

**DEPARTMENT OF HOMELAND SECURITY
APPROPRIATIONS FOR FISCAL YEAR 2023**

HEARINGS
BEFORE A
SUBCOMMITTEE OF THE
COMMITTEE ON APPROPRIATIONS
UNITED STATES SENATE
ONE HUNDRED SEVENTEENTH CONGRESS

SECOND SESSION

ON

H.R. 8257

AN ACT MAKING APPROPRIATIONS FOR THE DEPARTMENT OF HOMELAND SECURITY FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2023, AND FOR OTHER PURPOSES

**Department of Homeland Security
Nondepartmental Witnesses**

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DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS FOR FISCAL YEAR 2023

WEDNESDAY, MAY 4, 2022

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

The subcommittee met at 10:06 a.m. in room SD-106, Dirksen Senate Office Building, Hon. Chris Murphy (chairman) presiding.
Present: Senators Murphy, Tester, Shaheen, Murray, Capito, Murkowski, Hoeven, Kennedy, and Hyde-Smith.

DEPARTMENT OF HOMELAND SECURITY

STATEMENT OF HON. ALEJANDRO MAYORKAS, SECRETARY

OPENING STATEMENT OF SENATOR CHRIS MURPHY

Senator MURPHY. Good morning. We call this hearing of the Subcommittee on Homeland Security to order.

Today, we welcome the Secretary of Homeland Security Alejandro Mayorkas.

Before we get started, Mr. Secretary, on behalf of the subcommittee, I would like to once again share our appreciation to you and to all of the department's employees for your and their dedication to protecting our nation's security. We are mindful of the wide-ranging responsibilities and the sacrifices that are entailed in upholding those responsibilities and we are deeply grateful to you and your team.

The purpose, of course, of today's hearing is to review the department's fiscal year 2023 Budget Request. It's a request that focus on strengthening the nation's cyber defense, responding to border management needs, promoting a humane and efficient immigration system, improving operational readiness of the Coast Guard, and continuing steps to advance climate response and resiliency.

I imagine much of today's discussion will cover border security, immigration policies, and the CDC's Title 42 authority.

Mr. Secretary, I am constantly demoralized by the tone of our debate about security and in particular the tone of our debate about our border. Many of my Republican colleagues, and I frankly don't put the Ranking Member in this category, simply see the issue of immigration as a political cudgel. They see immigrants as political opportunities to be cast as threats and they constantly dumb down the debate about immigration, for instance, insisting that the reason there are high numbers of undocumented immigrants arriving

at our border right now is because of the name on the door at the White House.

Let me assure my colleagues non-citizens arriving at our southwest border don't care who the President of the United States is. Why? Because they come here for a complex set of reasons, most of which are connected to life back in their home country.

We only have to go back to 2019 to see the evidence under arguably the most restrictive policies and programs in decades, policies that included separating little children from their parents and sending thousands of vulnerable people to wait months for a chance to seek asylum in conditions so dangerous that our own State Department issued warnings.

Our country saw the highest level of apprehensions at the border in over a decade in 2019 and how did Congress respond? Well, Congress stepped up and enacted a \$4.6 billion emergency supplemental in 2019 in order to provide resources to DHS and other departments to manage the border requirements that year.

Why did that happen? Because at that time there was a shared commitment to respond to the realities at our border, to support the brave, dedicated men and women of U.S. Customs and Border Protection (CBP), U.S. Immigration and Customs Enforcement (ICE), and countless others at the department working every day on the border or supporting those at the border and that should be our mission today as it was in 2019.

Now we can have an argument about when to lift Title 42, but it cannot be permanent, not unless Congress changes the law, and I find it ironic that there are so many Republicans that are so confident that COVID is no longer a threat to our country, except at the border.

Title 42 is going to be lifted now or at some point in the future and so we can play politics about this or we can be in a constructive dialogue with you, Mr. Secretary, about funding a plan to allow your department to coordinate with other Federal agencies and our neighbors to the south in order to optimally respond to the expected challenges that are going to result when inevitably this two plus year restriction on U.S. asylum law is lifted.

Today we should also talk about the work the department is doing to protect the homeland from two other threats. I know there's a long list of threats, but at the top of my list would be domestic terrorism and foreign propaganda.

Right now the greatest present threat we face as a nation is domestic terrorism and no one should forget how close we came in this place to a mass atrocity over a year ago and nobody should think that this threat has suddenly vanished.

So I look forward to hearing more today about what the department is going to do with new resources, with this new budget to counter the threat from within our nation that is presented to our democracy.

And, Mr. Secretary, I know that you know that there has been a lot of misinformation about your department's work to combat misinformation. Frankly, I don't know why we would spend billions of dollars protecting the homeland without the capacity to protect our citizens from foreign actors and terrorist organizations who seek to spread hateful and dangerous propaganda designed to tear

apart our democracy but you should probably set the record straight about what the goals of your efforts in this area are.

Earlier this year, despite the odds, this subcommittee came together and we wrote a bipartisan budget that overcame all these political pitfalls that I've identified surrounding this important set of investments in our nation's security and that is in large part due to the tone set by Senator Capito and the great staff work that is done on this subcommittee to find a way to come together to protect our nation despite the politics that surround this subcommittee's budget.

I think that we can deliver again this year and I'm grateful to begin that work with this important hearing.

Thank you, Secretary Mayorkas, for appearing before us today, and I will now turn it over to the Ranking Member Senator Capito for opening remarks.

STATEMENT OF SENATOR SHELLEY MOORE CAPITO

Senator CAPITO. Thank you, Mr. Chairman. Thank you for the hearing, and thanks to you for the tone and the collegial way that we've been able to work through some very difficult issues.

Secretary Mayorkas, it's very nice to see you again, and thank you for your constant willingness to talk with me on all of these important issues and all of us really.

Before we begin our discussion on fiscal year 2023, Mr. Chairman, may I quickly say thank you to you for your work and partnership in getting this fiscal year 2022 bill done and I appreciate you working with me and I appreciate the cooperation that we've found to be able to find our way to what I thought was a good compromise.

While we have much to talk about regarding the broad scope of the Department of Homeland Security, from cyber to disaster response to transportation security, discussions these days are rightly dominated by the crisis at the southern border.

Last year at this time there were those who said the numbers at the southern border were merely a seasonal surge, but the numbers have only continued to get worse. Since last year's hearing, we've broken records each month and not just month to month but compared to previous years and over a period of decades.

Recently we saw nearly 10,000 illegal border crossings in one day. Each crossing lines the pockets of some ruthless cartel that are poisoning our country and my state of West Virginia with drugs like fentanyl. They're using the money for that.

To be fair and to your credit, we have noticed occasional efforts at real border enforcement and deterrence and those efforts have proved fruitful when applied, but unfortunately they've been kind of far and few between in my opinion and the challenges are only growing more dire.

Still, despite the backdrop of an ongoing border crisis, we were able to come together last year to pass a full appropriations bill that included an 11 percent increase for DHS, including key border security measures, such as an increased Border Patrol hiring, doubling the amount for border security technology, and maintaining funds to provide for physical barriers on our southern border.

Now we have your request for fiscal year 2023 in front of us. I appreciate the Administration is acknowledging the need for more Border Patrol agents as well as a small nod to the need for more ICE law enforcement agents to deal with ever-growing non-detained docket.

However, as a whole, the budget seems to focus more on climate change and a vague equity agenda while making the current border crisis worse.

To name just an example, this budget asks for 9,000 fewer ICE beds. I will be asking you about this, I'm sure you know, cutting over one-quarter of your average daily capacity and a large overall cut for enforcement and removal operations.

Time and again this Administration and your department have told courts around the country that you can't properly follow the law's detention requirements because of limited resources provided to you by Congress and yet you are here asking us for a huge decrease in ICE capacity.

Last year in fiscal year 2021 the department did a record-size reprogramming which flew in the face of certain congressional priorities and took money from throughout the entire department to plug holes created by the immigration surge. The 11 percent increase in fiscal year 2022 was an opportunity to get this problem under control but, once again, it looks like there's funds that are going different places and we're not solving the problem.

Mr. Secretary, you have said you will seek to cover additional costs through transfers and reprogramming. While I appreciate that you believe absorbing these costs within your budget is fiscally responsible, I'm concerned the transfers and reprogramming necessary to deal with the size of the crisis we're seeing at the border would stretch the limits of the other responsibilities at the department.

We know that it will be especially true if Title 42 is lifted. The department must be transparent about its use of funds and its burn rate so that we can carefully monitor this issue.

The Administration failures at the border threaten the work of the rest of the department. An aggressive use of transfer and reprogramming authority can harm the department's wide-ranging and so very important priorities.

The work of the Coast Guard, the Cybersecurity and Infrastructure Security Agency or CISA, and the Secret Service, TSA, FEMA, and other components and subcomponents are too important to be raided to cover for the Administration's failure at the border.

For these and other reasons, I'm glad we're having this meeting to dig further into these issues. I look forward to working with you, Secretary Mayorkas, and my colleagues on the committee as we monitor the department's finances for fiscal year 2022 and also look to this next year's appropriation for fiscal year 2023.

Again, thank you, Mr. Chairman, and thank you, Mr. Secretary, for being here.

Senator MURPHY. Thank you, Senator Capito, and before I turn it over to you, Secretary Mayorkas, let me just take a moment to acknowledge that we lost an important leader in the history of the construction of the Department of Homeland Security yesterday.

Secretary Norman Mineta passed yesterday. He was Secretary of Transportation during September 11th and he did play a pivotal role in the development of the Department of Homeland Security, overseeing the creation of TSA, and so I just want to put that acknowledgment on the record as I turn it over to you, Mr. Secretary, for opening remarks.

SUMMARY STATEMENT OF HON. ALEJANDRO MAYORKAS

Secretary MAYORKAS. Thank you very much, Chairman Murphy, Ranking Member Capito, and Distinguished Members of the Subcommittee. Thank you for the opportunity to join you this morning.

Chairman Murphy, allow me to echo your recognition of the extraordinary contributions of Secretary Mineta to the formation of the Department of Homeland Security (DHS).

Every day, the 250,000 extraordinary personnel of the Department interact with the public on a daily basis, more than any other Federal agency. While created to respond to a singular threat in the aftermath of 9/11, our department has remained agile, adapting to new challenges as they arise, as responsibilities grow, and as our role increases in scale and scope.

The fiscal year 2023 Budget is a \$97.3 billion investment in our capacity to meet the shifting threat landscape. The resources will give us the tools to protect our communities from terrorism; to enhance border security; to invest in a safe, orderly, and humane immigration system; to counter cyber attacks; to safeguard our transportation networks; to strengthen disaster preparedness and resilience; and much more.

On terrorism and targeted violence, the threat has evolved over the last two decades and we meet this challenge by equipping every level of government, the private sector, and local communities with the tools and resources that they need to stay safe.

In 2021, for the first time, we designated domestic violent extremism a national priority area in our Federal Emergency Management Agency (FEMA) grant programs, enhanced training opportunities for law enforcement, and increased our intelligence and information-sharing efforts. We are asking for additional funds to expand these operations.

In the wake of incidents like the hostage crisis in Colleyville, Texas, we have increased our request for the vital Nonprofit Security Grant Program to \$360 million to protect houses of worship and other nonprofits from terrorism-targeted violence.

Under this Administration, our department has been executing a comprehensive strategy to secure our borders and to rebuild our immigration system. With the Title 42 Public Health Order set to be lifted, we expect migration levels to increase as smugglers seek to take advantage of and to profit from vulnerable migrants. We will continue to enforce our immigration laws.

After Title 42 is lifted, noncitizens will be processed pursuant to Title 8, which provides that individuals who cross the border without legal authorization are processed for removal and, if unable to establish a legal basis to remain in the United States, removed are promptly from the country.

We started our planning last September, and we are leading the execution of a whole of government strategy, which stands on six

pillars, to prepare for and to manage the rise in noncitizen encounters:

1. Surge resources, including personnel, transportation, medical support, and facilities.
2. Increase efficiency without compromising the integrity of our screening processes in order to reduce strain on the border.
3. Administer consequences for unlawful entry, including expedited removal and criminal prosecution.
4. Bolster the capacity of nongovernmental organizations (NGOs) and coordinate with state, local, and community partners.
5. Target and disrupt transnational criminal organizations and human smugglers.
6. Deter irregular migration south of our border in partnership with other Federal agencies and nations.

We inherited a broken and dismantled system that is already under strain. It is not built to manage the current levels and types of migratory flows. Only Congress can fix this.

Yet, we effectively have managed an unprecedented number of noncitizens seeking to enter the United States, and have interdicted more drugs and have disrupted more smuggling operations than ever before.

A significant increase in migrant encounters will strain our system even further. We will address this challenge successfully, but it will take time and we need the partnership of Congress, state and local officials, NGOs, and communities to do so.

To build on our ongoing work in this budget, we have requested funding to hire 300 new Border Patrol agents, the first increase since 2011, to ensure the safe and humane treatment of migrants and to operationalize a new rule on asylum processing.

We are requesting additional funds to counter human and drug smuggling operations, to combat the heinous crime of child exploitation and human trafficking, and to stop goods produced by forced labor from entering our markets.

Finally, our mission set includes a series of other essential priorities. DHS, through CISA, protects our critical infrastructure from malicious cyber activity, a threat heightened because of Russia's unprovoked and brutal invasion of Ukraine.

Our budget will expand our cybersecurity services, will bolster our ability to respond to cyber intrusions, and will grow our cyber operational planning activities.

DHS, through the Transportation Security Administration (TSA), protects the traveling public. Our budget invests in paying TSA's dedicated personnel commensurate with their Federal colleagues and in ensuring that they receive employment protections.

DHS, through FEMA and other agencies, continues to answer the risks posed by climate change and natural disasters that are growing in ferocity and frequency.

Our budget invests in adaptation, resilience, improved response and recovery and more.

We cannot do this alone. DHS is a department of partnerships. I look forward to working with this committee to carry out our wide-ranging mission on behalf of the American people.

Thank you.
[The statement follows:]

PREPARED STATEMENT OF HON. ALEJANDRO N. MAYORKAS

INTRODUCTION

Chairman Murphy, Ranking Member Capito, and distinguished Members of the subcommittee:

I appreciate the opportunity to appear before you today to discuss the Department of Homeland Security's (DHS) Fiscal Year 2023 President's Budget.

Every day, our Department interacts with the public more than does any other Federal agency. While DHS was created in response to a singular threat, among the Department's most impressive achievements in the two decades since the terrorist attacks on September 11, 2001, is its ability to evolve to address multiple complex challenges at once. Through it all, our workforce of more than 250,000 dedicated public servants has demonstrated exceptional skill and an unwavering commitment to keep every community across our country safe. The breadth of our mission and the scale of our impact requires organizational agility and appropriate resourcing to meet the dynamic and evolving threat landscape faced by our world-class workforce.

The fiscal year 2023 President's Budget requests \$97.3 billion for DHS. Of this amount, \$56.7 billion is discretionary funding, \$20.9 billion is for mandatory funding and fee collections, and \$19.7 billion is for the Disaster Relief Fund to support response, recovery, and resiliency during major disasters. This Budget will help to ensure that the DHS workforce has the tools necessary to safeguard the American people, our homeland, and our values. These resources will: protect American communities, enhance border security, invest in a fair and orderly immigration system, protect our Nation's networks and infrastructure from evolving cybersecurity threats, safeguard the transportation system, and strengthen disaster preparedness and climate resilience.

Thanks to the resources provided by Congress, the Department's extraordinary personnel have been able to accomplish highly impactful work throughout the Biden-Harris Administration to date. The fiscal year 2023 President's Budget request for DHS will enable us to continue delivering for the American people.

COMBATING TERRORISM AND TARGETED VIOLENCE

Combating all forms of terrorism and targeted violence is a top priority for DHS, and one that it cannot accomplish alone. As I have said several times before, DHS is fundamentally a department of partnerships. Its ability to execute its critical mission relies on ensuring that its partners across every level of government, in the private sector, and in local communities have the tools and resources that they need to stay safe.

Since the inception of this Department, the threat landscape has evolved dramatically and DHS has remained vigilant against all terrorism-related threats to the homeland. In the years immediately following the September 11 terrorist attacks, the Department focused on foreign terrorists who sought to harm us within our borders and to threaten our interests abroad. This threat evolved to include homegrown violent extremists (HVE)-the individuals in America who are inspired primarily by a foreign terrorist organization's ideology-and has continued to evolve to include those fueled by a wide range of violent extremist ideologies and grievances, including domestic violent extremists (DVE). DVEs are U.S.-based lone actors and small networks who seek to further political or social goals wholly or in part through unlawful acts of force or violence, without direction or inspiration from a foreign terrorist group or foreign power. These actors are motivated by various factors, including biases against minorities, perceived government intrusion, conspiracy theories promoting violence, and false narratives often spread online.

Today, U.S.-based lone actors and small networks who are inspired by a broad range of violent ideologies, including HVEs and DVEs, pose the most significant and persistent terrorism-related threat to the homeland. The Intelligence Community assesses that racially or ethnically motivated violent extremists (RMVE) who advocate for the superiority of the white race, including white supremacists, and militia violent extremists (MVEs, present the most lethal DVE movement in the homeland. Per a March 2021 DVE assessment by DHS, the Federal Bureau of Investigation (FBI), and the National Counterterrorism Center (NCTC), RMVEs are most likely to conduct mass-casualty attacks against civilians, while MVEs typically target law enforcement, elected officials, and government personnel and facilities.

In recognition of the gravity of the threat, I designated domestic violent extremism as a “National Priority Area” in our Federal Emergency Management Agency (FEMA) grant programs for the first time, while simultaneously increasing training opportunities for law enforcement partners through domestic violent extremism threat assessment and management programs. The fiscal year 2023 Budget increases funding for the critically important Nonprofit Security Grant Program to \$360 million, to protect houses of worship and other nonprofit organizations from terrorism, targeted violence, and other violent extremist attacks. The hostage crisis in Colleyville, Texas, earlier this year, alongside other recent tragic incidents, makes clear the need for this critical resource.

Further, DHS has renewed its commitment to share timely and actionable information and intelligence to the broadest audience possible. The fiscal year 2023 Budget includes an increase of \$10 million for our Office of Intelligence and Analysis to enhance information sharing, analytic capabilities, and intelligence production to combat emerging threats and to collaborate better with public- and private-sector partners.

SECURING OUR BORDER AND ENFORCING OUR IMMIGRATION LAWS

DHS works to secure and manage our borders while building a safe, orderly, and humane immigration system.

Violence, food insecurity, poverty, and lack of economic opportunity in several countries in the Western Hemisphere are driving unprecedented levels of migration to our southwest border. The devastating economic impact of the Coronavirus Disease 2019 (COVID-19) pandemic on the region has exacerbated these challenges, while human smuggling organizations peddle misinformation to exploit vulnerable migrants for profit.

The Biden-Harris Administration is committed to pursuing every avenue within its authority to secure our borders, to enforce our laws, and to stay true to our values. Yet, a long-term solution can come only from long-needed legislation that brings lasting reform to a fundamentally broken system.

On April 1, 2022, the Centers for Disease Control and Prevention (CDC) announced that, as of May 23, 2022, its Title 42 Public Health Order will be terminated. Title 42 is not an immigration authority, but rather a public health authority used by the CDC to protect against the spread of communicable disease. Until May 23, 2022, the CDC’s Title 42 Order remains in place, and DHS will continue to process families and single adults pursuant to the Order. However, beginning on May 23, 2022, DHS will return to processing families and single adults using Title 8 authorities.

Under Title 8 of the U.S. Code, those who attempt to enter the United States without authorization, and who are unable to establish a legal basis to remain in the United States (such as a valid asylum claim), will be removed. They also are subject to long-term consequences beyond removal from the United States, including bars to future immigration benefits.

In September 2021, DHS began planning in anticipation of the eventual lifting of the Order. DHS is leading a whole-of-government plan to prepare for and manage projected increased encounters of noncitizens at our southwest border. Several elements of this plan already are being executed as we manage a historic number of encounters. In doing so, our objective continues to be the safe, orderly, and humane processing of noncitizens, consistent with our laws, while protecting national security and public safety.

The six pillars of our plan are as follows: (1) we are surging resources, including personnel, transportation, medical support, and facilities to support border operations; (2) we are enhancing United States Customs and Border Protection (CBP) processing efficiency and are moving with deliberate speed to mitigate potential overcrowding at U.S. Border Patrol (USBP) stations and to alleviate the burden on the surrounding border communities; (3) we are administering consequences for unlawful entry, including removal, detention, and prosecution; (4) we are bolstering the capacity of nongovernmental organizations to receive noncitizens after they have been processed by CBP and are awaiting the results of their immigration proceedings, and we are ensuring appropriate coordination with, and support for, State, local, and community leaders to help to mitigate increased impacts to their communities; (5) we are targeting and disrupting the transnational criminal organizations and smugglers who take advantage of and profit from vulnerable migrants, and who seek to traffic weapons and drugs into our country; and (6) we are deterring irregular migration south of our border, in partnership with the Department of State, other Federal agencies, and nations throughout the Western Hemisphere to ensure that we are sharing the responsibility throughout the region.

DHS has deployed unprecedented numbers of personnel and levels of technology, and has expanded resources to the southwest border. The Department also has made critical security improvements along the northern border, and has invested in hiring additional USBP personnel, in fielding new technology, and in bolstering infrastructure while also strengthening efforts to increase the security of the Nation's maritime borders. DHS has developed an integrated and scalable plan to activate and mobilize resources and to increase processing and holding capacity while improving efficiency, and we are implementing COVID-19 mitigation measures. We are continuing to process migrants in accordance with our laws, including expeditiously removing those who do not have a valid basis to remain in the United States. With partners, we have launched a counter-network targeting operation focused on transnational criminal organizations affiliated with the smuggling of migrants, and in close coordination with the Department of Justice (DOJ), we will refer border-related criminal activity to DOJ for prosecution when warranted, including that of smugglers, repeat offenders, and migrants whose conduct warrants such a law enforcement response.

DHS must continue to leverage its dedicated workforce and cutting-edge technology to continue to secure our borders. The President's Budget requests \$1 billion for investments in effective and modern port and border security, including the modernization of facilities; investments in risk-based border security technology and assets; and efforts to ensure the safe and humane treatment of migrants. The Budget funds the hiring of 300 new USBP agents and 300 new USBP Processing Coordinators to respond to migration along the southwest border. The additional Processing Coordinators will allow agents to focus on their core law enforcement mission in the field. If enacted, this would be the first increase in the number of USBP Agents since 2011.

In addition to DHS's work to secure our borders, it is building a fair, orderly, and humane immigration system. United States Citizenship and Immigration Service (USCIS) administers the Nation's lawful immigration system. Last year, USCIS received approximately 9.1 million applications, petitions, and requests that spanned more than 50 different types of immigration benefits. USCIS welcomed 855,000 new U.S. citizens and already has naturalized 429,000 individuals this year. USCIS also approved more than 172,000 employment-based adjustment of status applications in 2021 and has completed approximately 39,000 affirmative asylum cases and 44,000 credible fear determinations.

