situation, and dodged accountability.

At the same time that American schools remain closed across the country, the United States border is open to foreign nationals.

After taking office, President Biden wasted no time in pulling out his pen and unraveling our border security and immigration enforcement posture by:

- Halting construction of the border wall system;
- Implementing selective enforcement of our immigration laws;
- Ending the "Remain in Mexico" policy, allowing the entry of thousands of migrants waiting in Mexico into the country;
- Reimplementing "catch and release"; and
- Cancelling Asylum Cooperative Agreements with Central American partners.

While the President's overdue message yesterday to migrants to not make the journey to our Southern Border is certainly better late than never—words alone cannot undo the impact of these policies.

The statistics simply do not lie about the impact of these policies:

- In February 2021, CBP encounters the highest number of migrants recorded in the month of February in over 7 years—100,441—a whopping 173 percent increase compared to February 2020;
- 163 percent increase in family units from January 2021;
- 61 percent increase in unaccompanied children from January 2021;
- CBP officials are projecting a peak of 13,000 unaccompanied children crossing the border per month by May, which would exceed UAC encounters at the height of the 2019 crisis;
- Hundreds of Border Patrol agents are being diverted from interior drug checkpoints and the northern and coastal borders to respond to this surge.
- DHS has asked for volunteers to help manage the "overwhelming" number of migrants at the border.

We are clearly in the midst of a humanitarian, security, and public health crisis that the administration refuses to acknowledge and is not being transparent about. This is also a crisis that has to be costing millions of dollars a day. I expect more specificity from the Department in the weeks ahead on the exact magnitude of this preventable financial burden.

Mr. Secretary, going back to the beginning of my statement—I do not want to simply throw stones. I would sincerely like to work with you on this issue and come to the table with solutions. Today, I would like to propose several measures the administration can take in short order to get this crisis under control:

- Re-start already appropriated wall funding—there is nothing more bipartisan than keeping our country safe, and strong border security is part of that.
- Re-impose the Remain in Mexico policy.
- End catch-and-release.
- Protect Title 42 authorities.
- Listen to our front-line workers and continue to invest in more barriers, technology, access roads, and resources for personnel.
- Work with our foreign partners to prevent more migrants from reaching our border in the first place.
- Prioritize the need to test and vaccinate the front line CBP and ICE workforce.
- Help me finalize legislation to follow a Homeland Security Advisory Council recommendation to create a trust fund for border surges.

I sincerely hope that despite the rhetoric, the administration is taking this crisis seriously and that we can work together to find solutions that are good for the country.

Mr. Chairman, thank you again for holding this hearing. I look forward to the testimony of our witness.

Chairman THOMPSON. Other Members of the committee are reminded that under the committee rules opening statements may be submitted for the record.

[The statements of Honorable Jackson Lee and Pfluger follow:]

STATEMENT OF HONORABLE SHEILA JACKSON LEE

MARCH 17, 2021

Chairman Thompson, and Ranking Member Katko thank you for convening this opportunity for the Homeland Security Committee to hear from the sixth Secretary of Homeland Security Alejandro N. Mayorkas.

I join my colleagues on the committee in welcoming the Secretary of Homeland Security Alejandro N. Mayorkas to receive his testimony, which will give Members an opportunity to examine the way forward on homeland security after 4 years of the Trump administration's failed homeland security policies.

My thoughts and prayers are with the families of the 8 people killed and 1 person wounded in yesterday's horrific attacks in Georgia, a tragedy that reminds us all how much work must be done to protect people from those who should not have access to firearms.

My focus for today's hearing is on 3 areas:

- Vaccine delivery to the most at-risk;
- Cybersecurity of our Federal and private-sector assets; and
- The care and safety of unaccompanied children arriving at our borders.

As a senior Member of this committee I have learned a great deal about the capacity and strength of the men and women who work at the Department of Homeland Security.

I hold them in the highest regard for their dedication and service to our country.

This Nation depends on the men and women of the Department of Homeland Security (DHS) to protect citizens from those who wish to do them harm.

Because of the dedication of DHS professionals, we are better prepared to face these challenges as one Nation united against a common foe.

The Department of Homeland Security was not created to protect the Nation from desperate people escaping violence and poverty, seeking asylum in our country or the ravages of a virus attacking and killing over half a million Americans.

It was created to prevent attacks against our Nation such as the one carried out by foreign terrorists who used commercial planes as missiles to destroy the World Trade Center Towers, and a section of the west side of the Pentagon, and would have killed more if not for the heroic acts of the passengers on Flight 93 to stop the attackers from reaching their ultimate destination right here at our Nation's Capitol.

On January 6, 2021, our Nation was once again threatened, but it was from an enemy found on our own shores led by the former President of the United States to attack the Capitol building during the transfer of power function reserved for the Legislative branch the counting of electors ballots.

Our Nation faces multiple crisis at the same time that are challenging our way of life, values, and resolve, but the American people are will and prepared to face and overcome.

As Americans we are best when we are true to the values we hold dear, beginning with fidelity to the Constitution and the laws of the United States.

COVID-19 arrived on our Nation's shores in early 2020 and by March 12, 2020 diagnosed cases of COVID-19 in the United States exceeded a thousand.

The CDC reports that 533,057 persons in our Nation have died from COVID-19 and over 29,319,457 confirmed cases have occurred, but the crisis will not end until every eligible person can be vaccinated to aid the Nation in reaching a 70 to 80 percent inoculation rate.

The high mortality rate can be attributed to the insistence on politicizing the most basic defenses against the spread of COVID-19, the wearing of masks and social distancing.

Based on the 336,000 deaths that occurred in 2020, the CDC announced in January 2021 a reduction in the life expectancy of Americans due to COVID-19 deaths over the last year. Americans' life expectancy at birth is projected to shorten by 1.13 years, the largest single-year decline in at least 4 decades, according to University of Southern California researchers.

The declines in life expectancy are likely even starker among African American and Latino communities.

For African Americans, the researchers project their life expectancy would shorten by 2.10 years to 72.78 years, and for Latinos, by 3.05 years to 78.77 years.

We are still at war with COVID-19 while must at the same time battle the war within to undermine any gains made in saving lives.

Governor Abbott's announcement on March 2, Texas Independence Day is a death sentence for tens of thousands of Texans as he lifts COVID-19 State occupancy limits for all businesses so that they can resume serving 100 percent of their customers, effective March 10.

On the day of the Governor's announcement 271 more Texans died of COVID-19, and it is reported that all known variants have been detected in the State.

On March 16, 2021, the CDC reports that 72,135,616 or 21 percent of Americans had received at least 1 dose of a 2-dose vaccination and 39,042,345 or 10 percent of the population had been received the needed full immunization.

The Nation now understands what an administration with a plan and the competence and capacity to implement it can do with the power of the Federal Government being welled with precision and boldness the American people know that victory over COVID-19 is achievable.

Let me be very clear, in my view there is no over-reaction to a deadly respiratory virus that is easily transmitted to others.

CONGRESSWOMAN JACKSON LEE'S EFFORTS TO ADDRESS COVID-19

I first saw news reports in early January on the novel Coronavirus's rapid spread and the numbers of infected were increasing so quickly, that I knew this was not something to be taken lightly, so I began to monitor the situation more closely.

On February 10, 2020, I held the first press conference on the issue of the novel coronavirus at Houston Intercontinental Airport.

I was joined by public health officials, local unions, and advocates to raise awareness regarding the virus, and the implications it might have for travel to the United States from China and to combat early signs of discrimination targeting Asian businesses in the United States.

On February 24, 2020, I held a second press conference on the International Health Regulations Emergency Committee of the World Health Organization declaration of a "public health emergency from the outbreak of the Coronavirus."

On February 26, 2020, I sent a letter to the Chair and Ranking Member of the Committee on Homeland Security seeking a meeting with then-Acting Secretary of Homeland Security Chad Wolf to gain insight into the preparedness of the agency to address a possible pandemic.

On February 28, 2020, I spoke on the floor of the House and announced plans to form a bipartisan Congressional Coronavirus Task Force.

On March 2, 2020, I, Congressmen Brian Fitzpatrick and Raul Ruiz, MD wrote the House Committee on Administration to register the Congressional Coronavirus Caucus as an official entity recognized by the 116th Congress, which was approved.

On March 16, 2020, I held a press conference to inform the public on the Federal response, mobilize community engagement in the fight against COVID-19 spread, and raise public awareness on the actions taken to protect the public and provide much-needed resources to State and local public health offices.

On March 16, 2020, I wrote a letter to Dr. Rick Bright, deputy assistant secretary and office director of the Biomedical Advances Research and Development Authority in the Department of Health and Human Services to bring the agency's attention to the existence of Baylor College of Medicine's possible clinical trials, with respect to a vaccine for COVID-19.

I have opened over 50 testing sites in Houston, Texas and surrounding area. I have begun to hold vaccination events making vaccine available to low-income and at-risk populations in my Congressional District.

This past weekend, at a vaccination event an estimate 1,000 people received vaccinations, without prior registration at a site that was easy to access.

What this Nation received in the form of a COVID-19 response from the previous administration was policy and administrative malpractice that cost over a half million American lives.

Today we are seeing through the work of the Biden administration COVID-19 economic, testing, and vaccine access relief to the American public.

THE COVID-19 VACCINE DELIVERY ACT

On January 15, 2021, I was joined by Congressmen Donald Payne, Jr., Anthony Brown and Mondaire Jones in introducing the Vaccine Delivery Act.

On February 8, 2020, the legislation was reintroduced with an update that elevated the authority of FEMA to assess the vaccination profile of States and communities within States and take action to address deficiencies.

The legislation establishes:

1. FEMA as the National coordinator of vaccine transport and delivery;
2. Safe and effective supply chain transport, delivery, and site use of vaccines;
3. Broad stakeholder engagement;
4. No picking business winners or losers; and
5. Implementing CDC COVID-19 Vaccine Recommendations.

BILL HIGHLIGHTS

- FEMA will be authorized and directed to lead the effort for vaccine delivery from the receipt from manufacturing facilities to delivery to designated inoculation sites (hospital, clinic, doctors' offices, school, places of worship, community centers, parks, or neighborhood gathering locations, etc.)
- FEMA will develop and deploy a fully staffed and resourced 24/7 advanced real-time tracking system that allows FEMA to monitor shipments of vaccine units that can provide end-to-end transparency on the temperature, real-time location, origin, and destination data, anticipated time of arrival, and report on changes and update recipients on the progress of their delivery and report on changes that may impact expected delivery or the viability of the vaccine while in transit;
- FEMA will provide an advanced communication system that allows public health departments to communicate their vaccine readiness, capability of receiving vaccines, delivery locations, details of facility capability of storing, securing, personnel authorized to receive deliveries, logistics for delivering vaccines to patients, report on vaccine receipts, condition of vaccines, patient reactions, feedback on how to improve the process;
- FEMA will design custom apps for use by public health agencies, doctors' offices, etc. to be provided to patients to communicate information on the vaccine being received and the date of a second and location of the dose if required, the app should generate a token that corresponds to their vaccination record to ensure that the right vaccine is administered should a second inoculation be required and to ensure that a person is not vaccinated with different vaccines, additional information such as vaccine effectiveness period may be addressed as more it learned about this;
- FEMA will secure transportation for delivery or use of vaccines, and, when requested, security for the vaccine delivery sites or inoculation locations to ensure the life and safety of personnel and patients who seek to provide or receive vaccinations are free of interference or threat;
- FEMA will provide public education and patient engagement through the provision of inoculations of persons in areas and locations where vulnerable populations are under-performing in getting vaccinations;
- FEMA will waive authority of the States to share vaccination data with HHS;

- FEMA will provide HHS with the capacity to manage the inoculations data on persons and tracking the second vaccination to ensure full immunity and to determine when sufficient vaccinations have been administered to unique persons to achieve herd immunity. HHS shall protect Vaccination Data as HIPAA protected data, and under the Privacy Act, which shall not allow waiver of any provision of that law; and the Freedom of Information Act shall not apply to the records maintained.
- FEMA will provide civil \$10,000 per violation per instance; and criminal penalties of 5 years in prison for violation of this section; or use of the information outside the specific purpose of that data collection which is to assure full inoculation of individuals; and determination for herd immunity goals being achieved. Data retention limitation—all records shall be destroyed after 5 years—sunset this provision after 5 years.
- FEMA will provide an ombudsman to support public and stakeholder input on the work being done, provide advocacy and advice for those who elect not to be vaccinated, and champion the privacy, civil liberty rights on behalf of the American people.
- FEMA will waive State laws regarding management of inoculation data.
- FEMA will provide HHS with the capacity to manage the inoculations data on persons for the purpose of tracking the second vaccination to ensure full immunity and the management of National inoculation goals.

Under the leadership of the Biden administration the Nation is off to a great start in vaccinating the Nation, but we must and can do more to reach the hard-to-reach especially with the added flexibility offered by the one shot Johnson and Johnson vaccine.

CYBERSECURITY RISKS AND FEDERAL NETWORK VULNERABILITY TO ATTACKS

The SolarWinds breach and the related malicious cyber campaign, which has affected 9 Federal agencies and approximately 100 private-sector entities.

At a joint hearing with the Committee on Oversight and Reform we heard from private-sector witnesses will provide an overview of their roles in the discovery and response to the malicious cyber campaign as well as recommendations to better defend against such attacks in the future.

On December 8, 2020, FireEye, a notable cybersecurity firm, announced that it had been compromised “by a nation with top-tier abilities,” and that the actor had stolen its red-team tools.

FireEye shared details of the attack, indicators of compromise, and counter-measures.

Five days later, on December 13, 2020, initial reports surfaced that a sophisticated actor breached the U.S. Departments of Treasury and Commerce by inserting malicious code into the SolarWinds Orion platform, which agencies use to automate certain network monitoring activities. Approximately 18,000 SolarWinds customers downloaded the malicious code, but not all installed it.

As the investigation into the malicious cyber campaign progressed, additional attack vectors unrelated to SolarWinds were identified.

Federal agencies and about 100 companies have been impacted by the campaign, though investigations are on-going.

On January 5, 2021, a joint statement issued by the Cybersecurity and Infrastructure Security Agency (CISA) of the Department of Homeland Security (DHS), the Federal Bureau of Investigation (FBI), the Office of the Director of National Intelligence (ODNI), and the National Security Agency (NSA) indicated the campaign was “likely” carried out by a Russian Advanced Persistent Threat (APT) actor.

A scenario heard too often heard—it was a zero-day vulnerability in Microsoft’s software that was exploited.

The Solarwind attack involved a Microsoft software vulnerability that was exploited resulting in an attack that was not detected by DHS’s Cybersecurity and Infrastructure Security Agency (CISA), which is the Federal agency charged with protecting Federal civil agencies and private-sector entities network security.

CISA is the Nation’s risk advisor, working with partners to defend against today’s threats and collaborating to build more secure and resilient infrastructure for the future.

This is troubling because of the billions in funding made available to make DHS the premier Federal agency to address cyber threats to Federal civilian agency networks and the private sector.

In the 116th Congress I introduced H.R. 3710, the “Cybersecurity Vulnerability Remediation Act,” which is introduced in the 117th Congress under bill number

H.R. 118. The bill directs DHS to prioritize efforts to help network operators address known vulnerabilities by:

- Requiring DHS's Cybersecurity and Infrastructure Security Agency (CISA) to widely share mitigation protocols to counter cybersecurity vulnerabilities;
- Authorizing the DHS Science and Technology Directorate to establish an incentive-based program to allow industry, individuals, agencies, and academia to compete in providing remediation solutions for the highest priority cybersecurity vulnerabilities; and
- Requiring CISA to report to Congress on its efforts to share mitigation protocols and coordinate vulnerability disclosures with its partners.

In the 115th Congress, I introduced H.R. 3202, Cyber Vulnerability Disclosure Reporting Act, which addresses the Federal Government's sharing of cyber vulnerability disclosures to critical infrastructure owners and operators.

H.R. 3710, goes further to address the remediation of identified cybersecurity threats by incentivizing work to patch or find solutions for cyber threats inherent in legacy systems.

The reason this bill is needed is because of the Federal Government documented use computing technology for over 120 years.

The Federal Government's first use of computing technology occurred in 1890 when an automated tabulation method was used to organize that year's census data encoded on punch cards.

Since that modest beginning in 1890, the Federal Government has blazed a path for adoption of computing technology throughout the Federal Government, which established an unprecedented pace for innovation in the private sector that transformed our world from analogue to digital in 129 years.

One of the consequences of Federal Government use of computing technology over the last 129 years are the challenges of operating legacy systems that use outdated software, which cannot be quickly upgraded to eliminate known cybersecurity vulnerabilities.

Federal Government offices are vulnerable to cyber attacks, with the number of cyber incidents reported by Federal agencies increasing more than 1,300 percent between 2006 and 2015.

In 2015, a hacker exploited access provided by a Government agency contractor to break into Government databases to gain access to 22 million security clearance files from the Office of Personnel Management.

In 2017, Federal agencies reported more than 35,000 cyber incidents, some of which targeted old operating systems that were no longer supported by a vendor.

According to the National Security Agency, it has not responded to a zero-day attack on Government systems in the last 4 years, largely because hackers have found better success through basic attack methods.

H.R. 3710 will provide much-needed structure around a Federal Government-wide effort to address cybersecurity vulnerabilities in Federal civilian agency networks.

I have made cybersecurity one of my highest priorities in my work on this committee out of concern shared by my colleagues on this committee on the consequences for the safety and reliability of critical infrastructure.

I will work with the committee on getting H.R. 118 before the committee in a markup and ultimately to the House floor for a vote.

UNACCOMPANIED CHILDREN AT THE BORDER

The saddest, most tragic situation is the plight of tens of thousands of unaccompanied children or those who were taken from their parents or removed from the care of responsible adults.

The image of children in cages will haunt our Nation for decades to come, but when this was occurring too many of my friends on the other side of the aisle found no fault with the past administration's crisis generating border policies that caused so much suffering from children and their parents.

The same border challenges are part of our mission as a committee and we are as much to blame as any administration that we under-resource or allow to pursue policies that cause injury and harm to asylum seekers or refugees seeking assistance.

As a former Ranking Member of the Homeland Security's Subcommittee on Border Security, my commitment to securing our Nation's borders and protecting the homeland from terrorist attacks remains unwavering.

The United States has a Federal policy supported by laws that govern how non-citizens are to be treated, and the rights and well-being of the most vulnerable are to be met when in U.S. custody.

I visited CBP facilities when tens of thousands of unaccompanied children were arriving at the border weekly during the previous administration and observed how DHS met the challenge of receiving them, feeding them, and placing them safely in the custody of the Department of Health and Human Services was routinely met.

I was shocked to learn in December 2018, that 2 children died in separate incidents while in the custody of the U.S. Border Patrol, which were the first deaths of children in Border Patrol custody in more than a decade.

Following the deaths of the 2 children in 2018, U.S. Customs and Border Protection, the Border Patrol's parent agency, issued an interim directive in January 2019 establishing new medical screening and assessment procedures for children taken into custody.

I look forward to your testimony and the testimony for today's hearing.

Thank you.

STATEMENT OF HONORABLE AUGUST PFLUGER

Thank you, Chairman Meeks and Ranking Member Katko, for holding this important hearing today. Secretary Mayorkas, thank you for appearing before us today.

Our Nation is facing a complete crisis on our Southern Border with illegal crossings nearing an over 20-year high, and the levels of unaccompanied minors nearing an all-time high.

This is not only an illegal immigration crisis, but also a humanitarian one.

Right now, thousands of unaccompanied migrant children are coming across our borders illegally every single day, trafficked and transported by coyotes, drug cartels, and other bad actors intent on exploiting these children for money. We have also seen the safety and security of our own citizens put on the line, with Border Patrol confirming that individuals on the terror watch list have been apprehended coming across the border, and hundreds of agents being pulled off their important missions to staff processing facilities and mitigate the surge.

I traveled to the Southern Border on Monday and surveyed the facilities there on the ground. What I saw, and what was confirmed to me by Border Patrol officers, is a complete and utter overwhelming of our facilities, resources, and manpower.

We toured the central processing facility in El Paso, which was built only last year to house 1,040 migrants. On Monday, that facility reached capacity for the first time. This is only one facility of many along our border that are filled to the brim with illegal migrants, encouraged by the rhetoric and dangerous policies espoused by this administration.

These facilities along the border are so overwhelmed that children are being bused hundreds of miles to holding spots within the interior of the United States. One of these is in the heart of my district, in Midland, Texas.

Secretary, during the middle of the night just this last Sunday, the U.S. Department of Health and Human Services made the surprise decision to move up to 700 unaccompanied migrant children into Midland, Texas without consulting, coordinating, or properly notifying city and State officials.

Our sheriff, mayor, police, and fire departments were completely blindsided. We had no time to prepare, no opportunity to provide input and advice, and were given no answers as to how long they will be there, if more are on the way, implications of spread of coronavirus, and more.

This is completely unacceptable and an indication of this administration's lack of transparency and willingness to accept accountability for this crisis.

I am imploring you and President Biden to reverse course on this administration's dangerous rhetoric and reinstate the policies that were in place and working: Restart building on already appropriated wall funding, re-impose the Remain in Mexico policy, end catch-and-release, protect Title 42 authorities, and most importantly, properly invest in the tools and resources our brave Border Patrol and ICE agents need to secure our border and provide for the safety of our citizens as well as the migrants.

The security of our border should not be partisan. It is in the best interest of every American, and I implore you to work in good faith to secure our border and get this crisis under control.

Chairman THOMPSON. Members are also reminded that the committee will operate according to the guidelines laid out by the Chairman and Ranking Member in our February 3 colloquy regarding remote procedures.

Without objection, the witness' full statement will be inserted in the record.

I now recognize Secretary Mayorkas for his opening statement.

**STATEMENT OF HON. ALEJANDRO N. MAYORKAS, SECRETARY,
UNITED STATES DEPARTMENT OF HOMELAND SECURITY**

Secretary MAYORKAS. Thank you and good morning, Chairman Thompson, Ranking Member Katko, and distinguished Members of the committee. Thank you for the invitation to join you today.

At the very outset I should recognize the tragic event that took place in the surrounding areas of Atlanta yesterday. Our thoughts and prayers are with the victims of that tragic event, those who lost their lives, as well as those who were injured.

We are tracking that event very carefully. I have already been briefed on it, and I know that the Federal Bureau of Investigation is working to understand all of the facts and that the individual who is a suspect of that event is in custody.

More than 240,000 individuals dedicate their talent and energy each day to protecting our homeland security. It is an honor to appear before you to represent them in the critical work they perform in the service of the American people.

DHS personnel protect our country from foreign and domestic terrorism while also protecting our privacy, civil rights, and civil liberties. They secure and manage our borders while also restoring America as a place of refuge.

They support a whole-of-Government effort to defeat a pandemic that has impacted every part of American life, while also facilitating the legitimate trade and travel needed for a strong economy.

The challenges we face are great, but we do not face them alone. The Department of Homeland Security is fundamentally a department of partnerships.

Congress, all of you, is one of our essential partners. I commit to working with this committee on a bipartisan basis to ensure the success of our homeland security mission.

Forty-three days into my tenure as Secretary, I look forward to sharing what we have done and where we are headed. I will start with what is top of mind for every American, which is our effort to defeat the COVID-19 pandemic.

On the first day of this administration, President Biden challenged FEMA to stand up 100 Federally-supported community vaccination centers in only 30 days. In fact, FEMA did not stand up 100 Federally-supported community vaccination centers in 30 days. It stood up 441. Today that number is well over 900 and growing by the day.

President Biden also challenged us to deliver 100 million vaccinations across the country in 100 days. Last week we passed 90 million doses and are on track to reach the President's ambitious goal.

Another top priority for our Department is increasing the Nation's cybersecurity resilience and protecting our critical infrastructure, especially in light of the recent campaigns exploiting SolarWinds and Microsoft Exchange and the growing threat of ransomware.

As a first step, I have directed grant funding that will provide an additional \$25 million for State and local entities across the country to improve their cybersecurity, raising the total minimum amount they must devote together to this critical mission to \$77 million.

The Department's Cybersecurity and Infrastructure Security Agency, or CISA, remains laser-focused on protecting and providing assistance to Federal civilian agencies and working with the private sector to improve our defenses.

Thank you very much to all of you for your leadership in recognizing the importance of this issue and for the \$650 million you recently appropriated for CISA to enhance our ability to protect the Nation against cyber attacks.

As the United States approaches the 20th anniversary of 9/11, we face a threat landscape that has significantly evolved. While we remain vigilant about the threat of foreign terrorism, ideologically-motivated domestic violent extremism now poses the most lethal and persistent terrorism-related threat to the homeland today.

The January 6 attack on the U.S. Capitol and on American democracy is a searing example of this threat. With our Federal partners and our own Offices of Intelligence and Analysis, Civil Rights and Civil Liberties, and Privacy, we are working to assess the linkage between extremists' exploitation of social media and their acts of violence.

We are expanding our intelligence and information-sharing capabilities, again consistent with privacy rights, civil rights, and civil liberties, as part of a whole-of-Government effort to combat domestic violent extremism.

We are also equipping local communities with the tools to better address this threat. This year and for the first time, I directed our Homeland Security grant programs to make domestic violent extremism a National priority area, requiring recipients to spend at least 7.5 percent of their grant awards on combating domestic violent extremism.

Across the Nation this year, States and urban areas will spend at least \$77 million to prevent, prepare for, protect against, and respond to acts of domestic violent extremism.

There is, of course, a great deal of attention focused on the Southwest Border where we are experiencing a surge of individuals attempting to cross the border. Most are single adults who are expelled within hours back to Mexico pursuant to the CDC's public health authority.

Families who are apprehended at the border are also immediately expelled under the same public health authority unless we confront at times a limitation on Mexico's capacity to receive them.

We are also encountering many unaccompanied children, children who arrive without a parent or legal guardian with them. Their families made the heart-wrenching decision to send them on a journey across Mexico to provide them with a better, safer future.

The previous administration was expelling these unaccompanied children, some who are girls under the age of 12, for example, back to Mexico. We ended that practice.

Unaccompanied children can make their claims for humanitarian relief in immigration proceedings as the law provides. If it is deter-

mined that they do not have a valid claim, they will be returned in a safe manner.

We have taken a series of actions to address the increase in the number of unaccompanied children at the border. We have increased our capacity to hold the children until HHS can shelter them while it identifies and vets the children's sponsors. We are increasing HHS's capacity and I directed FEMA to support this effort.

We have instituted the safe, orderly, and legal pathway for children's asylum claims to be heard so that they do not have to take the dangerous journey to our border. That pathway, the Central American Minors program, was torn down by the prior administration.

These actions and more that we are taking are part of our plan to manage the arrival of individuals at our Southwest Border. The situation is undoubtedly difficult. We are working around the clock to manage it, and it will take time, but we will not waiver in our commitment to succeed. That is our job.

We will also not waiver in our values and our principles as a Nation. In the Department of Homeland Security, we can and we will tackle the many challenges we face while complying with our legal obligations and honoring our Nation's values and principles.

Thank you again for the opportunity to appear before you today and for your support of our Department. I look forward to working with you and to taking your questions.

Thank you.

[The prepared statement of Secretary Mayorkas follows:]

PREPARED STATEMENT OF ALEJANDRO N. MAYORKAS

MARCH 17, 2021

INTRODUCTION

Chairman Thompson, Ranking Member Katko, and distinguished Members of the committee, it is an honor to appear before you today as the Secretary of Homeland Security. It is a privilege to return to the Department and lead the more than 240,000 employees who dedicate themselves every day to the safety and security of our Nation.

The Department of Homeland Security (DHS) confronts grave challenges, both seen and unseen, on behalf of the American people. The challenges include a deadly pandemic that has thrown every part of American life off its axis. Cyber attacks that target the Federal Government, our Nation's critical infrastructure, companies, and individuals alike. Terrorism, both foreign and domestic, that endangers our communities and our way of life. Extreme weather events and other impacts of the climate crisis that threaten lives and livelihoods. At the same time, we are rebuilding an immigration system that was systematically dismantled during the prior administration. We are making risk-based investments in our border management system to create safe, legal, and humane pathways to asylum and humanitarian protection.

DHS is, fundamentally, a department of partnerships. Having been back at the Department for approximately 45 days, I continue to witness first-hand the importance of those partnerships. DHS interacts more with the American public on a daily basis than any other Federal department or agency. To succeed in our mission, the Department must forge close relationships with State, local, Tribal, and territorial (SLTT) governments and law enforcement stakeholders, international partners, other Federal agencies, the private sector, non-governmental organizations, and Congress.

The Department must do this important work while always remaining faithful to the law, our mission, and our country's values. Upon entering office, I made a commitment to issue a long-delayed regulation to implement the bipartisan STOP Act, a law that will help reduce the flow of opioids into this country and save lives. I

am pleased to say that we already have issued the regulation. I thank Members of Congress, on both sides of the aisle, for their leadership and support. The work of homeland security is not political.

During my testimony today, I will highlight DHS's broad and diverse mission and the talented individuals throughout the Department who keep our country safe.

DEFEATING THE COVID-19 PANDEMIC

Supporting the Federal Response

On the first day of his administration, President Biden challenged the Federal Emergency Management Agency (FEMA) to stand up 100 Federally-supported Community Vaccination Centers in only 30 days. FEMA stood up 441 within the time period. Today, that number is almost 690 and growing each day. President Biden also challenged us to deliver 100 million vaccinations across the country in 100 days. We are well past 79 million and on track to reach our goal.