Earlier this year, DHS and DOJ published an interim final rule to improve and expedite the processing of asylum claims for recently arriving migrants. The fiscal year 2023 Budget includes \$375 million for USCIS to support asylum adjudications, including resources to operationalize this transformative rule, ensuring that those who are eligible for asylum are granted relief quickly, while those who are not can be removed promptly. In addition, the fiscal year 2023 Budget requests approximately \$389 million for USCIS to continue to reduce application and petition backlogs, to process refugee admissions, and to administer international programs.

On the first day of the Biden-Harris Administration, DHS issued new immigration enforcement priorities for the Department, instructing DHS officers and agents to prioritize the apprehension and removal of noncitizens who pose threats to national security, public safety, and border security. On September 30, 2021, I issued a superseding memorandum entitled Guidelines for the Enforcement of Civil Immigration Law. These updated enforcement priorities, which went into effect on November 29, 2021, instruct DHS officers to prioritize the apprehension and removal of noncitizens who are threats to national security, public safety, or border security. To grow and innovate the tools that DHS employs to enforce our immigration laws and to ensure related compliance, U.S. Immigration and Customs Enforcement (ICE) will expand the Alternatives to Detention (ATD) program to enable it to supervise a larger population of noncitizens in immigration enforcement proceedings. The Budget includes an increase of \$87 million to accommodate this continued expansion of the ATD program.

COMBATING HUMAN TRAFFICKING, FORCED LABOR, CHILD EXPLOITATION, AND PROTECTING VICTIMS

The DHS Center for Countering Human Trafficking (CCHT) oversees the DHS mission to combat human trafficking and the importation of goods produced with forced labor. In 2021, CCHT reduced the processing time for Continued Presence authorizations from 30 days to 15 days, better serving victims of human trafficking by affording them a legal means to live and work temporarily in the United States. CCHT also worked closely with ICE Homeland Security Investigations (HSI) to initiate more than 1,100 human trafficking investigations, to make more than 2,300

criminal arrests related to human trafficking, and to assist more than 720 victims of human trafficking. Additionally, ICE continued, and in some instances strengthened, its valuable relationships with foreign law enforcement partners to facilitate the arrest of fugitives with active criminal arrest warrants from their home countries.

The DHS Child Exploitation Investigations Unit (CEIU)-part of the HSI Cyber Crimes Center (C3)-leads the Nation in the fight against online child sexual abuse. CEIU detects and apprehends producers and distributors of child sexual abuse material and perpetrators of transnational child sexual abuse; identifies and rescues child victims around the world; and trains domestic and international law enforcement partners in cutting-edge investigative practices. In fiscal year 2021, CEIU identified and/or rescued 1,177 child victims in child exploitation investigations. CEIU also arrested 3,776 individuals for crimes involving the sexual exploitation of children and helped to secure more than 1,500 convictions. Additionally, CEIU's Angel Watch Center issued 1,722 notifications regarding international travel by convicted child sex offenders, resulting in more than 600 denials of entry by foreign nations.

The fiscal year 2023 President's Budget requests \$18 million in dedicated funding for CCHT, which would be the first appropriated funding for this critically important Center. The Budget also would enable the permanent relocation of the DHS Blue Campaign to CCHT, ensuring organizational alignment of the Department's anti-human trafficking efforts. Additionally, the Budget includes \$59 million to support the C3, including its CEIU, which is leading the fight against the horrific epidemic of online child exploitation. To support these critical operations, the Budget also provides \$25 million to expand the efforts of the Victim Assistance Program, which delivers essential support to victims encountered during HSI investigations. This funding will allow HSI to hire 59 new victim assistance specialists and will enhance HSI's victim-centered approach as it takes on investigations of a wide range of Federal crimes, including human trafficking, child sexual exploitation, financial scams targeting the elderly and other vulnerable populations, white collar crimes, and human rights abuses.

In response to the Federal requirements under the Uyghur Forced Labor Prevention Act (UFLPA), signed into law by President Biden on December 23, 2021, DHS is leading the development of a whole-of-government enforcement strategy as the chair of the Forced Labor Enforcement Task Force. In the fiscal year 2023 President's Budget, DHS requests \$70 million to secure the necessary personnel, technology, training, and outreach that CBP needs to enforce the UFLPA and to prevent the importation of goods made with forced labor from China. This investment will strengthen CBP trade enforcement activities and will expand capacity due to anticipated workload increases at U.S. ports of entry.

PROTECTING THE TRAVELING PUBLIC

The Transportation Security Administration's (TSA) key mission is to keep our traveling public safe. In fiscal year 2021, TSA screened more than 491 million travelers and prevented a record number of firearms from being carried past security checkpoints into secure areas of airports and onto airplanes. On average, almost 98 percent of passengers waited less than 20 minutes at airport security checkpoints, while 96 percent of passengers in a TSA PreCheck lane waited less than 5 minutes. These wait times evidence TSA's ongoing efforts to improve the customer service and air travel experience for the traveling public, while protecting national security and public safety.

Since the inception of TSA 20 years ago, the screening workforce that keeps the American traveling public safe has been paid at a substantially lower rate than the rest of the Federal Government. TSA's strategic success depends upon how well we attract, hire, train, develop, promote, and retain our workforce. This Budget invests a historic \$992 million for expanded labor relations support capability, equal access to the Merit Systems Protection Board, and pay equity to ensure that the TSA workforce is provided employment protections and pay commensurate with other Federal employees.

Further, passenger volume projections and workflow analysis for fiscal year 2023 have determined that, as passenger volume approaches pre-pandemic levels, an increase in personnel is required to ensure that security standards at airport checkpoints are met and that the traveling public does not experience excessive wait times. The fiscal year 2023 Budget includes \$243 million to address these projections and to hire the personnel that TSA needs to meet this critical mission.

BUILDING RESILIENCE TO DISASTERS AND CLIMATE CHANGE

DHS continues combating the climate crisis and mitigating climate change-related risks, which pose a grave threat to the safety, security, and prosperity of our communities. It is vital for the Department to lead by example by minimizing its own environmental impact, by promoting resilience against the risks posed by climate change, and by facilitating adaptation to reduce international and domestic climate change-related threats. From extreme heat and fires in the West to extreme storms in the Southeast, flooding in the Midwest to ice melting in the Arctic, DHS is on the front lines of helping communities to develop resilience and to respond to these threats.

To this end, DHS is investing in adaptation to support community resilience, in increasing response and recovery capabilities, and in making the disaster assistance process more accessible and equitable. The fiscal year 2023 Budget provides \$3.4 billion for Hazard Mitigation grants, Building Resilient Infrastructure and Communities grants, and the Flood Hazard Mapping and Risk Analysis program to mitigate the effects of climate change through community partnerships, improved disaster resilience, and preparedness strategies. In addition, the Department's investments in several climate change initiatives will include a total of \$76 million to transition our vehicle fleet to electric vehicles and \$50 million for various projects in resilience, energy, and sustainability. These investments will ensure that DHS missions and support structures both can adapt to the impacts of climate change and can mitigate the Department's greenhouse gas emissions impact on climate change.

The fiscal year 2023 Budget request includes \$19.7 billion for FEMA to assist State, local, Tribal, and territorial partners and individuals affected by major disasters and provides a total of \$3.5 billion in Federal assistance to support local preparedness stakeholders through grants, training exercises, and other support activities.

PROTECTING OUR MARITIME SECURITY

Since its founding, the United States Coast Guard (USCG) has protected national and economic security in a complex and evolving maritime environment. In fiscal year 2021, USCG saved nearly 4,750 lives and prevented more than \$61 million in property loss. While executing its counter-drug law enforcement mission, USCG removed more than 381,000 pounds of cocaine and more than 71,000 pounds of marijuana, worth an estimated \$7.2 billion in wholesale value.

The fiscal year 2023 Budget provides \$817 million for USCG's two highest acquisition priorities, the Offshore Patrol Cutter (OPC) and the Polar Security Cutter (PSC). The OPC will replace USCG's fleet of Medium Endurance Cutters that conduct missions on the high seas and coastal approaches. The PSC supports national interests in the Polar Regions and provides assured surface presence in those ice-impacted waters. The Budget also requests \$125 million to acquire a commercially available polar icebreaker to increase near-term presence in the Arctic until the PSC fleet is operational.

The fiscal year 2023 Budget also provides the necessary resources for USCG to conduct today's highest priority operations in support of national objectives and to continue investments in USCG readiness. The budget invests \$124 million to support the operations, maintenance, and crewing of new assets to include five Fast Response Cutters, National Security Cutters #10 and #11, OPCs #2 and #3, a commercially available icebreaker, and three C-27J aircraft. Administration priorities include increasing operations in the Indo-Pacific and Atlantic Basin, and the Budget invests \$88 million to promote USCG missions in these regions, along with strengthening cyber resilience and investing in the workforce.

STRENGTHENING OUR NATION'S CYBERSECURITY

Cyber threats from nation States and state-sponsored and criminal actors remain one of the most prominent threats facing our Nation. This threat has been heightened by the ongoing Russia-Ukraine crisis. On March 21, 2022, President Biden warned that evolving intelligence indicates that the Russian Government is exploring options for potential cyberattacks against the United States. Within the past year-and-a-half, we have seen numerous cybersecurity incidents affecting organizations of all sizes and disrupting critical services, from the SolarWinds supply chain compromise to the exploitation of Log vulnerabilities found in Microsoft Exchange Servers and Pulse Connect Secure devices. Further, ransomware incidents-like those affecting Colonial Pipeline, JBS Foods, and Kaseya-continue to rise, as high-impact ransomware incidents against critical infrastructure organizations have increased globally, affecting organizations of all sizes. The rate at which cyber incidents occur

is increasing rapidly, and it is the Department's responsibility to help to protect our Nation's civilian networks and critical infrastructure from these attacks.

DHS, through the Cybersecurity and Infrastructure Security Agency (CISA), continues to work closely with partners across every level of government, in the private sector, and with local communities to protect our country's networks and infrastructure from malicious cyber activity.

CISA has taken several steps to increase our Nation's cybersecurity and resilience, including by creating the Joint Cyber Defense Collaborative (JCDC) to develop and execute joint cyber defense planning with partners at all levels of government and the private sector; by launching the Shields Up campaign in February 2022, recognizing the heightened risk of malicious cyber activity related to the Russia-Ukraine conflict, to amplify online free cybersecurity resources and guidance for how organizations of every size and across every sector can increase their cybersecurity preparedness; and by working with federal, State, local, and election technology partners to protect election systems from interference.

The President's fiscal year 2023 Budget request includes \$174 million for CISA to continue the work established through the American Rescue Plan act of 2021, to expand cybersecurity service offerings that protect Federal networks and critical infrastructure against evolving cyber threats. These funds will allow CISA and its partners to adapt to new systematic risks and to maintain the progress gained in taking actions to bolster critical operational and strategic cyber risk mitigation capabilities. In addition, the Budget also provides \$425 million for the CISA Continuous Diagnostics and Mitigation program to strengthen the security of Federal Government civilian networks and systems. These efforts will close the crucial gaps that exist in large agency enterprises and will provide CISA with visibility into unauthorized, potentially malicious activity targeting Federal networks. The Budget further includes \$68 million for the JCDC, an increase of \$15 million, to ensure that CISA can continue expanding critical cyber operational planning and partner engagement activities.

ADDITIONAL AUTHORIZATIONS

In addition, there are two reauthorizations that the Department requires to continue its work in critical mission spaces.

First, the authority to establish and operate Joint Task Forces (JTF) sunsets at the end of this fiscal year. JTFs provide a direct operational coordination layer to enhance the multi-faceted challenges facing DHS. JTFs remove stove-piped approaches to meeting challenges. They do this by developing and implementing an integrated approach that maximizes resources and capabilities within the Department for long-term missions and challenges. Today, JTF-East is responsible for ensuring Departmental unity of effort in the southern maritime approach to the United States and demonstrates the tangible, positive impacts that JTFs can have on enhancing DHS operations.

Beyond setting cross-Department-wide goals and planning in a unified manner, JTFs further the Department's maturation by empowering Department officials to focus the Department's resources to achieve DHS goals. This realizes the promise in the Homeland Security Act and the subsequent creation of DHS to bring together organizations with homeland security roles in a coherent whole to achieve comprehensive security.

Lastly, the Department appreciates Congress providing authority for DHS to conduct counter-unmanned aircraft systems (C-UAS) operations. Detection efforts and C-UAS deployments during the past 2 years have confirmed that the threat from unmanned aircraft systems (UAS) is real and significant. Components are combating a multitude of threats from malicious and errant UAS operators, including thousands of illegal cross-border flights every year, surveillance of our agents and operations, conveyance of contraband across the border, and the potential for drones to cause disruptions at airports and other critical infrastructure with great economic impact. DHS has deployed C-UAS equipment more than 250 times to protect senior government leaders, Special Event Assessment Rating events, National Special Security Events, the southern border, and other sensitive federally protected facilities.

We look forward to engaging with you, your staff, and other key stakeholders in the near future regarding the recently submitted C-UAS legislative proposal.

CONCLUSION

It is among the greatest privileges of my career to represent and work alongside the dedicated public servants who are DHS and who work tirelessly, selflessly, and often at great personal sacrifice to execute our critical mission. The fiscal year 2023 President's Budget requests the necessary funding and authorities for the Depart-

ment to carry out its wide-ranging mission and to remain vigilant to defend against and combat a dynamic threat landscape, while protecting privacy, civil rights, and civil liberties.

Thank you for the opportunity to appear before you and to discuss the Department's fiscal year 2023 Budget request. I look forward to taking your questions.

TITLE 42: CONSEQUENCES

Senator MURPHY. Thank you very much, Mr. Secretary.

Again, let me pass along my thanks to your team which is just doing extraordinary work every day to protect this nation.

Let me try to level set a bit on what the consequences have been at the border while we've had the Title 42 authority in place because I'm sure there will be questions at this hearing about it.

First, Title 42 is a public health authority, not an immigration authority, correct?

Secretary MAYORKAS. That is correct, Mr. Chairman. That authority rests in the Centers for Disease Control and Prevention, the CDC.

Senator MURPHY. Therefore, when a person arrives and DHS exercises Title 42 authority against an asylum seeker, are there any consequences if they come again to the border or are they just turned back around under Title 42 authority a second time?

Secretary MAYORKAS. Mr. Chairman, the Title 42 authority is imposed with respect to individuals who are encountered in between the port of entry, whether they are asylum seekers or not. I think that's very important.

What happens is that the individuals actually are not removed. They are not in immigration enforcement proceedings. Rather, they are expelled. Therefore, they do not have a record in immigration enforcement proceedings, and what we have seen is an extraordinary rise in recidivism because there isn't really a consequence from a law enforcement perspective. There essentially is only a turnaround, and so while the numbers are very high, those are numbers that do not reflect the number of unique individuals encountered at the border but actually the number of encounters, including recidivism.

Senator MURPHY. So let me give you an example. If you have recidivism rates in a particular sector, like Rio Grande, that are 45 to 48 percent, that means that in that sector, if you had 8,000 encounters on a particular week, roughly 3,800, almost half of those encounters, are going to be repeat crossers. Is that a sort of correct understanding of how this works?

Secretary MAYORKAS. Yes, without ascribing to the particular math, which would take me too long, but in all candor with this committee, which I will always have, the number of unique encounters has increased, as well.

Senator MURPHY. Right. And I think that's just important for this committee to understand is that when you see these elevated numbers on the border, much of this is frankly a result of Title 42 authority which is essentially incentivizing individuals to come back over and over again to our border because Title 42 does not allow you to set in motion a set of potential criminal consequences for individuals that present at the border.

So that will be my last question. If we get rid of title 42 authority, return to sort of the foundational immigration law, there are

both civil and potentially criminal consequence for individuals that repeatedly seek to enter the United States that are not available to you under Title 42, is that correct?

Secretary MAYORKAS. Mr. Chairman, a court has recently ordered that when Title 42 is in effect, we cannot use our enforcement authorities as fully as we had intended, but when Title 42 comes to an end, we will continue to enforce immigration law, both in the civil context and as the facts warrant, in the criminal context with criminal prosecutions.

COMBATING DISINFORMATION

Senator MURPHY. I'm going to have a few more questions related to the border in the second round, but let me ask you one additional question on another topic and that is, as you mentioned, the elevated priority that you have placed on fighting domestic extremism.

There's, as you know, a whistleblower complaint that was filed by a senior official at DHS alleging that he was asked to avoid intelligence assessments on white nationalists amongst other topics and this speaks to how fraught this work is, right? There are going to be Republicans when Democrats are running DHS who are going to worry that a focus on domestic terrorism and extremism will target voices to the right of the political spectrum just as there will be those in the Democratic Party who will worry that if a Republican is in charge of the Department of Homeland Security that the focus will be on those voices on the left or they will ignore threats on the right.

How do you build an enhanced domestic terrorism focus at the department that avoids these political pitfalls? How do you make sure that you are standing up capacities that look at threats regardless of where they may happen to fall on the political spectrum because the legitimacy of this effort is dependent upon your ability to answer the questions that come from both sides on this work?

Secretary MAYORKAS. Mr. Chairman, there are a few foundational principles that are extraordinarily important to articulate in response to your question.

The Department does not combat speech. The Department is involved in protecting the homeland, in protecting the security of the homeland, and we become involved when there is a connectivity to violence. That is our mission, and we have been executing on that mission for years and years since the commencement of this department.

One of the threats is a threat of disinformation. We see it from Russia. We see it from the cartels. The peddling of disinformation threatens the security of the homeland, and when that threat is evident, that is when we become involved. We recently rolled out, albeit not as effectively as we had hoped, an effort, a working group to bring together the experts throughout our department to ensure that our ongoing work in combating disinformation is done in a way that does not infringe on free speech, a fundamental constitutional right embedded in the First Amendment, nor on the right of privacy or other civil rights and civil liberties.

That is a core obligation of ours, and we set up a working group precisely to ensure that there are guardrails and protections in place to protect those fundamental rights.

Senator MURPHY. Thank you very much, Mr. Secretary.

Senator CAPITO.

Senator CAPITO. Thank you, Mr. Chairman.

Thank you, Mr. Secretary. My first question is about your Disinformation Governance Board which you have downgraded now to a working group.

First of all, the name in and of itself has, I think, implications to all of us. I heard all about this all over the weekend of concern of sort of an Orwellian, you know, policing of speech. You yourself have even admitted and you just repeated it here today that the roll-out of this has been vastly, you say, misunderstood.

So I think, quite honestly, for the good of the rest of the department that now is a good time to abandon this ludicrous and much maligned idea. I wonder, you know, when you say that we have operational control of the border, is that definitionally disinformation because from a lot of our perspectives we don't believe that is true?

So it seems such a subjective and undefined what disinformation is, I would challenge you to punt this and rethink for the reasons that you mentioned which are important reasons to try to deter violence following speech to make sure that the American people really understand what's going on here.

So if you want to make a quick comment, fine, and then I'll get to my questions.

Secretary MAYORKAS. I do. Thank you very much, Ranking Member Capito. I certainly haven't downgraded this to a working group. That's what it is.

Senator CAPITO. Well, it started as a board, though, right?

Secretary MAYORKAS. Well, you know, we can discuss the nomenclature, but the point is that the work is so very important to achieving the mission in a way that does not infringe on free speech, on civil rights and civil liberties, or on the right of privacy.

Our work in this department in addressing disinformation that threatens the security of the homeland has been going on for almost 10 years. We asked the question within the Department what efforts do we have underway, what policies and procedures, what standards of conduct do we have in place to ensure that that vitally important homeland security work is done in a way that ensures that it does not infringe on fundamental rights, and the answer was inadequate.

So we put together a working group to ensure that the guardrails are in place, that we have clear definitions and that we have good policies and practices in place to protect the very rights that also are our responsibility not to infringe upon.

DEPORTATIONS

Senator CAPITO. These are very sensitive issues to Americans who believe fundamentally in the right to freedom of speech, you know that, and so I think the way that it's been rolled out, your explanation now, you know, we have FEMA, we have CBP and

CISA who work on all these issues within your department right now.

So I'm going to move to another issue. I want to talk about ICE enforcement and removal. We haven't been satisfied with the reports that you are generating now that don't give us, I don't think, a good sense of how many people are actually deported, how many people—you know, whether you're deporting more criminals or not. You're arguing that deportations for aggravated felonies have gone up, but we can't get behind the data.

So I'm asking you right now will you commit to providing to this committee within 30 days all the raw data behind this report, at least to the extent that it was provided in 2020, so we can compare apples to apples of previous reports?

Secretary MAYORKAS. Ranking Member Capito, most certainly, and I'm very disappointed to hear that you feel that you haven't received the data that we are obligated to provide to you and this committee.

Senator CAPITO. Right.

Secretary MAYORKAS. I certainly have some of it at my fingertips, if you'd like to——

DETENTION

Senator CAPITO. I think it's more of a case of reconfiguring how the data is presented so we can't have an accurate view of where these numbers and how they compare to 2020, but we can work with you on this over the next 30 days as we'll get those figures.

I want to ask about the ICE bed cut because I think this is important. You have testified that you don't have the resources or you've mentioned you don't have the resources to really detain and hold people.

We know that we have appropriated last year 34,000 beds but because of COVID, you only have those 75 percent occupied which is sort of ironic in that Title 42 is going away under a COVID national emergency, yet the ability to use all of your detention beds is stymied because of the COVID requirements by CDC. So that doesn't jive at all.

How can you on the one hand say you don't have the resources and on the other hand come in with a budget that asks for funding for 9,000 fewer beds?

Secretary MAYORKAS. Ranking Member Capito, first of all, we are awaiting new CDC guidelines with respect to our use of detention space. Secondly I have to take a step back, because when we look at the challenge of the border, which has been an enduring challenge, certainly since DHS was created, whether it's 24,000 beds, 25,000 beds, 31,000 beds, that's not going to address the challenge at the border.

There's unanimity in the view that the immigration system is broken and we need Congress to fix it. That's the fundamental enduring response to the problem. In the meantime, as I identified in our six lines of effort that define our months-long preparation and planning for the end of Title 42, the CDC's authority, what we are looking gets to at more fundamental solutions, such as working with countries to the south to ensure that they manage their respective borders, that they provide humanitarian relief and sta-

bility to people who qualify under their laws and repatriate individuals who don't.

The challenge that we are encountering at the border is not ours alone. This is a regional problem. There are more than 1.8 million Venezuelans in Colombia. In the small country of Costa Rica, that population, the population of that small country, is approximately 2 percent Nicaraguan right now and growing rapidly.

This is a regional problem, and we have got to get to the heart of its cause.

Senator CAPITO. And I would just add, I know I'm over my time, that deterrence is something that I don't think you've placed enough emphasis on.

One of the deterrents is detention. Instead of putting alternatives to detention where you put a bracelet, where there's 260,000 people in this country under this alternative to detention and that number is growing, that's not a deterrent, and you stated over on the House side that you're deporting folks but after they have their asylum claims, but you didn't leave the—this is after six to 8 years after they've been in the country waiting for their claim.

So thank you, Mr. Chairman.

Secretary MAYORKAS. I look forward to responding to that, Ranking Member Capito, because that six-to-eight-year period indeed has been a problem for years and years, not just in the past Administration, all 4 years of the past Administration, but earlier than that, too. We are the first Administration to tackle that issue and to promulgate the asylum officer rule that will take that six-to-eight-year period and reduce it to under a year.

Senator MURPHY. Senator Shaheen.

H-2B VISA PROGRAM

Senator SHAHEEN. Thank you, Mr. Chairman.

Mr. Secretary, thank you for being here this morning, and thank you for all of the work that you and everyone at the Department of Homeland Security are doing in these challenging times.

Everywhere I go and I saw a report on the news this morning that we have about two jobs for every worker in the United States who's interested in working right now who's unemployed, and there's a connection, I believe, between the most restrictive immigration policies in my memory that we've had for the last 5 years and our ability to get the workforce that we need which is critical if we're going to continue to be competitive and have a strong economy.

One of those areas of immigration that we have businesses in New Hampshire that rely on is the H-2B Visa Program and I very much appreciated the Administration's decision to provide 35,000 additional visas for the second half of fiscal year 2022, but I'm really concerned that despite having this announcement a month ago, these visas still have not been made available and so we have employers who are looking at for seasonal work in particular, looking at the season coming up. They don't know if they're going to have their visa workers and for many businesses these are workers who have come back year after year. They're not planning to stay in the United States. They don't take jobs away from other people who want them.

How do we move this along? Why is the Administration taking so long to release these additional visas?

Secretary MAYORKAS. Senator Shaheen, thank you very much for your question about the H-2B Program.

We actually have moved with lightning speed in the promulgation of the regulation to issue 35,000 new visas in the second half of this fiscal year. That regulation is with the Office of Information and Regulatory Affairs (OIRA) now and we expect it to become public within the next two weeks.

We have moved as quickly as possible, and we have an extraordinary workforce dedicated to promulgating regulations as quickly as possible. Fundamentally, if I may, Senator Shaheen, here's another example of a dire need to fix our broken immigration system, including the H-2B Program.

Senator SHAHEEN. I couldn't agree more. I think it's a disaster and it needs fixing and it needs bipartisan support to do that.

I would just point out, though, it's my understanding that the visas were intended for employees to begin work on April 1st and we are way past that at this point.

So for those employers who are calling our office saying what's going on, where are our employees, what can we tell them that they can expect?

Secretary MAYORKAS. We expect the rule to issue within the next two weeks, Senator.

Senator SHAHEEN. And what does that mean in terms of the ability of people to get here on the ground?

Secretary MAYORKAS. I will follow up with your office, Senator, to get you precise information so that the employers in your jurisdiction and your state have the certainty that they need to make their business plans.

DRUG INTERDICTION

Senator SHAHEEN. Thank you very much. You know, our season starts Memorial Day, so we don't have a lot of time.

One of the other concerns that I have is the continuing challenge of the opioid epidemic which now is, as we know, much broader than opioids. It includes meth and other drugs, but fentanyl is the big killer that we're still seeing, and I know that you have included in your budget a plan to add additional screening of trucks coming across the border.

Can you tell us a little bit about that and what we can do to ensure that we're doing everything possible to interdict that fentanyl and other drugs that are such a scourge on our population?

Secretary MAYORKAS. Senator, the majority of drugs that are sought to be trafficked into the United States are sought to be trafficked into the United States through the ports of entry.

There is miscommunication with respect to that undeniable fact. The effort is not focused in between the ports of entry but, rather, at the ports of entry, and we have intensified our use of technology, nonintrusive inspection technology, to identify when drugs are sought to be trafficked through the ports of entry. We have a unique effort underway that we also are intensifying, forward operating laboratories, so that we have the ability not only to detect but

also to analyze and identify controlled substances and to interdict them.

Our interdiction numbers are exponentially higher than they were in the prior 4 years.

Senator SHAHEEN. And can that non-intrusive screening detect fentanyl which, you know, can be in such small tablets in any place in a vehicle that's—

Secretary MAYORKAS. It is remarkable in its capabilities. I was in Miami, Florida, a few weeks ago seeing it in action. I, of course, traveled to the border eight or nine times during my 14-month tenure and have seen it operating in other ports of entry along the southern border and its detection capabilities are really remarkable, and I must say, so is the expertise of the CBP personnel who operate it.

Senator SHAHEEN. Thank you very much. Thank you, Mr. Chairman.

Senator MURPHY. Senator Kennedy.

DISINFORMATION GOVERNANCE BOARD

Senator KENNEDY. Thank you, Mr. Chairman.

Welcome, Mr. Secretary. It's nice to see you again.

Secretary MAYORKAS. Thank you, Senator. Likewise.

Senator KENNEDY. I think you're a nice man and I mean that. I am in awe of Ms. Jankowicz. I have watched her with slack-jawed astonishment. Who picked her?

Secretary MAYORKAS. Senator Kennedy, it's nice to see you, as well. DHS selected Ms. Jankowicz.

Senator KENNEDY. Who at the department picked her?

Secretary MAYORKAS. Senator, we don't discuss our hiring, our internal hiring processes, but I am the Secretary of Homeland Security and ultimately, I am responsible.

Senator KENNEDY. When the department picked her, did it know that she had said that Mr. Hunter Biden's laptop is Russian disinformation?

Secretary MAYORKAS. Senator, let me repeat myself and add one other fact. I was not aware of that. We do not discuss the internal hiring process. Ultimately, it's the Secretary. I'm responsible for the decisions of DHS.

Senator KENNEDY. When the department picked Ms. Jankowicz, did it know that she had vouched for the veracity of the Steele dossier?

Secretary MAYORKAS. Senator, let me repeat myself and add an additional fact. One, we do not discuss internal hiring processes. Two, I was not aware of that fact. Three, as the Secretary of Homeland Security, I am responsible for the decisions of the Department, and, four, it is my understanding that Ms. Jankowicz is a subject matter expert in the field in which she will be working on behalf of the Department.

Senator KENNEDY. I can tell. When the department picked her, was the department aware of her TikTok videos? They're really quite precocious.

Secretary MAYORKAS. Senator, I was not aware of those videos. I, as the Secretary, am responsible for the decisions of the Depart-

ment. The Department does not discuss its internal hiring processes.

Senator KENNEDY. Well, how will this DGB work? For example, when President Obama said with respect to Obamacare, when he said if you like your doctor, you can keep your doctor, is that something that the DGB will investigate?

Secretary MAYORKAS. Senator, the working group that we named the Disinformation Governance Board does not have operational authority and does not have operational capability. There's a more fundamental principle that really strikes at the question that you have posed and that is that our mission is to protect the security of the homeland. We address disinformation when it threatens the security of the homeland.

For example,——

Senator KENNEDY. Okay. Let me interrupt you, Mr. Secretary, because I don't have much time.

I would like to hear that example and perhaps we can talk privately.

I want to continue probing how your DGB will work. When President Clinton was being investigated for having an affair with a White House intern and he said, "I did not have sex with that woman, Ms. Lewinski," is that something the DGB would investigate?

Secretary MAYORKAS. Senator, again, let me be clear that the Department's responsibility is to address disinformation that threatens the security of the homeland, and, importantly, the working group was established because this disinformation work has been ongoing for nearly 10 years. The working group was established precisely to protect against the infringement on individuals' First Amendment rights, precisely to protect the right of privacy.

Senator KENNEDY. Can I ask you a couple more before I run out of time? I think the Chairman may let me go over a minute. I hope he does.

Will the DGB be given its own place, its own enforcement powers?

Secretary MAYORKAS. Senator, as I've articulated, the working group does not have operational authority or capability. Its purpose is to make sure that the work that is underway in protecting the homeland that has been executed for nearly 10 years is done within guardrails according to policies and standards that ensure that that work does not infringe on peoples' fundamental First Amendment rights,—right of privacy, civil rights, and civil liberties.

Senator KENNEDY. Right. Yeah. The government's going to tell us what's true. What could possibly go wrong? Can I ask you one last question?

Secretary MAYORKAS. Of course, and that is quite incorrect. That is quite incorrect.

Senator KENNEDY. Is the DGB going to accept referrals from the public or people can call in and say I think Senator so and so said something untrue and I want you to subpoena him?

Secretary MAYORKAS. Senator, it is so very important that I correct a misstatement that you made that DHS is going to be the truth police. That is the farthest thing from the truth.

We protect the security of the homeland and, once again, allow me to articulate what I have said previously, which is that the working group does not have operational capability and authority. It is to make sure that there are policies in place, standards in place to protect the very rights about which you inquire.

Senator KENNEDY. Mr. Chairman, this will be my last comment.

Mr. Secretary, I meant what I said. It is nice to see you and I do think you're a nice man, but I would call me as soon as you get back to the office and I would ask that person who recommended Ms. Jankowicz to you and I would fire him on the spot.

Senator MURPHY. Senator Hyde-Smith.

Secretary MAYORKAS. Good morning, Senator.

LIGHT ENFORCEMENT AIRCRAFT

Senator HYDE-SMITH. Thank you, Mr. Chairman.

Mr. Secretary, as you've mentioned, equipping our Border Patrol with the workforce tools and technology needed to secure our borders is vital to meet the growing crisis that we face on our southwest border, and I'm sure you're aware that the CBP's light enforcement helicopter fleet is critical to providing surveillance and supporting Border Patrol agents on the ground disrupting unlawful activity.

The fiscal year 2022 Omnibus included nearly \$10 million for light enforcement helicopters. These funds will purchase two rotary wing aircrafts to replace the existing rundown helicopters. Many of the helicopters in the current fleet are near the end of their life cycle.

Mr. Secretary, this year's budget request includes \$20.5 million to support CBP's light enforcement platform aircraft. Will this include a focus on rotary wing aircraft, and have you been able to ride on one of these helicopters just by chance, and, if not, I would like to invite you to do that, but my question is will this include a focus on rotary wing aircraft?

Secretary MAYORKAS. Senator, I do not know the answer to your precise question I apologize for that, and I will follow up. I will say that we are investing in aircraft. We are investing in technology that is an extraordinary force multiplier to achieve border security. CBP's Air and Marine Operations is an extraordinary force in achieving that security and its personnel are remarkable in their dedication and talent.

I look forward to following up on your precise question.

MIGRANT ENCOUNTERS

Senator HYDE-SMITH. Thank you. I appreciate that. Like many of my colleagues, I've traveled to the southwest border and seen the work the Border Patrol agents do on a daily basis, an unbelievable task.

We've heard statistics of border security operations under your leadership versus previous DHS Secretaries. During the month of March, there were 220,000 encounters at the southwest border, 220,000.

As Secretary of Homeland Security, would you consider the 220,000 migrant encounters in March a threat to the homeland security?

Secretary MAYORKAS. Senator, let me, if I can, articulate something. I'm not sure that you heard me earlier this morning say that the number of encounters does not equal the number of unique individuals encountered at the border, because under Title 42, the CDC's public health authority, individuals are expelled. They are not placed in immigration and enforcement proceedings. That expulsion and the fact that they haven't been in enforcement proceedings allows for a high level of recidivism.

We have a responsibility to secure our borders——

Senator HYDE-SMITH. So do you think those who were encountered is a threat to our homeland security?

Secretary MAYORKAS [continuing]. Senator, allow me, if I may, to say that it is our responsibility to secure our border consistent with our laws and that is precisely what we do.

If an individual is encountered at the border and makes a claim for asylum relief under our laws and his or her claim fails before an immigration judge, then we remove that individual.

Senator HYDE-SMITH. I understand that.

That word "encounter," do you think it is a threat to our homeland security?

Secretary MAYORKAS. I believe that I have answered your question that we enforce the law that Congress has passed, and the law provides that individuals who are encountered and who do not make a claim for relief are removed promptly.

Senator HYDE-SMITH. So you're not answering the question, though.

Secretary MAYORKAS. I believe that I am. If I may, Senator, those who do not make a claim for relief and who do not have a basis to remain in the United States, or those who do make a claim for asylum and whose claim does not prevail before an immigration judge, are removed from the United States.

Senator HYDE-SMITH. But the number of encounters, whatever that number is, the number of encounters, do you think that is a threat to our homeland security?

Secretary MAYORKAS. Senator, I believe that CBP, the extraordinary 23,000 individuals on our border now and more coming through our intensifying efforts, ensures that there is not a threat at our border through its enforcement——

Senator HYDE-SMITH. So you don't think there's a threat at the border?

Secretary MAYORKAS [continuing]. Through its enforcement of immigration law that Congress has passed.

Senator HYDE-SMITH. So you don't think it's a threat to the homeland security is what you're saying?

At what point in your judgment does the growing number of encounters become a threat to our homeland security?

Secretary MAYORKAS. Senator, what I believe is that the encounters that we are experiencing now are placing a strain on our resources, which is why we have such a comprehensive plan that we are executing to address that challenge. It has six border security pillars, six vital lines of effort that we have been executing since September of last year. If indeed we experience greater numbers, it will place a further strain on our resources.

We are looking at how we could address that further strain. Some of those six pillars get to the heart of the matter, working, for example, with our partners to the south of our border so that they manage their respective borders.

Senator HYDE-SMITH. But at what point do you say that it's a threat to homeland security? You're saying because you had these people in place that there is not a threat at this time—because they're doing their job and they're in place, it's not a threat.

Secretary MAYORKAS. Senator, it is our responsibility to ensure that a threat does not materialize. That is why we have such a comprehensive plan to address what could be an increasing challenge at our border, and we are working in partnership with countries to the south not only to manage their respective borders, but also to tackle the transnational criminal organizations and the smuggling operations. Fundamentally, I have heard the articulation of a problem at the border and yet no enduring solution because the enduring solution is legislation, and everyone agrees that the immigration system is broken and so—

Senator HYDE-SMITH. Closing the border would not be a solution?

Secretary MAYORKAS. [continuing]. Senator that would be a dramatic change in law, given the laws that Congress has passed.

Senator HYDE-SMITH. Thank you.

Senator MURPHY. Senator Hoeven.

Senator HOEVEN. Just to follow up on Senator Hyde-Smith's question. You're talking about more legislation. Why don't you enforce the tools you have? Why don't you enforce the Remain in Mexico policy? Why don't you enforce the Third Safe Country agreements? Why don't you keep Public Health Order 42 in place? And why don't you finish building the wall so that your Customs and Border Patrol officers and the Border Patrol can actually get control of the border? Why not enforce the laws that you have now instead of sitting there asking for new ones?

Secretary MAYORKAS. Senator, I'm grateful for your questions because we are indeed enforcing the laws.

Senator HOEVEN. The statistics would say otherwise. 1.7 million illegal encounters last year, more than one million so far this year.

Are you going to sit there and pretend that's not going on and say that you're actually enforcing the law?

Secretary MAYORKAS. Oh, we most certainly are, Senator, and let me share with you how we are doing so. Please remember that the Title 42 authority is not an immigration law. It is a public health authority that rests in the exclusive jurisdiction of the CDC. The CDC decides whether the public health imperative compels Title 42 to remain in place or not and it has made a decision—

Senator HOEVEN. You don't need to explain what it is to me. My question to you is when the Administration lifts it and you're already at more than a million illegal encounters this year, what are you going to do because that number's going to go up dramatically? So you're content to let these numbers continue to escalate?

Secretary MAYORKAS. Oh, absolutely not, Senator, and allow me to share with you exactly what we are doing.

Number 1, we are surging resources, personnel, transportation, medical support, and facilities. Number 2, we are increasing and

enhancing CBP processing efficiency through enhanced central processing—

Senator HOEVEN. Meaning you're just going to have more people come across faster. Your plan is designed to have more people come across faster. Is that what you're saying?

Secretary MAYORKAS. [continuing]. No, quite the contrary. Number 3, we are imposing consequences, expedited removal, criminal prosecutions with—

Senator HOEVEN. Let me ask you this question. The Supreme Court told you to enforce the Migrant Protection Protocol. That decision came down in August. Why are you not enforcing it?

Secretary MAYORKAS. Senator, I'll have to get back to you on what the—

Senator HOEVEN. The Remain in Mexico Policy and the Third Safe Country Agreements. Why are you not enforcing them?

Even if you disregard Public Health Order 42, which you're trying to do, why are you not enforcing Remain in Mexico and Third Safe Country?

Secretary MAYORKAS. Oh, we are enforcing the Remain in Mexico Program.

Senator HOEVEN. How many people through Remain in Mexico have you enforced under the Supreme Court directive? Because last I checked, it was about 400 people total.

Secretary MAYORKAS. Senator, I will get you the precise data, but let me share with you a very important point that undergirds our implementation of the Remain in Mexico Program, which is formally known as the Migrant Protection Protocols.

We require the agreement of the Sovereign Nation of Mexico and we have negotiated for the implementation of that—

Senator HOEVEN. Which you said you had in December.

Secretary MAYORKAS. We continue to implement it under—

Senator HOEVEN. How many people have you required to remain in Mexico under that protocol?

Secretary MAYORKAS. I look forward to providing that data to you, Senator.

Senator HOEVEN. All right. Do you have preparations in your budget if Public Health Order 42 is lifted and how many more illegal encounters do you anticipate having? Right now you're up to a million in the first half of the year. What do you anticipate when you lift Public Health Order 42?

Secretary MAYORKAS. Senator, thank you. So, first of all, allow me to express my appreciation to Congress for the appropriation that we received in fiscal year 2022 to address the number of encounters at the border.

In the service of fiscal responsibility and our responsibility to secure the border, we are utilizing those funds and we, of course, provided a spending plan as to how we are doing so.

We also are looking at what our resources are within the Department.

Senator HOEVEN. The plan, the six-point plan that you put forward is simply a plan to have more people come through faster and to process them quicker. It was not a plan to deter people from coming across illegally.

Let me ask you one other question. I was down in the Rio Grande Sector last year and I just got back the week before last from the Del Rio Sector and Del Rio Sector is now overtaking the Rio Grande Sector for having the most people crossing illegally and they have far fewer resources than the Rio Grande Sector.

Last year when I was at the Rio Grande Sector, CBP officers said people were coming in illegally from 50 different countries, 50 different countries. This year when I was down at the Del Rio Sector, you know how many countries they said people were coming in from illegally? Do you know how many? Have you had the briefing? 100 countries. Last year 50 countries, this year a hundred countries.

How can you say what you're doing is in any way effective, and are you the least bit concerned that people are coming in here illegally from a hundred different countries? You don't think that's a problem? You don't think that creates drug issues, human trafficking, and risks of terrorists? Is that what you're telling us?

Secretary MAYORKAS. Senator, I have a number of responses. If I may, Mr. Chairman?

I'm not exactly sure how you can say that targeting and disrupting transnational criminal organizations and smuggling operations actually invites migration. I'm not exactly sure how you can say that deterring irregular migration by having partners to the south of our border interdict migrants and manage their respective—

Senator HOEVEN. How can you disregard the simple numbers? That doesn't even include the got-aways which could be another 40 percent more.

Secretary MAYORKAS. Mr. Chairman, may I—

Senator MURPHY. I'll let the witness respond, but the Senator's time has expired.

Secretary MAYORKAS [continuing]. The point about individuals coming from different countries around the world underscores a very, very important point that I articulated at the outset, that the challenge of migration that the United States is experiencing is not exclusive to the United States, and in fact it is not exclusive to even the Western Hemisphere.

This is a global challenge. We have seen unprecedented numbers of displaced persons around the world. Senator, I am confident that you would not have me propose that we return Ukrainians encountered at the border to Ukraine. This world is experiencing conflict. This world is experiencing economic downturn, violence in particular countries, authoritarian regimes.

I am confident that—perhaps I shouldn't be—that at least some colleagues would not want us to return all Cubans that we encounter at the border because of their claims of fear of persecution by reason of the authoritarian regime there. Quite frankly, it is that flight from that authoritarian regime that lands me here in this country serving our country for more than 20 years.

Senator HOEVEN. Your Border Patrol and Customs and Border Protection professionals will tell you that they could secure the border if you would enforce the tools and the laws that you have. You're not doing it.

ILLEGAL WEAPONS TRAFFICKING INTO MEXICO AND CENTRAL AMERICA

Senator MURPHY. The Senator's time has expired.

Thank you, Senator Hoeven.

I don't see any other colleagues here. I have one additional question for you, Mr. Secretary. You've had a long couple weeks. I think this is your last stop in preparation for the budget process.

I wanted to talk to you about the investments that we're making in our ports of entry because, I think as you correctly noted to Senator Shaheen, when it comes to illegal flows of goods, those flows move through the ports of entry, not through the points in between.

Mexico has one single gun store and it's on a military base. So it's not surprising that almost none of the guns that are used to commit crimes in Mexico come from Mexican gun stores. In fact, 70 percent of the guns that are used in crimes in Mexico come from the United States. 50 percent of the guns used for crimes in Honduras and El Salvador come from the United States.

There is this vicious cycle of violence that exists whereby guns and firearms from the United States illegally trafficked into Mexico and Central America are used to commit an epidemic level of violent crime which then creates the conditions upon which individuals flee to the United States and present at the border.

Just an absolute stunning number of illegal weapons moving from the United States into Mexico and down into Central America.

How can the investments that you are asking for at our ports of entry help you identify the goods that are moving out of the United States into Mexico and Central America, in addition to the goods that are moving the other direction? What's the comprehensive strategy to try to deal with this iron pipeline of illegal weapons that are fueling the violence in Mexico and Central America?

Secretary MAYORKAS. Mr. Chairman, this is a challenge that I have addressed with my counterparts in different countries south of our border. You correctly identified the flow of firearms south from the United States as a problem that we need to address, and in fact are addressing.

I would like to share with you that it is not only through the work at the ports of entry that we are tackling this challenge, but we actually also are doing it with our Homeland Security Investigations personnel.

We have a number of operations in place. I would look forward to providing you with greater information, given its law enforcement-sensitive nature.

Senator MURPHY. Great. Just two additional comments and then I'll recognize Senator Murkowski.

You know, no matter how many times you say that this governance board is a truth police or a censorship bureau, it doesn't make it true. It just doesn't make it true, and folks can try to make this out into something that it is not, but we've got a serious problem with foreign misinformation in this country, and I guess you could argue that we should stand down and let the Russians pollute America with dangerous misinformation about the war in Ukraine. I don't want our government to stand down given those threats.

Second, you were very careful in answering Senator Hyde-Smith's questions about whether these migrants present a threat. I'll just give you a data point. Immigrants to this country commit violent crimes at a rate much lower than that of individuals born in America. In fact, undocumented immigrants in America commit crimes at a lower rate than those that were born in America. That's not an aspersion on folks that were born in this country. I include myself on that list. It is just a fact of the matter that this notion that there is an elevated threat to the homeland from people who are seeking refuge and asylum in this nation. It's just a fact that the data suggests that in fact there is no greater threat, in fact a lesser threat of violence from those individuals than there are from individuals who began their life in the United States.

Senator Murkowski.

H-2B VISA PROGRAM

Senator MURKOWSKI. Thank you. Thank you, Mr. Chairman.

Secretary, welcome. I am sorry that I haven't been here for much of the exchange. We've got multiple appropriations hearings going on, and I understand that you were asked a question from Senator Shaheen with regard to H-2B visas.

As you know, we've had multiple conversations critically important to us in the state. The salmon are going to be hitting us in a couple months here and we need the workers and the H-2B workers have been a critical piece of how we're able to advance our strong fisheries.

I do appreciate the announcement of 35,000 additional visas in March, but we're now into May. We still don't have a final rule and again we've got seafood processors as well as tourism businesses that need to apply for the announced visas, and I'm wondering if you have identified when exactly the rule will be released, the final rule.