We are particularly focused on ensuring vaccine equity. FEMA is working with its partners to provide a supplemental allocation of vaccines above and beyond State allocations to accelerate access, and it is developing mobile vaccination sites that can more effectively reach vulnerable and rural populations. As a condition of FEMA's assistance, FEMA is requiring communities to gather the data needed to equitably distribute vaccines and ensure that no one is left behind. Further, FEMA is providing direct technical assistance to improve access to the vaccine by leveraging resources such as the Centers for Disease Control and Prevention's (CDC) Social Vulnerability Index when deciding where to locate vaccine sites. The President has committed to providing the vaccine to our entire population regardless of race, ethnicity, access to transportation, or immigration status. Those who lack legal status in this country should know that U.S. Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection will not conduct immigration enforcement operations at or near vaccine distribution sites or clinics.

To protect the traveling public and those who work in the transportation industry, the Transportation Security Administration (TSA) issued guidance to require mask use on commercial airlines and various modes of surface transportation effective February 1, 2021. It will do so pursuant to President Biden's Executive Order on Promoting COVID-19 Safety in Domestic and International Travel.

ICE Homeland Security Investigations (HSI) also launched Operation Stolen Promise to protect the homeland from COVID-19-related fraud and criminal activity. Criminal organizations will undoubtedly continue to adapt and attempt to capitalize on the public demand for access to personal protective equipment such as N95 masks, vaccines, and other COVID-19 treatments as they are developed and approved or authorized, and will attempt to illegally introduce counterfeit or otherwise illicit versions into U.S. and global marketplaces. HSI, the U.S. Secret Service (USSS), and other Department resources are dedicating their skills and resources to identify and take down these criminal organizations.

Vaccinating the DHS Workforce

As Secretary, I have no greater obligation than that of ensuring the health and safety of the DHS workforce, 80 percent of whom are front-line or public-facing employees. Five days into the Biden-Harris administration, DHS launched Operation Vaccinate Our Workforce (VOW) to accelerate the administration of COVID-19 vaccines to DHS employees on a voluntary basis and in accordance with CDC recommendations. Operation VOW is working with the Veterans Health Administration (VHA) to provide National access to vaccines for DHS front-line employees, pursuing SLTT partnerships to complement VHA options, and ensuring personnel are provided the time and resources necessary to get vaccinated. On the first day of the Biden-Harris administration, less than 2 percent of our front-line workforce had been vaccinated. Today, that share has grown to more than 26 percent.

STRENGTHENING CYBERSECURITY AND CRITICAL INFRASTRUCTURE

The recent cyber attack campaigns exploiting SolarWinds and Microsoft highlight the significant cybersecurity challenges our Nation faces. Beyond cyber espionage, cyber attacks can paralyze companies and entire cities and are among the most serious security threats our country confronts.

The Department's Cybersecurity and Infrastructure Security Agency (CISA) leads Federal efforts to mitigate cybersecurity risks to the United States. Through the U.S. Coast Guard and TSA, DHS focuses on the cybersecurity of transportation, from aviation and rail to maritime and pipelines. The USSS and HSI combat 21st Century crimes, many of which are cyber-enabled. They play a pivotal role in identi-

fying and apprehending the perpetrators of computer network breaches, ransomware attacks, and other cyber-enabled financial and cross-border crimes.

In February, DHS announced initial steps to implement the Biden-Harris administration's commitment to elevating cybersecurity across every level of government. The Department's immediate focus will be on securing Federal civilian networks, supporting SLTT governments to be more resilient, and protecting the Nation's critical functions. To do so effectively, DHS will further strengthen its partnerships with the private sector and invest in the infrastructure and people required to defend against malicious cyber attacks as part of a whole-of-Government effort.

Securing Federal Civilian Networks

The recent cyber intrusion campaigns affecting Federal agencies and private-sector organizations are a clarion call to urgently improve our National cybersecurity and resilience. One of these malicious campaigns was undertaken by a highly sophisticated adversary, likely of Russian origin, that used unique techniques and skilled tradecraft to remain hidden for an extended period. DHS, through CISA, is leading the National effort to help impacted entities understand the scope of both compromises, remove adversaries from impacted networks, and provide guidance to reduce the likelihood of further compromise.

DHS's own networks were compromised by the campaign exploiting SolarWinds, but the Department was able to continue to execute its mission. Since we first learned about the breach in early December 2020, our teams have worked around the clock to respond. Since I became Secretary, we have also provided additional guidance to the DHS workforce on best practices. While our public-facing services were not affected and we no longer see indicators of compromise on our networks, we have more work to do to fully secure our network against future attacks. DHS networks and cybersecurity best practices should be a model for other civilian agencies.

This campaign illuminated gaps in the cybersecurity posture of Federal and civilian networks. We must use this moment as an opportunity to make significant improvements. Congress recently appropriated \$650 million in funding to strengthen CISA and ensure it has the resources and capacity to effectively implement its authorities, including those provided by Congress to CISA in the fiscal year 2021 National Defense Authorization Act. We are grateful to this committee for its support.

Supporting SLTT Partners to Increase Security and Resiliency Against Malicious Cyber Activity

The Department invested significant resources in helping SLTT officials secure the 2020 election through close collaboration. As this work continues, we must remain focused so election officials have the resources, training, and information necessary to safeguard our democracy against cybersecurity threats. We must also urgently protect the COVID-19 supply chain and health care facilities from malicious cyber activity. To meet this need, CISA launched a major effort to provide targeted cybersecurity assistance and support in coordination with the Department of Health and Human Services (HHS) and other Federal partners. CISA is also directly engaging with companies supporting vaccine clinical trials and manufacturing to help secure their networks.

Ransomware also poses an increasing threat to public and private networks and our National security. SLTT governments, in particular, face unprecedented cybersecurity risks. DHS supports our SLTT partners by sharing information about these risks, providing assessments and guidance, and offering incident response or threat-hunting services upon request.

Finally, the recent intrusion into a water treatment plant in Florida demonstrates a critical need to secure industrial control systems that underpin many essential functions. It is a top priority to ensure that owners and operators of facilities that rely on industrial control systems employ cybersecurity best practices, protect their critical infrastructure, and reduce malicious cyber activity. CISA is constantly working with businesses, communities, and governments at every level to make the Nation's critical infrastructure more resilient to both cyber and physical threats.

REBUILDING A FAIR AND EFFICIENT IMMIGRATION SYSTEM AND MANAGING OUR BORDERS

The Biden-Harris administration is committed to rebuilding a safe, orderly, and humane immigration system. Let me be clear that the Department continues to enforce our immigration laws and responsibly manage our border, while we restore fairness and efficiency in our immigration system, which was systematically dismantled during the last 4 years.

The situation at our Southern Border cannot and will not be transformed overnight, due in large part to the damage done over the last 4 years. Our primary responsibility is to keep our homeland and the American people safe. We are safer when we take a more comprehensive and sustainable approach to border management, ensuring that policies and procedures at the border are consistent with American values, immigration laws, and regulations.

Addressing the Current Challenges at the Border

The Department is responding to historic and unprecedented challenges at the border, including the arrival of record levels of unaccompanied children. DHS has deployed multi-faceted strategies to address the need at the border, including tapping FEMA resources, activating our volunteer workforce to assist with DHS's response, engaging our chief medical officer and his team on ensuring COVID-19 safety at every step of the process, and expanding DHS's processing capacity. We are also working with HHS, which has the responsibility for care and custody of unaccompanied children, to ensure that HHS increases its capacity and fulfills its responsibilities more efficiently and expeditiously.

The Biden-Harris administration is fully committed to addressing long-standing migration challenges in the region and at the border. There is no single solution that will adequately address these challenges. First, the most sustainable solution is to address the root causes that drive people to migrate in the first place. We must engage with regional governments and other partners to alleviate the insecurity, violence, corruption, and systemic poverty that drives migrants from their homes. Second, we must work with regional governments and international humanitarian organizations to provide potential migrants with meaningful opportunities to seek protection, including through potential migration avenues, from as close to home as possible. These opportunities should include refugee resettlement and family reunification programs in the United States and other countries in the region, and regional relocation and integration programs. Third, we must ensure shared responsibility with other countries in the region by supporting their efforts to improve their asylum adjudication capabilities and protect migrants. Finally, we must dramatically improve our system for processing migrants at the border and adjudicating their asylum claims in a fair and timely way.

While these efforts will dramatically improve migration management in the region and help to restore safe and orderly processing at the border, they will take time, as the President noted. Addressing long-standing challenges after the dismantling of the system cannot be accomplished overnight.

Reunifying Families

President Biden has made one of his top priorities reversing the effects of the previous administration's cruel immigration policies that separated parents from their children to deter others from seeking to enter this country. Families belong together. The Biden-Harris administration will protect family unity and ensure that children entering the United States are not separated from their parents for the purpose of reducing immigration flows. Separations will only occur when it is unavoidably necessary, such as for the safety and well-being of the child or as required by law. Under the leadership of Executive Director Michelle Brané and guided by a statement of principles that I issued on March 1, 2021, the Family Reunification Task Force will urgently reunite separated families and make recommendations regarding the provision of services to support their recovery from the trauma of separation. The Task Force is exploring how best to support these efforts. We will work closely with this committee, the other Members of Congress, and our partners in the private sector to achieve this moral imperative through an all-of-society effort.

Ending the Migrant Protection Protocols (MPP)

On February 19, DHS began winding down MPP by paroling certain individuals into the United States through a phased strategy developed in close coordination with the Department of State and the Department of Justice (DOJ), the Government of Mexico, international humanitarian organizations, and domestic non-governmental organizations. In conjunction with these agencies and organizations, DHS has established a triaging system in northern Mexico to identify, prioritize, and funnel MPP cases to select U.S. ports of entry consistent with our capacity to safely process individuals at those ports. This process includes testing and other robust COVID-19 protocols and close coordination with local stakeholders, including SLTT governments. In this initial phase, we are processing individuals who are enrolled in MPP, have cases pending before DOJ's Executive Office for Immigration Review, and do not pose a National security or public safety risk. This is part of our broader plan to address the challenges at our Southern Border.

Improving our Asylum System

We are working to dramatically improve the time spent processing and adjudicating certain asylum claims made at the Southern Border. The asylum program was dismantled over the last 4 years, in both DHS and DOJ. Rebuilding the system will address many of the operational issues, along with the on-going processing delays. DHS's U.S. Citizenship and Immigration Services and the DOJ's Executive Office for Immigration Review, the 2 agencies that share responsibility for processing asylum cases, are significantly overloaded with cases and straining under significant backlogs, making it extremely difficult to hear cases and adjudicate claims efficiently and effectively. In some locations, there is a more than 4-year waiting period for a final hearing.

We are exploring the various options for increasing the fairness and efficiency in processing asylum claims. We are also exploring the option, in consultation with DOJ, of building a system that will allow asylum officers to consider more cases in the first instance. We believe this change could result in cases being heard and adjudicated more efficiently.

Strengthening Enforcement and Removal Policies

Last month, ICE issued interim guidance to its workforce to focus its law enforcement efforts and resources on threats to National security, border security, and public safety. These priorities have enabled our limited resources to be expended most effectively. I will assess the results of this interim guidance to inform the issuance of longer-term enforcement and removal priorities.

Immigration Reform

I look forward to working with Congress on restoring humanity and American values to our immigration system, including through legislative action that:

- provides pathways to citizenship for hard-working people who enrich our communities every day and who have lived in the United States for years, in some cases for decades;
- allows undocumented individuals to apply for temporary legal status, with the ability to apply for lawful permanent residency after 5 years if they pass criminal and National security background checks and pay their taxes;
- modernizes our immigration system, and prioritizes keeping families together;
- clears employment-based visa backlogs, recaptures unused visas, reduces lengthy wait times, and eliminates per-country visa caps;
- protects workers from exploitation, ensures fairness for U.S. workers, and improves the employment verification process;
- codifies and funds the President's \$4 billion 4-year interagency plan to address the underlying causes of migration in the region; and,
- creates safe and legal channels for people to seek protection.

STOPPING THE THREAT OF DOMESTIC VIOLENT EXTREMISM

Terrorist threats to the United States have evolved and become more diverse since the attacks on September 11, 2001. Pernicious threats, both foreign and domestic, remain. Currently, the most significant terrorist threat facing our Nation comes from lone offenders and small groups of individuals who commit acts of violence that are motivated by a broad range of extreme racial, political, religious, anti-Government, societal, and personal ideological beliefs.

Domestic violent extremism is typically fueled by false narratives, conspiracy theories, and extremist rhetoric usually spread through social media and other online platforms. The lethality of this threat is evidenced by the attack on the U.S. Capitol on January 6, 2021, and other recent attacks across the United States, including against Government buildings and personnel and minority groups. Combating this violence requires a whole-of-Government approach, which I have already initiated at DHS in collaboration with key partners, including DOJ, to help ensure the violence and assault on democracy that occurred on January 6 does not occur again.

This year, and for the first time, I designated "combating domestic violent extremism" as a National Priority Area for the fiscal year 2021 State Homeland Security Program (SHSP) and Urban Area Security Initiative (UASI) grant programs. Recipients of these grants will be required to spend at least 7.5 percent of their awards on combating domestic violent extremism, resulting in at least \$77 million in grant funding being spent on building the capability to detect and protect against threats from domestic violent extremism. Additionally, the \$20 million Targeted Violence and Terrorism Prevention Grant Program supports the implementation and evaluation of innovative community-based prevention programs and identifies efforts that are demonstrably effective to replicate them across the country. The Department

also continues to increase support for establishing and enhancing local prevention programs through the provision of financial, educational, and technical assistance services.

I have directed an expansion of our analytic focus, including to more comprehensively assess how extremist actors exploit and leverage social media and other on-line platforms, and how those on-line activities are linked to real-world violence. The Department will share related findings with SLTT government and law enforcement partners.

The Department will also expand its intelligence and information-sharing capabilities, particularly with SLTT and international partners, including to more comprehensively assess the transnational elements associated with certain domestic extremist movements.

Further, DHS will continue to disseminate intelligence to the broadest audience, at the lowest classification level possible, while protecting privacy, civil rights, and civil liberties. In January, the Department issued the first National Terrorism Advisory System (NTAS) Bulletin in more than a year. It warned the American public about the threat from ideologically-motivated violent extremists. The Department will continue to leverage the NTAS as a critical tool, among others, for communicating with the public.

Continued support from the public is essential to identifying and reporting suspicious activity and threats of violence, especially on-line. DHS is enhancing its public awareness campaigns and resilience to disinformation and other false narratives that inspire domestic extremist violence by updating its “If You See Something, Say Something®” campaign and refreshing its Nation-wide Suspicious Activity Reporting Initiative to facilitate our partners’ ability to identify, evaluate, and report tips related to terrorism, regardless of ideology. DHS is also working to support the efforts of technology companies and other private-sector partners to curb on-line recruitment and radicalization to violence.

To ensure the Department is able to adequately address the evolving threat in this area longer-term, I look forward to working with Congress to examine our current legal authorities to access, collect, integrate, and share information posted on social media and other on-line platforms and consider whether there may be opportunities to enhance DHS’s ability to take actions that would protect the public, consistent with privacy, civil rights, and civil liberties.

BUILDING AND CHAMPIONING THE DHS WORKFORCE

Ensuring that DHS reflects the public it serves is a top priority. It is the right thing to do and it also helps us successfully meet our mission. Although the Department’s workforce is among the most diverse across the Federal Government, our work to ensure diversity, equity, and inclusion across DHS remains far from over. DHS will invest in recruiting, training, and retaining more women, people of color, and minorities, including in leadership positions across the Department. DHS will also develop innovative solutions to hiring, including through existing programs and new initiatives that expand our recruitment footprint in underrepresented and underserved communities.

Having served at the Department before, I know what a privilege it is to work alongside the passionate and mission-driven employees at DHS. On my first day, I committed to supporting this workforce with everything I have, including by providing them the resources they need and the opportunities they deserve.

This past year has presented immense challenges for our workforce. As of March 12, 58 of our beloved DHS colleagues have lost their lives due to COVID-19. In the recently released Federal Employee Viewpoint Survey, DHS lags behind Government-wide averages for concern about employees’ health and safety during the COVID-19 pandemic. On my watch, that will change.

I look forward to directly engaging with DHS employees to fully understand what they need to accomplish our critical mission. I will also work closely with our unions as key partners to achieve our shared goal of protecting and advancing the well-being of our personnel.

CONCLUSION

Thank you for the opportunity to appear before you today and for this committee’s continued support of our Department. As the Department tackles near- and long-term priorities, I am committed to partnering with Congress in service of the American people.

Thank you.

Chairman THOMPSON. I thank the Secretary for his testimony.

I remind each Member that he or she will have 5 minutes to question the witness.

I now recognize myself for questions.

Mr. Secretary, the majority of this committee was here on January 6 when the insurrection occurred. You were not Secretary, but you have had a chance to, I am sure, review some of the reports that have been generated.

Can you tell us, in your review of what occurred and what led up to the January 6 insurrection, are you reviewing that process right now?

Secretary MAYORKAS. Mr. Chairman, thank you very much for your question. I just want to start on a personal note.

I was brought to this country by my parents because of everything that the Capitol represents to the American people and because of everything that all of you on this committee do, which is serve and represent the American people. We came because of the democracy that we learned so quickly to cherish. What occurred on January 6 was heartbreaking, and I know some of you experienced it personally in great fear.

I certainly am reviewing the events that led up to that horrible day. I am also mindful of the fact that there are criminal investigations under way to address individuals who broke the law and perpetrated the crimes of January 6. So I conduct my review and I receive my briefings mindful of the sensitivities of pending criminal investigations and prosecutions.

It is very much a focus of the Department of Homeland Security, of mine personally. As I mentioned in my opening remarks, domestic violent extremism is one of the gravest and most persistent threats that we as a country face, and we are fully engaged in addressing it.

Chairman THOMPSON. Thank you very much.

Since we will probably hear a lot of discussion about the border, what is the status of children who are separated from their parents on the border?

Secretary MAYORKAS. Mr. Chairman, the children who were separated from their parents under the Trump administration are the subject of an intense effort and an all-of-Government effort directed by President Biden to find the parents and reunite the families and restore our Nation to its core principles and values.

We appointed an incredibly talented and dedicated executive director, Michelle Brané, to lead the task force. I am the chair, along with the Secretaries of State, Health and Human Services, and the Attorney General of the United States. This is a full-time effort by talented and dedicated individuals not only in the Department of Homeland Security, but in the other departments that I mentioned.

We look forward to working with this committee, with other Members of Congress, and harnessing the talent and resources of the private sector and community-based organizations in this effort. We have an obligation to find the parents and to reunite those families.

Chairman THOMPSON. Thank you very much.

Earlier this month, while visiting a FEMA vaccination center in Philadelphia, you expressed the view that a person's socioeconomic status, race, ethnicity, access to transportation, or immigration sta-

tus should not impact their ability to receive a vaccine. I could not agree with you any more.

Can you share with the committee how you are making that a reality?

Secretary MAYORKAS. Mr. Chairman, the issue of equity is a core foundation of the all-of-Government effort to address and tackle the challenge of the COVID-19 pandemic.

FEMA uses a Social Vulnerability Index that addresses the vulnerabilities that you identify in ensuring that the placement of the community vaccination centers address the issue of equity and equality of access to the vaccines.

I will share with you that I participate, along with other Cabinet members, in a weekly meeting led by Jeffrey Zients, who leads the all-of-Government effort on behalf of President Biden, and the issue of equity and the emphasis on equity begins our discussions every week. It is uppermost in our minds, and that too is a core obligation of ours.

Chairman THOMPSON. Thank you very much.

I now recognize the Ranking Member of the full committee, the gentleman from New York, Mr. Katko, for his questions.

Mr. KATKO. Thank you, Mr. Chairman.

Thank you, Mr. Secretary, for the way you have been accessible and have reached out to me several times. We have had several good discussion already, and I appreciate us getting off on the right foot.

I want to commend all of the men and women at the Department of Homeland Security and all the components for the great work they do every day.

I encountered many of those this week, this weekend in El Paso, where I started my career as a prosecutor and where I went after cartels. I know from then and I know now that they are the front-line people, they are the front-line workers, and the discussions you have with them really ring true.

After discussing things with them, it became that much more apparent about what is going on at the border. As we discussed yesterday in our phone call, I have got a series of questions that really require just a yes-or-no answer, and I would appreciate it if you would just go through those quickly and if you could confirm some of these for me.

First of all, do you agree that President Biden signed multiple Executive actions on his first day in office to, No. 1, halt border wall construction; No. 2, end the Remain in Mexico policy; and, No. 3, cancel asylum agreements with Central American partners?

Secretary MAYORKAS. I do. If I may, Mr. Ranking Member, I appreciated our 2 conversations thus far and the spirit of partnership to which we are both committed. I share your background as a Federal prosecutor, and I know we will accomplish a great deal together.

May I just say one quick thing about the men and women—

Mr. KATKO. If you can, sir—yes, you can, but just be very brief because I have several questions.

Secretary MAYORKAS. I will, because I share your tremendous pride in the men and women of the Border Patrol and in the men and women across the Department of Homeland Security.

When I took office on February 2, 2 percent of the front-line Border Patrol personnel had been vaccinated. What I heard, first and foremost, was the fact that their health and well-being had not been taken care of.

We launched Operation VOW, Vaccinate our Workforce, and over 26 percent of the front-line personnel are now vaccinated.

Mr. KATKO. Thank you, Mr. Secretary.

Secretary MAYORKAS. Thank you.

Mr. KATKO. I don't mean to cut you off, but I do have many questions. I do appreciate you taking care of the agents. That is very commendable.

Secretary MAYORKAS. Thank you.

Mr. KATKO. Also, do you agree that Customs and Border Protection encountered more than 100,000 individuals in February, which was a 173 percent increase from February 2020? Just yes or no.

Secretary MAYORKAS. The numbers with respect to February of this year are accurate, Mr. Ranking Member.

Mr. KATKO. Thank you. Can you confirm that—

Secretary MAYORKAS. And 2020 is not the—

Mr. KATKO. Can you confirm that Customs and Border Protection's Donna facility was recently at over 700 percent capacity?

Secretary MAYORKAS. I don't have the precise figure. It was certainly over capacity, Mr. Ranking Member.

Mr. KATKO. Thank you.

Secretary MAYORKAS. We are addressing that.

Mr. KATKO. Thank you.

Can you confirm that Homeland Security has asked for volunteers to help manage the "overwhelming" number of migrants at the border?

Secretary MAYORKAS. I am sorry, can you repeat the question, Mr. Ranking Member?

Mr. KATKO. Sure.

Secretary MAYORKAS. Thank you.

Mr. KATKO. Can you confirm that Homeland Security has asked for volunteers to help manage the "overwhelming" number of migrants at the border?

Secretary MAYORKAS. We have certainly called upon the volunteer work force to assist in managing the border—

Mr. KATKO. Thank you.

Secretary MAYORKAS [continuing]. As we have done before and we have done in many circumstances to address the varied mission of the Department of Homeland Security. I am extraordinarily proud of our volunteers.

Mr. KATKO. Thank you, sir.

Can you confirm that over the weekend you directed FEMA to help receive, shelter, and transfer unaccompanied children from the Southwest Border?

Secretary MAYORKAS. Yes, indeed.

Mr. KATKO. Thank you.

FEMA was the same agency who is charged with the first Nation-wide disaster order in handling the pandemic and distributing vaccines?

Secretary MAYORKAS. It most certainly is, and it is extraordinarily capable in addressing the many challenges that we

throughout the Department of Homeland Security and throughout the Nation confront.

Mr. KATKO. Thank you.

Secretary MAYORKAS. This is not the first time that we have deployed the fantastic people of FEMA to address different challenges throughout the country.

Mr. KATKO. I understand, sir. Thank you.

Can you confirm that in order to pay for the response to the surge at the border, it is highly likely that you are going to need supplemental appropriations from Congress?

Secretary MAYORKAS. That is not certain by any means, Mr. Ranking Member, and I certainly will stay in close touch with you with respect to the financial impacts of the work that we are performing, not only in this mission set but across the Department.

Mr. KATKO. OK. Now, a couple quick questions.

If you agree with the facts that we have set out, and I appreciate your candor, and you said earlier in your testimony that the situation at the border is undoubtedly difficult. Given the tremendous rise in surge of individuals coming to the border, wouldn't it be fair to call it a crisis? Because that is what your agents are calling it.

Secretary MAYORKAS. Mr. Ranking Member, first of all, if I may, I didn't necessarily agree with all of the stats, the statistics that you cited.

Mr. Ranking Member, I am not spending any time on the language that we use. I am spending time on operational response to the situation at the border.

Mr. KATKO. OK. Just 2 quick questions, Mr. Chairman. I know I am almost done here.

Secretary MAYORKAS. That is what I am focused on.

Mr. KATKO. Despite our disagreements and despite language characterizations, I want to talk about solving problems, and I just want to get a commitment from you on 2 things.

No. 1 is that you are open to working with Members of Congress, regardless of whether they are Democrats or Republicans, to reverse the disorder at the border?

Secretary MAYORKAS. I will be a partner of Members of Congress, regardless of party.

Mr. KATKO. OK. Last—Mr. Chairman, thank you for your indulgence—will you commit to encouraging the President to accept Leader McCarthy's well-intentioned invitation to discuss the border crisis—and I would like to be there too if I could—on how we could come together to fix it?

Secretary MAYORKAS. Mr. Ranking Member, I will defer to the President to how he believes he should conduct the meetings that he hosts.

Mr. KATKO. Thank you, Mr. Secretary.

I yield back, Mr. Chairman.

Chairman THOMPSON. Thank you very much.

The Chair now recognizes other Members for questions they may wish to ask the witness. I will recognize Members in order of seniority, alternating between Majority and Minority.

Members are reminded to unmute themselves when recognized for questioning and then mute themselves once they have finished speaking and to leave their cameras on so they are visible.

The Chair now recognizes the gentlelady from Texas, Ms. Jackson Lee, for 5 minutes.

Ms. JACKSON LEE. Mr. Chairman, thank you so very much for your leadership.

To the Secretary, it is good to see you again. We have worked together before.

My time is short. My questions will try to be as short as possible, if your answers could be likewise.

I am outraged about the shootings in Atlanta. Thank you for starting out. We offer our deepest sympathy. Six of those individuals seem to be Asian out of 8.

What is the Department going to be doing about, even though the investigation has not proceeded, what may be domestic terrorism or hateful acts, violent acts against communities like Asian Americans which have seen a surge in hateful acts?

Mr. Secretary, very quickly.

Secretary MAYORKAS. Congresswoman, it is nice to see you again as well.

I won't comment on the tragedy of yesterday because it is under investigation, but we are intensely focused on the greatest threat that we face in the homeland from a terrorism perspective, as I mentioned at the outset, and that is domestic violent extremism, violence that is motivated by different ideologies, including ideologies of hate against particular social groups.

Ms. JACKSON LEE. I appreciate it. I hope that we will focus on Asian Americans as we have done on other groups, and certainly we know that African Americans have been the targets of White supremacy and White racism.

Let me move quickly to the border and indicate to you, Mr. Secretary, that this administration has a border policy. I congratulate you for it. It is not a policy of putting children in cages, which we had to suffer for year after year of the Trump administration. There are no children in cages.

So I would simply ask this. I applaud the utilization of FEMA, and I applaud the utilization of a policy. Can you succinctly say what that policy is as it relates to the border and your policy for moving children, who are now moving to temporary sites like Midland and Dallas, to a process where they can seek asylum and/or go to their custodial representative in this country?

Mr. Secretary.

Secretary MAYORKAS. Congresswoman, the border is secure and the border is not open. We are expelling, under the CDC's public health authority in light of the pandemic, single individuals who arrive at the border. We are expelling families under that same public health authority, limited only by the capacity of Mexico to receive them.

We are not expelling children who arrive unaccompanied, without a parent or legal guardian, and we are caring for their custody and their sheltering in HHS's responsibility to place them with sponsors so that they can proceed with their immigration proceedings and their claims for humanitarian relief under the laws of this country in a safe and orderly way.

Ms. JACKSON LEE. Thank you, Mr. Secretary.

As it relates to COVID-19, our State has always been a hotspot, Texas. Let me quickly cite legislation that I have, the COVID Delivery Act of 2020 and 2021. I just want to emphasize the value of FEMA, want to acknowledge Tony Robinson, Region 6 administrator, and the Texas Department of Emergency Management, they have been working beautifully. But I want to emphasize that I think FEMA can stand up and do more as it relates to monitoring shipments. I think they can do more by establishing an app that would help, working with HHS, to sort-of monitor the vaccines as they are coming forward.

So I just want to be able to work with you on ideas of how FEMA can be more effective in the COVID-19 fight. Would you work with me on that?

Secretary MAYORKAS. I most certainly will, and I appreciate the recommendation and the request.

Ms. JACKSON LEE. Finally, we are all aware of the horrible breach that came about through SolarWinds, and you mentioned it in your presentation.

So I would really like you to answer the question regarding the importance of having shared vulnerabilities, meaning that we have a system—and I, of course, have legislation, but I want to just focus on the concept of making sure that we know the private vulnerabilities and the public vulnerabilities and that they are shared under the umbrella of CISA.

Would you comment on that? We need to know the vulnerabilities so that we can begin to address the vulnerabilities? We can't have that kind of major breach.

Secretary MAYORKAS. Congresswoman, thank you so much for that question because it returns to a statement that I made at the very outset, and that is that the Department is a Department of partnerships, and the public-private partnership is especially important in enhancing our Nation's cybersecurity.

The Cybersecurity and Infrastructure Security Agency, CISA, within the Department of Homeland Security, is on point for enhancing that partnership, and critically important to that partnership is the sharing of information both by the private sector and the Federal Government.

By understanding the vulnerabilities, by the attacks that individual organizations suffer, by learning from them collectively, we will enhance our Nation's cybersecurity, and that is one of our critical mission sets.