Secretary MAYORKAS. Thank you, Senator. The rule is with OIRA now. We worked as expeditiously as possible to get it out to the public. Given the urgency that you have identified and that we well understand, and to echo, I expect that it will be issued in its final form within the next two weeks. I will provide to you, as I represented to Senator Shaheen, more precision subsequent to this hearing.

Senator MURKOWSKI. Okay. I appreciate that, and I would just urge two weeks is really a long time for us as I think I have made clear. So if that can be expedited in any way, I will look forward to following up with you to get more specificity on that.

Very quickly with regard to Coast Guard and icebreakers, we have been told that we are going to see a gap here with regard to the Polar Security Cutters coming online as a consequence of what we have seen with delays last year.

The President's budget includes procuring a commercially-available icebreaker. I've been told that if it is purchased and if the Coast Guard receives the legislative request that we included in the Coast Guard Authorization Act, we could have a vessel operational within 18 to 24 months.

So I'm just asking if you can commit to overseeing that timeline to ensure that we're not going to have this significant gap between

now and 2027 when that first U.S.-made Polar Security Cutter comes online.

Secretary MAYORKAS. I most certainly can, Senator. I well understand the importance of the ice cutters, and this commercially available cutter is a bridge to that period. I commit to you to oversee the timeframe to make sure that that bridge is delivered in the fashion that you've identified as needed.

U.S. COAST GUARD FUNDING FOR CHILDCARE CENTERS

Senator MURKOWSKI. Good. I appreciate that. One more on Coast Guard then quickly. The Coast Guard Unfunded Priorities List included requests for childcare subsidiary increases and additional funds to Kodiak's Child Development Center. We mostly funded that through the infrastructure law.

I am encouraged the Coast Guard is prioritizing these, but it's curious that they didn't make it into the final budget, and as I'm talking to Coasties all over but most certainly in Alaska, they are raising this as key to the retention.

I'm just curious as to whether or not there was a reason that it didn't make it into the final budget.

Secretary MAYORKAS. Senator, I'm going to have to follow up with you. Forgive me. I don't know the answer with respect to the disposition of childcare centers funding in the U.S. Coast Guard request.

RESOURCES FOR IMMIGRANT CARE

Senator MURKOWSKI. Fair enough. We will look forward to a follow-up there.

So you have recently confirmed that the department is in talks with the Department of Veterans Affairs to possibly divert resources, whether it's doctors, nurses, the like, to care for immigrants, some of whom have entered the country illegally at the southern border.

It seems to me that revoking Title 42 is going to be creating more problems than it will resolve, and if in fact this proposal moves forward, it's going to be the veterans that would pay the price, and in Alaska we have significant shortages in key areas within our VA system.

So the question is, is why the department would ask the VA to reallocate resources with regards to doctors and nurses that are taking care of our vets, particularly when they are in an overstretched VA system right now? Can you tell me why we're even considering this at all?

Secretary MAYORKAS. Senator, I didn't know the answer at the time in my prior hearing. I know the answer this morning, and we are not making that request of the Veterans Affairs Department. The Veterans Affairs Department will not be allocating resources to the border.

Senator MURKOWSKI. That will be a huge relief to the veterans in my state. Thank you.

Thank you, Mr. Chairman.

Senator MURPHY. Thank you, Senator Murkowski.

Senator Murray.

USCIS WORK AUTHORIZATION BACKLOG

Senator MURRAY. Thank you, Mr. Chairman.

Welcome, Secretary Mayorkas.

Senator MURRAY. Good morning.

Senator MURRAY. Good to see you. In recent years Congress has appropriated substantial funding to reduce the backlogs at USCIS. Those backlogs can mean a work authorization does not get renewed in time and an applicant falls out of status and it could mean losing a job and being at risk of deportation just because of bureaucratic delays.

We need an immigration system that works. So how has USCIS used that funding to reduce the backlog?

Secretary MAYORKAS. Senator, your question goes to a very important and significant challenge that we are encountering. It's not just that we inherited a broken immigration system but we inherited a broken immigration system that also was dismantled. The agency responsible for work authorizations, U.S. Citizenship and Immigration Services (USCIS), was on the brink of bankruptcy, and it is funded, as you well know and as we have discussed in the past, through fee rules. We are working on a fee rule to fund that agency.

In addition, the agency just announced the promulgation of a rule to extend work authorization precisely for the reason that you have identified. We also, of course, are requesting appropriated funds to assist us in working through the backlog, additional dollars in the fiscal year 2023 President's Budget.

Senator MURRAY. Yes, I saw that and I appreciate it. What strategies are in place to make sure that that funding is used effectively to reduce those backlogs?

Secretary MAYORKAS. It's a multipronged approach, Senator Murray. It is additional personnel. It is processing efficiency, and it is efforts like the rule that is being promulgated to provide relief so that there isn't a gap in an individual's ability to continue to work when the law so permits.

DETENTION CENTER ISSUES

Senator MURRAY. Okay. And I was really glad to see the Administration request less funding for detention beds in this budget. This is a step in the right direction, and I want to make sure we're doing everything we can to fix our broken immigration system, but I continue to hear that immigrants in detention centers are unable to have confidential conversations with their lawyers, send requested documents in a timely manner, or even have access to a functioning phone.

Among the existing issues at detention centers, the lack of counsel, access to counsel really is unacceptable, and I wanted to ask you today how is the department making sure that individuals in detention centers have access to counsel?

Secretary MAYORKAS. Senator Murray, I've addressed this issue as recently as earlier this week. First, allow me to say that the conditions in detention facilities and compliance with our standards of detention, have been an area of focus under this Administration. In

fact we have closed or curtailed the operations of facilities that have been consistent failures in adhering to our system.

I spoke earlier this week with USCIS as well as with ICE about delivering greater access to counsel for people in facilities, how we can provide a greater level of space for private consultations, how we can have greater connectivity, whether through telephone or Internet. We are looking at all of the options with great urgency.

Senator MURRAY. Okay. I appreciate that. And, finally, let me just turn to the asylum process. We need to be doing everything we can to reduce barriers to access, especially for people in more rural areas.

One way to do that for people in my home state of Washington would be to conduct the asylum interviews in USCIS's field offices.

Have you considered having asylum officers travel to field offices to conduct those interviews?

Secretary MAYORKAS. Senator, I will get back to you with respect to that particular proposal. I know that we are looking at a number of different ways of enhancing the efficiency of the asylum system. The asylum officer rule that we promulgated and that will go into effect at the end of this month is one important step.

I will follow up. The Asylum Officer Corps has, of course, over the last year or so struggled given the Coronavirus Disease 2019 (COVID) restrictions, but I will need to get back to you on that particular proposal.

Senator MURRAY. Okay. If you could find out for me and see if there's any barriers that prevent the department from doing that, I think that would be a great relief to a lot of folks.

Secretary MAYORKAS. Thank you, Senator. I will.

Senator MURRAY. Thank you. Thank you very much. Thank you, Mr. Chairman.

Senator MURPHY. Senator Tester.

NORTHERN BORDER REASSIGNMENTS OF U.S. BORDER PATROL

Senator TESTER. Alejandro Mayorkas, good to have you in front of us.

Secretary MAYORKAS. Good morning, Senator. Great to see you.

Senator TESTER. Are you having fun yet?

Secretary MAYORKAS. Senator, I am very fulfilled and very challenged and very proud to work alongside incredible people in the department.

Senator TESTER. Thanks. Thanks for your work. Thanks for being here. It's a tough job, maybe the toughest job in the Federal Government right now.

There was a plan released that says that DHS will continue to augment CBP operations by bringing in law enforcement agents and officers from other parts of the country as needed.

I've got a 155-mile border with Canada. Are we talking about reassigning northern agents to the southern border?

Secretary MAYORKAS. Senator, we indeed have employed temporary duty (TDY) of agents from the northern border. We are very mindful of the need to keep the northern border secure. We've made those decisions with that critical mission in mind and I should say that I've also worked very closely with our counterparts,

my counterpart in Canada to ensure that there is no inadequacy in the security of the northern border when we divert resources.

U.S. BORDER PATROL RETENTION AND RECRUITMENT

Senator TESTER. So as I've talked to some of the folks you have working on the northern border in particular, the reassignment has some impacts on retention. Truthfully, we've got people—I mean, it's tough on marriages when you're not living close to your family.

So is DHS doing anything to reduce frequency of reassignments? Are you taking that into account?

Secretary MAYORKAS. Oh, we most certainly are, and you're absolutely right, Senator, that it puts a lot of strain on our Border Patrol agents and our Field Operations personnel. We're working on retention efforts. We're working on recruiting efforts. We are, of course, in the—

Senator TESTER. How are they going, by the way? How's recruitment going? How's retention going?

Secretary MAYORKAS. I can provide you with, specific data subsequent to this hearing, but this is an area of priority for us. It has been straining our personnel. The work of the Border Patrol agents and Field Office personnel is extraordinary.

Senator TESTER. Okay. So I will tell you we got a long ways to go and I say the same speech in front of the VA Committee, too. We've got to hire nurses and docs for the VA, but having being a former Ranking Member on this committee and now Chair of the Defense Committee, I can tell you that there's a lot of hires that have to be made.

I really don't think it's smart to have the Defense Department down in the southern border. I don't think that's what they signed up for and so I would hope that—and I know you will—but we've really got to put the pedal to metal on this.

Secretary MAYORKAS. May I speak to that briefly, Senator?

Senator TESTER. Yes.

Secretary MAYORKAS. You know, DHS has relied on the National Guard every single year, I think since 2006. I may not have the precise year.

Senator TESTER. No doubt about it.

Secretary MAYORKAS. That is one of the reasons why, of course, that in our fiscal year 2023 budget, for the first time since 2011, we're asking for more Border Patrol agents.

Our attrition rate, this is Department-wide, is approximately 5 percent thus far this fiscal year for CBP. As of April 9th, it's approximately three percent. I don't know, Senator, how to annualize that, but I will get the data to you and I do have Border Patrol hiring data.

Senator TESTER. So I think the point to be made here, and, look, it's hard to find employees in the private sector, it's hard to find employees everywhere, but the point to be made here is there is some urgency. There's been urgency for 15 years, maybe longer, to get people to the border that are trained, qualified, and able to do the job. It's a different job.

By the way, I applaud your efforts on the National Guard because it's a different job. It's a different job than the National Guard does and so that's important.

When we're pulling folks off the northern border and putting them on the southern border, you know as well as I do that the bad guys know where the weakest link in the chain is, that's where they're going to go and they'll go to the northern border to come across if they want to do something bad.

How do you stop that from being true? I mean, the focus is on the southern border rightfully so, I get it, but the truth is, is that the northern border could become a problem, too, if in fact these surges aren't operated correctly.

Secretary MAYORKAS. I would say that three prongs of action come immediately to mind.

Number 1, extraordinarily talented personnel who know how to identify the threats and how to address them swiftly. Number 2, technology is a force multiplier. Number 3, critical partnership with our Canadian counterparts to the north.

DRUG INTERDICTION

Senator TESTER. I got a statement and then I got—with the Chairman's consent. Our ports in Montana are still operating at reduced hours. We've got supply chain issues in this country. We got a lot of stuff out of Canada. We send a lot of stuff north to Canada. There's still some vaccine issues with truck drivers that I wish we could—I know it's a fight between the CDC, but we got supply chain issues and if we want to solve it, trucking is one of the ways to get products into this country.

With reduced port hours and the mandate on vaccines, it's a problems and I'm not saying that people weren't doing this stuff with the best intentions, but I don't think we can have it both ways. Okay?

The second thing I wanted to—and this is a question. So I'd like to get those ports opened up, if possible. A lot of talk about drugs, a lot of talk about drugs coming from the south in Montana. I heard Shaheen talk about it in New Hampshire. She may have talked about it earlier in this committee.

The first question is, is are these coming through on backpacks of illegal immigrants? Are they coming through our ports in trucks and cars?

Secretary MAYORKAS. Senator, the narcotics come through primarily the ports or they're sought to come through primarily through the ports of entry in cars and trucks. We have interdicted more narcotics than ever over the past 4 years. We've done a remarkable job, and, interestingly, I've heard a lot of statistics about the rise in fentanyl. The number of opioid deaths, overdose deaths, in 2020 increased over 2019 by, I think, more than 50 percent.

The opioid crisis has been an enduring crisis year-in and year-out, and we have got to tackle the underlying issues. In terms of the interdiction, we've done a better job than ever before, and that's once again because of the great work of CBP.

Senator TESTER. All right. Thank you.

Senator MURPHY. Senator Capito.

DISINFORMATION GOVERNANCE BOARD

Senator CAPITO. Thank you.

On that issue of narcotics, obviously my state has the highest percentage per capita of deaths by overdose from opioids, very, very sad situation, and it is coming from the southern border.

So when you think about it, when you have this flood of humanity coming over and with, I think, not enough deterrence or no deterrence in some cases, it diverts your workforce away from interdicting these drugs because we know they're coming in.

We also know that the more people that come in puts more money in the hands of the cartels which allows them to up their ability to have a more robust drug trade. So there is a correlation here and I'm concerned about that.

I want to ask you—oh, I do want to make a quick comment, too, about the Disinformation Governance Board. I know that you have a large Office of Civil Rights and Civil Liberties. Why should we continue to fund them if you're creating a whole other—establishing a new board or working groups? What's wrong with what they're doing in this area?

Secretary MAYORKAS. So I'm going to respond to both questions in reverse order.

Senator CAPITO. Okay.

Secretary MAYORKAS. I'll take the working group, the Disinformation Governance Board, which doesn't have its separate budget. What it is doing is drawing personnel from different parts of the Department, including from the Office for Civil Rights and Civil Liberties, the Privacy Office, and the Office of the General Counsel, by way of example, to make sure that these experts are developing the guidelines and standards that should have been in place for many years but haven't been, and to ensure that this critical mission-focused activity of stopping threats to the homeland that are created by disinformation intended to harm us is addressed in a way that does not infringe on fundamental rights.

The Office for Civil Rights and Civil Liberties is involved in the working group, as are the other offices and the operators themselves. CBP, addresses disinformation propagated by the cartels, who provide disinformation for the expressed purpose of having migrants with false information come to our border.

Senator CAPITO. But aren't you actually telling me that we're already doing this?

Secretary MAYORKAS. Senator, we've been doing the disinformation work for years, but what we haven't had are sufficient standards and policies in place and harmonized efforts so that the efforts in different parts of the Department are not in conflict with one another, that they abide by fundamental rights and responsibilities to make sure——

DRUG INTERDICTION

Senator CAPITO. Let's go to the drug control question because I'm going to run out of time.

Secretary MAYORKAS. The drugs primarily are sought to be brought into the United States through the ports of entry.

Senator CAPITO. Right.

Secretary MAYORKAS. Through the ports of entry, through the trucks and cars, and what we have done through the able use of

technology and operational talent, such as the forward operating labs, is to interdict more drugs than in prior years.

TELEWORK

Senator CAPITO. Right. I mean, we don't know—you don't know how much is getting through, but I can tell you it's getting through and it's getting through to a lot of places and causing lots of heartache.

Let me ask you this. The 250,000 people that are so ably working at the Department of Homeland Security, and I express my appreciation to all of them, are they all back to work?

Secretary MAYORKAS. They are.

Senator CAPITO. No remote?

Secretary MAYORKAS. I'm sorry. No.

Senator CAPITO. Is there remote work still or are they all back in their offices?

Secretary MAYORKAS. There are different mechanisms—they're all working.

Senator MURPHY. I know. I'm asking if they're back physically to work.

Secretary MAYORKAS. No.

Senator CAPITO. Lifted the restrictions.

Secretary MAYORKAS. Some of them are working remotely.

Senator CAPITO. And why is that?

Secretary MAYORKAS. Because we believe in remote work as a capacity to deliver to workforce if the mission allows it, if the quality of the work is not compromised, as a benefit to our—

Senator CAPITO. So that's been a permanent change that's going to occur. Is that what you're saying?

Secretary MAYORKAS. That's been ongoing for years, a move to—

Senator CAPITO. Are more people remote working than there were before COVID?

Secretary MAYORKAS. I'd have to get that number for you, Senator.

Senator MURPHY. Okay.

USCIS PROPOSED FEE RULE

Senator CAPITO. Okay. Really quick on the USCIS, the fee issue, you haven't moved forward with the new rule to help cover the costs. The last Administration proposed a fee increase but left-wing advocacy groups sued to block it in court and further limited the agency's resources. You've had to—you mentioned that they've made a special consideration for work permits because of the backlog.

Are you planning on coming forward with a proposed fee increase? When would that be and how much cost would you be covering with that?

Secretary MAYORKAS. So our financial personnel at USCIS are working diligently to finalize a proposed fee rule.

Senator CAPITO. And that will have a raise in the fee?

Secretary MAYORKAS. Oh, yes, yes, it would.

Senator CAPITO. When would we expect that, do you think?

Secretary MAYORKAS. I can get to you the precise timeframe, Senator.

ASYLUM OFFICER RULE

Senator CAPITO. Okay. Can I ask one last question? On the Asylum Officer Rule, you've put a lot of stock in this in your six-point plan that this is going to have a great effect of expediting the asylum claims and the removal.

So if somebody comes through an asylum officer, they have to have their claim heard. You said, I think, within 24 months, is that—was it 2 years or 1 year?

Secretary MAYORKAS. Senator, I've set forth in the memorandum that I issued describing our detailed six pillar plan that the asylum rule is an element—

Senator CAPITO. Right.

Secretary MAYORKAS [continuing]. But I don't want to overstate because it's going to require a ramp-up time. It goes into effect at the end of this month.

As I mentioned, the personnel at USCIS are not—the staffing is not at the level that we need for it to be. It's going to require a ramp-up, but the timelines in the Asylum Officer Rule apply not only to the asylum officers themselves, but also to the immigration court judges. Should individuals receive a negative ruling, an adverse ruling from the asylum officer, they have a right to appeal.

Senator CAPITO. Right.

Secretary MAYORKAS. That's what our law provides, due process, but the immigration judges under the asylum rule will be operating within a timeline, as well.

Senator CAPITO. Is that the whole thing, 2 years, because if you get a no and you can appeal it to the judge, are we back to the six-to-eight-year timeline?

Secretary MAYORKAS. Oh, no. It's all in.

Senator CAPITO. All in is 2 years?

Secretary MAYORKAS. All in.

Senator CAPITO. I'm concerned that this might be more of a—have more of a pull factor and I'm sure that this is one of the considerations that you have.

So I guess my last question would be what metrics are you going to use to determine whether this has been successful? Is it going to be the amount of time that you've heard the claim, the amount of denials that have occurred, the amount of people that have been removed after their denial? What kind of metrics are you going to set up to make sure that we're measuring this and we can see whether it's been successful or not?

Secretary MAYORKAS. Well, I think there are a number of metrics, but, Number 1, of course, and I don't mean to say Number 1 is the top, but just to identify the different metrics, Senator, is speed.

Senator CAPITO. Right. So the timeline?

Secretary MAYORKAS. The timeline, because the principle here is justice delayed is justice denied, regardless of the disposition. Number two is the rates of approval and denial or denial aberrant with respect to other parallel process of immigration court proceedings.

Three, how effectively are we managing the outcomes of the Asylum Officer Rule adjudications?

Senator CAPITO. So that would be are you removing or is that what you're saying at Number 3?

Secretary MAYORKAS. Yes.

Senator CAPITO. I mean, I would anticipate isn't the law that if you are denied a claim that you would be removed from the country?

Secretary MAYORKAS. Oh, that is indeed the case, Senator, and if I may make one note, we have more than 11 million undocumented individuals in this country, and our enforcement processes cannot address it, nor necessarily should they with respect to each and every individual for reasons that I have articulated in memoranda. It just speaks to the compelling and urgent need for legislation to fix our broken immigration system.

Senator CAPITO. Thank you.

Senator MURPHY. Thank you. I think those are all really important questions. I think as you dramatically reduced the amount of time that it takes to process a claim, I can't help but think that that won't have a deterrent effect, but I also appreciate the fact that this can't happen without continued appropriations. The fee structure just simply does not provide enough resources no matter how high you raise that fee in order to move this time from 8 years down to 2 years and so this committee did the right thing by coming together and providing some supplemental appropriations to USCIS to deal with the backlog. That's going to have to be an ongoing commitment of this committee to get that time down to a point that it is both fair but also an effective deterrent for those who are seeking to abuse the asylum process.

ADDITIONAL COMMITTEE QUESTIONS

With that, with no other members seeking questions before the committee, we're going to hold the record open until May 11th for members to submit questions for the record. Appreciate it if the department could respond as soon as possible.

QUESTIONS SUBMITTED BY SENATOR PATRICK LEAHY

Question. The O and P visa process for artists visiting the United States is critical to international cultural activity. What steps is U.S. Citizenship and Immigration Services taking to make the O and P artist visa process more reliable, and to comply with the 14-day standard processing time required under statute?

Answer. U.S. Citizenship and Immigration Services (USCIS) is actively working to promote efficient and fair adjudication of immigration benefits, in part through updating guidance in the USCIS Policy Manual.¹ Notably, USCIS recently issued policy guidance instructing officers to give deference to prior determinations when adjudicating extension requests involving the same parties and facts (including those for O and P petitions, among others) unless there was a material error, material change, or new material facts that adversely impact eligibility. USCIS will continue to update and clarify the O- and P-specific policy guidance in the USCIS Policy Manual, as needed.

USCIS recognizes the 14-day processing goal set forth in INA 214(c)(6)(D) and strives to quickly adjudicate all O and P petitions while ensuring that the petitioner and beneficiary are eligible for the benefit sought.²

¹ <https://www.uscis.gov/policy-manual>

² INA 214(c)(6)(D) States: "Any person or organization receiving a copy of a petition described in subparagraph (A) and supporting documents shall have no more than 15 days following the date of receipt of such documents within which to submit a written advisory opinion or comment

Question. The shared border between the United States and Canada remains closed to nonessential travel. This closure has had a significant impact on families, businesses, tourism and homeowners on both sides of the border. Are there discussions underway to reopen the border between the U.S. and Canada or to modify the current travel restrictions, to meet both economic and public health needs? If so, when does the Department plan on releasing the details for reopening or modifying the travel restrictions?

Answer. The United States is maintaining current travel restrictions due to the uncertainties around the Delta variant and the rise in domestic cases, particularly among the unvaccinated. The United States continues to consult with the Government of Canada on the evolving public health situation. U.S. Customs and Border Protection (CBP) provides up-to-date information via the CBP Information Center website (<https://help.cbp.gov>) to keep the public informed of current travel restrictions for entering the United States.

CBP is coordinating with the Canada Border Services Agency on land border and preclearance operations related to Canada's decision to allow fully vaccinated U.S. citizens and permanent residents to enter Canada for discretionary purposes, as of August 9, 2021. Targeted restrictions on non-essential travel at our shared land border have helped the United States in its efforts to mitigate the spread of COVID-19 while maintaining essential flows of critical supply chains, cross-border trade, and travel.

Question. I am glad that President Biden recently lifted the historically low refugee admissions cap set by the Trump administration and raised the Fiscal Year 21 admissions cap to 62,500. However, much work remains to be done in order for the United States to rebuild our decimated U.S. refugee admissions program and resettle increased numbers of refugees every year. The Department of Homeland Security will play an instrumental role in that process. Please describe in detail the steps that DHS is taking to work toward the Biden administration's stated goal of resettling 62,500 refugees this year and rebuilding the capacity of the U.S. refugee admissions program.