Ms. JACKSON LEE. Thank you so very much. Thank you for the work of the men and women of the Department of Homeland Security. Look forward to working with you.

Mr. Chairman, I yield back.

Chairman THOMPSON. Thank you very much.

The Chair recognizes the gentleman from Texas for 5 minutes, Mr. McCaul.

Mr. McCAUL. Congratulations to you on your recent confirmation.

You know, you and I, I think, have seen this movie before. In 2014, when I was Chairman of this committee and you were deputy secretary of DHS, Obama called the surge of migrants at the

Southern Border a humanitarian crisis, and he was right. Today we are seeing another surge at our Southern Border.

We have both seen this movie before, and we know the plot, and we know the outcome.

As chief of counterterrorism and National security for the U.S. attorney in Texas, I learned that deterrence does work first-hand. In fact, Mr. Secretary, you were a Federal prosecutor in a border State yourself.

I believe that words do matter. I know you mentioned that maybe the language doesn't matter. I think words do matter. I think you sent exactly the wrong message when you stated, "We are not saying don't come; we are just saying don't come now." That is not a message of deterrence.

The Trump administration, in my judgment, did a masterful job in negotiating the Remain in Mexico policy and the Asylum Cooperative Agreements with Central America. It was actually a foreign policy achievement, and it worked. Migrants would have to wait in Mexico for their asylum trial and the border was under control.

However, with the stroke of a pen on Inauguration Day by President Biden, these policies have been suddenly reversed and canceled. Cartels and traffickers see that the green light is on at our Southern Border and the United States is open for business again. Again, the message is: Come on in.

Just like that, Catch and Release has returned as a policy of this Nation, and so, Mr. Secretary, has the threat. Migrants are given a date to appear in court and suddenly disappear. The children are the victims, and the cartels are celebrating this victory.

So, with all due respect, this administration has created this crisis by rescinding these agreements. Just yesterday you said, "We are on pace to encounter more individuals on the Southwest Border than we have in the last 20 years."

That is staggering. But I appreciate your honesty. I agree with you, it is going to be the most we have seen in 20 years. You may call that only a challenge, but I call that a crisis.

So I must ask this question: Why in the world did this administration and President Biden basically shred the Trump administration's asylum agreements with Mexico and Central America?

This administration's actions have had a direct cause and effect on this humanitarian and border crisis. What was this administration and the President thinking?

Secretary MAYORKAS, Congressman, it is nice to see you again, and I am very proud of the work that we did together when I was the deputy secretary and you were the Chairman of this very esteemed committee.

Sometimes the tools of deterrence defy values and principles for which we all stand, and one of those tools of deterrence that the Trump administration employed was deplorable and absolutely unacceptable.

If we want to speak of language, then let me speak of language. I will share with you how I define a crisis.

A crisis is when a Nation is willing to rip a 9-year-old child out of the hands of his or her parent and separate that family to deter future migration. That to me is a humanitarian crisis.

What the President has committed to, and what I am committed to and execute, is to ensure that we have an immigration system that works and that migration to our country is safe, orderly, and humane.

Mr. McCAUL. I was against separation of families as well. But let me just say this. By rescinding these, I think—you know, I am now the Republican leader of the Foreign Affairs Committee, so I look at this also from a foreign policy standpoint. I think it was a blunder to rescind these agreements which have created this exact problem and have put these children in jeopardy and you are seeing the separation again.

Again, I think what is happening down there—and I have been—you and I have been down there so many times—the kids, children, babies down there, what a humanitarian crisis it is.

I don't think it is a coincidence that on Inaugural Day, the President rescinded this foreign policy, and then all of a sudden, within February, we have hundreds of thousands of people coming in and have projected a million by the end of the year.

Secretary MAYORKAS. Congressman, let me, if I may, make 2 points.

No. 1, in fact we have seen migration surges before; 2019 was extraordinary; 2014; and before then.

The bottom line is—and this is something about which we all agree—the immigration system is broken, and it is in need of legislative reform. The President presented a bill, and there are bills pending before the House.

Hopefully this year—and I am confident and optimistic—that we will actually begin, once and for all, to fix a system that everyone agrees is broken.

Chairman THOMPSON. The gentleman's time has expired.

The Chair recognizes the gentleman from Rhode Island for 5 minutes, Mr. Langevin.

Mr. LANGEVIN. Thank you, Mr. Chairman. I want to thank you for convening this hearing.

Mr. Secretary, happy St. Patrick's Day. Welcome before the committee. I want to congratulate you on taking over as the Secretary of Homeland Security. I certainly look forward to working with you going forward.

Secretary Mayorkas, I appreciate certainly my colleagues' concern about border security, though I have to say I wish they had raised them with the prior administration instead of focusing myopically on a wall.

But I am concerned that we are losing real sight of the real threat that we face. Physical borders aren't the only thing that we have to be concerned with. We have seen in the last several months some of the most persuasive cyber incidents in our Nation's history.

What is more, these incursions into our cyber space are at the behest of our greatest adversaries, particularly China.

So, Mr. Secretary, I want to start off by asking you how you view cyber threats that we face as a Nation.

Secretary MAYORKAS. Congressman, I want to thank you for your focus and your leadership on this important mission set. As I mentioned before, I want to thank the committee for its support of our

Department and the infusion of much-needed resources to CISA, Cybersecurity and Infrastructure Security Agency.

This is one of my foremost urgent priorities, for the very reason you articulate. The cyber threats that our country faces from nation-state actors, as well as individual actors, cannot be overstated. The threat to critical infrastructure cannot be overstated, and we have seen that in a number of exploitations in recent months and over the past several years.

We have incredibly dedicated and talented individuals who are focused on it. The President has identified this as well as a critical mission set. Anne Neuberger is an extraordinary appointment as the deputy national security advisor focused on cybersecurity. This too is an all-of-Government effort.

Mr. LANGEVIN. Thank you, Secretary, and I am glad you touched on critical infrastructure.

I am a big proponent of the Cybersecurity and Infrastructure Security Agency's work on risk analysis. In fact, I authored a provision in last year's NDAA codifying responsibilities of sector risk management agencies to support that work.

Now, recent events, whether the cyber incidents tied to SolarWinds or Microsoft Exchange Server or the frigid temperatures in Texas, have demonstrated how the failure of a few important assets supporting National critical infrastructure, National critical functions, can have cascading and often devastating effects.

So the Cyberspace Solarium Commission, on which I serve as a commissioner, has suggested the concept of systemically important critical infrastructure, or SICI for lack of a better term, but as a framework for managing these risks.

So, Secretary, do you believe that SICI, based as it is on work the Obama administration did as part of Executive Order 13636, is a useful framework for managing risk, particularly cyber risks?

Secretary MAYORKAS. Congressman, thank you.

I do, and that is very much a subject of our discussion. I really appreciate your focus on critical infrastructure. It is a subject that I discussed with the leadership in the Department of Homeland Security on cybersecurity just a few days ago, because that is indeed a critical, critical area upon which we all must focus. I truly appreciate your work on the commission.

Mr. LANGEVIN. Thank you, Secretary.

Also, the Solarium Commission believes that DHS is really the linchpin in helping to mitigate risk before cascading failures occur. Do you agree with this assessment?

How are you engaging with your fellow Cabinet Secretaries and the White House to better manage risks to systemically important entities?

Secretary MAYORKAS. Thank you, Congressman.

Certainly the Department of Homeland Security, and CISA in particular, has a key role to play in the Federal Government architecture. As I mentioned earlier in response to the Congresswoman's question, the public-private partnership is key, and we are, of course, on point for that.

I had a very important meeting with Ms. Neuberger just this past Monday morning, and we spoke about everything that we are doing across the Federal Government in executing the President's

direction, that indeed we bring all resources to bear, because each one of us has different assets, different capabilities, and different responsibilities.

This is really—it is not just an all-of-Government effort. I think as you have correctly noted in the past, it is an all-of-Nation effort, because here in cybersecurity we say that we are only as strong as our weakest link.

So I share your view that we must work, all of us together in partnership, to address the challenge.

Mr. LANGEVIN. Thank you, Mr. Secretary.

I know that my time has expired. But I believe that Congress, and particularly this committee, are key partners with the Department to better protect SICI.

I hope this committee, Mr. Chairman, would hold a hearing on this important topic.

Secretary, I hope that you would commit to working with us to address this systemic challenge.

Secretary MAYORKAS. I most certainly will.

Mr. LANGEVIN. Thank you, Mr. Chairman.

Chairman THOMPSON. Thank you very much.

The Chair recognizes the gentleman from Louisiana, Mr. Higgins, for 5 minutes.

Mr. HIGGINS. Thank you, Mr. Chairman.

Mr. Secretary, thank you for your service to our country.

I have to say, though, that this meeting, this hearing, for many Americans watching this, has been quite nauseating thus far, the carefully-read scripted statements.

I am not sure you are here to answer questions, sir. I suspect that you are here to present a prepared narrative to the inquiries of Congress.

You have stated that we are not saying don't come; we are saying don't come now. I can tell you, my sources tell me they are coming now, and they are coming through the year. You are looking at the cartels have 2 million in the pipeline. We are absolutely looking at a 20-year high for illegal crossings at our Southern Border.

My colleagues across the aisle not even mentioning the cartels. America is watching this. For God sakes, we are going to blame President Trump?

You mentioned a 2019 surge. Yes, we had a surge in 2019 because the cartels were paying attention to the election cycle in 2018 when the Democrats took the Majority. We had to use every available legal power to reestablish control in 2019. We did. We had this thing down to a manageable threat.

What happened? We have a 2021 surge? Why? Let me just put it out there. What happened between the control that we had and what we have now? We had the election in November 2020, and President Biden was inaugurated on January 20.

Americans know it. They get it. The cartels are paying attention. They have loaded up their pipeline. We have got 2 million illegal immigrants headed our way, and I don't believe you have a plan to deal with it.

Let me say regarding FEMA, if there is not a crisis or humanitarian disaster at the Southern Border, then may I please suggest we take our FEMA disaster response teams deployed there and

send them somewhere where they are needed, like my district in southwest Louisiana, where there are still hurricane victims waiting on temporary housing.

Let me ask you a question, and perhaps you can answer, Mr. Secretary. Do you agree that the world is currently experiencing a pandemic? Does the world include nations such as Mexico, Guatemala, Honduras, El Salvador, Colombia, Venezuela, Panama, Cuba, China, Iran? Is the world experiencing a pandemic?

Secretary MAYORKAS. Congressman, let me assure you of one thing before I answer your question, which is, despite our strong differences of opinion, I look forward to working with you toward shared goals.

Mr. HIGGINS. That is very kind of you. Are we experiencing a pandemic?

Secretary MAYORKAS. Of course the world is experiencing a pandemic, Congressman.

Mr. HIGGINS. OK. We are experiencing a pandemic, and we are experiencing massive surges of illegals crossing our Southern Border. You are the head of Department of Homeland Security. Are we testing individuals in the facilities prior to their release into the United States?

Secretary MAYORKAS. It is indeed——

Mr. HIGGINS. Simple question.

Secretary MAYORKAS. I have a very direct answer. Thank you, Congressman.

It is indeed our policy to test individuals before releasing them. We have a process——

Mr. HIGGINS. Are we testing before or after they are processed?

Secretary MAYORKAS [continuing]. We have a process set up to do so. If you would like, I can explain that process. It has 4 parts.

Mr. HIGGINS. No. What I would like you to do is just tell us—I have several questions. Are we testing these illegal immigrants that are being released into our Nation, are we testing them before or after they are processed? You said they are being tested, that you have a plan in place. Are you——

Secretary MAYORKAS. We most certainly do. There are 4 ways in which we accomplish the testing. One——

Mr. HIGGINS. OK. You are welcome to submit that in writing. I am reclaiming my time.

To me, I think the American people are witnessing a question dodged. The bottom line is, illegal immigrants are being processed at the border and released into our Nation that have either not been tested or have tested positive for COVID. I don't think I am going to get a straight answer from you.

I have another simple question. Do you believe that the policies initiated by President Biden since his inauguration have impacted the issues on the Southern Border and increased illegal crossings?

Do you believe the cartels were paying attention all last year when then-candidate Biden was messaging that he was going to weaken the law enforcement mission, provide some kind of path toward amnesty or citizenship, process the illegal crossings in a manner that was more conducive to their reception in the United States? He messaged that again and again and again. Do you think

the cartels heard that? Do you think that maybe has something to do with what we are dealing with right now?

Secretary MAYORKAS. Congressman, I share a background with Ranking Member Katko and Congressman——

Mr. HIGGINS. My, goodness gracious. I am not going to get a “yes” or “no” out of you. You know what I am going to do? I am going to submit my questions in writing, because you are not here to answer hard questions, sir. You are here to repeat narratives that have been prepared by staff and attorneys. I don’t appreciate you dodging these questions.

Mr. Chairman, I am going to yield my time and submit my questions officially in writing to the Secretary, and I am going to expect them to be answered. If they are not, we are going to make some noise.

I yield.

Chairman THOMPSON. The gentleman’s time has expired.

The Chair recognizes the gentleman from New Jersey, Mr. Payne.

Mr. PAYNE. Thank you, Mr. Chairman.

You know, I believe that, when a witness is before us, he should be given the opportunity to answer the question and not shouted over. So, in that vein, I will try to do that.

Mr. Secretary, we have seen a lot of criminality-charged insurrectionists from the attack on January 6 cite President Trump’s words as their reason for participating in the attack. For example, Garrett Miller, who was charged for his role in attacking the U.S. Capitol, said that “I believed that I was following the instructions of President Trump.” Robert Sanford, who has been indicted for attacking a Capitol Police officer, our law enforcement, the people that defend us, as was just stated by the previous Member, our law enforcement that he attacked, told the Federal agents that he followed the President’s instructions and had gone to the Capitol for that day.

Mr. Secretary, is it fair to say that extremist groups see President Trump as their leader of their movement?

Secretary MAYORKAS. Congressman, the events of January 6 are the subject of criminal investigations and prosecutions, so I would prefer, out of respect for the integrity of that work, not to answer specifically with respect to the January 6 event.

But what we are seeing, as I have mentioned before, is a growing and persistent threat, and that is domestic violent extremism that is born of different ideologies—ideologies of hate, ideologies of anti-Government sentiment, ideologies of racially-motivated individuals. That is what we are very much focused on here in the Department of Homeland Security, and their words do matter.

Mr. PAYNE. But you can’t say whether the impetus for January 6 was the insurrectionists following President Trump?

Secretary MAYORKAS. It is not, Congressman, something I will comment on right now, in light of the investigations that are under way and the evidentiary impact of anything I say.

Mr. PAYNE. Ever since the November 20 election, we have seen political leaders echo former President Trump’s baseless lie that the election was stolen. Can you please share with the committee

how repeating and amplifying these lies inspires and encourages the same extremists who attacked the Capitol on January 6?

Secretary MAYORKAS. Those pronouncements, Congressman, are not fact-based. They are actually in defiance of the facts. I think Chris Krebs, who led the Cybersecurity Infrastructure Security Agency during the prior administration, who did a superb job—and I have seen the results of his great work each day—indicated that, based on evidence, based on data, that the election was conducted with integrity and that the votes were not manipulated.

Mr. PAYNE. So, basically, the loser of the election was really just plain sour grapes and trying to sway the American people to believe that there was something inherently wrong with the election. Is that correct?

Secretary MAYORKAS. Congressman, I focus on election security with our State, local, Tribal, territorial partners. That is what I am focused on.

Mr. PAYNE. OK. So the President's echoes are baseless.

Thank you, Mr. Chairman. I yield back the balance of my time.

Chairman THOMPSON. Thank you very much.

The Chair recognizes the gentleman from Mississippi, Mr. Guest, for 5 minutes.

Mr. GUEST. Thank you, Mr. Chairman.

Mr. Secretary, the American people are deeply disturbed with the on-going crisis along our Southwest Border. CBP numbers just in February: So, encounters are over 100,000 individuals, an increase of over 170 percent from the 36,687 encounters in February 2020.

This issue is of growing concern to the American public, and this is not a political issue. We are seeing calls by many members of the Democratic Party highlighting what we are seeing along the Southwest Border. Representative Cuellar said earlier, "We are weeks, maybe even days, away from a crisis on the Southern Border. Inaction is simply not an option. Our country is currently unprepared to handle a surge of immigrants in the middle of a pandemic."

We have seen Democratic Representative Vicente Gonzalez say, "I can assure you, it won't be long before we have tens of thousands of people showing up on the border, and it will be catastrophic for our country, for our region, and for our district."

We heard just this week Senator Joe Manchin. Senator Manchin said, "Whatever message was sent, it was interpreted the wrong way. It is a crisis. Oh, it is a crisis."

I know in statements that you have recently made you talk about how we are on pace to encounter more individuals on the Southwest Border than we have in the last 20 years.

In February, there was a letter signed by over 50 Members of Congress. That letter was sent to the President; a copy of that letter was sent to you. In that letter, the letter says, "We write today to bring attention to the rising immigration crisis that is already beginning at our Southern Border, a mere weeks into your administration."

That letter goes on to say, "On your first day as President, you signed multiple Executive Orders aimed at dismantling the security of our border, rescinding policies from the Trump administra-

tion that were working as intended to halt the flow of illegal immigration.”

The Biden administration directives on stopping the building of border infrastructure, revoking policies aimed at carrying out interior enforcement, halting deportations for 100 days, and suspending the migrant policy protections, MPP, have all communicated that our borders are open.

We know that the February numbers of 100,000 individuals over 28 days works out to an average encounter of over 3,500 a day. In 2019, at the surge of the crisis along our Southwest Border, former DHS Secretary Johnson, who was Secretary under the Obama administration, he was questioned about this. Just 2 years ago, he said, “I know that 1,000,” being 1,000 cases a day, “overwhelms the system. I cannot begin to imagine what 4,000 a day looks like, so we are truly in a crisis.”

Mr. Secretary, we are approaching that 4,000 number that Secretary Johnson described as a crisis in the summer of 2019.

In the summer of 2019, both Republicans and Democrats came together. They recognized that what we were seeing, the surge across our border, was an immigration crisis and it was a humanitarian crisis and it was a crisis that must be addressed.

We saw President Trump put forth policies that almost immediately began to address the overcrowding that we saw across our Southwest Border, and I will tell you, it is time that this administration do the same thing. In less than 60 days, they have completely destroyed what was a successful policy—or rolled back those successful policies by the administration.

Mr. Secretary, I will close my statement to you with a statement made by former Secretary of State Colin Powell. Secretary of State Colin Powell had what he referred to as the “Pottery Barn rule.” The Pottery Barn rule said: You break it, you own it.

Mr. Chairman, at this time, I yield back.

Chairman THOMPSON. The gentleman yields back.

The Chair recognizes for 5 minutes Mr. Correa.

Mr. CORREA. Can you hear me OK?

Chairman THOMPSON. Yes.

Mr. CORREA. Thank you, Mr. Chairman, for this hearing.

Mr. Secretary, welcome.

Let me again touch upon an issue my colleague brought up, which is the issue of COVID-19 testing at the border.

Are you testing all the refugees?

For those refugees that are not turned away, for those refugees that may come into the United States for further evaluation of their case, if they test positive, do you isolate them for the requisite time to make sure that our communities are safe?

I know you wanted to elaborate on those, the solutions that you have, so I wanted to ask you to please elaborate. Please be succinct, specific, and factual.

Thank you, sir.

Secretary MAYORKAS. Thank you, Congressman.

So we have 4 different ways in which we test individuals who come into the country who we do not expel.

We work with community-based organizations and local officials. We release them into those community-based organizations so that

they are tested and quarantined there. We provide 100 percent reimbursement through FEMA to the local entities and the community-based organizations, provided the State authority does not stand in the way.

We work with States, when those States have the capacity, to test and quarantine.

We are working now with funds appropriated by Congress to fund directly community-based organizations and local facilities to conduct the testing and quarantine.

When those 3 options are not available, we are now retaining a vendor to test individuals who are in CBP custody. If, in fact, they test positive, we transport them to ICE facilities for quarantine before release.

That is our 4-point architecture, and I appreciate the opportunity to share it with this committee.

Mr. CORREA. Thank you, sir.

Mr. Secretary, let me follow up on the refugee issue on deterrence, following our Federal laws, values, principles, ending children in cages, the ending of children separation.

I was watching Spanish news a few days ago. I watched an interview of a young lady, no more than 14 years old, that had gone to the border. She was stating that she had gotten raped by 7 men before she got to the U.S. border.

We talk about deterrence. I can only imagine the drivers that push immigration north—the dangers at home, the hunger.

So my question to you is: When are we going to start—what are the long-term solutions to this problem? All of us agree, this thing didn't happen 1 year, 2 years—it has been going on for a long time, more than a decade, two decades.

What are the long-term solutions? When are we going to implement them?

Thank you, sir.

Secretary MAYORKAS. Congressman, thank you very much. I think that Jorge Ramos put it very powerfully on Univision—because I, too, listen to Spanish language television and radio—when he said that sometimes hunger is stronger than fear.

There are 2 long-term solutions, both of which the President has acted upon, one of which is immediately before us, and that is to finally fix the immigration system in this country. The second is to address the root causes in the countries from which these individuals are fleeing, and specifically the Northern Triangle countries of Guatemala, Honduras, and El Salvador.

We began to invest in those countries and address the root causes, and that funding was discontinued during the Trump administration. The President is committed to restarting that critical element of an overarching approach to our border and the issues of migration that have challenged our Nation for so many years.

Mr. CORREA. Thank you very much, Mr. Secretary.

Mr. Chair, I yield.

Chairman THOMPSON. The gentleman yields.

The Chair recognizes the gentleman from North Carolina for 5 minutes, Mr. Bishop.

Mr. BISHOP. Thank you, Mr. Chairman.

Thank you, Mr. Secretary, for your appearance.

Others have made reference to your remarks, one statement, "We are not saying don't come; we are saying don't come now." I would add to that that, in an ABC News interview that day, you refused the suggestion to say, "Do not come, period." President Biden has said, "Don't come. We're in the process of getting set up."

In answering Mr. McCaul, you spoke of the price of deterrence. Mr. Secretary, are you prepared to say right now that it is wrong for people to enter the United States illegally?

Secretary MAYORKAS. Of course I am.

Mr. BISHOP. So it is wrong to break the law, right?

Secretary MAYORKAS. Of course it is.

Mr. BISHOP. All right. So——

Secretary MAYORKAS. But we also, if I might, Congressman——

Mr. BISHOP [continuing]. There will never be a right time——

Secretary MAYORKAS. I am sorry.

Mr. BISHOP [continuing]. To do that or to incite migrants to do that. Am I right, sir?

Secretary MAYORKAS. Congressman, of course it is wrong to break the law, and I dedicated 12 years of my career to prosecute law breakers——

Mr. BISHOP. Mr. Secretary——

Secretary MAYORKAS [continuing]. But, Congressman——

Mr. BISHOP [continuing]. I didn't ask for elaboration. Here is the question that I last asked you, because you answered the question. My question is: So there can never be a right time to enter the country illegally or to incite migrants to do that; isn't that correct?

Secretary MAYORKAS. Congressman, if I may speak of the law to which you refer, because our country——

Mr. BISHOP. I didn't ask you to explain the law, sir. I just asked you whether or not it would be wrong——

Chairman THOMPSON. Mr. Bishop, will you allow the Secretary to answer your question?

Mr. BISHOP. He is not answering my question, Mr. Chairman. He wants to go——

Chairman THOMPSON. Well, I don't want you to debate him.

Mr. BISHOP. I am not trying to debate him. I just want him to answer my question.

Chairman THOMPSON. Well——

Secretary MAYORKAS. If I may——

Mr. BISHOP. Let me put the question again, and then we will see if I can get an answer to my question.

What I asked, Mr. Secretary, is: There cannot ever be a right time to enter the country illegally or to incite migrants to do that. Would you agree?

Secretary MAYORKAS. A claim of asylum—an individual fleeing persecution by reason of his or her membership in a particular social group—a claim of asylum is a claim that is recognized by law in the United States of America. An individual who makes a claim of asylum is not breaking the law by doing so.

In fact, as a law enforcement——

Mr. BISHOP. He is not answering——

Secretary MAYORKAS [continuing]. As a law enforcement officer, I enforce the laws of accountability as well as the humanitarian laws that Congress passed.

Mr. BISHOP. All right, sir.

It is, in fact—in fact, entering the United States between ports of entry is illegal. Isn't that right?

Secretary MAYORKAS. Yes, it is.

Mr. BISHOP. OK. So there would never be a right time for someone to do that or to incite migrants do that.

Secretary MAYORKAS. Congressman——

Mr. BISHOP. Agree?

Secretary MAYORKAS. Congressman, I believe that the Trafficking Victims Protection Reauthorization Act was passed unanimously by Congress, and it speaks of the right of an individual, a young person, to make a claim of asylum, and it provides for the process that we must accord that individual in making that claim. That is a law that Congress has passed and that I am duty-bound to enforce.

Mr. BISHOP. Are you saying that that justifies inciting migrants to enter the country between ports of entry illegally?

Secretary MAYORKAS. Of course I am not, Congressman.

Mr. BISHOP. All right.

Secretary MAYORKAS. But I just want to recognize—I just want to recognize our responsibility when a child under the age of 18, who is not accompanied by a parent or legal guardian, we encounter at the border and what our legal responsibilities are. Those are——

Mr. BISHOP. Mr. Secretary, after the signals that the administration has sent, your statement yesterday acknowledged that the surge of migrants encountered at the border is a crisis and may soon constitute a 20-year peak, correct?

Secretary MAYORKAS. Congressman, I believe my language was, in fact, that the numbers that we are seeing could be the greatest if, in fact, they materialize as they are trending, could be the largest numbers we have seen in 20 years.

Mr. BISHOP. Has this extraordinary surge taken you by surprise, or did you expect it?

Secretary MAYORKAS. Congressman, I am focused on galvanizing the talent and dedication of the men and women of the Department of Homeland Security to——

Mr. BISHOP. OK. That is not——

Secretary MAYORKAS [continuing]. Meet that challenge, and that is what we do.

Mr. BISHOP. I just want a “yes” or “no” to the question of whether you expected the surge that we have seen or you are surprised by it.

Secretary MAYORKAS. I don't know that I had any particular expectation one way or the other. I just knew what we needed to do when we confront a situation. In fact, we are doing it.

Mr. BISHOP. So if it took you—if you didn't have——

Chairman THOMPSON. The gentleman's time has expired.

Mr. BISHOP. Thank you, Mr. Chairman.

Chairman THOMPSON. The Chair recognizes the gentlelady from Michigan for 5 minutes, Ms. Slotkin.

Ms. SLOTKIN. Hi, Secretary Mayorkas. Thanks for being here. I have 2 questions, one on immigration and one on domestic terrorism.

I will say, as someone who is still relatively new to Congress and who sat and questioned Secretary Nielsen when she came in front of us 2 years ago, I have rarely seen an issue that is more politicized and used as a political weapon than immigration.

I will say, as a former CIA officer and Pentagon official, there is no contradiction between providing significant security for our borders and treating people humanely. There is no contradiction between keying immigration to our economic needs and giving people a lawful way to come and work here so they don't have to cross the border illegally.

All of these things are not—they don't contradict each other. You know, I just have a hard time with this idea that it is literally used as a political football.

That being said, I think we need to be clear-eyed about the numbers that are coming over the border, just as we were 2 years ago when the massive surge led the Trump administration to put children in cages as a way to deter them from coming, families from coming. We have large numbers coming over the border. We know larger numbers are coming over the border. We know that you are trying to deal with it, the men and women are working on it.

But let me ask you about, going forward, comprehensive immigration reform. We all talk about it. We all use it as a talking point. The other side of the aisle had 4 years to propose something and never did.

But can I ask you, do you believe that any immigration reform must address fundamental changes to our immigration system, not just sort-of turn people into citizens or give them a pathway without changing the system going forward?

If so, what are the reforms to that system that you are going to push in your meetings with the White House to ensure we are not just going to be in this same situation 5 years, 10 years from now?

Secretary MAYORKAS. Thank you very much, Congresswoman.

I do believe in immigration reform and always have, and I think everyone agrees with the need for it. I believe that the President put forward on Day 1 a bill that set forth a vision to achieve exactly that which you speak of, which is fundamental reform to a system that we all know is broken.

I know that there are critical elements of that bill that are before the House and upon which the House will soon vote. I think they strike at some of the core needs, the core fixes that the immigration system requires to move us forward in a better way.

Ms. SLOTKIN. OK. I appreciate that.

I would say, just an honest reading of the bill, it is hard for me to understand how, in a comprehensive way, we actually make it easier for these folks who are risking their lives to come across the border to instead apply to legally work here, and it is hard for me to understand how some of our businesses—our farm workers, our tourism industries—are going to actually have an easier time getting legal immigrants to come work here.

That is what we all want. I would just ask you to make sure that any bill that comes across, any final bill, actually shows us how the system is going to reform, not just temporarily change.

On the issue of domestic terrorism, your entire Department was created because of the attack on our homeland on 9/11. The Department wouldn't exist without that.

Can you tell me today, on the issue of domestic terrorism—you noted in your testimony that lone-wolf domestic terrorism was—or domestic violent extremism was your biggest worry. Are you currently more worried about domestic violent extremist lone wolves than you are about foreign terrorist lone wolves?

Secretary MAYORKAS. Congresswoman, the threat picture evolves. As you well know, given your past experience in the intelligence community, the threat picture is an evolving one. It is a very dynamic threat.

When I started in the Department of Homeland Security back in—

Ms. SLOTKIN. I just have very little time. I am sorry, Mr. Secretary.

Secretary MAYORKAS. Yes. Sorry.