Answer. DHS, along with other U.S. Refugee Admissions Program (USRAP) partners, is committed to rebuilding our refugee adjudication capacity in accordance with Executive Order (EO) 14012, Restoring Faith in Our Legal Immigration Systems and Strengthening Integration and Inclusion Efforts for New Americans, and EO 14013, Rebuilding and Enhancing Programs to Resettle Refugees and Planning for the Impact of Climate Change on Migration. DHS is acutely aware of the work that is necessary to rebuild the program and meet the revised refugee ceiling of 62,500. USCIS, a component within DHS, is diligently working with other partners to reinvigorate our refugee program and increase refugee admissions.

In particular, USCIS has already taken several immediate actions to rebuild the refugee program and increase refugee admissions in fiscal year 2021. First, after the 11-month long agency-wide hiring freeze ended this spring, USCIS began actively recruiting to fill all currently vacant positions that support refugee processing.

Second, USCIS has implemented operational and policy changes to support remote case processing during COVID-19. Since last summer, USCIS has been conducting refugee applicant re-interviews via video-teleconference (VTEL) and recently started conducting initial refugee applicant interviews via VTEL, where possible. By May 26, 2021, USCIS conducted 212 re-interviews and 53 initial interviews by VTEL. USCIS is looking into expansion of this process efficiency to additional interview locations to the extent feasible.

COVID-19 continues to challenge in-person processing. However, USCIS has also resumed in-person international refugee processing circuit rides on a smaller scale. Deployments are based on identified USRAP processing priorities and are dependent on movement restrictions issued by local governments due to COVID-19; post-by-post restrictions issued by DOS; and the ability to safely conduct in-person interviews while protecting the health of USCIS officers, Resettlement Support Center staff, refugee applicants, and interpreters.

USCIS has conducted a detailed review of the cases of applicants who have already had their USCIS refugee interview. USCIS is prioritizing resources for cases that can be approved for resettlement in the near term.

In addition to the process improvements outlined above, USCIS is investing in a case management system that will allow for more effective tracking of workloads

or to provide a letter of no objection. Once the 15-day period has expired and the petitioner has had an opportunity, where appropriate, to supply rebuttal evidence, the Attorney General shall adjudicate such petition in no more than 14 days. The Attorney General may shorten any specified time period for emergency reasons if no unreasonable burden would be thus imposed on any participant in the process."

and cases and will provide officers with additional adjudicative tools. This system is expected to fully deploy in fiscal year 2022 and will track data on production rates, details on case outcomes, and other key metrics that will provide leadership with the information they need to effectively manage future resources.

Question. I strongly criticized the Trump administration's decision to utilize Title 42 of the Public Health Safety Act to rapidly expel large numbers of migrants in direct contravention of existing laws protecting the right to apply for asylum. The Biden administration has largely kept in place the Trump administration's Title 42 policy, despite the fact that the public health rationale for it wanes as COVID-19 cases hit record lows, nearly a third of Americans are vaccinated, and millions more get vaccinated each day. What steps, if any, is DHS taking to wind down expulsions pursuant to the Title 42 CDC "Order Suspending Introduction of Certain Persons From Countries Where a Communicable Disease Exists?" If no steps are being taken to depart from this Title 42 CDC order and policy, why not?

Answer. The Order Suspending Introduction of Certain Persons From Countries Where a Communicable Disease Exists was issued by the Centers for Disease Control (CDC). DHS's role is to assist the CDC with implementation of its Order. As such, in consultation with the CDC, DHS may make case-by-case determinations to except certain individuals. CBP officers/agents may except individuals, with approval from a supervisor, from the Order based on the totality of the circumstances, including consideration of significant law enforcement, officer and public safety, humanitarian, and public health interests. The CDC recently issued an order confirming the exception of Unaccompanied Children (UC) from its order.

To address the challenges along our southwest border, DHS has leveraged the Federal Emergency Management Agency's (FEMA) coordination capabilities, activated our volunteer force of employees from across DHS, and expanded processing capacity.

QUESTIONS SUBMITTED BY SENATOR JEANNE SHAHEEN

H-2B VISAS

Question. The H-2B visa program is a critical tool for seasonal employers that need foreign workers to fill temporary jobs when no Americans are available. I hear frequently from small businesses in New Hampshire that struggle to find workers during their busy season and who rely on this program. I have been hearing from small businesses across my state who are desperate for the release of additional H-2B visas this year, and I appreciate the decision to provide 22,000 additional visas for fiscal year 2021. I am glad that those visas have finally been made available and employers can now apply. But I'm concerned that this number was too low to meet the need, and I am further concerned that employers may not be able to receive these visas in time to meet the demands of their busy season.

How did the Administration determine that 22,000 additional visas was the appropriate number for this fiscal year?

Answer. The Secretary of Homeland Security acted in accordance with section 105 of Division O of the Consolidated Appropriations Act, 2021, Public Law 116-260 (FY 2021 Omnibus). Before authorizing the additional visa numbers, the Secretary of DHS, in consultation with the Secretary of Labor, considered the needs of businesses and other factors, including the impact on the U.S. job market and potential implications for U.S. workers, as well as the integrity of the H-2B program. The determination to allow up to 22,000 additional H-2B visas reflected a balancing of these factors.

Question. Given that the demand appears to exceed the allotted visas, what steps does the Administration plan to take to remedy the discrepancy?

Answer. The H-2B visa program is one among several employment-based visa programs that are oversubscribed (i.e., the number of petitions exceeds the number of available visas set by statute). For example, the H-1B program is also oversubscribed, receiving far more petitions annually than cap numbers available, resulting in the need to conduct a registration and selection process to determine who can file a cap-subject petition.³ DHS supports efforts by Congress to set annual visa caps that adequately meet demands while addressing the impact on the U.S. job market.

³ Congress set the current annual regular H-1B cap at 65,000 visas, plus 20,000 under the advanced degree exemption. For fiscal year 2021, USCIS received 274,237 H-1B registrations and selected a total of 124,415 registrations projected as needed to reach the fiscal year cap. For fiscal year 2022, USCIS received 308,613 H-1B registrations and selected a total of 115,217 registrations projected as needed to reach the fiscal year 2022 cap.

To the extent that Congress vests DHS with this authority, DHS will consult with DOL to determine the number and parameters of any additional H-2B visas to supplement the statutory annual cap.

Question. Given the time-sensitive nature of seasonal labor, how is your agency working to ensure employers have the workers they need in time for their busy season?

Answer. USCIS provides information about premium processing on its website. For those who choose to use this service, USCIS will provide an initial adjudicative action within 15 days. This service is widely utilized by H-2B petitioners. Additionally, DHS is working closely with interagency partners at the Department of Labor and Department of State to facilitate processing for H-2B workers.

DRUG INTERDICTION

Question. New Hampshire has been hit particularly hard by the devastating opioid epidemic that has swept the Nation. We must ensure that the Federal Government is doing everything possible to get resources to those fighting the opioid epidemic and to stem the flow of heroin, fentanyl and other deadly opioids into the country. In recent years, Congress has provided significant increases in funding for technologies to improve drug interdiction efforts at the border.

Please provide an overview on the Department's progress in procuring and deploying new technologies at our Ports of Entry and along the border capable of detecting and identifying illicit drugs such as opioids and fentanyl?

Answer. U.S. Customs and Border Protection (CBP) has procured and deployed advanced small-scale Non-Intrusive Inspection (NII) equipment that efficiently and effectively identifies dangerous narcotics, including fentanyl and other opioids. The ThermoFisher Gemini, with a library of over 14,600 chemicals, enables CBP personnel to quickly, confidently, and presumptively identify harmful substances with at least a 10 percent concentration. The Gemini is deployed at CBP locations worldwide.

To augment the bulk identification technology of the Gemini, CBP rapidly deployed BTNX Inc. Rapid Response™ Fentanyl Forensic Test Strips ("BTNX Test Strips"), which use the lateral flow immunoassay test principle to identify fentanyl and fentanyl analogues in liquid and powder substances. When used properly, BTNX Test Strips can identify trace levels of fentanyl and fentanyl analogues at concentrations as low as 20 ng/ml or .000002 percent. CBP's NII and Laboratories and Scientific Services (LSS) directorates have deployed BTNX Test Strips and training nationwide, with additional test strips available upon request through LSS.

Additionally, CBP has worked with procurement, field locations, and LSS to test and procure enhanced chemical identification capable of identifying a wide range of chemicals at purity levels less than 1 percent. The MX908 is a high-pressure mass spectrometry (HPMS) device that identifies a wide variety of chemicals at trace concentrations and concentrations less than 1 percent.

CBP Operations Support/LSS also stood up Forward Operating Laboratories (FOLs) at ports of entry to address smuggling of unknown substances. LSS forensic scientists are permanently assigned to the FOLs to work side-by-side with CBP frontline officers, providing on-site, rapid scientific and technical services. Each FOL is resourced with laboratory equipment for the analysis of unknown substances and suspected controlled substances. At the height of the opioid crisis in 2018, when fentanyl and fentanyl analogues were smuggled into the country through international mail, LSS stood up FOLs at the John F. Kennedy International Mail Facility and Memphis Express Consignment Courier Facility. As of June 2021, LSS operates 13 FOLs across the Nation, four of which are located along the Southwest land border. Over the last 18 months, FOLs have analyzed over 23,000 suspected controlled substances.

To support CBP's deployment of handheld detection technology, LSS established the 24/7 Narcotics Reachback Center at the CBP National Targeting Center. The Narcotics Reachback Center provides rapid adjudication of data collected by CBP frontline offices and agents using handheld analyzers to presumptively screen suspect substances. Trained LSS scientists evaluate spectral information in real-time and provide a presumptive identification of the unknown or suspect substance to the submitting officer/agent within 30 minutes of receiving a call. The Narcotics Reachback Center services CBP nationwide and supports CBP operations where and when LSS is not on-site.

In addition, CBP leverages license plate reader (LPR) data to support frontline operations and investigations. LPR data has enabled CBP to successfully link narcotics trafficking routes and identified stash house locations as well as other law en-

forcement functions, such as apprehending a child rape suspect and identify links as part of a sex-trafficking investigation.

Question. Does the Department need any additional authorities from Congress to improve illicit drug interdiction?

Answer. Improvements in the U.S. Customs and Border Protection's (CBP) capacity to interdict illicit drugs at the border is not a matter of only authority but one of authority, capacity, and logistics. While the Department can readily identify improvements in interdiction, the Department must consider first whether CBP may implement such improvements under its current authorities, whether CBP is able to absorb the cost of such improvements within its current baseline, and how such improvements could affect commerce. When the Department is satisfied that improvements can be introduced within these constraints, the Department will promote the improvements through the regular-order budget and the legislative processes.

DHS PROCUREMENT

Question. The COVID-19 pandemic demonstrated just how important it is to ensure that our Nation has a domestic supply chain for materials and items that we may need during a national emergency. We shouldn't rely on foreign sources to produce these critical items when we need them the most. What is the Department doing to bolster the domestic supply chain for items that we may need in the event of a national emergency?

Answer. The Department of Homeland Security, working with its Components, is executing the requirements of Executive Orders 14001 "A Sustainable Public Health Supply Chain" and 14017 "America's Supply Chains," which focus on strategies to bolster the domestic supply chain for national emergencies. The Federal Emergency Management Agency (FEMA) is working within its delegated Defense Production Act role, and the Agency continues to engage with interagency partners that receive funding for industrial expansion efforts, such as with the active Department of Defense and the future Department of Health and Human Services Title III programs. FEMA's statutory responsibilities do not include bolstering the domestic supply chain for national emergencies, and FEMA has no appropriation for such a purpose.

CYBERSECURITY

Question. The President's budget includes \$20 million for a new Cyber Response and Recovery Fund.

Please provide an overview on how the Department would utilize this fund to address cyber-attacks.

Answer. The concept of the Cyber Response and Recovery Fund (CRRF) comes from the Cyberspace Solarium Commission's 2020 recommendations. As proposed in the President's budget, the CRRF would allow Cybersecurity and Infrastructure Agency (CISA) to support critical infrastructure, including private entities and State, local, Tribal, and territorial governments, in responding to, and recovering from, a "significant cyber incident," as defined in Presidential Policy Directive (PPD 41): United States Cyber Incident Coordination.

The proposed "no year" funding (i.e., available until expended) would allow CISA to support non-Federal critical infrastructure cyber response and recovery from a significant cyber incident through the provision of services, technology, or capabilities. This set up would provide CISA with greater flexibility for responding to cyber events that are often unpredictable.

Should a significant cyber incident be declared in the first year of the CRRF, CISA will emphasize using the Fund, if activated, to surge cyber incident response capabilities or help victims evict adversaries from their environments to support the immediate needs of critical infrastructure entities. The CRRF could be used to support response to a significant cyber incident and, in some cases, funds for recovery and reconstitution. Eligible activities could include:

- Technical Incident Response—Services aimed at finding the root cause of an incident
- Analytic Support—A range of analytical services provided in response to receiving a request or reported vulnerability, to include examining the technical issue, code, computer system, storage medium, and/or physical memory
- Threat Detection—Deployment of threat detection platforms to identify potential malicious activity using network sensor systems for detection

Eviction and Mitigation—Support to reasonably assure that an intruder has been removed from a victim network and known weaknesses that allowed the initial intrusion have been remediated.

Question. How can DHS increase its cooperation with industry to ensure that threat information is appropriately disseminated between public and private entities?

Answer. CISA is continuously evaluating existing information sharing programs to improve their timeliness, efficiency, and effectiveness, while also evaluating the potential for new opportunities to increase threat information sharing with our partners in government and in the private sector. CISA is currently undertaking a wide range of efforts, outlined below, to increase cooperation with industry to ensure that threat information is appropriately disseminated to our private sector partners.

Pursuant to fiscal year 2021 National Defense Authorization Act (NDAA), CISA will establish a Joint Cyber Defense Collaborative (JCDC) to coordinate joint cyber planning with interagency and industry partners. Today, CISA builds and maintains close operational relationships with key industry partners who provide unique and valuable insights on current cyber vulnerability and threat information. These information sharing relationships increase CISA's visibility and understanding of the domestic cyber landscape and provide vital support to our cyber defense mission. With the implementation of the office for joint cyber planning, CISA will formalize and expand operational coordination with industry partners through collaborative development of cyber defense operations plans to protect domestic critical infrastructure. The JCDC will also include key interagency partners who will bring their own cyber capabilities and authorities, and will consult with State, local, territorial, and Tribal (SLTT) and international partners. Through integration of these key partner communities, the JCDC will become the one-stop-shop for public-private partnership in planning cyber defense operations.

The Secretary of DHS established the CISA Cybersecurity Advisory Committee, pursuant to fiscal year 2021 NDAA, Section 1718, to bring together experts from SLTT government, industry, and other relevant entities to provide advice and recommendations to the CISA Director on matters related to the development, refinement, and implementation of policies, programs, planning, and training pertaining to the cybersecurity mission of the Agency. Per the NDAA, the Director may task the Committee to examine a variety of cybersecurity topics including, but not limited to, information exchange; critical infrastructure; risk management; and public and private partnerships. This advice could include options to improve timely information sharing regarding cybersecurity threats. A public version of the Committee's recommendations will be made available.

In coordination with interagency partners, CISA is defining the expanded set of the roles and responsibilities established in the fiscal year 2021 NDAA, Section 9002, Sector Risk Management Agencies (SRMA). In particular, each SRMA shall facilitate "in coordination with the Director, the sharing with the Department and other appropriate Federal department of information regarding physical security and cybersecurity threats within the designated sector or subsector of such sector," including-

- A. "[F]acilitating, in coordination with the Director, access to, and exchange of, information and intelligence necessary to strengthen the security of critical infrastructure";
- B. "[F]acilitating the identification of intelligence needs and priorities of critical infrastructure owners and operators in the designated sector or subsector of such sector, in coordination with the Director of National Intelligence and the heads of other Federal departments and agencies, as appropriate;
- C. "[P]roviding the Director, and facilitating awareness within the designated sector or subsector of such sector, of ongoing, and where possible, real-time awareness of identified threats, vulnerabilities, mitigations, and other actions related to the security of such sector or subsector of such sector"; and
- D. "[S]upporting the reporting requirements of the Department under applicable law by providing, on an annual basis, sector-specific critical infrastructure information."

CISA is spearheading the NDAA-required report, in consultation with the heads of the designated SRMAs, which reviews the current framework for securing critical infrastructure, develops recommendations, and suggests necessary revisions to the partnership structure. This process is currently underway, and as the SRMA for eight of the Nation's 16 critical infrastructure sectors, CISA will directly apply this expanded guidance to enhance information sharing between CISA and private sector partners in these eight sectors.

DHS will stand up a Cyber Safety Review Board (CSRB), pursuant to Section 5 of the Executive Order on Improving the Nation's Cybersecurity, to review and assess threat activity, vulnerabilities, mitigation activities, and agency responses to

significant cyber incidents. Through the CSRB, relevant information will be compiled from CSRB incident reviews, including incident-related decision-making processes, actions, and outcomes; Requests for Information; stakeholder communications; and incident activity and recovery actions and outcomes. In addition to administering the CSRB's operation, DHS will use the results of these reviews to determine necessary and appropriate enhancements to threat information sharing between public and provide sector entities.

The Private Sector Clearance Program was established to ensure that select critical infrastructure private sector owners, operators, and industry representatives—specifically those who have a demonstrated and foreseeable need to access classified information—are in leadership, managerial, or executive level positions and are in a position to capitalize on the value of the classified information shared are processed for clearances. Security clearances enable selected owners, operators, and representatives to access classified information and more fully participate in the protection of critical infrastructure and the security of the homeland.

CISA operates the Cyber Information Sharing and Collaboration Program, which serves as a bi-directional forum for CISA and private industry to collaborate on significant risks, develop sector and threat focused products, and provide briefings on new trends, threats, and capabilities across sectors. This trusted sharing between CISA and a network of high impact companies, Information Sharing and Analysis Centers, and service providers allows CISA to better understand the nature of vulnerabilities pre- and post-disclosure and in turn provided timely and thorough mitigation guidance.

CISA continues to enhance the Automated Indicator Sharing (AIS) capability, which provides a machine-to-machine platform for CISA and the private sector to share threat information and benefit from the collective knowledge of participant organizations. AIS enables the real-time exchange of machine-readable cyber threat indicators and defensive measures, such as information about adversary techniques, to help the AIS community monitor and defend networks against known threats and ultimately limit the use of an attack method.

CISA's Stakeholder Engagement Division has requested funding in fiscal year 2022 to execute a stakeholder mapping initiative as a foundational component of the agency's broader stakeholder engagement capability. The stakeholder mapping initiative builds upon CISA's growing stakeholder data and knowledge base to map individual stakeholders and stakeholder groups to operational planning scenarios—in advance of the need—in order to streamline response efforts to crisis and enable more targeted, efficient strategic planning with external parties. By leveraging established relationships with these entities, CISA will maximize its impact on key stakeholder communities and amplify our value through collaborative partners. Examples of using these relationships includes bi-directional sharing of sensitive threat information, targeted promotion of available products and services, and quick-turn opportunities to collaborate with CISA.

CISA collaborates with the DHS Office of Intelligence and Analysis to provide Classified Intelligence Forums. The Classified Intelligence Forum consists of engagements that provide cleared members of the private sector as appropriate, with access to draft and finished analytic products to solicit feedback and gain overall customer insights that can inform the development of future products or briefings that those members and their sector counterparts can use in their decision-making processes.

CISA Cybersecurity Advisors (CSAs) offer cybersecurity assistance to critical infrastructure owners and operators and SLTT governments. CSAs introduce organizations to various CISA cybersecurity products and services, along with other public and private resources, and act as liaisons to CISA cyber programs. CSAs can provide cyber preparedness, assessments and protective resources, strategic messaging, working group support and leadership, partnership in public-private development, and incident coordination and support in times of cyber threat, disruption, and attack. CISA continues to work quickly and diligently to hire against existing CSA vacancies and increase the CSA footprint in the field in order to expand engagement with the private sector, including in threat information sharing and dissemination.

CISA collaborates with government and industry partners to strengthen information sharing and incident response coordination through exercises, such as the biennial Cyber Storm series. Each iteration of the exercise engages more than a thousand participants in the simulated discovery of and response to a large-scale, coordinated significant cyber incident impacting critical infrastructure. The findings of each exercise are shared with participants and the broader cyber response community to support continual improvement.

CISA is currently in the planning stages for Cyber Storm VIII, slated for the spring of 2022. Two of the proposed objectives of this exercise are to:

- Strengthen information sharing and coordination mechanisms used during a cyber incident; and
- Foster public and private partnerships and improve their ability to share relevant and timely information across sectors.

U.S. REFUGEE ADMISSIONS PROGRAM

Question. We are in the midst of the largest worldwide refugee crisis ever recorded. I am pleased that the President has finally announced his intention to resettle 62,500 refugees in the second half of this fiscal year. However, the enormous cuts to refugee resettlement over the past 4 years under the previous Administration have severely decimated the U.S. Refugee Admissions Program's capacity. What specific measures are you taking to increase the rate of refugee arrivals in the second half of the fiscal year to ensure we can meet the Presidential Determination for this year and to restore the long-term capacity of our resettlement program?

Answer. DHS, along with other U.S. Refugee Admissions Program (USRAP) partners, is committed to rebuilding our refugee adjudication and resettlement capacity in accordance with Executive Order (EO) 14012, Restoring Faith in Our Legal Immigration Systems and Strengthening Integration and Inclusion Efforts for New Americans, and EO 14013, Rebuilding and Enhancing Programs to Resettle Refugees and Planning for the Impact of Climate Change on Migration. USCIS worked to increase admissions in fiscal year 2021 by developing additional efficiencies to complete post-USCIS interviewed applications remotely, resume in-person interviews of refugee applicants overseas, begin hiring additional staff, and engage with USRAP partners to reinvigorate our refugee program and increase refugee admissions.

USCIS has taken several actions to rebuild the refugee program and increase refugee admissions. First, USCIS conducted a detailed review of the cases of applicants who have already had their USCIS refugee interview and prioritized resources for cases that could be approved for resettlement in the near term.

Second, after an 11-month long agency-wide hiring freeze ended this spring, USCIS began actively recruiting to fill all currently vacant positions that support refugee processing.

Third, USCIS implemented operational and policy changes to support remote case processing during COVID-19. Since last summer, USCIS has been conducting refugee applicant re-interviews via video-teleconference (VTEL) and recently started conducting initial refugee applicant interviews via VTEL where possible. By May 26, 2021, USCIS conducted 212 re-interviews and 53 initial interviews by VTEL.

Finally, while COVID-related restrictions continue to impact USCIS's ability to increase in-person interviews of refugee applicants, beginning in the fourth quarter of fiscal year 2021, USCIS resumed in-person international refugee processing circuit rides on a small scale. Deployments are based on identified USRAP processing priorities and are dependent on movement restrictions issued by local governments due to COVID-19; post-by-post restrictions issued by DOS; and the ability to safely conduct in-person interviews while protecting the health of USCIS officers, Resettlement Support Center staff, refugee applicants, and interpreters.