Ms. SLOTKIN. I think people deserve to understand—

Secretary MAYORKAS. Yes.

Ms. SLOTKIN [continuing]. The order of magnitude of this threat.

Secretary MAYORKAS. It is a—right now—forgive me, Congresswoman. Right now, at this point in time, domestic violent extremism, the lone wolf, the loose affiliation of individuals following ideologies of hate and other ideologies of extremism that are willing and able to take those ideologies and execute on them in unlawful, illegal, violent ways is our greatest threat in the homeland right now.

Ms. SLOTKIN. Thank you.

Thank you, Mr. Chairman.

Chairman THOMPSON. Thank you.

The gentlelady's time has expired.

The Chair recognizes the gentleman from New Jersey, Mr. Van Drew, for 5 minutes.

Mr. VAN DREW. Thank you, Chairman.

You know, there is an old saying, it isn't rocket science. Well, some of this isn't rocket science, and it is so obvious.

I mean, quite frankly, 2 months ago, we didn't have problems. We had some problems, but they were certainly greatly diminished over time. We had agreements with Mexico, we had agreements with other countries, and we were able to make a very terrible situation much, much better and much safer.

The increase in the flow of undocumented has been huge. The numbers are staggering. So, for anybody to say that we are not dealing with a crisis—and, by the way, it is just a matter of 2 months. I guess it is amazing how much, when you change leadership, how much change can really occur. Sometimes, quite frankly, it is not good change.

Single adult and family unit apprehensions have been increasing steadily since January 20. Under the previous administration, Customs and Border Protection saw fewer than 1,000 family units per week attempt to enter our country illegally. Now, under President Biden's leadership, it is overwhelmed, CBP is overwhelmed. They are dealing with 6,000 attempted family crossings per week.

Mr. Secretary, don't tell me this isn't a crisis. It is. Folks may not want to admit it, they may not want to say that we have had a radical change in literally about 8 weeks, but we have. We have put a different message out, and when you put a different message out, you get a different result.

Currently, the Department of Homeland Security does not have a comprehensive strategy to contain the spread of COVID-19 that we are so worried about, and it is occurring through the release of migrants at the border. Additionally, many are not even being tested for COVID-19 while being released, which is mind-boggling, with all the time and work we have spent on this.

The situation is not acceptable. The situation is not sustainable. We are a Nation of the rule of law, which demands strong borders. The previous speaker was right. With strong borders, then you can actually attempt to straighten out, to fix, this immigration problem. When you just have people pouring in, you can't.

So my question is: Your Department is releasing thousands of migrants from CBP custody on their own recognizance with a notice to appear. You say there is a plan to test everyone, but senior officials from the Department told us in a briefing last week that you were not testing everyone in CBP custody and have no ability to quarantine people who test positive. So this is mind-boggling, when we have been so worried about this issue of COVID, and now what we are doing. We literally are going to create, possibly, another spike.

We have heard from Government officials along the border that people are not being tested COVID-19 prior to their release, and people who are positive for COVID-19 are entering our public transportation systems. This is serious stuff. Besides the fact that we are not obeying the rule of law, besides the fact that people are just pouring into our borders, we are going to make people sick.

I would like to know specifically how many people have been released on their own recognizance from CBP since January 20, 2021. Will you commit to sharing those numbers on a weekly basis with this committee, yes or no?

Secretary MAYORKAS. Congressman, I will share the data with you. I very much look forward to speaking with you when we are not so limited in time, because I disagree with so many of the statements that preceded your question.

Mr. VAN DREW. Well, you know, I understand that, and maybe we will have that opportunity. I disagree with you disagreeing. How's that? Because all I know is—I am a simple guy. I look at 2 months ago, and we had a certain situation and we were under control. I look now, with people crossing the border illegally in much larger numbers with shirts with our President's names on it. That means something, under anybody's standard.

Of those released, how many have been COVID-19 tested and how many have not? That is a specific number.

Secretary MAYORKAS. Interestingly, Congressman, if we look at the 2019 numbers in February, we take a look at unaccompanied children and the numbers in 2021 are slightly greater than they were in February 2019. If we look at individuals and family units, the numbers were far greater in number in 2019 than they are in 2021.

So it is a complex issue. Those of us who have studied migration for many years understand the episodic surges that can occur. We used to think that it was seasonal, and now our thinking is a bit different. I very much look forward to speaking with you about it.

Mr. VAN DREW. Yes, thank you, as I do you.

How many—

Chairman THOMPSON. The gentleman's time has expired.

Mr. VAN DREW. Thank you, Chairman.

Chairman THOMPSON. Yes.

The Chair recognizes Mr. Cleaver, who is having technical difficulties, but I think we can hear you. Go ahead.

Mr. CLEAVER. Well, thank you, Mr. Chairman. Hopefully I will come through. I apologize for whatever this issue is. But thank you very much for holding this hearing.

Thank you, Mr. Secretary, for being here.

You know, if I had my choice, you know, when I wake up in the morning, the committee that I would like to serve on because of the issues that it deals with, it would be this committee. That is due, in part, to our Chair but also to the men and women, such as yourself, who work on these issues where there is very little praise.

But, Mr. Secretary, congratulations on your confirmation. But I have a couple of questions.

Is there intelligence to suggest that cartels have 2 million human beings in the pipeline? I am trying to—the information was given earlier by one of our Members, and I am just trying to figure out where it came from and where I could do a little bit more research on it. Can you help me on that pipeline issue, please?

Secretary MAYORKAS. Congressman, I have not seen data to suggest that number.

Mr. CLEAVER. I haven't either. From the time I heard it today, I started going through everything I could find, and I can't find that number.

My issue—you can't solve this, and I don't think Chairman Thompson can solve it either. It is a National issue we have, and I don't know how it surfaced. But that number will continue to encircle the Americas as, you know, a fact, and I can't find the fact, the source of the fact.

So I am sitting here writing a note to you asking if you could help, and you are saying you don't know the source of that information. So—

Secretary MAYORKAS. I have never seen—I have never seen a figure like that. I don't know of its basis. I don't know of any reason to believe that that data that apparently was just expressed this morning is anywhere close to being true.

I will say also, Congressman, if I may, because there have been statements made that we don't have a plan, and I haven't had an opportunity to respond to that. That is unequivocally false. Of course we have a plan. We have a short-term plan, we have a medium-term plan, and we have a long-term plan, and we are executing on all fronts.

To address the situation at the border that is upon us right now takes time, and we are working around the clock to do it. This is what we do, and we will succeed. I believe in the men and women of the Department of Homeland Security, and I believe in our com-

mitment, our capabilities, and we will get the challenge accomplished.

Mr. CLEAVER. Thank you, Mr. Secretary.

My time is running out, but I wanted to ask you—so I guess the cartels are not sending out a press release telling how many people are in the pipeline?

You don't have to answer that. But, I mean, I am just—that gave me my headache for today.

The other one is, do you have any idea about the youngest individuals who have come into our custody from south of the border?

Secretary MAYORKAS. There are children, Congressman, who are infants to the age of 5 that come into the border. I confronted a situation of 3 young siblings under the age of 10, the youngest one being 2 years of age, whose mother didn't make it along the dangerous journey.

That is why we communicate, as we do, not to take that dangerous journey as we build legal pathways that the law provides for people to seek humanitarian relief in our Nation.

Mr. CLEAVER. Thank you.

Mr. Chairman, has my time run out yet?

If not, my question was: This word "Antifa," I have been looking it up. It goes all the way back to Spain, and it actually began to be used during the reign of Hitler, the fascism in Germany. It was in opposition to fascism.

Until January, I didn't know Antifa from my Aunt Edna. That is my grandfather's sister down in Texas. So, at first, I thought it was a relative or something.

But what is Antifa? Is it an organization, or is it a—what is it? I hear it everyday from everyone on one side.

Secretary MAYORKAS. "Antifa" is an abbreviation, if you will, for "antifascist."

Congressman, there are different ideologies, different ideologies of extremism, that we are focused on to the extent that they manifest themselves in illegal conduct, to the extent that they manifest themselves in violent acts. As I mentioned before, domestic violent extremism is one of our most urgent threats to the homeland.

Mr. CLEAVER. Thank you, Mr. Secretary.

Thank you, Mr. Chairman.

Chairman THOMPSON. The gentleman's time has expired.

The Chair recognizes the gentleman from South Carolina, Mr. Norman, for 5 minutes.

Mr. NORMAN. Thank you.

Mr. Secretary, I have 2 brief questions.

When an alien crosses a line into America on his own, didn't go through any checkpoint, is he illegal, deemed an illegal?

Secretary MAYORKAS. It is an illegal crossing when an individual crosses in between the ports of entry.

Mr. NORMAN. Is he sent back to his country of origin?

Secretary MAYORKAS. Are you speaking of—right now, if it is a single adult, the individual is expelled under the authority of title 42 of the United States Code, which is the CDC's public health authority.

Mr. NORMAN. So he is illegal, and he is sent back to the country that he was from.

Secretary MAYORKAS. The individual has made an illegal crossing, and he is expelled into Mexico, Congressman.

Mr. NORMAN. OK.

Second, what is the number of illegals that are testing positive for COVID, according to your records?

Secretary MAYORKAS. Congressman, I would be pleased to provide you with that data subsequent to the hearing. I don't have the figure before me, and I apologize.

Mr. NORMAN. OK.

The other thing, it has been reported you are going to be meeting, giving a briefing with the Congressional Hispanic Caucus. Is that true?

Secretary MAYORKAS. I believe that is this afternoon, Congressman.

Mr. NORMAN. OK. Will you give the Republican caucus or the RSC or the Freedom Caucus a meeting as well?

Secretary MAYORKAS. Absolutely, Congressman. I have committed from Day 1 to approach my work and execute my responsibilities in a bipartisan manner.

Mr. NORMAN. OK.

I am going to yield 1 minute to Ranking Member Katko.

Mr. KATKO. Thank you very much.

Mr. Secretary, I just want to have a point of clarification. We were in El Paso this weekend, and we were at the Customs and Border Protection facility there. There was 1,000 people there; it was at capacity. I was told specifically by your staff there that they did not test any of those 1,000 individuals—excuse me. I am sorry about the video issue—that they did not test any of those 1,000 individuals at that facility.

That was a concern to me because they were all close together, and the Border Patrol agents had not all been vaccinated. In fact, less than half had been vaccinated. Then they are transferred elsewhere. So the time when they are in that facility, they are not tested or vaccinated, and then they are sent to another place.

Are you saying they may be tested at another place? Because they are certainly not being tested there, and I want to make sure the record is clear on that.

Secretary MAYORKAS. Your question, if I may, Congressman, has 2 parts to it.

No. 1, they were not test—if they are not tested at the Border Patrol station. As I outlined earlier, there are different capabilities upon which we are relying for the testing of individuals before they are released. We are instituting the capacity of Border Patrol stations to test, No. 1.

No. 2, as I indicated earlier, the number of front-line personnel who have been vaccinated has jumped from 2 percent at the beginning of February when I assumed office to over 26 percent as of the end of February. Why? That is because of the commitment and dedication that we have made to protecting the well-being of our front-line personnel, and we have executed Operation Vaccinate Our Workforce.

Mr. KATKO. Thank you—

Secretary MAYORKAS. The first thing I heard—

Mr. KATKO [continuing]. Mr. Secretary, but I just want to make sure we are clear, sir. I just want to make sure we are clear and the record is clear. Not a single person was tested at that facility, and they were being—as we were there, there were people being transferred from that facility to elsewhere.

They are there at least 72 hours. They are not being tested. The Border Patrol agents are being exposed. Then others are being exposed because of them being sent elsewhere before being tested.

That is a fact. That is just a fact. I want to make sure people understand that.

Mr. NORMAN. Mr. Secretary, reclaiming my time, I yield the balance of my time to Dan Bishop.

Chairman THOMPSON. The gentleman from South Carolina recognized.

Mr. NORMAN. I yield the balance of my time to Dan Bishop.

Mr. BISHOP. Thank you, Mr. Chairman.

Mr. Secretary, are you aware of reports that 4 individuals on the terror watch list have been apprehended at the border recently?

Secretary MAYORKAS. I am.

Mr. BISHOP. You made reference earlier to the price of deterrence and the prospect of people coming into the United States illegally and their rights to seek asylum. Would a terrorist have the right to enter the United States to seek asylum?

Secretary MAYORKAS. Actually, sir, no.

If I may, a known or suspected terrorist—“KST” is the acronym that we use—individuals who match that profile have tried to cross the border, the land border, have tried to travel by air into the United States not only this year but last year, the year prior, so on and so forth. It is because of our multi-layered security apparatus, the architecture that we have built since the commencement of the Department of Homeland Security, that we are, in fact, able to identify and apprehend them and ensure that they do not remain in the United States.

So we actually deny them entry based on our intelligence and based on our vetting procedures, which have only grown in sophistication throughout the years.

Chairman THOMPSON. The gentleman's time has—

Secretary MAYORKAS. That is not a new phenomenon.

Chairman THOMPSON. The gentleman's time has expired.

The Chair recognizes the gentlelady from New York for 5 minutes, Ms. Clarke.

Ms. CLARKE. Thank you very much, Mr. Chairman.

I thank you, Mr. Secretary, for joining us today. With your confirmation, I am eager and elated to turn the page on the cruel, inhumane, and morally bankrupt policies of the Trump administration. It is time we spend less money on border walls and more money on firewalls to protect our networks. Instead of fear-mongering about immigrants, I am looking forward to confronting the real threat of domestic terrorism, as evidenced by the attack on the Capitol.

Mr. Secretary, tomorrow, the House will vote on the Dream and Promise Act, a bill I proudly co-lead that will provide a pathway to citizenship for Dreamers, TPS holders, and DED recipients. I am also proud to be co-leading the U.S. Citizenship Act, President

Biden's plan to reform our immigration system to provide certainty to those already here and address the root causes of migration.

As we work to pass this legislation, can you discuss what effort DHS is already undertaking to improve the lives of those who depend on DACA, TPS, and DED after 4 years of fear, uncertainty, and instability?

Secretary MAYORKAS. Thank you very much, Congresswoman.

We have restarted the Deferred Action for Childhood Arrivals program, DACA, as it is commonly known. It is a program of which we are immensely proud. So many youth who actually are front-line personnel in the fight against the pandemic are DACA recipients and who will benefit tremendously from the legislation that you have proudly sponsored and for which I am grateful.

The President has, in fact, used Deferred Enforced Departure as the law provides and as Presidents in the past of both parties have done. It is something we, too, are immensely proud of.

We can be—we can be, and we are, both a Nation of laws and a Nation of immigrants.

Ms. CLARKE. Thank you so much, Mr. Secretary.

I want to turn to some of the devastating humanitarian crises we are seeing both in Haiti, Yemen, nations like Cameroon, and elsewhere around the world. For years, I have fought for TPS designations for countries such as these, and I continue to believe these protections remain essential.

Under your leadership, how will DHS determine whether countries qualify for redesignation?

Secretary MAYORKAS. Thank you, Congresswoman.

We in the Department of Homeland Security, through U.S. Citizenship and Immigration Services, study the conditions of countries that have suffered disasters, that suffer violence, military strife, and the like. We study those conditions to determine whether temporary protected status is needed in the first instance or whether the country conditions militate in favor of the redesignation of a status previously provided.

We do so in consultation with the Department of State that also studies those country conditions. That work is under way with respect to some of the countries that you have mentioned.

Ms. CLARKE. Thank you again, Mr. Secretary.

I currently Chair the Subcommittee on Cybersecurity, and I appreciate the Department's renewed emphasis on its cybersecurity mission.

Following the Solar Winds supply chain attack, many have suggested that hackers slipped through our Federal network security programs, including EINSTEIN. But EINSTEIN, a signature-based intrusion-detection program, was never designed to detect or prevent a SolarWinds-style supply chain attack.

That said, for years, experts have warned about the security limitations of EINSTEIN, and recent breaches make clear that we must rethink our approach to Federal network security, move away from legacy technologies whose security benefits diminished and put resources into tools that will defend against modern threats.

How is the Department planning to modernize its approach to the Federal network security?

Secretary MAYORKAS. Congresswoman, we are very focused on that.

You are correct that EINSTEIN is a perimeter protective measure that addresses known threats and the SolarWinds exploitation was not something that EINSTEIN was designed for.

Similarly, we have Continuous Diagnostics and Mitigation, which is a critical tool. We are looking intently at those tools and what other tools can complement them to address unknown vulnerabilities and zero-day threats.

We spoke about this earlier this week within the Department of Homeland Security with our CISA leadership and our Senior Counselor for Cybersecurity. We are grateful——

Ms. CLARKE. Well, I looked forward——

Secretary MAYORKAS. We are grateful to this committee, actually, to fund CISA with \$650 million. We now are resourced to explore and implement new technologies to supplement those we already have in place.

Ms. CLARKE. Well, my time has expired. I look forward to further conversation with you within this space.

I yield back, Mr. Chairman.

Secretary MAYORKAS. Thank you.

Chairman THOMPSON. The gentlelady yields back.

The Chair recognizes the gentlelady from Iowa, Mrs. Miller-Meeks, for 5 minutes.

Mrs. MILLER-MEEKS. Thank you, Mr. Chair.

Thank you, Secretary Mayorkas.

Secretary Mayorkas, I am a former director of the Iowa Department of Public Health and a physician. During my duties as the director of public health, I visited all of my county public health agencies, and several of the counties had dramatic spikes in tuberculosis because of the effects of immigration, when they had not had an increase in tuberculosis or other infectious diseases in over 5 decades.

I was at the border on Monday in El Paso, and yesterday I introduced my first piece of legislation, the REACT Act. This bill would require DHS to test for COVID-19 any migrant being released from CBP or ICE custody into the United States.

I have heard conflicting things today about testing. When we were there, migrants were not being tested, and they were released into the community and often released into communities without knowledge of that community, or foreknowledge. What you said was that COVID-19 testing is required and then isolation or quarantine once they have reached a community-based organization or an NGO or a sponsor.

So very simply put, do you support or require testing for migrants before release, be it catch-and-release, be it release to a phone number on the shirt of a 1-year-old unaccompanied minor who has been to the border, or released into a community or to an NGO?

Secretary MAYORKAS. Congresswoman, can I take a minute? Because I think there is a miscommunication here with respect to when that testing occurs.

It is indeed our policy to test individuals who arrive into the United States or who are encountered at the border in between the ports of entry. It is our policy to test them.

We did not have the capacity to test them at Border Patrol stations. We have since begun to build that capacity so that we can do the testing there, in addition to the other 3 means of testing individuals that I outlined in response to a Congressman's earlier question.

We do support the testing of individuals, and that is indeed our policy, and we have implemented practices to execute on that policy.

I hope I have answered your question.

Mrs. MILLER-MEEKS. Thank you. You said you support but you don't require testing. We know that, in Brownsville, 108 migrants showed up in Brownsville and tested positive for COVID.

Your Department also recently announced it would be canceling an information-sharing agreement with the Department of Health and Human Services. Personally, from what I experienced on the border this week, I think that is a mistake.

We have unaccompanied minors as young as—you even said some of them infants—but as young as 1 year old showing up with no adult supervision, with a phone number which HHS is to call and turn them over to a sponsor. We need to ensure that the sponsors of accompanied minors are not going to turn around and traffic those minors. We have seen cases of this happening. This was conveyed to us by the Border Patrol agents and by the Border Patrol union members.

We know a small fraction of the unaccompanied minors self-identified to HHS officials as gang members. For those that are teenagers and single, unaccompanied males, that their age may be under 18, but there is no verification of what age they are. Information not flowing to ICE officials that leads domestic gang forces—and partner with school resources.

How are you going to ensure that, working with HHS, that these children are not handed over to traffickers? Is parentage or familial relationship being established by DNA testing or other documents vetted by DHS document fraud experts? Will you continue to share information with HHS?

Secretary MAYORKAS. Congresswoman, allow me to take a minute to clarify your misunderstanding of what is and is not occurring.

Department of Health and Human Services runs background checks on individuals to ensure that the individuals in whose custody a child will be released are in fact capable of and responsible for that child. Individuals with criminal backgrounds, individuals who in fact are not who they say they are, individuals with other derogatory information that establishes that they are not responsible sponsors for children, the Department of Health and Human Services does not place those children in those individuals' custody, No. 1.

No. 2, the memorandum that was on the books achieved precisely the problem of which you speak. Individuals who were responsible sponsors were reluctant to come forward because their information with respect to their presence in the United States was turned over

to ICE, despite the fact that they might be lawfully present, despite the fact that they may be perfectly capable and responsible for the needs of the child, and despite the fact that they may be a close relative, even a parent or legal guardian of that child.

That memorandum that existed on the books chilled the very responsible conduct that underscores your question as a physician, and it is precisely the reason why we did not continue with that memorandum. The concerns that underlie your question are our concerns as well.

Mrs. MILLER-MEEKS. Thank you.

If I have some additional time, we also found that the border wall construction had been funded——

Chairman THOMPSON. The gentlelady's time has expired.

The Chair recognizes the gentleman from Texas, Mr. Green, for 5 minutes.

Mr. GREEN. Thank you, Mr. Chairman.

I thank the witness for appearing. I have had hearings taking place at the same time, and my questioning in each hearing took place at the same time. So my apologies for being a bit tardy, and I may have missed some things that have been said.

But I do want to speak briefly about Texas and the fact that the announcement by the Governor of the State of Texas to lift the State-wide COVID restrictions came at a time when the CDC director was urging Governors to keep some restrictions in place to decrease the amount of virus in circulation.

I would also add that authorities in Houston found that the U.K. variant of COVID in Houston is in 31 of 37 wastewater treatment plants, suggesting, in their words, on-going and uncontrolled community spread of the more contagious strain of the virus.

So, Mr. Secretary, your concerns that you might have about Governor Abbott and other Governors dismantling the public health measures contrary to the advice of public health experts, please?

Secretary MAYORKAS. Let me, if I may, Congressman, say the following 3 things.

No. 1, we are encouraging individuals, organizations, Government officials to follow the CDC guidelines and to encourage everyone to do the same.

We are advocating strongly to ensure that everyone in the United States is vaccinated for the sake of the public health. We are following the science and the data.

Third, we are hopeful that State leaders will permit us to reimburse State and local organizations and community-based organizations that perform testing and quarantine individuals who have crossed the border so that we can ensure the public health of our communities and of the individuals themselves.

Mr. GREEN. Thank you.

Moving to another area quickly, the President has proposed a \$4 billion, 4-year interagency plan. I would like to get your opinion as to just how important this plan is, because it is supposed to address underlying causes of the migration in the region.

Secretary MAYORKAS. It is very important. It is of critical importance. We are as I mentioned earlier, we are taking short-term actions to address the situation at the border. We are taking medium-term actions, such as building lawful pathways that the laws

of our country permit. We have long-term solutions to make lasting change.

The infusion of resources in the countries of origin from which these individuals flee, the \$4 billion of which the President has spoken and to which he is committed, is precisely that, to get to the root causes.

Because we can talk about the pull factors, which certainly a number of us have referenced this morning, but we have to understand that the push factors are so extraordinary.

Imagine loving parents willing to allow their young child under the age of 18 to leave home, traverse Mexico alone, to reach our Southern Border. That speaks of the level of desperation. We must address the root causes that lead a loving parent to do that, and that is what the \$4 billion are designed to do.

Mr. GREEN. Thank you, Mr. Chairman. I will yield back any remaining time that I have.

Chairman THOMPSON. The gentleman yields back.

The Chair recognizes the gentlelady from Tennessee, Mrs. Harshbarger.

Mrs. HARSHBARGER. Thank you, Mr. Chairman.

Thank you, Secretary, for being here to answer these questions.

Last week your chief medical officer and assistant secretary for border, immigration policy told the committee in a Member briefing that CBP does not have the ability and is not testing everyone in their custody before they are released.

How many have been released? Do you know that?

Secretary MAYORKAS. I am sorry, Congresswoman, I think I committed earlier to providing that number to a fellow Member of your committee, and I will certainly provide it to you as well.

As I mentioned, U.S. Customs and Border Protection did not have the capacity to test in its facilities, and now we are entering into a contract with one vendor to begin, and we will expand as needed, so that we can test in a CBP facility when the other mechanisms of which I have spoken are not available.

Mrs. HARSHBARGER. OK. So you do not know how many have been released.

How many of those individuals were tested? Do you know that?

Secretary MAYORKAS. I am sorry, I will get the data to you, Congresswoman. I apologize, I don't have it before me this morning.

Mrs. HARSHBARGER. OK.

You know, as a U.S. citizen, we have to present with a negative COVID-19 test within 3 days to reenter the country if we have traveled internationally. You can't tell me how many have been released or how many were tested.

We absolutely need to institute and carry out a valid COVID-19 testing program in order to be able to measure these results. So that is imperative.

But I will go on. I am on the Cybersecurity and Infrastructure Subcommittee, sir, and I am really interested in the critical infrastructure designations of domestic supply chains. That is something as a pharmacist I have been talking about for 25 years, we are so reliant on adversarial nations, such as China.

What do you see in the future with that?

We worry about, we listened to a hearing about SolarWinds and how they infiltrated, and we don't even know how they infiltrated those entities. We upload apps every day and we try to keep on top of things, but it is unfathomable to me that we don't even know how that system was infiltrated.

Like I say, as critical infrastructure goes, what are your plans to ensure that we have domestic supply chains for things like finished pharmaceuticals or chemicals, that we won't have to be relying on adversarial nations, such as China?

Secretary MAYORKAS. Congresswoman, your question is a very important one and touched on a number of different subjects.

We have learned a great deal about the SolarWinds exploitation, I want to assure you of that. I would be pleased to share information with you in that regard outside of the context of this morning's hearing.

Your question touches upon a number of very significant areas of focus of ours.

No. 1, the supply chain and the security of the supply chain.

No. 2, the fact that we do have nation-state actors that employ cyber capabilities to exploit our supply chain and our critical infrastructure and the importance of securing our critical infrastructure.

Some areas of critical infrastructure are far more advanced in their cybersecurity than others, and that is one of our critical areas of focus, is it to make sure that we, frankly, raise the bar across the National landscape. It is so vitally important, and I think your focus on it is spot on.

Mrs. HARSHBARGER. You know, I don't envy you in the position you are in right now because nobody wants these immigrants coming over. They don't want them to be hungry. They want to take care. We are a giving Nation.

But we do, as Dan Bishop said, we are a Nation of laws, and lawlessness breeds lawlessness. Without the COVID testing, over a hundred people, from what I understand, have been released into these communities.

Do these people know that these people have tested positive? I mean, do they know? Do the residents of those communities know?

This is such a threat that we have to quarantine for 14 days once we have been exposed to somebody. These people have no quarantine whatsoever.

Secretary MAYORKAS. Congresswoman, let me say, we are indeed a Nation of laws, and you are correct in that regard. We are also a Nation of immigrants, and we can and we are both. I appreciate your note on the humanitarian side at the very outset of your question.

I must just repeat what I have said previously, which is we have—it is our policy to test individuals. It is our policy to see that those individuals who test positive are quarantined. We have implemented different mechanisms to achieve that policy.

It is our responsibility to coordinate and communicate with our local communities so that they understand what is happening. We need to do that with local officials.

There have been times when we have not met our responsibility as well as we should have. Those instances are brought to the attention of leadership, and they are addressed, and we improve

based on the mistakes made. We are deeply committed to the mission.

Mrs. HARSHBARGER. I just have one——

Chairman THOMPSON. The gentlelady's time has expired.

Mrs. HARSHBARGER. OK.

Chairman THOMPSON. The Chair recognizes the gentleman from California for 5 minutes, Mr. Swalwell.

Mr. SWALWELL. Thank you, Chairman.

Welcome, Secretary.

Secretary, I appreciate the challenge you face on the border. What I don't appreciate, though, is the feigned concern of my colleagues about these being superspreader events.

I mean, these are colleagues of mine who spent the last year going to superspreader events, a number of them at the White House. They mocked the mask mandates that we have here. I just don't believe that they had a genuine concern of the health of the people on the border presenting any superspreader threat.

But I do wish you well and want to work with you to address real issues on the border, humanitarian issues.

My question, though, as it relates to COVID is, do you consider COVID a—do you occur naturally-occurring biological diseases like COVID a threat to our homeland?

Secretary MAYORKAS. I certainly do, and we have an office that is dedicated to that particular threat stream. We have quite a bit of research and development in our Office of Science and Technology addressing biological threats, Congressman. It is an area of focus, and it was when I was the Deputy Secretary of Homeland Security.

Mr. SWALWELL. Secretary, does the office have a standing strategy to take on biological threats?

Secretary MAYORKAS. It does, Congressman, and I would be very pleased to share that strategy with you and to speak with you about it outside the context of this hearing.

Mr. SWALWELL. Great.

Secretary, finally, what can we do—when we looked at the recent attribution to Russia and its desire in 2016, 2018, and again 2020 to interfere in the election, what can we do to make sure that we learn from the mistakes of the past and our responses and that, as we go into a midterm election, that they are nowhere near as successful as they have been in the past?

I say that because I do think Chris Krebs and his team did the best job that we have seen in the last 4 years.

But what can we do to still make sure that we attribute it to them, we publicly shame them, we stop the behavior, and we educate the American people about what their intent is?

Secretary MAYORKAS. Congressman, we have quite a number of tools in our toolbox to address adverse actions by State actors. Certainly we evaluate each threat to the homeland based on the facts and the dynamics that it presents. I know the National Security Advisor of the United States has spoken on this very subject and that we have met on it as a Government across the Federal Government. I don't want to speak further——

Mr. SWALWELL. Sure.

Val Demings and I are headed into an Intelligence Committee hearing.

Val, I am happy to yield to you if you want to get any questions in before you have to go.