In addition to the process improvements outlined above, USCIS is investing in a case management system that will allow for more effective tracking of workloads and cases and will provide officers with additional adjudicative tools. This system is expected to fully deploy in fiscal year 2022 and will track data on production rates, details on case outcomes, and other key metrics that will provide leadership with the information they need to effectively manage future resources.

UNACCOMPANIED CHILDREN

Question. I was deeply disturbed by the treatment of children at our Southern border under the previous Administration, and I have been very concerned about previous reports of unaccompanied children remaining in Border Patrol custody for extended periods of time.

What steps has your agency taken to address these problems and ensure that children are treated safely and humanely when they arrive at our border?

Answer. CBP makes every effort to process those in our custody as quickly as possible—especially children. In accordance with the Trafficking Victims Protection Reauthorization Act (TVPRA), CBP must transfer unaccompanied children into the custody of the U.S. Department of Health and Human Services (HHS) Office of Refugee Resettlement (ORR) within 72 hours of unaccompanied children determination, determining that they are unaccompanied children, absent exceptional circumstances. To expedite processing of migrants, including unaccompanied children, CBP has augmented its Southwest border personnel and facilities, and leveraged available support across the U.S. Government.

U.S. Border Patrol (USBP) prioritizes unaccompanied children referrals and transfers to HHS ORR, but the ability to do so is directly tied to ORR's capacity. By March 2021, the number of unaccompanied children entering USBP custody far exceeded ORR's capacity to provide placement. In response, and in conjunction with FEMA, HHS began rapid expansion of ORR's housing/placement capacity through Emergency Influx Shelters (EISs). USBP continues to work closely with HHS to expedite the transfer of unaccompanied children into HHS custody.

DHS successfully established the interagency Movement Coordination Cell (MCC) to bring together personnel from FEMA, ORR, U.S. Immigration and Customs Enforcement (ICE), and CBP to ensure the rapid transfer of UCs from CBP custody to ORR custody—whether to licensed bed facilities or EISs. This interagency approach has been remarkably successful in reducing the average time in custody that UCs spend in CBP facilities.

Thanks to interagency cooperation and focus on building ORR capacity, in April 2021, the average number of children in CBP custody decreased to 2,895 from 4,109 in March 2021—with the number of children in CBP custody below 460 in mid-May 2021. In March, UCs spent an average of 115 hours in CBP custody compared to just 26 hours in May.

CBP has significantly expanded the scope of its trauma-informed medical support capabilities to ensure children are treated safely and humanely. For example, CBP now has more than 800 contract medical personnel providing 24/7 medical support at over 70 facilities along the Southwest border. CBP continues to enhance its trauma-informed care practices for children in custody through awareness and training; trauma-informed medical support; and trauma-informed holding practices.

CBP's trauma-informed medical support includes health interviews and medical assessments by trained professionals. This includes behavioral health considerations and emphasizes psychological triage, psychological first aid, behavioral health referrals, and appropriate prioritization for transfer. CBP's trauma-informed holding practices ensure a safe and secure environment that minimizes time in custody, improves the child's ability to maintain family connection via phone calls, provides recreation opportunities as feasible, and includes caregivers who can provide a reassuring adult presence. The role of caregivers in our facilities now includes providing opportunities for recreational time for children as operationally feasible. CBP has always been, and continues to be, committed to the safe and humane treatment of all individuals in our custody, especially those most vulnerable.

Question. How is your agency working with the U.S. Department of Health and Human Services to facilitate unaccompanied children's expeditious release from Border Patrol custody?

Answer. Unaccompanied Children (UC) are typically processed by CBP at the Southwest Border and then ICE Enforcement and Removal Operations (ERO) transfers unaccompanied children from CBP to the custody of HHS ORR. Pursuant to the Flores Settlement Agreement, the Homeland Security Act of 2002, and the TVPRA of 2008, DHS must transfer unaccompanied children to HHS ORR custody within 72 hours of determining that a UC is an unaccompanied child except in exceptional circumstances.

ICE continues to partner with CBP and HHS to improve transfers into the care and custody of ORR. These partnerships have proven to be extremely effective in reducing the average length of time in DHS custody, to include decreasing the amount of time that a child is in transit to an ORR shelter. ICE's effort to partner with CBP and HHS has resulted in the transfer of thousands of unaccompanied children into the care and custody of ORR in under 72 hours as required by statute.

CBP implemented a Movement Coordination Cell (MCC) to work with HHS ORR and other appropriate agencies to coordinate the placement and expedited transfer of UCs out of CBP custody and into appropriate HHS facilities and care. The MCC is an interagency effort among CBP, ICE, HHS ORR, and FEMA. The goal of the MCC is to rapidly transfer custody of UCs from CBP to ORR. The MCC effort began on March 29, 2021, and since its inception, the MCC has assisted in reducing the number of UCs in CBP custody as well as their average length of time in custody. CBP is also working with HHS/ORR on enhanced data transfer to assist in the expeditious placement of UCs in appropriate facilities, which would further reduce time in custody.

In April 2021, the average number of children in CBP custody decreased to 2,895 from 4,109 the previous month, with the number of children in CBP custody below 460 in mid-May 2021. In March, UCs spent an average of 115 hours in CBP custody compared to just 26 hours in May.

QUESTIONS SUBMITTED BY SENATOR CINDY HYDE-SMITH

Question. Mr. Secretary, the Science & Technology Directorate (S&T) fiscal year 2022 Budget Request highlights prior year research efforts and milestones, including Project JUSTICE and the fully operational sUAS test facilities. The budget overview also lists future objectives to “publish JUSTICE demonstration, test and evaluation results, and associated analyses to DHS Components, first responder and emergency management service organizations.” Additionally, the budget overview States, “DHS lacks installed technologies to maintain persistent air domain awareness of all manned and unmanned aircraft in the National airspace...evolving technologies and critically strained resources make it imperative for S&T to advance technologies that produce efficient force-multiplying aerospace for operational elements of DHS and the Nation’s law enforcers and first responders.”

In prior year appropriations, including fiscal year 2021, the committee/Congress acknowledged the critical value in the establishment of the S&T common test site for demonstration and research of UAS, provided additional funding for the Demonstration Site to conduct on-site testing and evaluation of Enabling UAS technologies, and encouraged the close collaboration with the FAA UAS Center of Excellence. The DHS UAS Demonstration Site provides an effective and efficient operational testing and evaluation capacity for S&T and the operational partners that it supports, including CBP, Coast Guard, Secret Service, and Nation’s law enforcers and first responders. Numerous exercises are necessary for technology evaluation across a range of scenarios and environments at the Demonstration Site.

Please provide a spend plan for the fiscal year 2021 funds appropriated for the Enabling UAS Demonstration Site. How will S&T continue to prioritize previously appropriated funds for the Demonstration Site to conduct on-site testing and evaluation of Enabling UAS technologies for DHS components and law enforcement partners?

Answer. Efforts towards Enabling UAS, including the Enabling UAS Demonstration Site, are executed as part of S&T’s Air Security project, within S&T’s Air, Land, and POE Security program. S&T’s fiscal year 2021 Spend Plan includes \$2 million for the Enabling UAS demonstration site:

Activity	Description	FY 2021 Spend Plan	Obligated	Planned in fiscal year 2022 Q2
Enabling UAS Demonstration Site	Joint Unmanned Systems Testing in Collaborative Environments (JUSTICE)—Testing and evaluation of UASs.	\$2,000,000	\$250,000	\$1,750,000
Total Enabling UAS Demonstration Site		\$2,000,000	\$250,000	\$1,750,000

S&T will continue to support the Enabling UAS Demonstration Site through S&T’s agreement with the U.S. Army Development Command (DEVCOM), Ground Vehicle Systems Center and through strategic IAA partnerships with other U.S. Government entities that enable S&T to offer value to the Homeland Security Enterprise. With continuing COVID restrictions the potential for testing & evaluation to resume pre-pandemic conditions soon remains low. S&T will continue engaging with the Army and the vendor to administer the residual funding in early fiscal year 2022.

Question. Mr. Secretary, with the expected surge in flight travel over the next few months, both business and personal, how is the Department of Homeland Security making sure TSA is adequately staffed at airports across the country in order to accommodate this expected increase? What opportunities are there that would allow TSA to significantly grow its TSA PreCheck program and can these opportunities be deployed in time to help with the travel surge that is expected this year?

Answer. As of November 1, 2021, TSA has hired 7,630 Transportation Security Officers (TSO) thus far in the calendar year, amidst unprecedented hiring competition in nearly all industries.

TSA is continuing to innovate on solutions to attract more TSO applicants and hire more quickly in competitive locations. To increase hiring volumes, TSA is expanding advertising campaigns to amplify the “now hiring” message. In an effort to maintain parity with private industry pay rates, TSA has also instituted recruitment \$1K to \$2K sign-on bonuses to all TSO new hires through FY22. Further, retention incentives are being strategically leveraged to align TSO pay rates with local wage growth in hard-to-hire markets—both to retain current staff and attract new

candidates. Finally, TSA is hosting “expedited” hiring events in 12 or more competitive markets per month, including locations such as Denver, Seattle, Minneapolis, Boston, St. Louis, Maui, and many others. These events enable prospective TSO applicants to consolidate hiring steps into one-day and significantly reduce Federal hiring time; which is essential in this competitive recruitment market.

TSA’s Universal Enrollment Services provider, IDEMIA, offers a nationwide network of over 440 enrollment centers in support of the TSA PreCheck(r) Application Program, and there is currently plenty of enrollment center capacity and appointment availability. TSA provides individuals with a simple enrollment process, including the ability to start TSA PreCheck(r) enrollment online, which shortens the in-person enrollment time. On average, an individual can complete the in-person enrollment process in five to 10 minutes for new applicants to the program. For renewing members, TSA offers the ability to renew a TSA PreCheck(r) membership fully online, with no in-person visit required.

TSA is also working to expand the number of enrollment providers, as required by the TSA Modernization Act of 2018. In January 2020, TSA awarded Other Transaction Agreements (OTA) to Alclear, LLC (CLEAR), Telos Identity Management Solutions, LLC, and Idemia Identity & Security USA, LLC (TSA’s current enrollment provider). TSA estimates the new enrollment providers under the OTAs will begin operations by the end of 2022, but timelines are tentative and dependent on each vendor’s ability to meet TSA’s requirements.

SUBCOMMITTEE RECESS

Senator MURPHY. And with that this subcommittee meeting is adjourned.

[Whereupon, at 11:18 a.m., Wednesday, May 4, the subcommittee was recessed to reconvene subject to the call of the Chair.]

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS FOR FISCAL YEAR 2023

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

NONDEPARTMENTAL WITNESSES

[The following testimony was received by the Subcommittee on Homeland Security for inclusion in the record. The submitted material relates to the fiscal year 2023 budget request for programs within the subcommittee's jurisdiction.]

PREPARED STATEMENT OF THE ALLIANCE TO END SLAVERY AND TRAFFICKING (ATEST)

The Alliance to End Slavery and Trafficking (ATEST) thanks you for your leadership in the fight to end child labor, forced labor and human trafficking. We appreciate your efforts to pass legislation and provide resources to Federal agencies engaged in combating these horrific crimes. We seek your assistance in funding essential programs in the fiscal year 2023 Homeland Security Appropriations bill and including related Committee report language. The Department of Homeland Security plays a vital role in fighting this despicable crime. ATEST recommends the creation of new victims services programs and accountability for programs in this key Trafficking Victims Protection Act of 2000 and subsequent reauthorizations (TVPA) and related legislation. We urge you to include appropriate and necessary resources for DHS to combat trafficking and child sexual exploitation, protect trafficking victims, and effectively implement its mandate under TFTEA and the Tariff Act of 1930.

ATEST FY23 Appropriations Requests Summary: Homeland

Department	Program	FY23 Appropriation Request
Homeland Security	Customs and Border Protection	\$20,000,000
	Immigration and Customs Enforcement/Homeland Security Investigations	\$54,400,000—Requested from allocated funding, of which —not less than \$15,700,000 for forced labor investigations —\$20,000,000 for Victim Witness Coordinators
	Immigration and Customs Enforcement/Homeland Security Investigations: Office of Victims Assistance	\$33,500,000—Requested from allocated funding

Customs and Border Protection (CBP): \$20,000,000 We request funding from the ICE allocated funds for CBP to strengthen enforcement actions and processes to prevent the importation of products made with forced labor in accordance with section 307 of the Tariff Act of 1930. Recent changes in law have made it easier to enforce this prohibition on the importation into the U.S. of goods made with forced labor. Funds would be used to fulfill CBP's budget request for fiscal year 2018 of 20 new auditors, to further enforce forced-labor restrictions in imports as was addressed in section 910 of the TFTEA of 2015 (Public Law 114–125). Increased and improved

enforcement of the act would allow CBP to stop goods made with forced labor from entering the U.S. markets and discourage foreign producers from using forced labor in their supply chains.

We continue to see a steady uptick in enforcement actions over recent years. Since the consumptive demand loophole was closed in 2015, CBP has issued 36 Withhold Release Orders (WRO), including 7 WROs and 2 Findings in fiscal year 2021. CBP estimated its fiscal year 2021 enforcement actions prevented nearly \$500 million of goods made by forced labor from entering the United States. While we appreciate this increased attention by CBP, we also recognize CBP needs additional resources in order to continue fulfilling their mandate to prevent the importation of goods made by forced labor. In the past couple of years, the Government Accountability Office has written several reports highlighting CBP's need for more resources dedicated to addressing forced labor. Additionally, Congress has recently given additional mandates to CBP on this issue, including the Uyghur Forced Labor Prevention Act. In order to ensure CBP is able to continue increasing its Section 307 enforcement actions and tackle additional mandates related to forced labor, it is critical Congress provide additional resources specifically directed to support CBP's enforcement of Section 307.

Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI): \$54,400,000 HSI plays a critical role in combating severe forms of trafficking originating from foreign countries, including investigating violations of Section 307 of the Tariff Act of 1930, and is, therefore, the first line of defense against key aspects of this crime. In fiscal year 2021, ICE HSI made 2,360 human trafficking arrests, up 35 percent from fiscal year 2020. We request funding from the Immigration and Customs Enforcement allocated funds for investigations, training, victim services, and victim witness coordinators within HSI to combat severe forms of trafficking in persons as authorized by Sec. 113(i) of the TVPRA of 2013 (Public Law 113-4) and updated in the TVPRA of 2018 (Public Law 115-392).

Of these funds, \$15,770,000 should be for forced labor investigations under section 307 of the Tariff Act of 1930, and \$20,000,000 should be designated specifically for Victim Witness Coordinators. Additional resources should be used to train field officers on identifying victims of human trafficking and distinguishing between trafficking and smuggling, expand trafficking investigations, and help reduce the incidents of trafficking and forced labor in the United States. The Victim Witness Coordinator funding would allow HSI to hire 5 additional Victim Witness Coordinators specialized in human trafficking to support human trafficking victims interacting with law enforcement and ensure that the HSI response to this crime is victim-centered. The funds would also allow HSI to train all victim witness personnel on the provision of victim services and rights for this specialized victim population.

Proposed Report Language: Forced Labor—Within the total amount provided to HSI, not less than \$15,770,000 shall be for investigations and other activities related to forced labor law violations, including but not limited to forced child labor, and of which not to exceed \$6,000,000 shall remain available until expended. ICE shall submit to the Committees an annual report on the expenditures and performance metrics associated with such activities.

DHS Center for Countering Human Trafficking (CCHT): Report Language Request—We are aware of legislation S. 2991 that would appropriate \$14 million for staffing support and personnel at the DHS CCHT, while we do not take a position on a specific appropriations request for the CCHT at this time, we have recommendations on how any money that is appropriated should be disbursed. We request that all CCHT-related funding be utilized in accordance with the prevention, protection and prosecution principles enshrined in the TVPA of 2000.

Proposed Report Language: The Center to Counter Human Trafficking shall ensure that all appropriated funds to support the center's operation and functioning, including personnel and resources, place the victim at the center of all policies and procedures. The CCHT shall use these funds to support pending requests for Continued Presence, including expedited resolution of requests, and to enhance the utilization of Continued Presence in more forced labor cases, whose victims are under-represented among the individuals who are granted Continued Presence. Any appropriated funds shall not be used to support any activities related to enforcement and removal operations of any potential or identified victims of human trafficking.

As a champion for the victims of child labor, forced labor and sex trafficking, you understand the complexities of these issues and the resources needed to respond. We have carefully vetted our requests to focus on the most important and effective programs. We thank you for your consideration of these requests and your continued leadership. If you have any questions, please contact ATEST Coalition Director Terry FitzPatrick (terry.fitzpatrick@ATEST-US.org).

Sincerely,

Coalition to Abolish Slavery and Trafficking (CAST)

Coalition of Immokalee Workers (CIW)

Covenant House

Free the Slaves

HEAL Trafficking

Human Trafficking Institute

Human Trafficking Legal Center

Humanity United Action

McCain Institute for International Leadership

National Network for Youth (NN4Y)

Polaris

Safe Horizon

Solidarity Center

Truah: The Rabbinic Call for Human Rights

United Way Worldwide

Verite

Vital Voices Global Partnership

ATEST is a U.S.-based coalition that advocates for solutions to prevent and end all forms of human trafficking and modern slavery around the world.

[This statement was submitted by Terry FitzPatrick, ATEST Coalition Director.]

PREPARED STATEMENT OF CONGRESS OF THE UNITED STATES

Congress of the United States
 Washington, DC 20515

April 26, 2022

The Honorable Lucille Roybal-Allard
 Chairwoman
 House Appropriations Subcommittee on
 Homeland Security
 2006 Rayburn House Office Building
 Washington, DC 20515

The Honorable Chuck Fleischmann
 Ranking Member
 House Appropriations Subcommittee on
 Homeland Security
 1036 Longworth House Office Building
 Washington, DC 20515

Dear Chairwoman Roybal-Allard and Ranking Member Fleischmann:

Thank you for your work to write this year's Homeland Security appropriations bill. We write to respectfully request that the Committee support report language establishing greater transparency measures over the Department of Homeland Security's (DHS) Center for Prevention Programs and Partnerships (CP3).

In May 2021, DHS established CP3, which supports its targeted violence and terrorism prevention efforts. CP3 evolved from the Countering Violent Extremism (CVE) initiatives that discriminatorily targeted Muslims in an attempt to identify individuals who might commit a terrorist attack. Department officials have rightly acknowledged that CVE was a biased program, premised on the islamophobic assumption that "individuals who are high risk were coming from specific religious and ethnic communities," and have asserted that CP3 represents a rejection of the CVE framework.

The stated commitment to reject failed approaches is welcome. In practice, however, CP3 expands the core CVE prevention model rather than jettisons it: CP3 efforts now apparently focus on a broader range of violence than only terrorism associated with Muslims, exposing even more communities to the risks it generates. Like CVE, the CP3 model employs ill-defined and commonplace phenomena among individuals — for example, social alienation, mood swings, having a "grievance" or "extremist" view — as predictors of future violence, raising the specter of reporting based on constitutionally-protected activism or racial and religious stereotypes that inform who is perceived as threatening. Like CVE, CP3 tasks state and local stakeholders (police, public safety agencies, community groups, universities, and others) with working together to identify and intervene with people experiencing such conditions, putting law enforcement between people and the help they may need. As recently as 2020, after the Department had formally abandoned the label "CVE," it noted that such targeted violence and terrorism prevention efforts were "filling a gap where law enforcement or intelligence cannot operate because of constitutionally based civil rights and liberties."

In 2021, Congress provided more than \$80 million to activities under the broader umbrella of targeted violence and terrorism prevention, but more information is needed to justify continued funding for such initiatives, especially since they generate serious civil rights and liberties risks and have never been shown to prevent violence. As further detailed in the draft report language:

- **Efficiency.** An independent, third-party accounting of whether the CP3 model has been shown to achieve its stated goal: preventing violence. Indeed, some of the government-funded studies the Department cites as support for the program clearly state that it is not possible to reliably identify in advance people who may commit violence (for example, “because there are no unambiguous early indicators of future violent behavior, the performance of risk assessment tools and methods to distinguish individuals who appear to be threats from those who actually do pose a threat is limited”). Despite DHS’s claims that these programs are successful, the agency’s evaluations rely on performance metrics that are unconnected to violence reduction, focusing instead on the reach of a program or the degree to which a grantee has fulfilled funding conditions, while simply presupposing that violence reduction will follow if the Department’s prevention framework is implemented.
- **Impact.** CP3’s predecessor programs overtly targeted Muslim, Arab, and South Asian communities. More clarity is necessary on how CP3 is currently being targeted, and a full accounting of the impacts it is having as administered, based largely on data the Department has committed to collect in public grant proposal documents.
- **Civil Rights and Liberties.** The Department says that it intends to safeguard civil rights and liberties as it carries out CP3 efforts, but it has not specified how it is doing so. More detail regarding the nature of these civil rights and liberties protections is required.

It’s essential that the kinds of violence prevention strategies we fund are effective. By allowing CP3 to continue without robust transparency requirements and public civil rights and liberties safeguards, we risk sowing distrust and causing further harm to some of the communities most in need of support in our country—including children, people with disabilities, immigrants, and families facing poverty. We ask you to support these reporting requirements, so Congress and DHS can make more informed decisions about CP3 in the future.

We urge the subcommittee to include the following report language for the FY 2023 appropriations cycle for the Department of Homeland Security’s Center for Prevention Programs and Partnerships (CP3):

Report Language Request #1:

Center for Prevention Programs and Partnerships (CP3).—Not later than 180 days after the date of enactment of this Act, and annually thereafter, CP3 shall submit to the Committee and make publicly available online a report containing the following:

1. For each risk factor, indicator, or other sign of potential violence used in DHS Countering Violent Extremism (CVE), Targeted Violence and Terrorism Prevention (TVTP), and CP3 programs, including grant-funded activities:
 - a. the form of potential threat it pertains to, for example, targeted violence or terrorism, divided by threat category, such as racially or ethnically motivated violent extremism, and sub-category, such as white supremacist violence or black separatist violence, as appropriate; and
 - b. citations to peer-reviewed research validating its predictive value and whether the federal government has funded or supported the cited research.

2. A description of all procedural and substantive privacy, civil rights, and civil liberties protections applicable to CP3 programs, whether administered directly by the Department, through grant recipients, or by other third parties, and a detailed description of how CP3 monitors grant recipient compliance with federal civil rights laws pursuant to 44 C.F.R. Part 7, as well as of any other applicable statutory or regulatory provisions.
3. Beginning with the fiscal year 2020 grant cycle, detailed descriptions of:
 - a. the operative policies for award decisions for each cycle, including the specific criteria for awarding grants and how they were applied; and
 - b. the performance metrics and evaluation criteria for grant recipients for each cycle.
4. For each grant award for the most recent fiscal year cycle and for prior year awards still within their period of performance:
 - a. a list of all subgrantees and any entities that participate in grant-funded programs without receiving grant funding;
 - b. the particular forms of terrorism or violent extremism, divided by threat category and sub-category as appropriate, and targeted violence prevention addressed by each grant;
 - c. the population demographics of the jurisdiction where each grantee will be implementing grant funded activities;
 - d. descriptions of any third-party complaints related to the grant-funded activities of the grantee;
 - e. detailed, summarized evaluations based on evaluation criteria and performance metrics; and
 - f. in particular, for each grant award that supports threat assessment and management teams:
 - i. the number, professional backgrounds, and organizational affiliations of members of the associated threat assessment and management team(s);
 - ii. the identified risk factor(s), behavioral changes, extremist ideologies (if any); and grievances (if identified) for each opened case;
 - iii. the number of referrals for mental health, substance abuse, job skills, housing assistance, or other services; and
 - iv. the number of federal, state, and local criminal inquiries opened as a result of referrals from an associated threat assessment and management team, disaggregated by investigating agency, type of inquiry, federal investigative classification, terrorism classification and sub-classification, including information on violent extremism threat category and sub-category, and subsequent law enforcement action.

Report Language Request #2:

Center for Prevention Programs and Partnerships (CP3).—Not later than one year after the date of enactment of this Act, and annually thereafter, CP3 shall submit to the Committee and make publicly available online a report containing the following:

1. Disclosure of any correspondence or engagements involving CP3 staff, whether or not solicited and with Personally Identifiable Information (PII) omitted or redacted, pertaining to specific individuals identified as of-concern by state or local partners, if any, and a description of any DHS follow-up action, referral, or recommendations given, if any.
2. A description of the nature of PII received, if any, from engagements or grantees or otherwise collected by CP3, through personnel such as local prevention officers or other means.

Thank you for your consideration of these requests.

Sincerely,



RASHIDA TLAIB
Member of Congress



SHEILA CHERFILUS-MCCORMICK
Member of Congress



PRAMILA JAYAPAL
Member of Congress



JESÚS G. "CHUY" GARCÍA
Member of Congress



HENRY C. "HANK" JOHNSON, JR.
Member of Congress



ALEXANDRIA OCASIO-CORTEZ
Member of Congress



ELISSA SLOTKIN
Member of Congress



AYANNA PRESSLEY
Member of Congress



MELANIE A. STANSBURY
Member of Congress



MARC VEASEY
Member of Congress

[This statement was submitted by Rashida Tlaib, Member of Congress.]

PREPARED STATEMENT OF CENTER FOR PREVENTION PROGRAMS AND PARTNERSHIPS
(CP3)

Dear Chair Murphy, Ranking Member Capito, and members of the Senate Homeland Security Appropriations subcommittee:

Thank you for the opportunity to submit testimony concerning transparency requirements for the Center for Prevention Programs and Partnerships (CP3).

In May 2021, the Department of Homeland Security (DHS) established the Center for Prevention Programs and Partnerships (CP3), which supports its targeted violence and terrorism prevention efforts. CP3 evolves from Countering Violent Extremism (CVE) initiatives that aimed to identify Muslims who might commit a terrorist attack. Department officials have acknowledged that CVE was a biased program, premised on the assumption that “individuals who are high risk were coming from specific religious and ethnic communities,” and have asserted that CP3 represents a rejection of the CVE framework.

The stated commitment to reject failed approaches is welcome. In practice, however, CP3 expands the core CVE prevention model rather than jettisons it: CP3 efforts now apparently focus on a broader range of violence than only terrorism associated with Muslims, exposing even more communities to the risks it generates. Like CVE, the CP3 model employs ill-defined and commonplace phenomena among individuals—for example, social alienation, mood swings, having a “grievance” or “extremist” view—as predictors of future violence, raising the specter of reporting based on constitutionally-protected activism or racial and religious stereotypes that inform who is perceived as threatening. Like CVE, CP3 tasks State and local stakeholders (police, public safety agencies, community groups, universities, and others) with working together to identify and intervene with people experiencing such conditions, putting law enforcement between people and the help they may need. As recently as 2020, after the Department had formally abandoned the label “CVE,” it noted that such targeted violence and terrorism prevention efforts were “filling a gap where law enforcement or intelligence cannot operate because of constitutionally based civil rights and liberties.”

In 2021, Congress provided more than \$80 million to fund activities under the broader umbrella of targeted violence and terrorism prevention, but more informa-

tion is needed to justify continued funding for such initiatives, especially since they generate serious civil rights and liberties risks and have never been shown to prevent violence.

In a letter to the House Appropriations Committee, Representatives Tlaib, Cherfilus-McCormick, Garcia, Jayapal, Johnson, Ocasio-Cortez, Pressley, Slotkin, Stansbury, and Veasey wrote:

“It’s essential that the kinds of violence prevention strategies we fund are effective. By allowing CP3 to continue without robust transparency requirements and public civil rights and liberties safeguards, we risk sowing distrust and causing further harm to some of the communities most in need of support in our country—including children, people with disabilities, immigrants, and families facing poverty.”¹

Therefore, we urge the subcommittee to support the transparency language found on pages 6–7 of the House Homeland Security Appropriations subcommittee report. Specifically:

Center for Prevention Programs and Partnerships (CP3).- Not later than 180 days after the date of enactment of this act, and annually thereafter, CP3 shall submit to the Committee and make publicly available online a report containing the following:

- (1) For each risk factor or behavioral indicator used in CP3 trainings and programs, the evidence base supporting its inclusion, including peer-reviewed research validating its inclusion and whether the Federal Government has funded or supported the cited evidence;
- (2) A description of all privacy, civil rights, and civil liberties protections applicable to CP3 programs, whether administered directly by the Department, through grant recipients, or by other third parties, and a detailed description of how CP3 monitors grant recipient compliance with Federal civil rights laws pursuant to 44 C.F.R. Part 7 and any other applicable statutory or regulatory provisions; and
- (3) Beginning with the fiscal year 2020 grant cycle, detailed descriptions of:
 - (A) the operative policies for award decisions for each cycle, including the specific criteria for awarding grants and how they were applied;
 - (B) the performance metrics and evaluation criteria for grant recipients for each cycle; and
 - (C) a summary of all ongoing evaluations of grantees, including evaluation criteria and performance metrics, as well as a list of all completed or published evaluations.

These transparency requirements are an important first step in allowing Congress and the public to assess the efficacy and impact of the CP3, and to examine whether civil rights and civil liberties are being protected.

Thank you again for this opportunity to submit this testimony.

[This statement was submitted by Sue Udry, Executive Director, Defending Rights & Dissent and Fatema Ahmad, Executive Director, Muslim Justice League.]

PREPARED STATEMENT OF THE CORPORATION FOR PUBLIC BROADCASTING

Chairman Murphy, Ranking Member Capito, and distinguished members of the subcommittee, thank you for allowing me to submit this testimony on behalf of America’s public media service—1,500 public television and radio stations reaching 99 percent of the American people. The Corporation for Public Broadcasting (CPB) requests \$40 million in fiscal year 2023 for the Next Generation Warning System (NGWS) within the U.S. Department of Homeland Security’s Federal Emergency Management Agency (FEMA). CPB is grateful for the strong funding support of this grant program in fiscal year 2022. Sustained support will reinforce and extend public media’s contributions to public safety and enhance alerting and warning capabilities that benefit all Americans.

While media and content delivery have changed, public broadcasting remains a trusted source for fact-based information. Local stations’ broadcast infrastructure provides not only the educational and informational content Americans expect from public media, but emergency alerting and communications services at the National,

¹Letter to Chairwoman Roybal-Allard and Ranking Member Fleischmann, dated April 26, 2022, available at: <https://bit.ly/CP3Letter>

State, and local levels. Often unnoticed until times of emergency, these services direct people to safety and transmit messages from these emergency management and public safety officials. The grant support will enable national public media organizations and local stations to continue to meet the infrastructure resilience requirements that ensures reliable, always-ready public safety communication systems.

Nationally, the public television interconnection system serves as a distribution point for PBS WARN, an essential part of FEMA's nationwide Wireless Emergency Alert (WEA) system. The WEA system relies upon public broadcasters to ensure the delivery of messages that include imminent threats to life and safety, AMBER alerts, and Presidential alerts during a national emergency. Between March 12, 2020 and January 18, 2022, more than 13,091 WEAs were issued by State and local authorities and transmitted over the PBS WARN system. Approximately 644 of those alerts were for COVID-19, harnessing the reach and ubiquity of mobile device communications to address a pandemic for the first time.

Additionally, PBS leverages its contributions to the WEA system and offers the Eyes on IPAWS tool to provide public safety officials with increased transparency of issued alerts. The utility of Eyes on IPAWS was recognized by the FCC's Communications, Security, Reliability, and Interoperability Council's (CSRIC) VII in 2020. The CSRIC report States, "Alert Originators, emergency managers, and any other stakeholders can use Eyes on IPAWS to determine active WEAs nationwide; confirm transmission of issued WEAs; gain awareness of WEAs issued by other agencies; view alerts based on location, alert type, or date; and analyze the impact of WEAs using the data from Eyes on IPAWS in after-action analysis."

The public radio interconnection system, Public Radio Satellite System(r) (PRSS), managed by NPR, receives a national EAS feed directly from FEMA and distributes Presidential emergency alerts to 1,247 public radio stations nationwide, including NPR member and non-member stations. PRSS is also named as a resource in at least 20 States' emergency plans and many of the public radio stations in these 20 States serve as Primary Entry Point (PEP) stations. The PRSS national network of nearly 400 interconnected public radio stations supports secure, reliable communications during emergencies without relying on the Internet, which may be off-line during emergencies.

Stations' infrastructure also provides for public safety services tailored to the needs of their local communities. In times of disaster, enabled public radio stations use MetaPub technology to deliver graphic alerts and messages such as weather forecasts and shelter information. For example, California stations successfully tested MetaPub alerting during the Great California Shakeout earthquake drill in 2016 and demonstrated how stations could bring emergency communications to affected audiences. In the Quad Cities region, WVIK-FM is the primary relay station for emergency information concerning the Exelon Quad Cities nuclear power generating station. In the event of an emergency at the nuclear plant, the Rock Island County, Illinois, Emergency Management Agency, contacts WVIK station personnel, and the station will broadcast the EMA message. MetaPub was also used during the pandemic to direct viewers and listeners to local resources and the latest public health guidelines.

In rural and remote areas, public media is often the only source of local news and public safety information, and native-owned public media stations serve some of the most remote and least connected areas in the Nation. These stations partner with the Tribal governments, local public safety officials, local health agencies, and Regional Bureau of Indian Affairs offices to distribute essential health and safety information. Without stations' broadcast infrastructure, many Americans, especially those in rural areas, would lack access to lifesaving information and public safety alerts.

Public media's public safety capabilities are valued and utilized by local, State, and Federal public safety officials. Over the past 2 years, NC PBS partnered with the NC Department of Public Safety to provide live English and Spanish broadcasts and livestreams of emergency news conferences from the State Emergency Operations Center. Last year, the livestreamed briefings received 2.3 million views across NC PBS' online distribution platforms. In California, public television stations partner with the California Governor's Office of Emergency Services (OES) on "Listos California," a Statewide emergency preparedness campaign. The partnership produced "What a Disaster," an engaging emergency preparedness program, which challenges three Southern California families to test their emergency readiness plans in the event of the next wildfire, earthquake, flood, or another disaster.

While public media stations are dedicated to serving the needs of their communities, their ability to provide many life-saving public safety services relies on aging infrastructure, which has often surpassed its expected end-of-life. In 2017, CPB commissioned a comprehensive System Technology Assessment to better understand

public media stations' technology needs. This Assessment projected that the system's financial capacity to address equipment repair and replacement would see a cumulative shortfall of more than \$300 million by 2020. While CPB does not have an updated system assessment, there is every reason to believe that the financial challenges that stations face in meeting their equipment needs have only grown. Without resources to maintain and replace broadcast transmission infrastructure on schedule, stations have started to experience equipment failures that restrict or suspend their broadcasting capabilities, including the essential public safety services these stations provide.

Funding of the Next Generation Warning System (NGWS) will address the need for resilient public safety infrastructure. The NGWS grant program would allow public broadcasting entities to procure, construct and improve transmission and other public safety-related equipment and services that secure and strengthen public media's role in helping protect American communities. Mr. Chairman and members of the subcommittee, thank you for allowing me, on behalf of America's public media system, to submit this testimony. I appreciate your consideration of this important funding request.

[This statement was submitted by Patricia de Stacy Harrison, President and CEO, Corporation for Public Broadcasting.]

PREPARED STATEMENT OF CONGRESSIONAL FIRE SERVICES INSTITUTE

Dear Chairman Murphy and Ranking Member Capito:

On behalf of the Nation's fire and emergency services, we write to urge your continued support for programs that enhance our Nation's readiness, emergency response, and fire prevention capabilities: the Assistance to Firefighters (AFG) and the Staffing for Adequate Fire and Emergency Response (SAFER) grant programs, the U.S. Fire Administration (USFA), and the Urban Search and Rescue Response System (US&R).

I. AFG and SAFER Grant Programs

A. Funding

The AFG and SAFER grant programs are imperative to addressing the needs of more than one million fire and emergency services personnel while providing an economic stimulus to American businesses. AFG and SAFER have been eminently successful in providing fire departments and EMS agencies with the tools, training, and staffing needed to protect their communities safely and effectively. As you begin work on the Fiscal Year 2023 appropriations process, we encourage you to fund these programs at the authorized level of \$750 million each.

Demand for these programs has consistently been significantly higher than the supply of available funding, and equipment costs have continued to rise while funding has remained relatively low. The most recent analysis from industry experts estimates that since 2019, the average cost for turnout gear has increased by around 35–40 percent. The cost of fire apparatus has increased by around 32 percent.

Even while costs continue to increase, demand for fire and emergency services response has also continued to grow. According to NFPA data, in 2011, fire departments responded to just over 30 million calls in that year. By 2020, the annual number of calls had risen 22 percent to approximately 36.7 million calls. Not only did the overall number of calls increase, but the number of calls across most response categories also increased. In 2020, fire departments continued to respond to more calls for medical aid, mutual aid, hazardous materials response, and other conditions than before.

The latest NFPA Needs Assessment, released in December 2021, found that staffing remains a constant need for all fire departments, regardless of their career, combination, or volunteer status. The study found that, since the previous Needs Assessment in 2015, most fire departments have seen flat firefighter staffing levels despite significant increases in calls.

The AFG and SAFER grant programs improve response capabilities across all emergency response areas. They also provide funding for crucial fire prevention and safety programs targeted toward high-risk populations. As demand for fire and emergency response continues to rise, we must ensure that our fire and EMS personnel have what they need to keep themselves and their communities safe, while also strengthening prevention efforts to improve the safety of civilians and personnel alike. This requirement is squarely in the Federal interest and necessitates Federal investments at the authorized level.

B. Waiver Language

The COVID-19 pandemic, ever-increasing demand for emergency response, and significant economic pain due to inflation have continued to squeeze fire department and EMS agency budgets. To ensure that the AFG and SAFER programs can distribute funding to these departments and agencies as quickly and effectively as possible, we ask that you include the following waiver language in the fiscal year 2023 DHS appropriations bill.

These waivers will help ensure that vital grant funding gets where it is most needed: into the hands of local fire departments and EMS agencies. The SAFER waivers will also allow departments to retain and rehire personnel-critical to attaining and maintaining the appropriate staffing levels to keep communities safe.

SAFER:

In making grants to carry out Section 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a), the Administrator shall grant waivers from the requirements in subsections (a)(1)(A), (a)(1)(B), (a)(1)(E), (c)(1), (c)(2), and (c)(4) of such act.

AFG:

In making grants to carry out Section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229), the Administrator shall grant waivers from the requirements in subsection (k) of such act.

II. U.S. Fire Administration

Another issue we bring to your attention is funding for USFA. USFA plays an important role at the National level, ensuring that the fire service is prepared to respond to all hazards.

Each year, USFA provides training to approximately 100,000 fire and emergency service personnel through the National Fire Academy (NFA). Through the vital funding of the State Fire Training Grants, USFA is also able to support much-needed training in the States, and thus reach a larger audience. Additionally, USFA collects important data and conducts research to reduce the threat of fire and other dangers in local communities. Furthermore, USFA's outreach and educational materials help to ensure the safety of both first responders and community members. Unfortunately, over the past decade, USFA's budget has remained below the authorized level of \$76.5 million.

At a time when fire and EMS personnel are facing climate change threats, including increasing numbers of natural disasters like hurricanes, tornadoes, and wildfires; more medical calls than ever before; the evolving challenge of responding on the front lines of a global pandemic; the continued scourge of structural fires, including home fires; increasing numbers of calls for hazardous materials response; and much more, it is essential that the agency tasked with supporting America's fire and emergency services is properly resourced.

Therefore, our organizations request full funding of \$76.5 million for USFA in fiscal year 2023 to ensure that it can continue its mission to support our Nation's fire and EMS personnel and work for a fire-safe America.

III. Urban Search and Rescue Response System

In addition, we request \$55 million for the National Urban Search and Rescue (US&R) system. The 28-team US&R system is nationally recognized for its ability to provide lifesaving assistance during major hurricanes, tornadoes, wildland fires, and other disasters.

The US&R system is facing important funding challenges in fiscal year 2023. In 2004 and 2005, FEMA provided one-time funding for Federal US&R teams to buy vehicles, such as tractors, 53' dry trailers, 28' box trucks, command vehicles, and flatbed trailers. These vehicles are now reaching their end of useful life and must be replaced to ensure the Federal teams can move their personnel and equipment in times of disasters. We expect the replacement of these vehicles to cost approximately \$500,000 per Federal task force. In addition, the US&R teams are facing inflation costs for renting warehouses to store their equipment and an approximately \$10 million cost to recapitalize equipment. Furthermore, as the COVID-19 pandemic abates, the US&R system will require additional funding to conduct joint field exercises.

We remain grateful for your continued leadership in ensuring that America's fire and emergency services are prepared to protect the public from all hazards—both natural and manmade. As you continue developing legislation to fund these programs for fiscal year 2023, we urge you to consider our recommendations to ensure

that our Nation's first responders can continue to protect and serve their communities safely and effectively.

Sincerely,

Congressional Fire Services Institute
 Fire Apparatus Manufacturers' Association
 Fire and Emergency Manufacturers and Services Association
 International Association of Arson Investigators
 International Association of Fire Chiefs
 International Association of Fire Fighters
 International Fire Service Training Association
 International Society of Fire Service Instructors
 National Association of State Fire Marshals
 National Fire Protection Association
 National Volunteer Fire Council
 North American Fire Training Directors
 Congressional Fire Services Institute
 Fire Apparatus Manufacturers' Association
 Fire and Emergency Manufacturers and Services Association
 International Association of Arson Investigators
 International Association of Fire Chiefs
 International Association of Fire Fighters
 International Fire Service Training Association
 International Society of Fire Service Instructors
 National Association of State Fire Marshals
 National Fire Protection Association
 National Volunteer Fire Council
 North American Fire Training Directors

[This statement was submitted by Michaela Campbell, Director of Government Affairs for the Congressional Fire Services Institute.]

PREPARED STATEMENT OF THE FEDERAL LAW ENFORCEMENT TRAINING CENTERS

Chairman Murphy, Ranking Member Capito, and distinguished members of the subcommittee, thank you for the opportunity to provide this testimony. As President of the National Treasury Employees Union (NTEU), I have the honor of leading a union that represents employees at 34 Federal agencies, including over 700 instructors and support personnel at the Federal Law Enforcement Training Centers (FLETC) at their headquarter facility located in Glynco, Georgia and facilities in Artesia, NM, Charleston, SC, and Cheltenham, MD. FLETC is the Nation's largest provider of law enforcement training to Federal law enforcement personnel. FLETC's mission is to train all those who protect the homeland, and therefore, its training audience also includes State, local, and Tribal departments throughout the United States. Additionally, FLETC's impact extends outside our Nation's borders through international training and capacity-building activities.

Under a collaborative training model, FLETC's Federal partner organizations deliver training unique to their missions, while FLETC provides training in areas common to all law enforcement officers, such as firearms, driving, tactics, investigations, and legal training. FLETC also provides career-long training to Federal law enforcement professionals to help them fulfill their responsibilities safely and proficiently.

FLETC's curriculum development and review process engages experts from across all levels of law enforcement, and FLETC partners extensively with other agencies and stakeholders in training research and the exchange of best practices to ensure it offers the most effective training subject matter, technologies, and methodologies.

Since NTEU was elected as the exclusive bargaining representative for FLETC employees, NTEU has tried to work with FLETC leadership on several issues of concern. These issues include increasing instructor staffing to address ongoing staffing shortages, mitigation strategies to limit COVID outbreaks, establishing reliable COVID safety protocols on their campuses, misusing instructors to complete various construction projects around FLETC resulting in a further shortage of instructors and working collaboratively with FLETC leadership to address these employee concerns.

FLETC Staffing: Full-time FLETC instructors and support staff provide career-long training to federal, State, local, Tribal, and international law enforcement agency professionals. Under a collaborative training model, FLETC provides training to more than 100 Federal partner organizations, 12 of which are within DHS,

including law enforcement personnel that NTEU represents at Customs and Border Protection ports of entry. On average, FLETC trains over 18,000 students annually.

Fifty percent of the instructor requirements for basic and advanced training, as well as the tuition for basic training are provided through appropriations. FLETC receives reimbursable resources to fund the remaining 50 percent of instructor requirements and other training costs incurred by FLETC. The President's fiscal year 2023 request seeks funding for only 7 new hires, consisting of personnel that directly support the training mission such as Training Specialists, Training Technicians, Information Technology Specialists and Technicians, Facility Maintenance Engineers, and Utility Operators. The increase in fiscal year 2023 is attributed to the addition of one FTE for Accreditation and three associated with the Zero Trust program. According to our FLETC bargaining unit members, this funding does not meet current needs. For example, in the Driver and Management Division alone, FLETC is 15 instructors short of the 45 instructors needed.

Appropriated funding levels for FLETC has not changed in years and it shows. FLETC's lack of funding is negatively impacting the mission and the quality of training for Federal law enforcement officers. FLETC has too few instructors to teach students and instructors' skills are not being regularly updated by FLETC. The student-to-teacher ratio has diminished, and students are being shortchanged.

NTEU has been told by FLETC that the mission is first, the Federal partner organizations are second, the students third, and the instructors last. If the permanent instructor cadre is not being fully and appropriately staffed, the mission suffers. The instructors are the product that FLETC delivers. NTEU is seeking to work collaboratively with FLETC management and with Congress to provide additional funding to address the instructor staffing shortage.

NTEU is also concerned about the diversion of instructors from their teaching duties. For example, FLETC has utilized instructors to complete various construction projects on the FLETC campus. Instructors are not trained in construction, nor is it part of their regular job duties. Instructors are employed as substantive specialists in training subjects and delivery of that subject matter to students, not as construction workers. In addition, the removal of even one or two instructors for construction projects contributes to the shortage of instructors and FLETC is paying instructors significant overtime to complete these construction projects. NTEU is also concerned that FLETC may not be adhering to OSHA guidelines or safety protocols when assigning instructors to do this work.

COVID Outbreaks: NTEU has continuing concerns about COVID outbreaks at FLETC and whether FLETC has reliable COVID protocols to address these outbreaks. Over the past 2 years, there have been several mass COVID outbreaks at various FLETC locations. NTEU has expressed continuing concerns that FLETC's lack of sufficient COVID prevention protocols puts law enforcement personnel assigned there at risk. NTEU is working with FLETC to continue to improve its COVID prevention and protection protocols to keep students and personnel assigned to FLETC safe and healthy, but outbreaks continue to occur.