Chairman THOMPSON. The Chair recognizes the gentlelady from Florida for the remaining time.

Mrs. DEMINGS. Thank you so much, Mr. Swalwell and Mr. Chairman. I am not sure how much time you have left.

But, Secretary, thank you so much.

Let me just make one thing clear. The safety of our Nation is our No. 1 concern. One of the things that I will not do, though, is to use law enforcement as political pawns like, unfortunately, I have seen too many times my colleagues on the other side of the aisle do.

Since I have been on the committee, long before you and under a prior administration, I have heard about staffing shortages, I have heard about low morale, training challenges with Customs and Border Patrol officers and agents.

So I know, Mr. Secretary, you just got there, but could you please update us on the status of the men and women on the front line, who regardless of the political games I see and hear too frequently on the other side, are doing the best job that they can do?

Secretary MAYORKAS. Congresswoman, thank you so much for that question.

I walked into office on February 2 of this year with already tremendous pride in the men and women of the Department of Homeland Security and the men and women on the front lines. My pride has only swelled in the days since I took office.

I will share with you that I was on the border a few weeks ago, and I saw the heroism, the true heroism of the men and women of the United States Border Patrol. I saw them undertake personal sacrifice to not only ensure that the border is secure, but that the needs of very young children are taken care of, and they accomplish both.

I heard from them concerns about the fact that the leadership of the Department in the past had not addressed their public health and well-being. I heard that from their representatives.

It is for that reason that we doubled down on Operation VOW, Vaccinate Our Workforce, and we have made the tremendous strides that we have. It is why I am pushing for the rightsizing of our work force and the funding we need to accomplish that.

I will do everything in my power to fully support the men and women of the Department of Homeland Security because they do everything in their power to serve the American people and to do so nobly and ably.

Mrs. DEMINGS. Mr. Secretary—

Chairman THOMPSON. The gentlelady's time from Florida has expired.

Mrs. DEMINGS. Thank you. I yield back.

Chairman THOMPSON. The Chair recognizes the gentleman from Georgia, Mr. Clyde, for 5 minutes.

Mr. CLYDE. Secretary, it is a pleasure to see you here today.

Do you agree that we have a crisis on the Southern Border? Yes or no?

Secretary MAYORKAS. Congressman, we have a very serious challenge, and I don't think the difficulty of that challenge can be overstated. We also have a plan to address it. We are executing on our plan, and we will succeed. That is what we do.

Mr. CLYDE. OK.

Secretary MAYORKAS. It is for the very reason—if I may, I apologize—it is the for the very reason of which I spoke a moment ago, extraordinary men and women.

Mr. CLYDE. OK. Mr. Secretary, you said to Congressman Swalwell, you said that you consider COVID to be a threat to our homeland, and a serious threat I assume. Is that correct?

Secretary MAYORKAS. Congressman, the pandemic is a threat not only to our country, it is a threat that we are tackling like never before throughout the world.

Mr. CLYDE. OK. All right. Thank you.

Secretary MAYORKAS. But Congressman Swalwell's question, I think, spoke to biological threats writ large, something that we in the Department of Homeland Security have historically addressed, thanks to Congress and the creation of an office that is specifically focused on it.

Mr. CLYDE. Thank you, Mr. Secretary.

Do you agree that U.S. citizens must present a negative COVID-19 test taken within 3 days to enter the country after flying internationally? Do you agree with that statement? Yes or no?

Secretary MAYORKAS. I believe we require a negative test for individuals traveling internationally.

Mr. CLYDE. OK. Great. Yet there are thousands of foreign nationals that cross our borders and that are released into our communities without us knowing if they have had a COVID-19 test or not, whether they test positive or whether they test negative.

So there appears to be a more lenient standard for foreign nationals crossing our border illegally than for American citizens. So why is that?

Secretary MAYORKAS. That is not true.

Mr. CLYDE. What do you mean it is not true?

Secretary MAYORKAS. It is unequivocally not true, for the reasons I have expressed.

Mr. CLYDE. So are we testing every foreign national that crosses our border to see whether they have COVID or not?

Secretary MAYORKAS. It is our policy, as I have articulated before, Congressman, it is our policy to test individuals who are apprehended in between the ports of entry, to test them, and if, in fact, they test positive, to quarantine them. That is our policy, and we have built practices to execute on that policy.

Mr. CLYDE. So can you assure the American people that no one who has been apprehended is released into our communities that still tests positive for COVID-19?

Secretary MAYORKAS. Congressman, let me be clear. There were times earlier when individuals were apprehended and we sought to expel them and we were unable to expel them and we were compelled to release them and we did not have the opportunity to test them. We have addressed that situation.

Mr. CLYDE. So right now, as we speak right now, you are telling me that no one is released into our country that is COVID-19-positive.

Secretary MAYORKAS. Congressman, allow me to repeat myself, if I may.

Mr. CLYDE. Well, that is just a yes-or-no question. Just yes or no?

Secretary MAYORKAS. No, it is—Congressman, if I may. The situation at the border is complex, and the complexity is evidenced by the questions I have been receiving throughout the morning.

So please, if I may, it is our policy to test and to quarantine.

Mr. CLYDE. OK. But are you executing to that policy 100 percent?

Secretary MAYORKAS. We are doing the best we can to ensure that the policy is executed 100 percent of the time. That I can say.

Mr. CLYDE. OK. The best we can.

So it is still possible then for foreign nationals who test positive for COVID-19 to enter our country? That is what you are saying, I guess.

Secretary MAYORKAS. Congressman, we do the best we can in everything that we do.

Mr. CLYDE. OK. All right.

Since the Biden administration took office, thousands of people have been released into the border communities. According to media reporting, since January 25, 2021, at least 108 migrants tested positive for COVID-19 after being released into the Brownsville, Texas, community, where they proceeded to travel to cities throughout the United States.

The mayor of Yuma, Arizona, told reporters that migrants are not being tested for COVID-19 before being released into his community, despite assertions made by the administration. I just heard what you said.

So is it the Federal Government's job to enforce our laws and not burden States with a public safety crisis resulting from Federal policies?

Secretary MAYORKAS. Congressman, it is our responsibility to enforce Federal law. The situations of which you spoke are precisely the situations that I provided in my answer to your prior question.

There were instances in which individuals were released. You mentioned Brownsville, and that is an example of that.

In Yuma, Arizona, we didn't have the relationship with community-based organizations. They did not have the same footprint.

It is precisely why we built the additional practices to which I referred earlier this morning, why we have built different practices to plug any hole to ensure that our policy, to the best of our abilities, our policy that everyone is tested and quarantined as needed, and that is what we have done.

What we do is we address a challenge, and if we see an element of that challenge that we are not addressing, then we know what we must do, and we do it. That is precisely what we have done here and across the board in addressing the migration of individuals at our Southwest Border.

Chairman THOMPSON. The gentleman's time has expired.

The Chair recognizes the gentlelady from Nevada for 5 minutes, Ms. Titus.

Ms. TITUS. Thank you very much, Mr. Chairman.

Thank you, Mr. Secretary, for being with us today. It is so refreshing to have a professional in this field, someone of your caliber, to head up Homeland Security. Over the past 4 years it has been a revolving door. There have been about 6 different Secretaries, some of them approved, some of them not, who knew very little about what should be going on over there.

We heard a lot from our colleagues across the aisle about the immigration problem. We concede that there is one, and we are working on fixing it. But I would point out that a lot of that problem stems from some of the policies that Donald Trump had and from his own incompetence.

There is evidence from CBP, for one example, is that the number of individuals who have been apprehended at the border has been on the rise since May 2020. So that is way back in his administration. It didn't just start when Joe Biden took over.

But it is not only in immigration that the incompetence of the last administration comes through. I would like to ask you about how we are dealing with COVID and PPE.

For example, Jared Kushner, the son-in-law and senior adviser, so-called senior adviser to then President Trump, told a roomful of people that providing PPE and dealing with COVID was not the role of Government. PPE shortage would be solved by the free markets.

Then, in April 2020, at a briefing, they stated that the Strategic National Stockpile was not intended for dissemination to the States. They went on to change the mission statement on the internet, on their website, because this contradicted something else that Kushner was saying.

Then he had the Project Air Bridge with some of his buddies, and who knows what happened with that. Even today, we have a survey from the past month that shows 81 percent of nurses are having to reuse single-use PPE.

So I wonder if you could talk to us about how you are dealing with that issue, what is happening with this Project Air Bridge, how we can work together to be sure that States do get the needed equipment to fight this pandemic, and that people on the front lines are protected.

Secretary MAYORKAS. Congresswoman, thank you very much.

As I mentioned previously, we have really put our weight behind Operation VOW, Vaccinate Our Workforce. Acting Deputy Secretary Pekoske and Drs. Gandhi and Eastman, our medical professionals, are very focused on the distribution of the vaccine and accessibility of the vaccine and administration of the vaccine to our front-line personnel, including the brave men and women of the United States Border Patrol.

If I can, you mentioned the increase in numbers beginning in May 2020 at our border. If I may, Congresswoman, they began, I believe, in April 2020. One of the difficulties that we face with respect to the challenge at the border is the fact that our processes that preexisted to address these challenges were dismantled in their entirety.

So we are addressing the numbers while we rebuild our capabilities nearly from scratch, while we rebuild lawful pathways that the law provides that were similarly torn down, and during the time when the infusion of resources into the countries of origin to address the root causes had been discontinued.

So the challenge has been made more difficult. Then we have, of course, the pandemic and our effort to protect our men and women, to protect the American people, and the individuals whom we are encountering and placing in our custody.

Ms. TITUS. Thank you very much.

If I could just, a point of personal privilege. I would like to work with you on the UASI funding. This is very important—I represent Las Vegas, and it is very important to us that some of the changes Trump tried to make to that formula be readdressed so that we don't lose that needed funding to help us stay prepared for any kind of terrorist attack.

Secretary MAYORKAS. Thank you, Congresswoman. I very much look forward to working with you in that regard. I am very familiar with the formula that underlies the UASI grants.

I understand some of the concerns with respect to that formula, and I look forward to working with you to ensure that the formula is what it needs to be beginning in fiscal year 2022.

Ms. TITUS. Thank you so much.

I yield back, Mr. Chairman.

Chairman THOMPSON. Thank you very much. The gentlelady yields back.

The Chair recognizes the gentleman from Florida, Mr. Gimenez, for 5 minutes.

Mr. GIMENEZ. Thank you, Mr. Chairman.

Mr. Mayorkas, it is a pleasure to see you here.

I have got a couple of questions.

Is it unlawful for someone to enter the United States without proper authorization?

Secretary MAYORKAS. I am sorry, without—forgive me, without—

Mr. GIMENEZ. Proper authorization, whether you are a citizen, whether you are an alien, and you have got some kind of visa to enter the United States.

Secretary MAYORKAS. An unlawful entry into the United States is certainly unlawful, yes.

Mr. GIMENEZ. OK. So somebody who doesn't have proper authorization entering the United States is an unlawful entry. Is that correct?

Secretary MAYORKAS. Yes, that is correct, Congressman.

Mr. GIMENEZ. You stated, I believe, on several occasions people have asked you, you made a statement to migrants across the border that were looking to come into the United States, "Don't come now." Have you said that?

Secretary MAYORKAS. I don't recall. But I think the message is, in fact, not to come to the border, not to take the perilous journey.

The border is not open. We are expelling individuals by reason of the public health situation under the CDC's Title 42 authority.

We are building—rebuilding, I should say—legal pathways for individuals who have claims for relief that the laws of the United States recognize and support.

Mr. GIMENEZ. So you didn't say don't come now? You are saying don't come unless you meet more of these criteria? Is that your position?

Secretary MAYORKAS. If you are speaking of individuals who are seeking to come to the Southwest Border, the message is do not come.

Mr. GIMENEZ. Do not come. Unequivocally, do not come.

Secretary MAYORKAS. That is correct.

Mr. GIMENEZ. Thank you.

I had the privilege of being with some of your agents this past Monday, and they were quite candid in what they required to do their job. No. 1 was personnel.

You said that—and I am not sure this was you want to rightsize or you want to have appropriate number of people staffing at Customs and Border Protection.

Are you going to be asking for additional personnel in your budget request to the President?

Secretary MAYORKAS. Yes, I will be. Yes, I have.

Mr. GIMENEZ. OK. Thank you.

The second thing that they asked, and it was pretty specific on their order, was finish the wall. I know that the President stopped the construction of the wall, even portions of the wall that were already appropriated in a bipartisan manner.

So are you going to be asking the President to finish the wall, the wall that has already been appropriated by Congress?

Secretary MAYORKAS. No, I will not. If I may speak to that, Congressman—

Mr. GIMENEZ. Even though your own Customs and Border Patrol agents are saying that is definitely something that they could use, something that they want?

Secretary MAYORKAS. That is not the response of the United States Border Patrol with unanimity. I will tell you from experience that that is not the path that individuals on both sides of the aisle believe is the correct one.

One of the individuals, one of the members of the U.S. Senate who was a hero in my home growing up, was John McCain. I remember when I was a nominee to be the deputy secretary of Homeland Security, then-Senator McCain articulated what we needed to do to innovate and modernize our defenses along the border.

We didn't, nor should we, rely exclusively on physical barriers because the border is not the same across its many miles of stretch, and the migration challenges are not the same along the many miles of the border on the south and, in fact, on the north as well.

It is a combination of things. It is—

Mr. GIMENEZ. Mr. Secretary, I only have a certain amount of time.

So it is funny you say that you don't have unanimity on that. I am talking about the portions of the wall that have already been funded. Your agents, every single one of the agents that I spoke to, said that they would like to have those portions finished, that there are portions that were about to be rebuilt that were stopped and

it made no sense. So I would ask you to reconsider what you are saying.

I agree with you, there are places where the wall is appropriate, and there are places where the wall is not appropriate.

Because the final thing they said was they needed technology and they needed additional technology. There was apparently some other—some kind of technology that they all really want. But that was third after building the portions of the wall that were basically stopped by the Biden administration.

So I would ask you to reconsider that and talk to your border agents, and they will tell you which portions of the wall should be built and continue to be built and where technology would actually be a better thing. I don't disagree that technology in some areas is a much better, much better way of handling it than a physical barrier.

Finally, that is all I have. I am going to yield the balance of my time to Mr. Katko.

Chairman THOMPSON. You have no time to yield.

Mr. GIMENEZ. OK.

Chairman THOMPSON. The Chair recognizes the Congresswoman from New Jersey, Mrs. Bonnie Watson Coleman.

Mr. KATKO. Mr. Chairman, I just want to commend Mr. Carlos Gimenez for trying at least.

Chairman THOMPSON. The Chair recognizes the gentlelady from New Jersey, Mrs. Watson Coleman, for 5 minutes.

Mrs. WATSON COLEMAN. Thank you, Mr. Chairman.

I just want to take note of a couple of things.

No. 1 is that we are talking to an individual who has been on the job about 2 months trying to undo the inhumanity and the incompetency of a 4-year term before that, and we need to recognize that as we are beating him up.

Second, it is really interesting for me to see that my Republican colleagues have so many concerns that children and migrants may very well be spreading the coronavirus.

So let me just start by saying that I am glad to hear that they are interested in it and that they are concerned about the pandemic, but I would note, though, that not one Republican in Congress voted for the American Rescue Plan, which provides desperately-needed resources to fight this pandemic and provide relief to the American family.

So it poses a question to me as to whether or not we are really feigning concern and care at this point.

But, Mr. Mayorkas, I would like to switch my area of questioning with you. I am the subcommittee Chair of the TSA subcommittee, and I want to talk to you about the TSA work force.

I am concerned that the predicate upon which it was originally designed, giving the Department flexibility and, therefore, not giving the individuals the kind-of same protections on the front lines that Title 5 of the U.S. Civil Service Act Code provides, has now resulted in individuals who have worked with this agency for some 20 years who have never seen a decent increase in pay, who don't have the same rights and privileges and protections that other unionized employees receive.

That I think is unfair and that I think is unnecessary, and I think that we are now entering an administration that has greater respect for the value of unionization and the value of equity and equality among the work force.

So I know that some of these things, particularly putting these individuals under Title 5, is something that you can do administratively, and I would hope that you would. But if not, we are also willing to engage in a legislative response to it. I, in fact, am a co-sponsor of Mr. Thompson's bill that would do just that.

But what I would like to ask you is, are you willing to work with us to try to accomplish this from an administrative perspective and that we can certainly codify it later on?

Secretary MAYORKAS. Congresswoman, thank you so much.

I most certainly am. I will tell you that I am very focused on this issue. I have spoken with Chairman Thompson about it, I have spoken with union leadership about it. I have spoken with the personnel throughout the TSA establishment about it during a town hall that we had last week.

It is an issue with which I am familiar by reason of my prior service, and I am studying it very carefully and with urgency, because I understand the concerns that you have and I share them.

Mrs. WATSON COLEMAN. Thank you very much.

I am not sure how much more time I have left. But at some point I would certainly like you to tell me what you were doing to improve upon the backlog of the H-4 visas, because the backlog—the former administration's incompetence in dealing with this area as well resulted in a backlog, resulted in women not having jobs outside of their homes. It has impacted family incomes. It has actually robbed us of high-level skills and education that would be helpful to us and our economy.

Secretary MAYORKAS. Thank you, Congresswoman. I look forward to meeting with you and understanding better your concerns in that regard.

I am very familiar with U.S. Citizenship and Immigration Services and its struggling financial situation. I am aware of the financial assistance it received from Congress because of that.

Mrs. WATSON COLEMAN. I am a Member of the Appropriations Committee, and I need you to know that I am an ally when it comes to ensuring that the Department of Homeland Security has the resources that it needs in order to be able to accomplish its diverse responsibilities.

I also fully recognize that that agency has been starved. It has been starved for talent, and it has been starved of manpower and womanpower. I will do anything that I can to ensure that you all are treated with the respect that you need in order to keep us safe and secure in the homeland.

Thank you, Mr. Chairman. I yield back.

Chairman THOMPSON. The gentlelady yields back.

The Chair recognizes the gentleman from Kansas, Mr. LaTurner, for 5 minutes.

Mr. LATURNER. Thank you, Mr. Chairman.

Thank you, Mr. Secretary, for being here today. I appreciate your time.

I want to talk about something fundamental, because that is what is on the minds of the people that I represent in Kansas.

President Biden imposed a so-called deportation moratorium. He ceased unilaterally construction of the Southern Border wall, terminated the migrant protection protocols.

His border immigration policies and rhetoric undermine, in my opinion, a core American value of American life, and it is the rule of law.

This principle has guided and sustained our country for more than 2 centuries. If we reward unlawful migration with the greatest prize anywhere in the world, and I think you would agree with that, which is American citizenship, we will erode the legitimacy of our immigration system, which is the most generous system anywhere in the world.

So, Secretary, what message do you think this is sending to the millions around the world who play by the rules, who respect our laws, and are waiting their turn to come to our country for the chance at a better life?

Secretary MAYORKAS. Congressman, we have had a broken immigration system ever since I can remember, and I have never heard anyone say otherwise. Yet we haven't been able to fix it legislatively. It is my hope that we finally do.

The migration challenge that we are facing at the Southwest Border is not new. We confronted it in 2019 and 2014 and before then. It is a reflection of the fact that our system is broken. It is a reflection of other facts as well, of which I have spoken in my testimony earlier.

Mr. LATURNER. Mr. Secretary, do you think it is a reflection of the rhetoric of President Biden and the policies that he has implemented since coming into office? Do you think that has had an impact on the increase?

Secretary MAYORKAS. I do not.

Mr. LATURNER. I just—the American people heard that answer, and they are not buying it.

Mr. Chairman, I would like to yield the remainder of my time to Ranking Member Katko.

Chairman THOMPSON. The gentleman from New York is recognized for the balance of the time.

Mr. KATKO. Thank you, Mr. Chairman.

Just a couple of things. Mr. Mayorkas, I think you will be happy to hear that I have got a question that is not about the border. But I have do have to make a couple of observations first.

I want to commend you, first of all, for acknowledging that while it is the policy of Homeland Security to have 100 percent testing at the border, you are nowhere near there, and I appreciate you for acknowledging that. When you get 100 percent testing of everyone that comes across the border, I would appreciate you just letting us know, because I want to personally congratulate you when that happens.

Second of all, with respect to you not recalling whether or not you said, "Don't come now," I am looking at the a White House briefing from March 1, and it states, quote, from you, saying, "Don't come now because we will be able to deliver a safe and orderly process to them as quickly as possible."

Does that refresh your recollection as to whether you said before, “Don’t come now”?

Secretary MAYORKAS. Congressman, the point is, the bottom line is——

Mr. KATKO. No, I understand. I just wanted to refresh your recollection.

Secretary MAYORKAS. The bottom line is that the border is not open.

Mr. KATKO. I understand. OK. Thank you.

Secretary MAYORKAS. That we had——

Mr. KATKO. Sir, thank you so much. Thank you very much. I would just appreciate it if you would answer the question directly.

Another quick observation, and that was that when I went to El Paso this weekend I spoke to probably a hundred different Border Patrol agents, some of whom had been assaulted, one of whom described the incident within a night or two before where they came across, where there was not good fencing, and they had been assaulted by people coming across and they were injured. There wasn’t a single one of those 100 people who didn’t say that we should finish the barrier because it does help keep things under control.

So I will just offer that up for your consideration and the consideration of the administration.

But the question I have for you, sir, is about cybersecurity and the CISA director. As you are aware, CISA finds itself on the forefront of not just 1 but 2 potentially very significant cyber intrusions facing Federal networks and the private sector. As I said in my letter to President Biden last week, I am very concerned about the delay in nominating a CISA director.

Can you speak to the delay in naming the nominee? Would you agree that now more than ever we need a permanent political leadership at CISA?

Secretary MAYORKAS. Congressman, we are very focused on filling the vacancies of leadership across the Department. It is an issue that I work with the White House on every single week. As a matter of fact, had a conversation yesterday on that very subject.

I will say, I will say that, yes, we do need a politically-appointed, Senate-confirmed leadership in a number of positions throughout the Department of Homeland Security. We are very fortunate to have extraordinary talent in an acting capacity, and CISA is no different, in Brandon Wales.

Mr. KATKO. Yes, he has done a wonderful job, I admit that. But acting is not the same as permanent.

Secretary MAYORKAS. Agreed.

Mr. KATKO. Anything I can do to help move that process along, let’s do that in a partnership, because CISA director is critically important.

Thank you. I yield back, Mr. Chairman.

Secretary MAYORKAS. Thank you. Thank you, Congressman. I look forward to that.

Chairman THOMPSON. The gentleman yields back.

The Chair recognizes the gentlelady from California for 5 minutes, Ms. Barragán.

Ms. BARRAGÁN. Thank you, Mr. Chairman, for holding this meeting.

Thank you, Mr. Secretary, for being with us today.

Secretary Mayorkas, I want to turn to a topic of deported veterans.

In this country we have people who sign up to serve in the military, they can go fight in war, and if they get killed in war they become a United States citizens, but if they survive and come back home they can still be deported.

I think it is completely unacceptable. On both sides of the aisle, we should all be raising an alarm bell.

On his first day in office, President Biden proposed a plan to overhaul the immigration system, address the root causes of migration, and expand legal pathways for immigration.

What will the Department of Homeland Security do to support our non-citizen veterans returning home after service?

Secretary MAYORKAS. Congresswoman, thank you very much for your question. I raised this very issue 2 days ago. I think your use of the term “alarm” is a fair one.

This is an issue that requires urgent action, and I look forward to speaking with Secretary of Veterans Affairs McDonough to see what we can do about it.

We owe the individuals who have served in our Armed Forces so very much. Our freedom is because of them.

I look forward to following up with you in this regard.

Ms. BARRAGÁN. Thank you very much.

Mr. Secretary, as you are aware, [inaudible] 2021, the Department of Homeland Security began the wind-down of the Migrant Protection Protocols and began allowing individuals in the program to pursue their asylum cases while in the safety of the United States.

This is a welcome first step, and I applaud the Department of Homeland Security for moving quickly to shut down this horrific program which exposed asylum seekers to violence and dangerous conditions.

However, the process announced so far only applies to individuals in MPP with an active case before the immigration courts. There are many other people who were subjected to MPP that are not covered under the plan that DHS announced, particularly asylum seekers who were formerly in MPP.

DHS has called the current MPP wind-down Phase 1 and has stated that asylum seekers who do not have active MPP cases should await further instructions.

Will there be additional phases to the MPP wind-down plan?

Secretary MAYORKAS. Congresswoman, we are looking at that very question right now, as you can well imagine. We are addressing these issues that impact the Southwest Border in a prioritization matrix, and I look forward to conferring with you about how we are looking at it, the timing that we are thinking of. But first things first, we are going to address the challenge that we are confronting right now.

Ms. BARRAGÁN. Thank you, Mr. Secretary.

Is there any expectation on timing on when that announcement might be made?

Secretary MAYORKAS. No. I think right now we are addressing the immediate needs of the Southwest Border as we have been discussing throughout the hearing.

Ms. BARRAGÁN. Thank you.

Mr. Secretary, President Biden has made a commitment to restore access to asylum at the U.S.-Mexico border, and we welcome efforts led by the President and the agency you lead to undo the MPP Remain in Mexico policy and to begin the process to be able to allow asylum seekers really the rights that they are entitled to under the U.S. law.

I would like to address some of the misrepresentations that we have heard about the situation at the border.

Wouldn't you agree that it is inhumane to put children in danger?

Secretary MAYORKAS. I would. I would.

Ms. BARRAGÁN. Isn't it true that in some cases families are admitted because of a change in Mexican law, not U.S. policy?

Secretary MAYORKAS. It is our practice under the CDC's Title 42 public health authority to expel families. The limitation on that is if, in fact, at particular points in time Mexico does not have the capacity to receive the families that we seek to expel. Then we place those families in immigration proceedings, and if, in fact, they do not have a claim for relief under the law, they are to be and will be returned.

Ms. BARRAGÁN. Yes. I am referring to a Mexican policy that has recently changed where Mexico is refusing to take some asylum seekers. Are you aware of that?

Secretary MAYORKAS. I am aware of the change in law, Congresswoman. The change in law provides that families with children of a particular age are to be in the custody of a particular organization, a government organization in Mexico rather than the immigration authorities. That is, as I understand it, the change in Mexican law.

Ms. BARRAGÁN. Thank you, Mr. Secretary.

The Mexican law was passed during the Trump administration, and they did build capacity to prepare for its implementation.

With that, Mr. Chairman, I know I am out of time. Appreciate the time.

Thank you for your efforts, Mr. Secretary.

I yield back.

Secretary MAYORKAS. Thank you.

Chairman THOMPSON. The gentlelady yields back.

The Chair recognizes the gentleman from Michigan for 5 minutes, Mr. Meijer.

Mr. MEIJER. Thank you, Mr. Chairman and Ranking Member and Secretary Mayorkas for joining us.

I just want to second many of the concerns that my colleagues had around our border security and around the strong influx of both asylum seekers and migrants more generally at the border. It is obviously a pressing challenge, and I hope we will continue to work together to address it.

But I wanted to touch upon another area of focus dealing with immigration, and that has to do with the H-2B visa program.

Earlier this month, a bipartisan delegation of Members of Congress from Michigan, including myself, sent a letter addressed to you regarding that H-2B visa program. These visas are incredibly important to the economy of Michigan and to many folks who are dealing with especially seasonal tourism workers.

I think there is a strong need and a collective desire to fix this program so we can offer our businesses, especially those bouncing back from deep struggles over the past year due to COVID and the lockdown restrictions that we have had, to make sure that they are well situated in order to come back as we are on the upswing this summer.

So we have many small and seasonal businesses in Michigan that rely on H-2B visa holders for employment. They struggle to find employment otherwise that is not just seasonal visas. We are a State that has a strong domestic tourism component in the spring and summer months. So this is a vital component of our economy.

Not too long ago DHS announced that the 33,000 H-2B visa cap for the second half of the fiscal year was already reached.

Now, there still remains a critical labor shortage and a need for seasonal business workers across Michigan, in addition to the rest of the country. We are experiencing significant unemployment in this country more broadly for which, as part of the American Rescue Plan, we have a very generous Federal top-up of extended unemployment insurance.

But we still need the seasonal workers in order to fulfill these jobs, in order to support the hundreds and thousands of American citizens whose jobs depend on these tourism sectors, especially in parts of northern Michigan.

So it is essential that we have additional visas be granted as soon as possible so we can begin to have those businesses plan to reopen for the 2021 summer tourism season. Under the law, you have been given the authority to determine if this cap of 33,000 is raised.

So I guess I would like to work with your office—and, again, that is why we extended our letter earlier—to advocate this cap be raised.

So I guess my first question to you, does the Department currently have a plan or a proposed time line for making a determination on this visa cap?

Secretary MAYORKAS. Congressman, thank you very much. Thank you for your letter, which I have read.

I have been studying the H-2B issue. You are correct that the annual cap has been reached. The annual cap is 33,000 in 2 parts, a total of 66,000.

The Secretary of Homeland Security has the authority to waive that limit and issue new H-2B visas. I am taking a very close look at that.

The waiver authority has been exercised many times in the past, usually in June, as I understand it in speaking with colleagues. I am looking at it with urgency because I understand your point about its seasonal nature, of course, and the summer months are looming.

If, in fact, that waiver of authority is exercised, I understand that the speed with which it is exercised is vitally important to the market of which you speak.

So I would be very happy to speak with you outside of this hearing and confer about the issue of H-2B visas.

I do think that there is——

Mr. MELJER. I do thank you, Mr. Secretary.

Secretary MAYORKAS. Oh, I am sorry. I am sorry, Congressman.

I do think there are some reforms needed in that program, but perhaps they will not be accomplished in short order understanding the urgency with which you speak for the people of Michigan.

Mr. MELJER. Thank you, Mr. Secretary. I am glad that you appreciate that a lot of these businesses are hanging on by a thread as is. In order to be fully staffed by the time both the season is starting and as additional vaccinations and restrictions are anticipated to be lifted, that planning requires months of work in advance. Obviously, getting those visas in and getting the travel and the time line set up is critical as well.

So I am heartened that you appreciate the urgency of the matter, and I look forward to working closely with your office on this and am grateful that you are willing to work together with us to solve this problem, both addressing the short-term needs in the upcoming 2021 season and also focusing on what we can do in the long term to better reform these programs.

Thank you, Mr. Chairman. I yield back.

Chairman THOMPSON. The gentleman yields back.

The Chair recognizes the gentlelady from Virginia, Mrs. Luria, for 5 minutes.

Mrs. LURIA. Thank you, Mr. Secretary, for joining us today.

I wanted to shift the discussion to our ports and Customs and Border Patrol. In my district, we have the Port of Virginia, and I recognize the critical role that Customs and Border Protection plays within the transportation [inaudible] especially with regards to [in audible] maritime ports and the [inaudible] our port container traffic through there.

But in the last few years, Customs and Border Patrol has increasingly relied on the ports and other non-Federal entities to provide both facilities and payments of overtime for its officers in order to meet their operational needs.

In my district, for example, the Port of Virginia has had to pay approximately half a million dollars annually for the reimbursement to Customs and Border Patrol for overtime pay. These are services that ostensibly through the customs fees that are collected should be able to support our ports without having to have an additional non-Federal contribution.

So I just wanted to ask you today if you would be able to provide to our district and also other ports the list of unfunded requirements on both the staffing and facilities that Customs and Border Patrol would need to be able to meet their requirements for both overtime and facilities without asking our local communities to make an additional investment in order to continue operation of our ports.

Secretary MAYORKAS. Congresswoman, I look forward to looking into that and reporting the results out to you and meeting with you on this subject.

It is not one that I am intimately familiar, quite candidly, but I will share with you, I know that our fee revenue at Customs and Border Protection is down.

But I am not familiar with the sharing of responsibility, if you will, for overtime. I will look into that very quickly and circle back with you.

I appreciate it.

Mrs. LURIA. I appreciate that. Thank you so much. We really appreciate the support that Customs and Border Protection provides to the Port of Virginia.

Another issue I wanted to touch on briefly is about FEMA and disaster preparedness. We are in a coastal region that is frequently experiencing nuisance flooding, sunny day flooding, kind-of on-going flooding issues that have become increasingly more prevalent.

I wanted to talk with you about ways that FEMA could assist communities that have to deal with these continuing and on-going issues that are not one-time natural disasters, such as a large storm, and how we could work together with the communities to deal with [inaudible] onset or continuing hazards and how FEMA can be more involved in helping our communities address that issue.

Secretary MAYORKAS. So I look forward to meeting with you about that as well because that is something that we are looking at, especially given climate change and its impacts on the Homeland Security and our mission sets and how we can best equip local communities to address the impacts of climate change, severe weather conditions being one of them.

So I very much look forward to working with you in that regard, and we will schedule a meeting to that end. I thank you.

Mrs. LURIA. Well, thank you, Mr. Secretary.

Last, I am new to this committee but have been serving previously also on Armed Services. I am very glad to be serving on the Transportation and Maritime Security Subcommittee of this committee and am interested in the Coast Guard and the continued possibility of expanding Coast Guard operations in the Western Pacific in support of enforcing, you know, unrecognized Chinese maritime claims and illegal fishery activities and all of those different things that are of utmost concern.

So would also like to have a conversation with you about how we can further leverage the Coast Guard on these National security issues that impact our homeland.

Secretary MAYORKAS. Thank you very much. I look forward to that as well.

I meet regularly with the Commandant, Admiral Schultz. Our acting deputy secretary, David Pekoske, hails from an illustrious career in the United States Coast Guard. I am very familiar with the issues and very much look forward to speaking to you about them.

Mrs. LURIA. Thank you, Mr. Secretary.

I yield back the remainder of my time.

Chairman THOMPSON. The gentlelady yields back.

The Chair recognizes the gentlelady from Florida, Mrs. Cammack, for 5 minutes.

Mrs. CAMMACK. Thank you, Mr. Chairman. I appreciate everybody's time here today.

Thank you, Secretary Mayorkas.

I know we have been in and out of meetings all day today, so if this question has been asked previously, I apologize.

Can you tell me what FEMA stands for?

Secretary MAYORKAS. The Federal Emergency Management Administration.

Mrs. CAMMACK. Excellent. So since FEMA has been now deployed to the border, that would stand to reason that there is an emergency on the border, correct?

Secretary MAYORKAS. Congresswoman, perhaps you did not hear me when I—

Mrs. CAMMACK. A yes or no will suffice.

Secretary MAYORKAS. We have a very serious challenge at the border, and we are tackling it.

Mrs. CAMMACK. So FEMA being the emergency management administration, they deal with emergencies. They are now being deployed to the border and it is not an emergency? Is that what I am hearing?

Secretary MAYORKAS. Congresswoman, if you will allow me. FEMA, the men and women of FEMA have tremendous capabilities, operational capabilities to address challenges that we confront in a series of our mission sets. We—

Mrs. CAMMACK. I am glad you said—I am so sorry. I have to reclaim my time because I am very limited. I am glad you said that, because the men and women of FEMA are incredible.

I represent a hurricane-prone State, so this is really important to me, especially as the Ranking Member of the Emergency Preparedness and Response and Recovery Subcommittee.

So with everything that we have going on, a global pandemic, a border crisis, with everything happening, does FEMA have the resources necessary to effectively respond to the pandemic, the border crisis, and the upcoming hurricane season, in your opinion?

Secretary MAYORKAS. Yes.

Mrs. CAMMACK. Yes, they do?

Secretary MAYORKAS. Yes.

Ms. CAMMACK. Excellent.

Secretary MAYORKAS. Let me share with you a glowing example of that.

As I said at the outset, the President set an ambitious goal for FEMA to set up 100 Federally-supported community vaccination centers in 30 days. They stood up 441 in 30 days, and the number is over 900 today.

Their capabilities are extraordinary, and I have tremendous confidence in their ability to provide the assistance that they are to Health and Human Services in addressing [inaudible] handling the issue of the unaccompanied children arriving in large numbers at our Southwest Border and their other mission sets, tremendous confidence.

Mrs. CAMMACK. Excellent.

So real quick, talking about the infrastructure, and I know FEMA is great when it comes to standing up infrastructure; but talking about DHS as a whole—and I know you all play a role here—do you support the walls around the Capitol region?

Secretary MAYORKAS. What wall? Are you speaking of the fencing, Congresswoman?

Mrs. CAMMACK. Yes, the 10-foot wall, fencing with razor wire around it.

Secretary MAYORKAS. Congresswoman, that is a—

Mrs. CAMMACK. It is just a yes or no.

Secretary MAYORKAS. Congresswoman, if I may, that is an issue that I have not studied, I have left to the security experts with respect to what particular type of physical barriers are best suited for the protection of the Capitol region.

Mrs. CAMMACK. Secretary, and I apologize. I know I am new here, and I know you are new here, but as Secretary of DHS—

Secretary MAYORKAS. Well, I am trying to answer your question.

Mrs. CAMMACK [continuing]. Of Homeland Security, you are telling me that you haven't studied whether or not a 10-foot fence around the Capitol region is necessary as Secretary of Homeland Security?

Secretary MAYORKAS. Congresswoman, I have deferred to the experts with respect to the nature of the physical barrier that is most effective in protecting the Capitol region, where that barrier should be—

Mrs. CAMMACK. OK.

Secretary MAYORKAS [continuing]. Whether it should be singular in nature, wherever it is, or whether it should vary—

Mrs. CAMMACK. Secretary Mayorkas, I appreciate that. I am going to reclaim my time because I think we can both agree that physical barriers do work.

But I do want to bring it home a little bit because I know several of my colleagues have talked about the statistics, the numbers of those folks coming over the border. But I just want to bring it home a little bit.

See, I am from a small town out West, and the month before I was supposed to graduate high school, which was 2006, one of my classmates was kidnapped by an illegal who had been deported multiple times.

I think when you have policies that incentivize folks to come over illegally and we don't have the proper mechanisms in place to protect our borders, as you say, FEMA has been deployed and they are an emergency agency, that kind of impact has resounding effects.

So my question to you—her name was Amber Scott, the young lady that was kidnapped by this illegal criminal.

Chairman THOMPSON. The gentlelady's time has expired.

Mrs. CAMMACK. How many more Ambers have to be kidnapped across America before you will take action?

Chairman THOMPSON. The gentlelady's time has expired.

Mr. Secretary, if you want to answer the question, you can.

Secretary MAYORKAS. Mr. Chairman, may I answer that question?

Chairman THOMPSON. Yes.

Secretary MAYORKAS. Congresswoman, I find that question to be extraordinarily disrespectful, disrespectful not only to me, but disrespectful to the men and women of the Department of Homeland Security and to all the front-line personnel throughout this country who dedicate themselves to the safety and security of the American people.

Mrs. CAMMACK. I am sorry you feel that way. I am sure the American people feel very disrespected about the border situation they are facing right now.

With that, I yield back.

Chairman THOMPSON. The gentlelady's time has expired.

The Chair recognizes the gentleman from New Jersey, Mr. Gottheimer, for 5 minutes.

Mr. GOTTHEIMER. Thank you, Chairman Thompson, for recognizing me.

Secretary Mayorkas, welcome to the committee. Thank you for your service. I look forward to working together to help protect our great country.

With the attack on the U.S. Capitol on the 6th of January, we witnessed the merging of a wide range of domestic extremist ideologies, including members of groups with international ties like the Proud Boys, domestic extremist militia groups like the Oath Keepers and Three Percenters, as well as followers of QAnon, Stop the Steal, and other movements.

If I can ask, as head of the Department of Homeland Security, do you agree that racially- and ethnically-motivated violent extremists present one of the greatest threats to our safety and security as Americans?

Secretary MAYORKAS. I certainly do, Congressman.

Mr. GOTTHEIMER. Thank you.

If so, how is DHS working to strengthen its understanding of these extremist groups and how they organize?

Secretary MAYORKAS. Congressman, we are gathering intelligence and information from varied sources. We are communicating that information to State, local, Tribal, and territorial personnel to ensure that our first responder communities across the country are well-equipped with that information.

We have dedicated funding to equip State, local, Tribal, territorial organizations with the ability on their own to detect and respond to those threats.

We have a number of different efforts under way. We work in close partnership with the Federal Bureau of Investigation in the dissemination of products to communities through a joint information bulletin.

We have many efforts under way, and I look forward to elaborating with you when we meet outside the context of this hearing. We welcome that opportunity.

Mr. GOTTHEIMER. Thank you so much. I do as well, sir.

In my home State in New Jersey, the Office of Homeland Security and Preparedness has been warning of the threat of militia extremist groups for several years now. In fact, it was the very first Government entity in the United States to label White supremacy as a top-level terror threat. The State's Fusion Center also pro-

duces analysis and shares intelligence related to domestic terrorism threats.

One thing that has come up over the years now with DHS is how to make sure it does a better job disseminating and making use of information analysis produced by States like New Jersey and other State homeland security agencies to counter domestic terror threats.

Is that something you have plans of doing more of? I just wanted to get a sense of what your strategy is there.

Secretary MAYORKAS. Most certainly. Our ability to gather together information and intelligence and disseminate it effectively to the first responder community throughout the country is an essential element of our battle against domestic violent extremism.

We have extraordinary individuals here in the Department of Homeland Security who are focused on that. You mentioned, Congressman, the Fusion Center in New Jersey, and I am familiar with it. I am very familiar with the National Fusion Center organization led by Mike Sena, and that is a critical vehicle in my mind.

We have to really resource the fusion centers so that we have an architecture across the country to use the information advisedly and effectively in countering this very serious threat that our homeland faces.

Mr. GOTTHEIMER. Grateful for that.

As you probably are aware, it seems that many of these domestic terror groups and movements are increasingly decentralized and don't always rely on a single leader or defined structure.

What challenges do you see that are unique or particular by these threats from a decentralized extremist network? What threats does that provide to the homeland and to law enforcement? What do you think we should be doing about that?

Secretary MAYORKAS. Congressman, I think the fact that it is a decentralized threat, that it is so diffuse, that we are speaking of loose affiliations, we are speaking of lone actors, we are addressing the fact that the problematic ideology that underlies their drive to violent acts is so easily disseminated throughout social media, that presents a challenge that is really quite difficult.

I met as recently as yesterday with personnel, my colleagues across the Federal Government, to develop strategies and best understand the threat and how we can most effectively confront it on behalf of the American people.

Mr. GOTTHEIMER. Thank you, Mr. Secretary. I look forward to working together. Thank you so much.

I yield back.

Secretary MAYORKAS. Thank you.

Chairman THOMPSON. The gentleman yields back.

The Chair recognizes the gentleman from Texas for 5 minutes, Mr. Pfluger.

Mr. PFLUGER. Thank you, Mr. Chair.

Thank you, Mr. Secretary. I appreciate your words saying that you will do everything you possibly can to support the CBP agents, those in DHS that are doing their level best every single day to protect this country.

I want to clarify something. You said very emphatically that the border is secure today. You have also said that it is not open. So

what you are saying is that we, your own CBP agents, are apprehending 100 percent of those who are illegally crossing?

Secretary MAYORKAS. The United States Border Patrol does an exceptional job in—

Mr. PFLUGER. Are they apprehending 100 percent of the illegal crossings?

Secretary MAYORKAS. I don't know of any reason to believe that they are apprehending a smaller percentage that has historically been the case.

Mr. PFLUGER. OK. So my definition of security—

Secretary MAYORKAS. They do their best, as I do my best—

Mr. PFLUGER. Excuse me, sir. When I look at the definition of security, it says that it is the state of being free from danger. As a fighter pilot, I would never call something secure if there were got-aways. Your agents have told me in the last 2 months that on average 4,500 to 6,000 got-aways are crossing the border every single day.

The most concerning is the known or suspected terrorists of which we know, and from this testimony, those have crossed over.

So are you certain that we have apprehended 100 percent of the KSTs that have crossed the border?

Secretary MAYORKAS. Congressman, I have no reason to believe that we have not.

But I must tell you, I am completely unfamiliar with the data that you referenced. I am not certain of the accuracy of the information that you have.

I also am very troubled by the definition that you quoted. Can you repeat that definition?

Mr. PFLUGER. It is just a simple definition from the dictionary.

I would like to move on with the data, because it is certainly not surprising. I would ask, you are you willing to release the got-away number on a weekly basis?

Then, likewise, when it comes to known or suspected terrorists, will you commit today to providing a Classified brief, a comprehensive brief that gets into the affiliation of these terrorists and also speaks to the JTTF or their ICE concerns?

Secretary MAYORKAS. Congressman, I will honor my obligations to provide this committee with information as the primary committee of jurisdiction.

Mr. PFLUGER. Thank you for that. I appreciate that.

I would like to move into something that is extremely concerning.

On Sunday, Midland, Texas, my home district, without notification, without coordination, without any alert to the local or State officials or to my office, received an emergency intake center with 700—up to 700 UACs between the age of 15 to 17, with no—saying that they were not going to have any criminal or behavioral issues, that they would be there for 2 to 3 weeks, if they are placed into this situation in Midland.

What I am wondering is, is that site going to be there for 2 to 3 weeks? Are there further sites that are going to exist? Why was there no coordination with local or State officials prior to this happening? How do we verify the age of those individuals that are there?

Secretary MAYORKAS. Congressman, it is our responsibility to communicate effectively with local communities when we have actions under way in them.

If there was a failure to communicate with local officials with respect to our plans to open a facility in Midland, Texas, to shelter unaccompanied children, then that is a failure on our part. I will follow up and make sure that does not happen again.

Mr. PFLUGER. We are very concerned about that failure of communication. The folks in my district and along our southern part of my own Congressional district lie approximately 100 miles from the border.

The reason that I started out with the questioning is because we are very worried about the security. When you say the border is secure and there are literally hundreds, if not thousands of folks that are crossing that are not contacted, that are not apprehended, I have major concerns about that.

We know this because there are drones that see these individuals crossing without contact. We know this because of the sign cutting along the border where there are not physical barriers or technology.

Mr. Secretary, it is very concerning our policies in the last couple of months that have reversed course. I don't have to go back into detail for this hearing today on the questioning that has already happened.

Will you commit to doing everything you possibly can to secure our border?

Secretary MAYORKAS. Yes, I will. I have, as have the men and women of the Department of Homeland Security. We have been unwavering in that commitment. Your citation to the past 2 months in the context of this issue I would respectfully submit is misplaced.

Mr. PFLUGER. Well, I appreciate what the Border Patrol, Customs and Border Protection agents do. They put their life on the line every single day. My utmost respect to them and their families because they truly are giving everything they have to keep our country safe. More needs to be done.

Secretary MAYORKAS. Thank you. Thank you, Congressman.

Mr. PFLUGER. Thank you.

Mr. Chairman, thank you.

Chairman THOMPSON. The gentleman yields back.

The Chair recognizes the gentleman from New Jersey, Mr. Malinowski, for 5 minutes.

While he is coming, we will recognize the gentleman from New York for 5 minutes, Mr. Torres.

Unmute yourself.

Mr. TORRES. I think the Congressman came, so I will defer to him.

Mr. MALINOWSKI. Hi. I am here.

Am I OK to go, Mr. Chairman?

Chairman THOMPSON. Yes, you are.

Mr. MALINOWSKI. Thank you so much.

Mr. Secretary, thank you so much more being here with us today.

I will just start with an observation. As an immigrant to this country myself, I have been listening to this debate. I think it is important that we remember that over the last 4 years we are talking about illegal immigration, we have seen an across-the-board effort to try to limit, shut the door to legal immigration to the United States.

Asylum virtually shut down. Refugee admissions virtually shut down for the first time in our modern history since when we turned our backs on Jewish refugees fleeing Hitler's Germany before the Second World War.

We have made it harder for folks to get green cards, harder to apply for citizenship. We have banned travel and admissions from particular countries.

This is a crisis. This is a moral crisis. It is something that has hurt our economy. It hurts our strength and our position in the world.

When I listen to my friends on the other side, I really think that they need to decide, as we face questions about the Dreamers and about immigration reform, are they still the party of Reagan? Are they still the party of John McCain? Are they still the party that agreed in 2013 to an immigration reform compromise very similar to what President Biden has just put forward?

My Republican colleagues know—they say this very often, and they are absolutely right—that we are beginning a contest as a country with the Communist Party of China. I wish that they would recognize that one of our greatest strengths in that contest is that we are the country, the United States, not China, we are the country that attracts energy and youth and talent from around the world, that millions of people want to be American citizens. Millions of people want to be American taxpayers, want to be American soldiers.

Why would we squander that advantage? I hope we don't for the sake of promoting fear in the service of political ends.

So with that comment, Mr. Secretary, just a couple of questions in that spirit.

No. 1, President Biden has pledged to raise the cap on refugee admissions after we nearly shut down refugee admissions under the Trump administration.

Can you let us know why there has been a delay in actually effecting that order, signing it, and when we might expect to see it?

Secretary MAYORKAS. Congressman, thank you very much.

I know that the President is considering that issue. It is a serious issue. He has committed to restoring our leadership in the world, including as a leader of—as a place of refuge for people fleeing persecution.

So I will defer to him in his deliberation on that important issue. I know he is very committed to it.

Mr. MALINOWSKI. OK. Thank you.

One element of this that I think is more under your control, USCIS at some point in the last administration—well, probably related to COVID—stopped doing in-person interviews for refugee applicants, but also continues, as I understand it, to refuse to do video interviews, even though it continues video interviews for people being deported, not people being admitted as refugees.

Is that something that you can fix? Because there are situations where literally hours and days matter right now in terms of getting that process restarted.

Secretary MAYORKAS. Congressman, I will have to take a look at that to see what U.S. Citizenship and Immigration Services' practices are with respect to video interviews of refugee applicants. I will look at that and get back to you.

I am familiar with the pros and cons of video interviews. They present tremendous advantages in a number of different respects. So I will follow up as quickly as possible.

Mr. MALINOWSKI. Thank you.

With very little, limited time, very different issue, big controversy last year. DHS units like BORTAC were involved in policing civil unrest in the United States.

Would you agree that that is not necessarily an appropriate role for these essentially paramilitary units and that any DHS units involved in policing civil unrest should not be wearing military uniforms, desert fatigues, should have identifying insignia as law enforcement does in this country?

Secretary MAYORKAS. Congressman, I am looking very carefully at what occurred in Portland, the deployment of different resources throughout the Department of Homeland Security. What I would like to do is give my personnel an opportunity to address the issues and questions that I have, and then I will circle back with you. I want to be respectful of my work force, but it is an issue that I am very focused on.

Mr. MALINOWSKI. Thank you so much.

I yield back.

Chairman THOMPSON. The gentleman yields back.

The Chair recognizes the gentleman from New York, Mr. Garbarino, for 5 minutes.

Mr. GARBARINO. Thank you, Mr. Chair.

Thank you, Mr. Secretary, for coming today and testifying.

First question. Mr. Secretary, as you know, MS-13 is a transnational criminal organization whose members have terrorized and murdered people all over the United States and many people in my district over the past few years. It is the largest and most violent street gang on Long Island. I represent parts of Long Island.

Its leadership is based in El Salvador, Mexico, Guatemala, and Honduras. The gang has thousands of members across the United States, comprised primarily of immigrants from Central America.

Just yesterday multiple media outlets reported that at least 4 people on the FBI's terrorist watch list have been arrested at the Southern Border.

What is DHS doing to secure our border and carefully screen migrants to ensure dangerous terrorists, like MS-13 gang members who murdered innocent people in my district, are not permitted to enter this country?

Secretary MAYORKAS. Congressman, we have a multi-layered screening protocol at the border, at all ports of entry. We screen individuals who seek to enter our country not only by land, but also by air and by sea.

I would be very pleased, because I am so very proud, to share with you outside the context of this hearing everything that we do to screen individuals who are seeking to enter the United States and make sure that those who pose a danger to our communities do not enter the United States.

We have very rigorous screening procedures in place, and our people are very equipped to execute those procedures.

Mr. GARBARINO. I appreciate that, Mr. Secretary.

We talked about a little before, you know, this year is not the only year that people from the terrorist watch list or FBI's most wanted list have tried to cross the border. I believe in 2018 there were 6, 2019 there were zero, 2020 there were, I think, 3.

But those are the whole-year statistics. We are now in only—it is only March 17, and we have already had 4.

Is that concerning, that more people are trying to get in now? Or what is with the increase in numbers?

Secretary MAYORKAS. Congressman, I am concerned if one tries to come over any length of time. That is my job, and that is the job of the people of the Department of Homeland Security.

Mr. GARBARINO. OK, Mr. Secretary. Just as long as we keep up. Because MS-13 has been knocked back a little bit through increased enforcement in my district. I don't need them getting their foothold back in. It was not good for my district. It wasn't good for New York. It is not good for the country. So I appreciate that—

Secretary MAYORKAS. Congressman, I didn't mean to interrupt, but I prosecuted MS-13 gang members. I prosecuted many different types of gang members in my work as an assistant United States attorney and as the United States attorney across the country in the Central District of California.

I would be very pleased to discuss with you the strategies that we are employing and the strategies that I have in mind to tackle this threat which has been too persistent for too many years.

Mr. GARBARINO. I appreciate that, Mr. Secretary.

I am going to switch gears real quick. I am also the Ranking Member on the Cybersecurity committee. Just a quick question.

Can you explain why there was no Congressional notification of the White House's announcement today to establish another unified coordination group in light of the Microsoft Exchange vulnerability?

Secretary MAYORKAS. Congressman, I am not familiar with the communication channel, what it was and what it wasn't.

Certainly we have been amplifying the threat of cybersecurity throughout the country since January 20. We also have been amplifying the concerns around this second exploitation, the second threat to Microsoft.

So I can't speak any more than that, but I would be very happy to follow up with you.

Mr. GARBARINO. OK. We usually—I know Congress—the committee is usually notified when these are announced. I don't believe we received any notification. So just in the future making sure that we stay on top of that.

But I have one final question.

In 2015, my predecessor, Congressman Pete King, introduced the First Responder Anthrax Preparedness Act, which became Public

Law 114–268. You might not have it with you now, but can you provide us with a status update as to the implementation of that pilot program.

Secretary MAYORKAS. I would be very pleased to. I certainly don't have it at my disposal, but I look forward to following up with you, Congressman.

Mr. GARBARINO. I look forward to your answers. Thank you very much.

I yield back.

Secretary MAYORKAS. Thank you.

Chairman THOMPSON. Thank you very much.

Just for the record, we have very seldom received any notification on what the White House is doing, whether it is a Democrat or a Republican. I agree with my colleague from New York, it would be nice to know. But the practice is just not something that is ordinarily done. So maybe that is something we can take up.

The Chair recognizes the gentleman from New York again, Mr. Torres, for 5 minutes.

Mr. TORRES. Thank you, Mr. Chair.

Mr. Secretary, I have a few yes-or-no questions about the border crisis, which as of late has been the subject of political demagoguery.

Isn't it true that there was a border crisis in 2019, not so long ago, during the Trump administration?

Secretary MAYORKAS. The numbers of individuals encountered at the border was extremely large in 2019.

Mr. TORRES. That is a yes.

Isn't it true that there was a border crisis before then, in 2014, during the Obama administration?

Secretary MAYORKAS. The numbers were considerable then as well.

Mr. TORRES. Yes. Now there is one in 2021.

Is it fair to say, contrary to politically-motivated storylines, that the border crisis is more of a cyclical occurrence than a unique consequence of Biden administration policy?

Secretary MAYORKAS. I would say it is episodic, Congressman, and we have experienced episodes of increased migration for many, many years, throughout many years.

Mr. TORRES. In both Democratic and Republican administrations?

Secretary MAYORKAS. Oh, absolutely. It speaks so profoundly of the need to once and for all fix our broken immigration system.

Mr. TORRES. I have a few yes-or-no questions about policies that might have caused or compounded the migrant surge.

Isn't it true that the Trump administration cut humanitarian assistance meant to address the root causes of migration from Central America?

Secretary MAYORKAS. It did, Congressman.

Mr. TORRES. Isn't it true that the Trump administration canceled the Central American Minors program which would have enabled children to apply for asylum from their home country without migrating to the U.S.-Mexico border?

Secretary MAYORKAS. Yes, Congressman, it did.

Mr. TORRES. Isn't it true that during the Trump administration families might have been too fearful to come forward and take custody of children in Federal custody?

Secretary MAYORKAS. Congressman, if you are speaking of the memorandum——

Mr. TORRES. Yes.

Secretary MAYORKAS [continuing]. Between the Health and Human Services and Immigration and Customs Enforcement, yes, the pernicious effect of that memorandum was, in fact, to chill relatives, sponsors, from coming forward to shelter unaccompanied children indeed.

Mr. TORRES. So is it fair to say that the seeds of the present border crisis were planted long before you assumed office?

Secretary MAYORKAS. I would say, Congressman, that the challenge that we are confronting at the border is made far more difficult by reason of the factors that you have identified and some others as well.

Mr. TORRES. I have a question about the 287(g) program.

In August 2020, then-candidate Joe Biden committed to ending the 287(g) program which allows State and local law enforcement to collaborate with ICE.

Do you intend to fulfill that promise and end the 287(g) program?

Secretary MAYORKAS. I am looking very closely at the 287(g) program and really reestablishing a healthy relationship with State and local law enforcement throughout the country. I am very proud of the support from the law enforcement community that I received when I was a nominee to be the Secretary of Homeland Security——

Mr. TORRES. Mr. Secretary, do you intend to end it? Are you going to modify it? What is the plan?

Secretary MAYORKAS. I have got to take a close look at it. I am very well aware of the President's commitment. But it is something that I need to turn to, Congressman.

Mr. TORRES. Is there a review under way?

Secretary MAYORKAS. There is, Congressman.

Mr. TORRES. What is the time line for that review?

Secretary MAYORKAS. As soon as possible, Congressman. I am sorry I can't give you a more definite answer.

As this hearing has evidenced, there is a great deal of work to be done across the Department, and we are doing it all.

Mr. TORRES. As you know, in January, President Biden issued an Executive Order imposing a moratorium on almost all deportations. That Executive Order was subsequently put on hold by a court.

In February, my understanding is that ICE issued new guidance on deportations. The new guidance on deportation, is it essentially the same as the original Executive Order or are there differences?

Secretary MAYORKAS. If I may, there was an announcement from the Department of Homeland Security that removals from the country would be put on pause, individuals would remain in detention, but that removals would be put on pause for a period of 100 days as the issues were studied. You correctly noted that a court enjoined that pause.

Then, on January 20, concurrently on January 20, then-Acting Secretary Pekoske issued a memorandum of new enforcement guidelines that are temporary until I promulgate guidelines.

Guidance was subsequently issued that revived those January 20 enforcement priorities, and I am studying the issues.

I intend to engage with the work force, I intend to engage with this committee, and I intend to engage with the community as I develop guidelines to promulgate.

Chairman THOMPSON. The gentleman from New York's time has expired.

The Chair recognizes the gentleman from California for 5 minutes, Mr. McClintock.

Mr. MCCLINTOCK. Well, thank you, Mr. Chairman, for allowing me to join you today.

Secretary Mayorkas, thank you for being here on a marathon hearing.

Is it true that DHS is planning to reopen all of the MPP cases?

Secretary MAYORKAS. I don't—I am not familiar with that, Congressman. I will have to take a look at that and get back to you. I apologize.

We are certainly processing individuals with active cases in an orderly way through discrete ports of entry. We have, indeed, commenced that process, and it is proving quite successful.

Mr. MCCLINTOCK. I thought one of the Executive Orders was to basically invite the MPP applicants into the country?

Secretary MAYORKAS. Congressman, as I have indicated, what we have done is we have developed a safe, orderly, and humane way for individuals with active cases in the MPP program to——

Mr. MCCLINTOCK. How many are we talking about?

Secretary MAYORKAS. Yes, Congressman?

Mr. MCCLINTOCK. How many?

Secretary MAYORKAS. To be processed through the ports of entry so that they can pursue their claims under the law in the United States.

Mr. MCCLINTOCK. So I assume the answer is yes, you are bringing them in. How many?

Secretary MAYORKAS. I will get for you the numbers that we have admitted who have claims for relief under the law in the United States already made.

Mr. MCCLINTOCK. All right.

Do you agree with the Trump regulation prohibiting aliens with DUI convictions, when the DUI resulted in serious bodily injury or death of another person, making them ineligible for asylum?

Secretary MAYORKAS. I am not familiar. Is there a regulation on point, Congressman, to address this?

Mr. MCCLINTOCK. Yes. Specifically discussing who is eligible for asylum, the Trump administration promulgated a regulation saying if you got a DUI conviction, for example, that resulted in serious bodily injury or death of another person, you are not eligible for asylum.

Do you agree with that policy?

Secretary MAYORKAS. I am not familiar with that regulation, but I will make this statement quite clearly: Individuals who pose a public safety threat will not remain in the United States.

Mr. McCLINTOCK. Does that include DUI convictions?

Secretary MAYORKAS. It can.

Mr. McCLINTOCK. Does it include child abuse, child neglect, child abandonment?

Secretary MAYORKAS. It can.

Mr. McCLINTOCK. Well, I mean, "yes, it can," the implication is, "or it cannot"?

Secretary MAYORKAS. Well, actually, Congressman, having been a prosecutor for 12 years, I will not equate a DUI—an individual who is guilty of two DUIs, for example, or one DUI in the last 12 months that resulted in the death of an individual, with an individual who has been in the country for 30 years, committed a DUI 27 years ago, has lived an upstanding life since then, has contributed to the community, and has 3 U.S. citizen children.

I believe the analysis with respect to those 2 cases can be different. They may or may not yield the same or different result.

Mr. McCLINTOCK. Mr. Secretary, my time is limited.

Secretary MAYORKAS. Sorry.

Mr. McCLINTOCK. If I may, I would like to get, once you review that regulation, get the administration's position on it.

I have been trying to parse the President's message, "Don't come now." That certainly implies, "Do come later." I am just wondering, how many illegal immigrants do you anticipate admitting into the United States this year?

Secretary MAYORKAS. Congressman, allow me to answer this question. It is, do not come. What the President was speaking of is the fact that we are very focused on developing lawful——

Mr. McCLINTOCK. How many illegal immigrants do you anticipate admitting——

Secretary MAYORKAS [continuing]. Safe, orderly, and humane ways of entering the United States to make claims that United States law recognizes and that Congress passed.

Mr. McCLINTOCK. How many? How many this year?

Secretary MAYORKAS. I am sorry, what is your question, Congressman? I apologize.

Mr. McCLINTOCK. How many illegal immigrants do you anticipate admitting into the United States this year?

Secretary MAYORKAS. Congressman, the border right now is not open. We are expelling single adults——

Mr. McCLINTOCK. Well, with all due respect, every interview I have seen with these individuals coming across the border say they are responding to the changed policies the administration has announced and implemented. They hear from their friends and families that they have been successfully admitted.

So the message that you are sending is pretty loud and clear to the enormous number of people now heading north to the border. I just wonder how American workers——

Chairman THOMPSON. The gentleman's time has expired.

Secretary MAYORKAS. I must——

Chairman THOMPSON. The Chair recognizes the gentlelady from Texas.

Secretary MAYORKAS. If I may, Mr. Chairman, I respectfully and strongly disagree.

Chairman THOMPSON. The Chair recognizes the gentlelady from Texas, Ms. Escobar.

Ms. ESCOBAR. Thank you so much, Mr. Chairman.

My community has been mentioned a number of times during this hearing, and Minority members of this committee flew to my community on Monday. So I am very grateful for the opportunity you have given me to participate.

Secretary Mayorkas, it is great to see you. Thank you for your testimony today and for the competent leadership you are finally providing the Department of Homeland Security.

I represent El Paso, Texas, a community that is deeply impacted by the Department of Homeland Security, by its successes or its failures.

I just want a word to all of my colleagues who are eager to come to El Paso. Please check in with me. I would love to connect you.

You know, it is easy to connect with law enforcement. Would love to connect you with the advocates and attorneys and all the folks working on the humanitarian end of this multifaceted challenge that we have on the border. Only by understanding all these facets can we bring forward legitimate, credible solutions.

El Paso is on the front lines. It has been. We were the site of the test to separate families, children from their families, and many other policies.

I think all of us, especially El Pasoans, can agree that this is unsustainable for everyone involved, for the migrants, for the agents, the nonprofits, and the volunteers.

So I want to focus on solutions.

My Republican colleagues, especially on this committee, are focusing on trying to return to the Trump era status quo.

So, Mr. Secretary, I want to take those recommendations that they have to their logical conclusion, and I am going to ask that you be as succinct as possible because I have got a lot to try to get through in my 3½ minutes left.

Mr. Secretary, did migrants stop their journey northward while Donald Trump was President?

Secretary MAYORKAS. No, Congresswoman, they did not.

Ms. ESCOBAR. They also say that you should continue spending billions of dollars that have been taken from our military on building and maintaining a wall.

Mr. Secretary, on Sunday I met an MSNBC reporter at the wall in El Paso. Just before I arrived, the MSNBC film crew filmed adult men climbing over the wall with a makeshift ladder. They were later apprehended by Border Patrol.

But, Mr. Secretary, do walls stop people from coming to the United States?

Secretary MAYORKAS. They do not, Congresswoman. The security of the border requires a multifaceted approach—physical barriers, individual personnel, and technology. The use of technology should be exploited in the best sense of that term. Its capacity is enormous.

Ms. ESCOBAR. Thank you, Mr. Secretary.

My Republican colleagues and my Democratic colleagues alike, we all feel immense concern about vulnerable souls and their journey northward being targeted and victimized by cartels. But at the

same time, my Republican colleagues are asking that you reinstate MPP.

Are you aware, sir, that the families, the women, children, vulnerable populations who have been subjected to MMP, were targets of and victims of crime from those cartels and criminal organizations while they waited for their asylum hearings in a land that was not their own?

Secretary MAYORKAS. I am very familiar with that, Congresswoman. Quite frankly, I am very familiar with what happened to very young children, many under the age of 10, 12, who were expelled by the prior administration and what happened to them in the hands of traffickers or otherwise dropped off in a country with which they were unfamiliar.

Ms. ESCOBAR. Thank you, sir.

I have 1 minute left, and I am going to try to get through as many as possible.

My Republican colleagues would like to see the continuation of Title 42 expulsions. I am not a fan.

Is Mexico going to accept folks that America is expelling into their country indefinitely? I mean, can we expect Mexico to forever just take everyone, continue to accept everyone that we expel, or might they at some point tell us no?

Secretary MAYORKAS. Congresswoman, the expulsion authority is not an immigration authority. I just want to be clear. It is a public health authority of the CDC. We work very closely with Mexico in addressing the public health imperative.

Ms. ESCOBAR. So, Mr. Secretary, just 2 last statements that I would like for you to follow up with me and my office about.

The first, we have gotten reports of families who were expelled under Title 42 in the Rio Grande Valley, flown to El Paso, and then expelled from El Paso into Ciudad Juárez.

I want to know why that is happening, how many families that has happened to, what the plan is. So I would like an explanation, please, on that front.

Second, I would like your commitment to working with me on a binational COVID plan for border communities like mine so that we can again reopen our ports of entry and get the flow going back and forth in a safe way that maintains our significance and importance to the American economy.

Do I have your commitment to working with me on that and getting me that information, sir?

Secretary MAYORKAS. You most certainly do, Congresswoman. Thank you.

Ms. ESCOBAR. Thank you, Mr. Chairman. I yield back.

Chairman THOMPSON. The gentlelady from Texas yields back.

Mr. Secretary, let me thank you for what has been a 4-hour-and-2-minute introductory session for you to the Homeland Security Committee. Let me thank you for your testimony and the Members for their questions.

The Members of the committee may have additional questions for the witness, and we ask that you respond expeditiously in writing, as you have already committed, to those questions.

Without objection, the committee's record shall be kept open for 10 days.

Hearing no further business, the committee stands adjourned.
Secretary MAYORKAS. Thank you.
Chairman THOMPSON. Thank you.
[Whereupon, at 1:33 p.m., the committee was adjourned.]

APPENDIX

QUESTIONS FROM CHAIRMAN BENNIE G. THOMPSON FOR ALEJANDRO N. MAYORKAS

Question 1. In July 2020, GAO reported on numerous deficiencies related to CBP's medical care for those in its custody. The COVID-19 pandemic has heightened the importance of providing timely and quality medical care to those in CBP's custody. Please describe your plans to improve medical care in CBP facilities.

Answer. U.S. Customs and Border Protection (CBP) places the highest priority on the well-being of individuals in CBP custody. CBP has significantly expanded and enhanced its medical support capabilities in recent years. This medical support capability has been developed in coordination with, and has been reviewed by, multiple internal and external expert stakeholders. The Government Accountability Office (GAO) report issued in July 2020 identified recommendations which CBP was either already addressing or has addressed since the report.

Since the publication of the GAO report, CBP has continued to enhance and expand its medical support capabilities, to include significant efforts to address COVID-19 issues in relation to CBP operations, CBP personnel, and persons in CBP custody. CBP has expanded its contract medical support from a small number of medical providers at a few facilities in Rio Grande Valley (RGV) to over 900 contract medical personnel, with over 350 on duty any given day providing 24/7 medical support to persons in custody at over 70 CBP facilities along the Southwest Border (SWB). CBP's comprehensive medical support construct includes health intake interviews (including COVID-19 considerations and temperature checks), medical assessments, medical encounters, referrals to local health systems, follow-up care, enhanced medical monitoring, medication management, public health/infectious disease (including COVID-19) support, and medical summaries. CBP continues to coordinate closely with internal and external stakeholders to facilitate and enhance medical support for persons in custody.

Question 2. USCIS has reported that the average processing time for citizenship applications has doubled since 2015 and, at the end of fiscal year 2019, USCIS reported that it had a pending caseload of 5.7 million cases. What steps will you take to reduce USCIS's case backlog and ensure USCIS carries out its mission to efficiently and fairly adjudicate requests for immigration benefits?

Answer. U.S. Citizenship and Immigration Services (USCIS) made some progress in addressing the pending caseload in fiscal year 2019, resulting in a growth rate of less than 1 percent—the smallest growth since 2012. This was due to increases in completions for naturalizations and adjustments of status, additional staffing and a 4 percent decrease in receipts. USCIS adjudicated 8.2 million applications, petitions, and requests in fiscal year 2019. For a comprehensive overview on USCIS filing volumes, trends, and statistics on the work USCIS completed through fiscal year 2020 you may review the 2020 USCIS Statistical Annual Report. The report is available at: <https://www.uscis.gov/sites/default/files/document/reports/2020-USCIS-Statistical-Annual-Report.pdf>.

Fiscal year 2020 and fiscal year 2021 presented unforeseen obstacles due to the COVID-19 pandemic. In an effort to protect our communities and employees from exposure to COVID-19, USCIS temporarily suspended nearly all in-person services for several months in 2020. Our workforce continued to perform mission-essential duties that did not involve face-to-face contact with the public, and we provided emergency in-person services for limited situations. Additionally, during the outbreak of the pandemic, USCIS saw a significant drop in new receipt filings, which dramatically affected revenue and resulted in a hiring freeze and the threat of administrative furlough of nearly 70 percent of the USCIS workforce. USCIS was ultimately able to cancel the administrative furlough.

When USCIS began reopening offices to the public, the agency implemented health and safety protocols—as recommended by the Centers for Disease Control and Prevention (CDC)—including social distancing guidelines and the use of manda-

tory face coverings as well as other measures to mitigate COVID-19 risks. The safety of our workforce and applicants remains our highest priority as we continue to follow CDC's guidelines. This has, however, also reduced our capacity for interview-dependent work and the ability to collect biometrics at USCIS Application Support Centers.

Resource constraints and staffing remain a significant challenge to addressing and reducing our pending caseload. The "Emergency Stopgap USCIS Stabilization Act" expanded the benefit types eligible for premium processing and increased flexibility regarding how USCIS can spend premium processing funds.¹ USCIS is exploring mechanisms to expand the availability of premium processing as provided by the USCIS Stabilization Act. Moreover, after a careful review and analysis of our current and projected financial situation, on April 1, 2021, USCIS lifted the agency-wide hiring freeze put in place in spring of 2020. Currently, USCIS has approximately 2,000 vacancies across the agency, and will work to fill those positions as quickly as possible.

Despite the current challenges, USCIS continues to focus on efforts to increase efficiency such as expanding electronic filing, increasing the volume of virtual interviews, and allowing biometrics reuse when possible, among other strategies. In addition to these efforts, USCIS is taking the following actions and initiatives to address the pending caseload:

- *Redistributing workloads.*—USCIS continuously monitors workloads to reprioritize and redistribute resources to improve efficiencies. For example, USCIS sets targets and closely monitors workloads across field offices to limit processing time disparities across geographic locations. In addition, USCIS is moving toward an approach to transfer workloads from one location to another when additional capacity exists or to meet changing demands.
- *Asylum innovation.*—USCIS has implemented asylum caseload initiatives to maximize efficiency, deter non-meritorious applications, and target specific cases for immediate processing by: (1) Developing case management tools and streamlined adjudication processes for cases that are ripe for administrative closure; (2) centralizing fraud and security sweeps to identify cases for potential vulnerabilities; and (3) deploying text analytics for automated detection of potential fraud across affirmative asylum applications.
- *Increasing officer availability for adjudications.*—USCIS has increased available annual adjudication hours within existing staffing levels by identifying and reassigning administrative and non-adjudicative tasks previously performed by officers to non-adjudicative USCIS staff. This approach allows officers to focus on adjudicative tasks such as evaluating eligibility requirements, detecting potential fraud or National security issues, and making fair and lawful determinations. This approach was piloted in several locations in fiscal year 2019 and ultimately implemented across USCIS field offices in fiscal year 2020.
- *Digitizing paper filings.*—USCIS is undertaking scanning initiatives across many product lines, including some immigrant and nonimmigrant petitions, and nonimmigrant status granting applications and ancillary benefits. Digitizing these files will expand adjudicative access and capacity across USCIS increasing efficiency in processing these petitions as visas become available. USCIS anticipates increased digitization will reduce storage and postage costs associated with housing and moving paper files.

While navigating many challenges in fiscal year 2020 and fiscal year 2021, USCIS remains committed to improving processes to provide better and more timely services to applicants.

Question 3. Law enforcement experts have stated that when immigrants and their families live in fear that any interaction with local authorities could lead to arrest and deportation, they are less likely to come forward as witnesses, provide crime tips, and seek police protection. A recent GAO report, GAO-21-186, also found ICE failed to adequately oversee and manage both iterations of the 287(g) program. Please describe your plans for the 287(g) program, both the Warrant Service Officer Model and the Prison Enforcement Model. How will you enforce oversight of these models if they are continued?

Answer. The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 added subsection 287(g) to the Immigration and Nationality Act. This section of the law authorizes U.S. Immigration and Customs Enforcement (ICE) to delegate certain authorities to designated State and local law enforcement officers to perform limited immigration enforcement functions under a signed memorandum of agreement. Under its 287(g) authority, ICE utilizes the Jail Enforcement Model and the

¹ See Pub. Law No. 116-159: <https://www.Congress.gov/bill/116th-congress/house-bill/8337/>, signed into law on October 1, 2020.

Warrant Service Officer model. The U.S. Department of Homeland Security (DHS), including ICE, is committed to improving its enforcement policies and operations in every way possible. As part of this commitment, we are conducting a comprehensive review of the 287(g) program. In the mean time, ICE is working to address the administrative recommendations made by GAO.

Question 4a. What are the Department's plans regarding the continued use of private contracts for immigration detention facilities?

Answer. ICE is carefully evaluating its detention policies and practices, including the use of private operators for immigration detention. Around 10 percent of ICE's detention footprint is contained within the 5 ICE Service Processing Centers (SPCs) owned by ICE, but the SPCs are operated by private detention contractors that provide security, food, and other services. The remaining ICE facilities in the detention network are either contractor, State, or locally operated. Eliminating the use of private operators to manage the ICE detained population would require significant changes in ICE operations.

Question 4b. In 2020, DHS signed a series of 10-year contracts for bed space in privately-owned and -operated immigration detention facilities. Will the Department re-evaluate these recently-signed contracts to ensure they fit within the Department's priorities?

Answer. ICE carefully reviews all contracts for bed space requirements subject to performance, need, and funding prior to initiating any contract action. Any decision to re-evaluate contracts will take into consideration the Department's priorities in meeting its National security, public safety, and border security mission and in accordance with each contract's terms and conditions.

Question 4c. Please also provide the committee with all contracts, emails, and other documents pertaining to ICE detention contracts, including contract renewals and emergency shelter contracts, from fiscal year 2017 to the present.

Answer. ICE is currently working to meet the following requirements in H.R. 116-458, p. 38:

"Not later than 90 days after the date of enactment of this Act, ICE is directed to publish on a publicly accessible website a consolidated compilation of contract documents for each of the facilities it uses for immigration detention purposes, including the most current and complete contract modification or addendum, any sub-contracts, and all bid solicitation requests. The Committee also directs ICE to update this compilation on a monthly basis. For any documents requiring redaction, ICE shall provide to the Committees on Appropriations, Judiciary, and Oversight a written explanation for each such redaction along with an unredacted version of each such document."

ICE is currently working to redact and post contractual documents to a publicly accessible website per H.R. 116-458. ICE will provide this information to you directly as well.

Regarding your request for "... emails, and other documents pertaining to ICE detention contracts," additional clarification and context is requested in order for ICE to adequately address the request.

QUESTIONS FROM RANKING MEMBER JOHN KATKO FOR ALEJANDRO N. MAYORKAS

Question 1. COVID-19 has forced the traveling public, the private sector, and DHS port of entry officials to reevaluate and adjust travel accommodations and norms to mitigate the spread of germs and other harmful pathogens. Can you describe how DHS is leveraging and modernizing its technological infrastructure, particularly, with the use of contactless technology solutions, at air, land, and sea ports of entry to address those areas of concern?

Answer. CBP continues to evaluate and review new technologies to improve and enhance the entry process. For example, on February 16, 2021, CBP announced the expansion of Simplified Arrival at 8 PreClearance locations throughout Canada, beginning in Toronto Pearson International Airport. Simplified Arrival is an enhanced international arrival process that uses biometric facial comparison technology to automate the manual document checks that are already required for admission into the United States. This process provides travelers with a touchless experience that further secures and streamlines international arrivals while providing fewer touchpoints that could potentially spread disease.

CBP has partnered with industry to allow travelers to use Mobile Passport Control (MPC) applications, which provides them the opportunity to submit their information via smartphone on arrival at a U.S. port of entry (POE) and go to specially designated MPC lanes for inspection, thereby minimizing touchpoints in arrival processing.

A CBP-built MPC application will deploy in fiscal year and will eventually incorporate facial recognition capabilities, intelligent queuing, baggage carousel information, and anticipated wait times.

A Global Entry e-Gate pilot at Dallas Fort Worth International Airport began the week of April 12, 2021, incorporating facial verification technology to expedite the passage of Global Entry travelers without having to visit a kiosk. Other locations are incorporating facial verification into existing Global Entry kiosks, reducing the number of touchpoints for arrival processing.

Question 2. I am concerned with the number of political vacancies across the Department at all levels, including components. Can you please provide a list of all the political positions within the Department and components—PAS, PA, Non-Career SES and Schedule C, and indicate if the positions are filled (with the names of those filling the position), or are vacant?

Answer. As with all transition periods, some titles are still in flux and positions are not yet filled. We will continue to fill these positions using appropriate, diligent processes.

As of March 17, 2021:

- Presidentially Appointed with Senate Confirmation (PAS)
 - On Board: 3
 - Vacant: 15
- Presidentially Appointed (PA)
 - On Board: 2
 - Vacant: 3
- Non-Career Senior Executive Service
 - On Board: 37
 - Vacant: 59
- Schedule C
 - On Board: 16
 - Vacant: 84

* Minor discrepancies per new position titles still being solidified.
Please see the document attached.

QUESTIONS FROM HONORABLE CLAY HIGGINS FOR ALEJANDRO N. MAYORKAS

Question 1. How do you define the mission of FEMA, the agency tasked with responding to disasters in our Nation?

Answer. The Federal Emergency Management Agency's (FEMA's) mission is defined in 6 U.S.C. 311 et seq. Section 503(b)(1) of the Homeland Security Act, Pub. Law No. 107-296 as amended, provides that FEMA's primary mission is "reduc[ing] the loss of life and property and protect[ing] the Nation from all hazards, including natural disasters, acts of terrorism, and other man-made disasters, by leading and supporting the Nation in a risk-based, comprehensive emergency management system of preparedness, protection, response, recovery, and mitigation." FEMA executes this mission consistent with the mission statement of "helping people before, during, and after disasters." FEMA coordinates and collaborates with other Federal departments and agencies to support the Nation's disaster and emergency management needs.

Question 2. Where is FEMA currently deployed to on our Southern Border and what role are they playing?

Answer. On March 13, 2021, the Secretary of Homeland Security directed FEMA to support the two lead Federal agencies CBP and the U.S. Department of Health and Human Services' (HHS) Office of Refugee Resettlement (ORR). The scope of the support consists of two lines of effort:

1. Operational support to establish Emergency Intake Sites (EIS) to provide immediate decompression of Border Patrol facilities on the SWB. The EIS provide a safe and sanitary setting plus basic services, such as cots, hot meals, showers, and clean clothes to unaccompanied children. As of April 8, 2021, EIS are located in Texas and California. As of April 16, FEMA has fewer than 60 personnel assigned to several EIS sites and embedded with HHS operations in Washington, DC.
2. Technical assistance to expand bed capacity in HHS-ORR's network of Temporary Influx Care Facilities.

Question 3. Is the Disaster Relief Fund being tapped for FEMA's deployment to our Southern Border to address the humanitarian crisis? If so, how much?

Answer. The Disaster Relief Fund (DRF) is not being used to fund any of this work. Costs incurred by FEMA will be reimbursed via Interagency Agreements between FEMA and HHS, and between FEMA and CBP.

Question 4. Why has FEMA, whose mission is to help “people before, during, and after disasters” been deployed to the border?

Answer. On June 2, 2014, President Obama directed then-Secretary of Homeland Security Jeh Johnson to coordinate efforts across the Executive branch to respond to the humanitarian mission necessitated by an influx of unaccompanied children pursuant to the Homeland Security Act of 2002 and Homeland Security Presidential Directive–5, Management of Domestic Incidents. Consistent with the 2014 Presidential Memorandum, on March 13, 2021, Secretary Alejandro Mayorkas directed FEMA to increase DHS’s support to HHS to ensure unity of effort in the transfer of unaccompanied children to HHS custody during the recent influx. FEMA is providing this coordination and technical support to HHS and CBP under the Economy Act.

Question 5. Is there currently a crisis at our Southern Border? Why or why not?

Question 6. If not, will you commit to sending FEMA to places where their services are needed to assist the American people, such as Louisiana’s third district, where countless Americans are homeless, displaced, and need FEMA housing?

Answer. The administration is committed to establishing a well-managed and secure border while also treating people fairly and humanely.

FEMA serves in support of this humanitarian effort as directed on March 13, 2021. FEMA continues to integrate with and support HHS ORR in a Government-wide effort to safely receive, shelter, and transfer unaccompanied children who make the dangerous journey to the SWB. These collaborative efforts will decompress Border Patrol stations and help HHS increase capacity to care for the recent influx of unaccompanied children at the SWB.

FEMA is actively engaged with HHS to quickly expand capacity for safe, sanitary, and secure shelter, and to help provide food, water, and basic medical care.

FEMA has been assisting Hurricane Laura and Delta survivors since August 2020 and continues its efforts to provide temporary housing to applicants and moving them toward their respective permanent housing solutions.

In Louisiana, FEMA has prioritized direct housing applicants, currently being housed in non-congregate sheltering, in hotels in New Orleans and Lafayette. FEMA teams are working closely with the Louisiana Department of Children and Family Services to assist in housing these applicants.

Additionally, many rental properties damaged by the hurricanes have been repaired and are becoming available for applicants. FEMA is working with those vendors to match family components, such as size, ages and gender, with available solutions.

Question 7. Do you believe the Biden administration’s stance on the enforcement of our immigration laws and promises of possible amnesty had an impact on the volume of illegal immigration at our Southern Border?

Question 8. Why do you think there has there been a 173 percent increase in encounters at the Southwest Border since last February under the Biden administration?

Answer. The Biden-Harris administration has been clear that we need to address this challenge beyond our borders by creating additional lawful pathways for migrants and individuals seeking protection to come to the United States. At the same time, we must work collaboratively with other countries in our region to manage migration and the challenge and responsibility of offering humanitarian protection in a more regular, orderly, and humane manner.

Since April 2020, the number of encounters at the Southwest Border has increased due to on-going violence, natural disasters, food insecurity, and poverty in Central America and Mexico. This resulted in a substantial strain on the processing, transportation, and holding capacity of the U.S. Border Patrol (USBP), which was only exacerbated by the COVID–19 global pandemic. In following CDC recommendations to allow for social distancing, temporary holding capacity within USBP facilities was limited by up to 75 percent in certain instances. Compounding this challenge was the lack of long-term planning and a comprehensive strategic framework by the prior administration to address the root causes of the migration. They terminated the Central American Minors program and cut hundreds of millions of dollars in foreign aid to the Northern Triangle countries of Guatemala, El Salvador, and Honduras. As a result, the surge in unaccompanied children presented a serious challenge for DHS and our colleagues at the Department of Health and Human Services (HHS). Simply put, the previous administration dismantled our Nation’s immigration system. Addressing the factors that cause individuals and families to flee their homes in the first place and attempt the dangerous journey to our Southern Border is both aligned with our National interest and our values as a Nation.

Question 9. Have we tested all individuals that have been in DHS custody prior to their release into the United States?

Answer. CBP works with local health systems, DHS, ICE, and HHS to facilitate COVID-19 testing as appropriate. This includes: Referrals of persons with COVID-19 concerns to local health systems for definitive testing and diagnosis; coordination with local governments/non-governmental organizations (NGO's) for testing of persons released from CBP custody; coordination with DHS and ICE for testing of persons released from CBP custody in locations without local government/NGO testing capability; and coordination with ICE and HHS regarding testing of unaccompanied children transferred to HHS/ORR care.

For those in ICE custody, all new admissions to ICE detention facilities receive COVID-19 testing within 12 hours of arrival, or 24 hours if circumstances require.

Additionally, in accordance with ICE detention standards, on May 4, 2020, ICE issued the COVID-19 checklist, which is intended to provide ICE and contracted staff with steps to take prior to transferring, removing, or releasing a noncitizen from ICE custody to further mitigate the spread of COVID-19. The checklist includes specific questions regarding discussion of the release with the relevant State, local, Tribal, and/or territorial public health department to coordinate continuation of care; providing detainees an opportunity to place several free-of-charge phone calls to family, friends, community groups, and attorneys to secure public or private transportation and the facilitation of safe transport; access to information on community resources to ensure continued shelter; and the provision of personal protective equipment (mask) upon release.

If ICE must release an ill or isolated detained individual, health staff immediately notify State or local public health agencies within the facility's jurisdiction to coordinate further monitoring and contact tracing. Similarly, detained individuals who are mandated to be released after testing positive for COVID-19, but before the CDC's recommended isolation period has been completed, are provided with information regarding the risks of COVID-19 infection and transmission, as well as contact information for local health departments. In addition, local health departments within the facility's jurisdiction are provided with the detained individual's post-release information for future monitoring and contact tracing. Furthermore, all individuals released from ICE custody are provided with COVID-19 prevention information, hand hygiene supplies, and face masks.

Question 10. If a migrant tests positive for COVID-19 in DHS custody, are they allowed entry into the United States while they have the virus?

Answer. Individuals in CBP custody are already present in the United States.

The following applies when a migrant tests positive for COVID-19:

- Anyone in DHS custody who tests positive for COVID-19 is immediately quarantined.
- Noncitizens entering ICE facilities are tested, and those who test positive are quarantined.
- DHS has developed a partnership model, working with community-based organizations, cities, and counties, to test and quarantine families released from custody. DHS (FEMA) will reimburse 100 percent of the expenses incurred.
- DHS coordinates with States and local governments directly when they have a process to test and quarantine family units.
- DHS is building additional capacity to test individuals in CBP custody when there is not capacity to do so elsewhere.

Question 11. Were migrants ever held under bridges or in parking lots to be processed under the Biden administration?

Answer. The health and safety of the American public and all those we encounter remains a top priority. Amidst the COVID-19 pandemic, CBP is seeking to minimize exposure to COVID-19 for employees and those in CBP custody. In order to expand facility capacity and reduce exposure, CBP introduced the use of Temporary Outdoor Processing Sites in open-air environments to mitigate exposure to communicable diseases. The implementation of outdoor intake sites is an expansion to CBP's current processing capabilities. The sites are not used for holding or housing of migrants beyond what is initially required for processing. The ability to process subjects in an outdoor setting as soon as they are apprehended limits potential exposure to agents and others encountered.

Question 12. Please describe, step-by-step, the process that migrants go through leading up to being released into the United States from CBP custody.

Answer. Upon arrival or encounter at or between POEs, the inspection process includes additional document checks/verification, interview, biometric collection, and systems checks. Any noncitizen determined to be inadmissible will be processed for appropriate removal proceedings. Any noncitizen who is processed for expedited removal and who expresses an intention to apply for asylum or claims a fear of persecution or torture will be referred to USCIS for a "credible fear" interview. Because CBP has limited space in holding facilities, once CBP processing is complete, CBP

requests placement for noncitizen adults and family units with ICE for an appropriate custody determination.

Should ICE decline to detain any noncitizen and CBP determines, in its discretion, that the noncitizen may be safely released from custody, that migrant may be paroled or released on their own recognizance into the United States to await removal proceedings and issued a Notice to Appear (NTA), and in some cases, may be released under prosecutorial discretion and instructed to report to the ICE office nearest their final destination in the United States, where they will be issued an NTA.

CBP works with city and county leaders, as well as public health officials, to provide COVID-19 testing and isolation and quarantine, as needed, for all migrants released from CBP facilities.

Question 13. Is the world currently experiencing a pandemic? Does that include other nations such as Mexico, Guatemala, Honduras, Venezuela, Cuba, China, and Iran?

Answer. Both the CDC and the World Health Organization have categorized the COVID-19 event as a global pandemic. This is further supported by data showing rates of transmission, infection, and mortality across the global landscape.

Question 14. Why are Americans being told to stay home and keep their kids home from school while people crossing the border illegally from other nations are allowed to enter after testing positive for coronavirus?

Answer. The policies regarding phased reopening of services and facilities such as schools are determined by State and local governments, based on the science-driven guidelines from the CDC. DHS does not issue guidance regarding the status of community-based services and facilities.

COVID-19 tests for noncitizens entering the United States are conducted through a multi-layer framework developed and implemented in coordination with Federal, State, local, and non-Governmental partners. If a noncitizen tests positive while in DHS custody, they are isolated and/or transported to local medical facilities in accordance with standard Federal, State, and local protocols.

Question 15. How many single adults have been released on their own recognizance from CBP custody since January 20, 2021?

Question 16. Has CBP released anyone on their own recognizance with criminal histories? If so, how many and what were the crimes?

Answer. CBP has released 1,608 single adult noncitizens on an NTA/Own Recognizance between January 21, 2021 and March 17, 2021.

CBP makes decisions about releases on a case-by-case basis. Approximately 0.3 percent, or 92, of Border Patrol apprehensions that resulted in an individual being released on their own recognizance from January 20 through March 31, 2021 had a criminal history. Nearly three-quarters of criminal charges of the 92 individuals related to prior immigration violations. The remainder related to criminal convictions for offenses such as theft, assault, or driving under the influence.

Question 17. Has ICE released anyone from custody that actively had COVID-19? If so, how many and why?

Answer. In general, when considering whether releasing a noncitizen from ICE custody is appropriate, the agency considers important factors prior to the noncitizen's release including the health, safety, and welfare of the detainee and community. All decisions regarding the noncitizen's movement, further isolation, and release are made in accordance with CDC guidelines. In instances where a noncitizen is granted relief from removal or has paid a bond, the noncitizen must be released from ICE custody and cannot continue to be detained solely because they have a medical condition. ICE only has authority to detain individuals for immigration purposes and cannot hold any detainees ordered released by a judge.

When an individual being released tests positive for COVID-19, facility medical staff counsel the individual on CDC-recommended guidelines, such as wearing personal protective equipment and quarantining. Furthermore, if ICE must release an ill or isolated detainee, the individual's sponsor, if applicable, and local public health officials are notified so they may coordinate further monitoring, if required.

Since March 2020, ICE has released approximately 830 noncitizens from custody after they tested positive for COVID-19, but before they completed the CDC's 10-day required isolation period.²

Question 18. How do you plan to expand temporary CBP capacity and ICE capacity to detain any criminals crossing the border illegally subject to mandatory detention, as the weather gets warmer and with it, further increases in volume at the border?

² ICE release data is current as of April 2021.

Answer. By the end of April 2021, there will be 4 operational soft-sided facilities (SSF) in the following locations: Rio Grande Valley Sector (capacity: 1,000); Del Rio Sector (capacity: 500); Yuma Sector (capacity: 500); Tucson Sector (capacity: 500).

While these temporary facilities are intended for family units and unaccompanied children, the additional capacity provided through the SSFs allows permanent CBP facilities to remain available for single adults and criminal noncitizens awaiting prosecution. Additional SSF deployments may be considered in the future, as determined by operational need and priority.

Additionally, CBP is planning, designing, and/or constructing the following permanent Centralized Processing Centers, which will provide additional capacity for family units, unaccompanied children, and single adults: Rio Grande Valley Sector (operational in January 2022; capacity: 1,200); Tucson Sector (operational in October 2022; capacity: 500); Yuma Sector (operational in December 2022; capacity: 500); and El Paso Sector (operational in October 2023; capacity: 1,100).

ICE currently has an extensive network of over 200 single adult detention facilities capable of housing single adult noncitizens. This network has an unfunded capacity of over 56,000 and a funded capacity of 34,000. With ICE's current detained population at over 15,000, ICE maintains a strong level of existing capacity.

ICE detains certain noncitizens in accordance with U.S. immigration laws.³ Noncitizens are detained to secure their presence for immigration proceedings and/or removal from the United States, with detention resources focused on those who represent a threat to public safety, for whom detention is mandatory by law, or who may be a flight risk; it is not a punitive measure.

ICE has a robust ground transportation network along the SWB and has modified two of its ground contracts (in El Paso and the RGV) and its air contract to allow CBP to issue task orders directly with the vendor for any CBP needs.

ICE has also embedded Enforcement and Removal Operations personnel, ground transportation assets, and Alternatives to Detention contractors directly into CBP sectors to provide as much proactive assistance as possible.

Question 19a. There are media reports that the number of people taken into custody by ICE and the number of deportations fell by a significant amount during the first few months of the Biden administration, when compared to the last 3 months of the Trump administration. We were told by your Department that ICE activities wouldn't decrease in frequency, but simply shift to new priorities, which couches public safety threats as people with aggravated felonies or worse.

How do you explain this significant drop in enforcement actions by ICE?

Answer. On February 18, 2021, ICE Acting Director Tae Johnson issued *Interim Guidance: Civil Immigration Enforcement and Removal Priorities*, which establishes interim guidance in support of the interim civil immigration enforcement and removal priorities set forth in then-Acting Secretary Pekoske's January 20, 2021 memorandum, *Review of and Interim Revision to Civil Immigration Enforcement and Removal Policies and Priorities*. The February 18, 2021 memorandum provides that ICE will focus its limited enforcement and removal resources on presumed priority cases that meet certain National security, border security, or public safety criteria. Cases that do not meet the criteria of these 3 categories may still be enforcement priorities but will require pre-approval. This interim guidance applies to all civil immigration enforcement and removal decisions, including deciding when and under what circumstances ICE officers and agents should issue a detainer, detain or release a noncitizen, issue an NTA, or execute a final order of removal.

³The mandatory detention requirements include: INA § 235(b)(1)(B)(IV) (8 U.S.C. § 1225(b)(1)(B)(IV)): which sets forth that noncitizens claiming credible fear "shall be detained pending a final determination of credible fear of persecution and, if found not to have such a fear, until removed;" INA § 212(d)(5) (8 U.S.C. § 1182(d)(5)), which specifies that: such noncitizens may only be paroled on a case-by-case basis for "urgent humanitarian reasons" or "significant public benefit," requiring an individualized assessment, 8 C.F.R. § § 212.5(b), 235.3(b)(2)(iii) (limiting release during expedited removal process or after final expedited removal order to where it is "required to meet a medical emergency or is necessary for a legitimate law enforcement objective."), 235.3(b)(4)(ii) (same for cases pending credible fear determination); INA § 236(c) (8 U.S.C. § 1226(c)): which mandates the detention of certain categories of criminal and terrorist noncitizens during the pendency of removal proceedings noncitizens may not be released in the exercise of discretion during the pendency of removal proceedings even if potentially higher-risk for serious illness from COVID-19; INA § 236A (8 USC § 1226a): which mandates detention of noncitizens certified as terrorists by the Secretary; INA § 238(a)(2) (8 U.S.C. § 1231(a)(2)): which mandates detention for the expedited removal (Administrative Removals) of non-lawful permanent resident noncitizens convicted of committing aggravated felonies; and INA § 241(a)(2), 8 U.S.C. § 1231(a)(2): which dictates that certain criminal and terrorist noncitizens who are subject to a final order of removal may not be released during the 90-day removal period.

Question 19b. How are you ensuring that criminals who have pled down to lesser crimes are still removed due to the threat they pose to the American people? Many sexual assaults get pled down below an aggravated felony. Those heinous crimes often cause lasting trauma to victims. Where do the perpetrators of those crimes that have been pled down fit into the new ICE priorities?

Answer. In accordance with the aforementioned February 18, 2021, interim guidance, a noncitizen is presumed to be a public safety enforcement and removal priority if he or she poses a threat to public safety, and (1) he or she has been convicted of an aggravated felony as defined in section 101(a)(43) of the Immigration and Nationality Act, or (2) he or she has been convicted of an offense for which an element was active participation in a criminal street gang, as defined in 18 U.S.C. § 521(a), or is not younger than 16 years of age and intentionally participated in an organized criminal gang or transnational criminal organization to further the illegal activity of the gang or transnational criminal organization.

It is important to note that the interim priorities do not require or prohibit the arrest, detention, or removal of any noncitizen. Instead, ICE officers and agents are expected to exercise their discretion thoughtfully, consistent with ICE's important National security, border security, and public safety mission. Any civil immigration enforcement or removal actions that do not meet the above criteria for presumed priority cases will require preapproval from the ICE field office director or special agent in charge. In deciding to undertake an enforcement action or removal, the ICE officer or agent must consider, in consultation with his or her leadership, the nature and recency of the noncitizen's convictions, the type and length of sentences imposed, whether the enforcement action is otherwise an appropriate use of ICE's limited resources, and other relevant factors.

Question 20a. On February 21, 2021, the *Washington Times* published an article entitled, "EXCLUSIVE: Homeland Security plans to gut immigration enforcement arm: 'Administrative abolishment' means less enforcement." According to the article, DHS plans to convert ICE deportation officers into "criminal investigators."

Is this true?

Question 20b. Will you commit to briefing the committee before any current or future consideration of implementing such a change occurs?

Question 20c. Have there been any discussion in the Department or at ICE regarding administratively converting most or all deportation officers classified as GS-1801s, into criminal investigators, classified as GS-1811s?

Answer. Secretary Mayorkas has been engaging closely and regularly with the ICE workforce in order to understand their concerns and address their needs. The Secretary's engagements with the ICE workforce have included an all-hands virtual town hall with ICE personnel, 7 in-person town halls in ICE field offices across the country, 2 virtual town halls with ICE field office directors and special agents in charge, and numerous other discussions. In those discussions, Secretary Mayorkas has communicated that DHS would consider making such changes if doing so would serve ICE's critical National security and public safety mission.

QUESTIONS FROM HONORABLE KAT CAMMACK FOR ALEJANDRO N. MAYORKAS

Question 1a. Since the Nation-wide emergency was declared on March 13, 2020, and subsequent disaster declarations were approved for all 50 States, DC, and 5 territories, FEMA has played an extraordinary role in the COVID-19 response. As we continue to fight this pandemic, what role should FEMA play moving forward?

Answer. FEMA's role in the pandemic response changed on March 19, 2020, when a Nation-wide emergency was declared under the Stafford Act. Prior to the declaration of that emergency and subsequent major disaster declarations, the agency was supporting HHS, consistent with DHS's overall role in coordination of incident management under the Homeland Security Act and HSPD-5.

In alignment with President Biden's plan to respond to COVID-19, FEMA is currently working with other Federal agencies and with State, Tribal, and territorial authorities, and private-sector partners to assist, augment, and expedite vaccinations in the United States. Specifically, FEMA is supporting this goal by providing Federal support through the deployment of Federal clinical and non-clinical personnel; the provision of equipment, supplies, and technical assistance; and the awarding of expedited financial assistance to States, Tribes, and territories. FEMA, through the Community Vaccination Center (CVC) Federal pilot program, is also working with interagency partners to provide a supplemental allocation of vaccines above and beyond State allocations, along with site build-out and staffing, to reach vulnerable populations. As of April 9, 2021, there are 30 Federally-managed CVC pilot sites across the country. FEMA is also providing support to States, Tribes, and territories in the form of personnel, equipment, and/or financial assistance to aid in

the administration of vaccine at State, Tribe, or territory sites. As of April 1, there were 1,244 of these Federally-supported CVC sites Nation-wide. FEMA continues to take deliberate and proactive steps, working closely with our State, local, Tribal, territorial (SLTT), Federal, non-profit and private-sector partners to safeguard our ability to respond to and recover from future disasters that may arise during this pandemic. FEMA regions will continue to provide technical assistance and coordination for a range of program areas with their respective SLTT partners.

Question 1b. What role should FEMA play in future pandemics?

Answer. FEMA will continue to support the goals of the National Biodefense Strategy and the National Response Framework (NRF) to ensure effective, whole-of-Government preparedness and response for significant biological events and threats. As described in the NRF, FEMA will continue to coordinate with and support HHS as the lead Federal agency for Emergency Support Function No. 8, Public Health and Medical Services. The NRF guides how the Nation responds to all types of disasters and emergencies and will continue to be supported by the Response Federal Interagency Operational Plan which includes incident specific annexes such as the Biological Incident Annex (BIA).

The BIA, last updated in 2017, serves as the Federal organizing framework for responding to and recovering from a range of biological threats. In late 2020, FEMA initiated a scheduled review of the BIA with interagency partners and in close coordination with HHS. The revision, scheduled for completion in early fall 2021, will incorporate new laws and policy including the CARES Act, and will include both best practices and lessons learned from recent biological incidents, including the COVID-19 response. FEMA will initiate a scheduled update to the Pandemic Crisis Action Plan nested under the BIA to help ensure the Nation is prepared for future emerging infectious diseases including those with pandemic potential. The revised Pandemic Crisis Action Plan will be complete in mid-2022.

Question 1c. Has FEMA had and does FEMA have adequate resources for pandemic response?

Answer. Thanks to the administration and Congress, FEMA has adequate resources to support the pandemic response. Additionally, in FEMA's latest DRF Monthly Report to Congress, FEMA projected a fiscal year 2021 ending balance of approximately \$2.6 billion. Absent significant new catastrophic incident(s), or significant unexpected COVID-19 funding needs, the DRF has sufficient funding to support response and recovery needs for COVID-19 as well as other disasters through September 30, 2021. As always, FEMA will continue to monitor DRF resource needs and update the administration and Congress on the status of both DRF resources and potential funding needs.

Question 2. During the 2017 and 2018 disaster seasons, concerns were raised about staffing shortages at FEMA. While leading the COVID-19 pandemic response, FEMA has simultaneously continued to respond to multiple disasters including wildfires, hurricanes, and the most recent major disaster in Texas. Additionally, FEMA has been tasked with responding to the border crisis. How have these multiple mission sets impacted the existing workforce at FEMA? Does FEMA have the resources it needs to effectively respond to the pandemic, the border crisis, and to the upcoming storm season?

Answer. As of April 8, 2021, FEMA is supporting 119 Presidentially-declared disasters while also supporting HHS's efforts on the SWB. Currently, FEMA has more than 10,200 responders deployed in incident management and support roles both in person and virtually. Comparatively, FEMA had more than 10,400 FEMA personnel deployed in 2017 at the height of the responses to Hurricanes Harvey, Irma, and Maria, and the California wildfires.

FEMA has never deployed more personnel to disasters so early in the year, but achieving goals on vaccine administration and recovering from COVID-19 remain essential and enduring priorities for the agency. FEMA is coordinating with regional, State, Tribal, and territorial partners in support of current deployment activities while actively monitoring flood risks, spring storm risks, and posturing for the upcoming 2021 hurricane and wildfire seasons.

FEMA is expanding its workforce to meet the increased disaster activity and mission sets, while also working with other Federal agencies and partners to supplement our support to communities. FEMA continues to prioritize hiring, onboarding, and training a diverse workforce that is ready to support the agency and its mission. Since 2017, FEMA has hired an additional 3,000 staff for the disaster workforce. The agency has also taken many key steps to build additional capacity, including onboarding more than 160 local-hire personnel directly from the communities being supported to fill temporary non-clinical positions with more local-hire programs rolling out Nationally. FEMA continues working with other Federal agencies for staffing and additional resources, including activating and deploying more than

250 DHS Surge Capacity Force (SCF) members since February 2021 for vaccination efforts. Currently, FEMA is working with other Federal agencies to identify additional SCF members who are available to deploy in the near future in addition to coordinating with AmeriCorps National Civilian Community Corps and the Peace Corps to deploy more than 370 personnel to non-clinical vaccination positions.

FEMA will continue to balance mission and staffing resource needs to support current operations, including support for the SWB, while building readiness for emergent incidents and ensuring delivery of our life-saving and life-sustaining programs to disaster survivors.

QUESTIONS FROM HONORABLE AUGUST PFLUGER FOR ALEJANDRO N. MAYORKAS

Question 1. How many Special Interest Aliens (SIAs) has DHS apprehended crossing the border on a monthly basis from March 2020 through today? How many SIAs did DHS apprehend crossing the border during the previous 3 fiscal years? Have any of these individuals been released or are all SIAs currently in custody? If any have been released, what is their background which qualifies them for this status? If none have been released, will the Department release any of these individuals in the future?

Answer. Please see attachment.

Ensuring National security is a top priority for DHS. Cases with a potential National security interest are complex and, while the terms Special Interest Alien (SIA) and Known and Suspected Terrorist (KST)⁴ have become frequently used as part of border security discussions, DHS notes that an SIA is not the same as a KST. Rather, the terms are two separate terms used to describe different types of potential threats. The term SIA is a broad term for a non-U.S. person who, based on an analysis of travel patterns, may potentially pose a National security risk to the United States or its interests and should be further evaluated accordingly by DHS personnel. Particularly, these individuals or groups may employ travel patterns known, or evaluated, to possibly have a nexus to terrorism but does not mean that all SIAs are National security threats or “terrorists.” Rather, an SIA’s travel and behavior may necessitate heightened screening and further investigation.⁵

A noncitizen who is an SIA may or may not be an appropriate subject for ICE detention based on individual case factors. ICE exercises its discretion in making custody decisions on a case-by-case basis, primarily considering risk of flight and risk to public safety. In cases where ICE determines that release is appropriate, ICE may employ release mechanisms including a grant of parole, an Order of Recognition, an Order of Supervision, or a bond issued by ICE. In some cases, if eligible for bond, an immigration judge may also order an SIA released from custody. These releases may also include enrollment in an Alternatives to Detention program. In cases where an SIA presents a threat, DHS will take all necessary steps to ensure the safety of the public and U.S. National security interests. From March 2020 through March 2021, CBP identified 1,538 SIAs at the United States border, and 868 SIAs were released from ICE custody.⁶ As of March 31, 2021, there were 95 SIAs in ICE custody.⁷ Due to the unique factors and sensitive information associated with each case, DHS is unable to provide an individual background for each SIA.

⁴KST is a term commonly used by law enforcement and intelligence agencies. A known terrorist is an individual who has been arrested, charged by information, indicted for, or convicted of a crime related to terrorism and/or terrorist activities by U.S. Government or foreign government authorities or identified as a terrorist or a member of a terrorist organization pursuant to statute, Executive Order, or international legal obligation pursuant to a United Nations Security Council Resolution. A suspected terrorist is an individual who is reasonably suspected to be engaging in, has engaged in, or intends to engage in conduct constituting, in preparation for, in aid of, or related to terrorism and/or terrorist activities. The use of KST is generally accepted to refer to someone for whom we have a reasonable suspicion to believe has or likely will be engaged in terrorist activity, as that term is defined in U.S. law.

⁵<https://www.dhs.gov/news/2019/01/07/mythfact-known-and-suspected-terrorists-special-interest-aliens>.

⁶Fiscal year 2020 data is current from March 1, 2020 through September 30, 2020. Fiscal year 2021 data is current from October 1, 2020 through March 31, 2021.

⁷Fiscal year 2021 detention is a snapshot of March 31, 2021. ICE custody excludes Department of Health and Human Services Office of Refugee Resettlement transfers/facilities, as well as U.S. Marshals Service prisoners. A CBP Office of Field Operations (OFO) Special Interest Alien Apprehension is only counted as “Booked into ICE Custody” if there is a book-in related to that encounter. It is possible that an alien has a book-in to ICE custody prior to the CBP OFO Special Interest Alien Apprehension on the same case. These are categorized as “Not Booked into ICE Custody” as the book-in does not relate to the CBP OFO Special Interest Alien Apprehension.

Question 2. How many “got-aways” has DHS recorded on a monthly basis from March 2020 through today?

Have your practices and procedures for recording these numbers changed from the prior administration?

Answer. No, the practices and procedures have not changed.

Question 3. Please provide a monthly breakdown of the number of CBP agents patrolling the border from March 2020 through today, including how many agents have been pulled from their normally-assigned patrol posts to process incoming migrants.

Answer. CBP’s United States Border Patrol (USBP) is funded for 19,555 Border Patrol agents. Of these, approximately 16,700 are assigned to the SWB, approximately 2,000 are assigned along the Northern Border (NBO), and approximately 262 are assigned to Coastal Borders (CBO). On any given day, there are approximately 15,000 Border Patrol agents on duty and responsible for border security.

A significant number of agents are assigned to patrol duties on any given day, but agents often perform multiple assignments in the same day, i.e., agents frequently perform both patrol and processing duties in the same day. The duty assignments of available agents directly correspond to the activity along the border as well as the current population in CBP’s custody, among other factors. As the number of enforcement encounters increases and/or the in-custody population grows, the more agents must be assigned to processing duties, resulting in fewer agents available for patrol duties.

Processing incorporates numerous functions, to include actual processing of cases, but also includes transportation of migrants apprehended in the field, intake screening, inventorying property, escorting and caring for those in CBP’s custody, and hospital watch. Furthermore, these duties increase as the demographics in our custody change. Caring for unaccompanied children in CBP’s custody requires more agents than do single adults.

In April 2020, the USBP dedicated approximately 5–10 percent of the available agents to support duties related to processing. In December 2020, this percentage had increased to 15–20 percent.

In January, February, and March 2021, USBP experienced a significant surge in encounters and a significant spike in the number of unaccompanied children being apprehended and held in custody. By February 2021 the USBP reassigned nearly 40 percent of the available agents to support processing duties. In addition to adjusting the assignments of agents to processing, specifically along the SWB, USBP has temporarily reassigned 331 agents from the Northern Border and Coastal Border to the SWB to provide focused support to processing duties. By the end of April 2021, this number will increase to 474. USBP has also coordinated with CBP’s Office of Field Operations to receive additional support. Two hundred and sixty-nine CBP officers will be temporarily reassigned to the SWB to support processing duties.

ATTACHMENT 1

[Attachment 1 is For Official Use Only and has been retained in committee files.]

ATTACHMENT 2

Component	Title	Appointment Type	Last Name	First Name
TSA	Administrator, TSA	PAS (EX-II)	Pekoske	Dave.
HQ/OIG	Inspector General	PAS (EX-IV)	Cuffari	Joseph.
HQ/CRCL	Advisor	Schedule C	Abdelall	Brenda.
USCIS	Chief of Policy and Strategy	Noncareer SES	Baran	Amanda.
HQ/OS	White House Liaison	Schedule C	Bivona	John.
CBP	Chief of Staff	Noncareer SES	Clavel	Marquerite.
FEMA	Chief of Staff	Noncareer SES	Coen	Michael.
HQ/PLCY	Assistant Secretary for Counterterrorism and Threat Prevention.	Noncareer SES	Cohen	John.
HQ/CRCL	Officer for Civil Rights and Civil Liberties	Noncareer SES	Culliton-Gonzalez	Katherine.
HQ/OGC	Deputy General Counsel (Regulatory, Oversight and Litigation).	Noncareer SES	Das	Sharmistha.
CISA	Executive Assistant Director for Cybersecurity.	Noncareer SES	Goldstein	Eric.
HQ/PLCY	Deputy Assistant Secretary for Immigration Policy.	Noncareer SES	Hunter	Adam.
HQ/PLCY	Chief of Staff	Noncareer SES	Meyer	Joel.
FEMA	Director of Intergovernmental Affairs	Schedule C	Montell	Sarah.
HQ/OS	Chief of Staff	Noncareer SES	Olick	Karen.
ICE	Chief of Staff	Noncareer SES	Perry	Timothy.
HQ/PLCY	Assistant Secretary for Border Security and Immigration.	Noncareer SES	Shahoulian	David.
ICE	Principal Legal Advisor	Noncareer SES	Trasvina	John.
HQ/OS	Counselor (Special Projects)	Schedule C	Ulloa	Isabella.
HQ/CWMD	Chief Medical Officer	PA (EX-IV)	Gandhi	Pritesh.
HQ/OS	Senior Counselor (Immigration and Border Security).	Noncareer SES	Kelley	Angela.
HQ/OLA	Director of Legislative Affairs	Schedule C	Patel	Rina.
USCIS	Chief Counsel	Noncareer SES	Tabaddor	Afsaneh.
HQ/OPA	Communications Director	Schedule C	Peck	Sarah.
TSA	Assistant Administrator for Strategic Communications and Public Affairs.	Noncareer TSES	Lopez	Alexa.
ICE	Assistant Director, Office of Detention Policy and Planning.	Noncareer SES	Trickler-McNulty	Claire.
HQ/MGMT/OCIO	Chief Information Officer	Noncareer SES	Hysen	Eric.
HQ/OS	Secretary	PAS (EX-I)	Mayorkas	Alejandro.

ATTACHMENT 2—Continued

Component	Title	Appointment Type	Last Name	First Name
USCIS	Chief of Staff	Noncareer SES	Escobar Carrillo	Felicia.
HQ/OPA	Assistant Secretary for Public Affairs	PA (EX-IV)	Espinosa	Marsha.
HQ/OGC	Deputy General Counsel (Cyber and Technology)	Noncareer SES	Daskal	Jennifer.
HQ/OLA	Deputy Assistant Secretary for Legislative Affairs (Senate).	Noncareer SES	Geer	Harlan.
ICE	Deputy Chief of Staff	Schedule C	Houser	Jason.
HQ/OS	Senior Counselor to the Secretary (National Security/International Affairs).	Noncareer SES	Vinograd	Samantha.
HQ/OS	Senior Advisor	Noncareer SES	Sunstein	Cass.
HQ/OS	Counselor (Immigration)	Schedule C	Krishnaswami	Charanya.
HQ/OLA	Director of Legislative Affairs	Schedule C	Shenkle	Abigail.
HQ/OS	Senior Counselor (Cybersecurity)	Noncareer SES	Maurer	Tim.
CISA	Executive Assistant Director for Infrastructure Security.	Noncareer SES	Mussington	Brian David.
CISA	Deputy Director, CISA	Noncareer SES	Natarajan	Nitin.
HQ/MGMT	Senior Advisor	Noncareer SES	Braun	Jacob.
HQ/OS	Director of Trips and Advance	Schedule C	Feder	Steven.
FEMA	Director, External Affairs and Communications.	Noncareer SES	Knighten	Justin.
HQ/OS	Deputy White House Liaison	Schedule C	Lowe	Faith.
HQ/OPA	Deputy Director of Speechwriting	Schedule C	Robbins	Mary.
HQ/OPA	Director of Strategic Engagement	Schedule C	Robinson	Brent.
HQ/OLA	Senior Advisor	Noncareer SES	Brane	Michelle.
HQ/OLA	Senior Advisor	Noncareer SES	Carnes	Alexandra.
HQ/OS	Senior Counselor (State and Local Law Enforcement).	Noncareer SES	Fong	Heather.
HQ/PLCY	Assistant Secretary for Trade and Economic Security.	Noncareer SES	McGovern	Mary Helen.
CBP	Chief Operating Officer	Noncareer SES	Nunez-Neto	Blas.
USCIS	Senior Advisor, External Affairs	Schedule C	Gonzalez	Brenda.
TSA	Chief of Staff	Noncareer TSES	Canevari	Holly.
ICE	Senior Advisor for Strategic Communication	Schedule C	Farooque	Omer.
HQ/CISOMB	Citizenship and Immigration Services Ombudsman.	Noncareer SES	Coven	Phyllis.
CBP	Executive Director, Policy and Planning	Noncareer SES	Feasley	Ashley.

CISA	Senior Advisor for Public Affairs	Schedule C	Vogt	Amy.
HQ/OGC	Deputy General Counsel (Immigration)	Noncareer SES	Jawetz	Tom.

ATTACHMENT 3.—USBP SOUTHWEST BORDER GOT-AWAYS BY MONTH

MARCH 1, 2020—MARCH 31, 2021

Data Source: GPRA (Unofficial) Fiscal Year 2020 as of End-of-Year Date; Fiscal Year 2021TD as of 4/7/21

Fiscal Year	Month	Got-aways
Fiscal Year 2020:	March	13,509
	April	5,923
	May	6,681
	June	8,681
	July	10,213
	August	11,604
	September	13,366
	October	19,909
	November	21,206
Fiscal Year 2021TD:	December	22,516
	January	18,300
	February	23,831
	March	37,569
	SBO Total	213,308