Just last month, FLETC once again reported 168 positive cases of COVID-19. When training was halted, there were 2,853 students representing 68 agencies on the grounds. FLETC granted an exception to continue training any class that had 75 percent or more of its trainees vaccinated, up-to-date, and boosted.

As the elected exclusive bargaining representative for FLETC employees, NTEU urges you to provide direct appropriated fiscal year 2023 funding to hire at least 25 additional FLETC instructors and associated operational support personnel and funding to ensure necessary health and safety protocols are implemented at FLETC to limit future COVID outbreaks at their facilities.

Thank you for this opportunity to submit NTEU's statement for the record.

[This statement was submitted by Anthony M. Reardon, National President, National Treasury Employees Union.]

PREPARED STATEMENT OF THE NATIONAL ASSOCIATION OF STATE ENERGY OFFICIALS
(NASEO)

Chairman Murphy and Ranking Member Capito, and members of the subcommittee, I am David Terry, the Executive Director of the National Association of State Energy Officials (NASEO). NASEO represents the Governor-designated energy directors and their offices in the 56 States, District of Columbia and U.S. territories. One of the key functions of the State energy offices is Emergency Support Function ("ESF-12") related planning, mitigation, and response actions at the state level, as well as coordination with local governments and the energy industry—petroleum, natural gas, electricity.

We are in the midst of a severe national crisis of constrained energy resources in many areas, as well as rapid price increases. DHS as a whole, FEMA specifically, the U.S. Department of Energy, and the States must all work together in a coordinated manner with attention to each organization's expertise and authority to get the job done for the Nation. As was evidenced by the cyber attack on the Colonial Pipeline and the ongoing cyber attacks associated with the Russian invasion of Ukraine, we must put in place far more robust cyber defenses into our energy systems—petroleum, natural gas, electricity—as well as the rest of the economy.

We recommend that the subcommittee approve specific funding in the following areas in the appropriations bill:

- 1) Full funding of the FEMA BRIC program at 6 percent of the funds disbursed. The Administration's decision to increase the FY 22 amount and the FY 23 request is a very positive step, but more is needed as is greater attention to critical energy actions within this program.

- 2) New state emergency planning and response grants to support coordination between the energy offices, state emergency management agencies, FEMA and the DOE Office of Cybersecurity, Energy Security and Emergency Response.

- 3) New direct funding to States for public facility resilience, energy, and water system retrofits to update mission critical facilities, especially including hospitals, schools, community shelters, non-profit nursing homes, and first responder facilities, utilizing private capital for energy efficiency improvements with Federal funds directed to emergency response upgrades (this program could be operated by State energy offices, who already manage the existing \$5—\$6 billion per year in energy service performance contracting programs). In addition, special provision could be made to target underserved rural healthcare facilities.

The program recommended in #3, above, would have the double benefit of assisting States in responding to hurricanes, floods, wildfires, earthquakes, and other hazards. More energy system resilient facilities with access to longer term back-up power, efficient HVAC, lighting, and hot water systems offer far greater reliability and durability of service for communities.

We are encouraged by the FY 23 request to provide increased funding for the FEMA BRIC program. Practical, cost-effective building codes, voluntarily adopted by State and local governments, require robust training of code staff and the building trade community to be effective. The evidence that modern building energy codes result in more resilient and energy efficient construction and that such codes save lives and offer greater comfort to residents during a disaster is abundant.

Where a community has not adopted disaster resistant codes pre-disaster, post-disaster is the ideal time for that adoption or update. Post-disaster is also when permitting loads and training needs are at their greatest. Addressing these challenges through Section 1206 would allow FEMA to provide support to jurisdictions seeking to ensure that rebuilding is done to modern standards, which in turn can help impacted communities be better positioned to weather the next storm. Providing Federal reimbursement for administering and enforcing older and less resilient codes risks perpetuating an unending cycle of damage and repair if those older codes are never updated.

DRRA Section 1206(a) permits FEMA to assist communities in adopting or updating building codes post disaster, in training code officials and builders on updated or existing building codes, and in boosting efforts to ensure rebuilding work community-wide is done to code. We believe FEMA should act now to implement that Section, which is consistent with the Agency's current Strategic Plan, ongoing programmatic work, the National Mitigation Investment Strategy, mitigation research, the DRRA, and congressional intent.

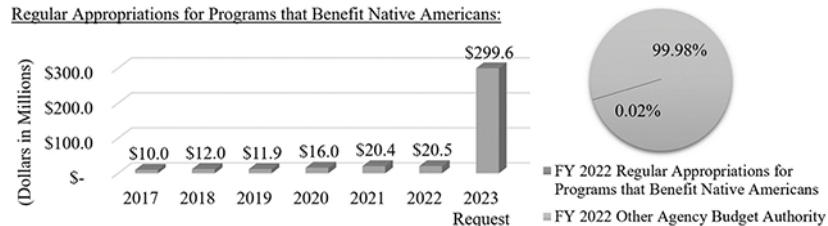
If the subcommittee has any questions regarding this testimony, please contact David Terry, (NASEO Executive Director) (dterry@naseo.org) or Jeff Genzer (NASEO Counsel) (jcg@dwgp.com).

[This statement was submitted by David Terry, Executive Director, National Association of State Energy Officials.]

PREPARED STATEMENT OF THE NATIONAL CONGRESS OF AMERICAN INDIANS (NCAI)

On behalf of the National Congress of American Indians (NCAI), the oldest, largest, and most representative national American Indian and Alaska Native organization dedicated to protecting the rights of Tribal Nations to practice self-determination and achieve self-sufficiency, thank you for the opportunity to provide written

testimony regarding Fiscal Year 2023 appropriations for Tribal homeland security and emergency management grants and programs. Natural disasters and foreign/domestic threats to homeland security are on the rise, which require Tribal communities to develop and enhance homeland security response planning, training, and exercise efforts. However, funding to Tribal Nations for critical homeland security needs through the U.S. Department of Homeland Security (DHS) has remained insufficient to meet their minimum needs.



Federal efforts to create a cohesive and coordinated homeland security strategy without the necessary resources for Indian Country will leave a significant, and potentially dangerous, gap in security for the entire nation. Tribal Nations' abilities to meet a basic level of homeland security and preparedness is further diminished by burdensome DHS requirements and unfunded mandates inserted into its competitive grant process without any Tribal consultation. In 2018, the U.S. Government Accountability Office highlighted that Tribal Nations' problems are compounded by the lack of Tribal preparedness grant funding, which limits their ability to access Federal funding when a disaster strikes.¹ NCAI urges the subcommittee to include strong funding levels for Tribal homeland security and emergency management programs in its fiscal year 2023 appropriations bill.

Increase Funding to \$40 Million for the Tribal Homeland Security Grant Program: The Tribal Homeland Security Grant Program (THSGP) is one of the only resources for Tribal Nations to develop core capabilities to meet national preparedness goals. While DHS has acknowledged the need for this program, it has yet to provide the minimum funding for Tribal Nations to develop the necessary homeland security capacity to ensure protection of the Nation. Since 2003, Congress has allocated over \$55 billion in homeland security grant funds to State and local governments, however only just over \$100 million has been provided to Indian Country during the same period.² Each year, Tribal needs are at least four times more than the funding amount provided for the program, and of the Tribes that apply, several could use the entire amount budgeted for THSGP on their own.³ NCAI greatly appreciates that Congress has increased funding for this program over the last few fiscal years, and we strongly urge Congress to fund THSGP at \$40 million as an important step forward as Tribal Nations strive to protect all citizens.

Provide \$206,640,000 to enable Tribal Development of Vital Homeland Security and Emergency Management Programs: Tribal homeland security and emergency management programs play a key role in Tribal Nations' ability to respond and recover from emergencies such as COVID-19. However, during the height of the COVID-19 pandemic, Tribal Nations could not access a vast majority of the billions in life saving funds through FEMA due to years of little or no funding for Tribal emergency management programs, which limited the number of Tribal emergency management staff leaving Tribes even further behind in meeting the core capabilities. For Tribal Nations to meet the minimum standards required by the Homeland Security Act and the Robert T. Stafford Act-along with the standards developed by FEMA, the National Fire Protection Association, and the Emergency Management Accreditation Program-each Tribe would need at least 1.5 full time employees.⁴ To

¹ U.S. Government Accountability Office, GAO 18-18-443, Emergency Management: Implementation of the Major Disaster Declaration Process for Federally Recognized Tribes, Available at: <https://www.gao.gov/assets/gao-18-443.pdf>, Accessed on: May 25, 2022.

² National Congress of American Indians, Fiscal Year 2022 Indian Country Budget Request: Restoring Promises, Dec. 2021, at 48, https://www.ncai.org/resources/ncai-publications/NCAI_IndianCountry_Fiscal_year_2022_BudgetRequest.pdf (including data from fiscal year 2022).

³ National Congress of American Indians, Tribal Infrastructure: Investing in Indian Country for a Strong America, Feb. 2017, 20, <https://www.ncai.org/NCAI-InfrastructureReport-FINAL.pdf>.

⁴ NCAI, Fiscal Year 2022 Indian Country Budget Request: Restoring Promises, at 49.

meet this need, a total of \$206,640,000, or \$360,000 per tribe⁵ must be invested, and could provide a return of six dollars for every dollar invested.⁶

Provide \$2 Million for the Operation of a DHS Tribal National Advisory Council: Federal advisory committees, often composed of non-federal individuals, play an important role in developing public policy and government regulations. In November 2021, DHS announced it was creating the first ever DHS National Tribal Advisory Committee (DHS Tribal NAC) to advise the Secretary on all homeland security matters. Congress must support the establishment of the DHS Tribal NAC to support homeland security initiatives in Indian Country by providing \$2 million annually for its staffing, creation, and operation. Further, Congress should require an annual report from the DHS Tribal NAC on projects, recommendations, accomplishments, meetings, membership, and other items to ensure that, as threats evolve, DHS makes significant steps toward addressing shortfalls in its support for Tribal homeland security efforts.

Provide \$10 Million to Enable Tribal Nations to Work Cooperatively with DHS in Developing Tribal Identification Cards: While Tribal Nations have shown they are willing to comply with the Western Hemisphere Travel Initiative for enhanced Tribal identification (ID) cards, compliance is often cost-prohibitive. Funding Tribal ID cards has multiple benefits, such as enabling Tribal Nations to provide secure Tribal cards, allowing Tribal officials and citizens to continue border crossings consistent with longstanding treaty rights and agreements, and allowing entrance to Federal offices to conduct business. Some Tribal Nations have the human resources and logistical capacity to produce Tribal IDs if materials and technical assistance are available. NCAI asks Congress to provide \$10 million to Tribal Nations for enhanced ID efforts.

Provide \$4 Million for Tribal Emergency Management Assistance Compact Development: Congress funded the development and continuation of state-to-state program the Emergency Management Assistance Compact (EMAC)—a mutual aid agreement between States and territories of the United States. The EMAC enables States to share resources during natural and man-made disasters, including terrorism. Tribal Nations are not part of this agreement. This is an issue, as Tribal Nations are often the first, and in some cases only, responders to natural disasters in their jurisdictions. Eighty percent of Tribal disasters are never designated Federal disaster declaration status.⁷ For this reason, providing funding to establish and operate Tribal EMACs will help strengthen national homeland security by providing Tribal Nations a first resource between and among themselves. NCAI urges Congress to provide \$4 million for inter-Tribal emergency management compact development.

Additional Indian Country funding priorities for fiscal year 2023: Provide \$10 million for Tribal Nations to train DHS personnel in cultural sensitivity; \$2 million for Tribal Homeland Security Centers of Excellence; \$15 million for the Cybersecurity and Infrastructure Security Agency Tribal Cyber Security Resilience Grant Program; \$2 million for COVID-19 after action evaluations and reports that focus on the Federal response in Indian Country; \$2 million for National Response and Coordinating Center, Tribal Desk; and \$3 million for the development and delivery of homeland security and emergency management curriculum at Tribal Colleges and Universities and Tribal non-profits.

Conclusion: Thank you for the opportunity to provide testimony and for your consideration of Tribal homeland security and emergency management funding priorities for fiscal year 2023. Tribal Nations have paid for every penny obligated to Indian Country hundreds of times over by providing this Nation with our land. In order to uphold this Nation's promises to its people, it must first uphold its promises to this land's First Peoples. For more information, please contact Kelbie Kennedy, Policy Manager and Policy Lead—National Security and Community Safety, at kkennedy@ncai.org or Tyler Scribner, Policy Lead—Federal Revenue & Appropriations, tscribner@ncai.org.

[This statement was submitted by Larry Wright, Jr., Director of Leadership Engagement of the National Congress of American Indians.]

PREPARED STATEMENT OF NEXT GENERATION WARNING SYSTEM

Chairman Murphy, Ranking Member Capito and Members of the subcommittee,

⁵Id.

⁶National Institute of Building Sciences, Natural Hazard Mitigation Saves Study: 2018 Interim report, at 1, https://www.preventionweb.net/files/63003_nibsmv22018interimrepor.pdf.

⁷NCAI, Tribal Infrastructure, at 21.

Thank you for this opportunity to urge the subcommittee to support a continued \$40 million appropriation in fiscal year 2023 for the (NGWS) within the U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA) Federal Assistance Grants account. As part of the Integrated Public Alert and Warning System (IPAWS), this competitive grant program will enable public broadcasting entities to expand alert, warning, and interoperable communications and incorporate emergency technology in those activities. We are grateful for Congress' support in fiscal year 2022 to establish the NGWS program, in coordination with the Corporation for Public Broadcasting (CPB). Continued support in fiscal year 2023 will provide critical funding to help public media stations repair, replace, and harden their communications infrastructure to support enhanced alerting and warning capabilities that serve all Americans.

As the President and CEO of National Public Radio (NPR), I offer this statement on behalf of the public radio system, a nonprofit public service media enterprise that includes NPR, public radio stations across every State and territory, and other producers and distributors of public radio programming. Public radio stations are not-for-profit, locally owned, licensed, and managed, and thereby accountable to the community and listeners they serve. While public radio is an essential daily local news provider, it also plays a key role in civil defense, emergency alerting, and providing coverage before, during, and after disasters and local emergencies. About 98.5 percent of the U.S. population is within the broadcast listening area of one or more public radio stations.

NPR operates the Public Radio Satellite System(r) (PRSS(r))-the satellite and terrestrial content-distribution system on which the public radio system, including almost all stations, networks, and producers depends. The PRSS transmits almost 300,000 hours of news and information, mostly live, from 100 producers through 1,247 interconnected stations and almost 400,000 downlinks. This enables near-universal reach of public radio to the U.S. population. The PRSS is open to all public telecommunications entities, including independent producers; program syndicators and distributors; national, State, and local organizations; and public radio stations. Stations that receive programming distributed by the PRSS range from those located in remote villages in northern Alaska and on Native American reservations in the Southwest, to major market stations, such as WNYC in New York City and KUSC in Los Angeles.

The PRSS is also the backbone for public radio's national emergency alert system, which receives Presidential alerts—also called Emergency Action Notification (EAN) alerts—fed directly from FEMA that transmit to public radio stations in the event of a nationwide crisis. Public radio stations can broadcast even when power grids and internet services are down. In addition to transmitting national emergency alerts, many public radio stations are connected to their state or county emergency agencies in order to transmit critical emergency messaging targeted to local communities. NPR/PRSS is named as a resource in at least 20 States' emergency plans, according to the Federal Communications Commission. On the local level, stations work with local officials as the source of record for local emergencies. For example, in cooperation with the Rock Island County, Illinois, Emergency Management Agency (EMA), WVIK is the primary relay station for emergency information concerning the Exelon Quad Cities nuclear power generating station. In the event of an emergency at the nuclear plant located on the Mississippi River, the county agency will contact station personnel, and the station will broadcast the EMA message.

Additionally, the PRSS MetaPub program enables local public radio stations to issue emergency text and graphic alerts using metadata—such as tornado and hurricane warnings, evacuation routes, and COVID-19 information—that are visible on screens and synched with over-the-air broadcasts to mobile phones, HD Radio, “connected car” smart dashboards, Radio Data System displays, and via online audio streaming. To date, about 10 percent of interconnected public radio stations have the capability to issue live text alerts using the MetaPub system in the event of a natural or humanmade disasters, such as a chemical spill. Some stations, like WWNO in New Orleans, have linked the NOAA/NWS forecast stream to MetaPub so that weather forecasts and updates for their local areas can be broadcast as well as displayed through MetaPub. Other stations have utilized MetaPub to issue COVID-19 alerts at the beginning of the pandemic, expanding access to information critical to their communities' public health and safety.

While stations may have local disaster preparedness plans in place, each disaster brings a unique set of circumstances. As a fundamental preparedness measure for the system, the PRSS maintains portable broadcast kits, including 300-watt transmitters, portable studios and temporary antennas that can be deployed immediately to stations that have lost broadcast capability, as long as air transportation is operating and delivery to the last mile can be arranged. For example, the PRSS de-

ployed these kits in September 2020 to two Fresno, CA-area public radio stations facing wildfires in their areas.

From a programming perspective, when natural disasters fall short of triggering an emergency alert, public radio stations play a critical role in offering live coverage across broadcast and digital platforms of emergency situations, local weather alerts, the State and local government response, and critical community-based information about where audiences can locate public resources. When the power goes out, communities lose connections to TV and internet news, but radio can still be accessed, particularly through car radios. Of note, FEMA recommends including a battery-powered or hand crank radio in a basic emergency supplies kit. Access to radio becomes even more important during an evacuation. Audiences repeatedly share how public radio was their primary source of information during a disaster, particularly when the power went out, and other sources of information from TV, mobile phone, or the internet became unavailable.

When Hurricane Ida made landfall in Louisiana in September 2021, public radio stations in Baton Rouge and New Orleans confronted significant technical challenges to stay on the air. Amid power outages and fuel shortages, WWNO and WRKF also suffered damage from the hurricane. In addition to roof and water damage at the stations, one transmitter for WWNO in Houma/Thibodeaux was lost when the antenna blew off the tower and had to be completely replaced. At the WWNO main studios, a lack of air-conditioning with oppressive temperatures and humidity outside threatened critical studio and IT equipment. With widespread power outages, the stations operated on generator power for nearly 10 days, amidst gasoline shortages. WWNO and WRKF shared simulcasts and studios multiple times in response to damage and technical problems to do whatever it took to stay on the air and provide access to State and local press conferences and emergency updates. Journalists filed reports and recorded interviews from their phones, working with a regional public radio journalism collaborative, the Gulf States Newsroom, to edit and produce content for broadcast and digital platforms that served local audiences and the surrounding region.

The October 2020 ice storm that hit Oklahoma and Texas represents a disaster that, instead of triggering automated alerts, was covered by real-time news reporting. The storm moved swiftly and knocked out power to many communities. KOSU in Stillwater, Oklahoma, and Oklahoma City provided nearly constant live information about power restoration, debris clean up, and alternate voting sites because the storm occurred less than one week before the 2020 election. In the February 2021 winter storms in Oklahoma that lasted for several weeks and stressed the Midwest power grid, power companies conducted controlled rolling power outages to conserve energy. These rolling blackouts caused KOSU to go off the air two times because there was no communication from the power companies as to when blackouts would occur. The station had no ability to keep generator engines warm at multiple rural locations with deep snow on the ground in anticipation of when a blackout could occur. With a lack of reliable Internet service, staff had to rely upon cell networks to conduct their work. High cellular-data usage, exacerbated by land-based outages, resulted in intermittent and sluggish connectivity, impeding the ability of news teams to report on emerging events while maintaining remote operations.

These problems experienced by the journalistic teams at public radio stations reflect the commitment of public radio to staying on the air in a crisis. However, their ability to do so could be strengthened by more resilient infrastructure. In 2017, a CPB assessment catalogued more than 60,000 pieces of equipment throughout the system that need to be updated or replaced, totaling more than \$300 million by 2020. The effects of this backlog are visible in the challenges that public radio stations face during disasters when power and internet service is unreliable. The NGWS program can play a vital role in supporting investments in backup power, backup internet systems, and remote mobile/audio and digital/transmission equipment to enhance redundancy and resiliency at local stations-particularly in rural areas.

As media and communications evolve, public radio is also committed to reaching audiences across a variety of platforms, including streaming and web content, which can provide innovative ways to keep the public informed. For example, in the wake of Hurricane Ida, WWNO tracked power outages over its social media accounts through animated graphics that visualized the data for users. Following the Alameda and Obenchain fires in September 2020 that swept through southern Oregon, Jefferson Public Radio (JPR) in Ashland, OR, conducted an evaluation of its response and public service during the emergency. As a result, JPR created an online tool, called the “JPR Wildfire Tracker,” to track the status of every active wildfire during the summer 2021 wildfire season. According to the station, users reported positive feed-

back about this new JPR website resource, which allows users to keep abreast of wildfire developments before alerts for specific areas may need to be issued.

The Florida Public Radio Emergency Network (FPREN), a collaboration of 13 stations led by joint radio and television licensee WUFT in Gainesville, Florida, serves as a model for what a well-resourced public radio network approach toward public safety and emergency response can offer in terms of public service. FPREN provides white-label emergency information content to individual market stations so that public radio, in even the smallest of markets, can become their community's standard-bearer for critically important public safety information. FPREN provides live and produced on-air content, customized online content for websites, and automatic social media updates for stations. The FPREN app provides geotargeted information such as live hurricane forecasts, evacuation routes and shelter details, and the app live streams the closest Florida public radio station that can serve listeners in the midst of an evacuation when they are moving from one part of the state to another. Due to the success of this program, South Carolina Educational Television (SCETV) entered into a partnership with FPREN and launched a new emergency preparedness/weather tracking initiative called the SC Emergency Information Network (SCEIN) that further supplements this initiative.

In closing, public radio provides an essential public service for local communities across the Nation-providing critical emergency alerts to even the most remote locations, as well as utilizing local news resources to keep communities informed before, during, and after disasters. Your support for the NGWS appropriation will ensure that public media can continue to provide these essential services by addressing critical infrastructure needs-enhancing resiliency in emergency communications and the accessibility of emergency alerts and public safety information. Thank you for your support of the public broadcasting system and its public safety mission.

[This statement was submitted by John F. Lansing, President and CEO, National Public Radio.]

PREPARED STATEMENT OF REFUGEE COUNCIL USA (RCUSA)

PREPARED FOR THE SENATE SUBCOMMITTEE ON HOMELAND SECURITY REGARDING FUNDING FOR U.S. CITIZENSHIP AND IMMIGRATION SERVICES

Chairman Murphy, Ranking Member Capito, and members of the subcommittee, thank you for this opportunity to submit these funding and oversight recommendations for Fiscal Year 2023 on behalf of the 29-member organizations of Refugee Council USA (RCUSA) dedicated to refugee protection, welcome, and integration and representing the interests of refugees, refugee families, and volunteers and community members across the country who support refugees and resettlement. RCUSA recommends a fiscal year 2023 funding level of \$765,000,000 in funding for the Department of Homeland Security's U.S. Citizenship and Immigration Services (USCIS), in line with the President's budget request for refugee, asylum, and other application processing.¹

This funding is critical to address refugee and asylum backlogs and to help process parole renewals and adjustment applications for the tens of thousands of Afghans, Ukrainians, and other individuals who have secured only temporary protection in the U.S. USCIS estimates there are nearly 100,000 refugees² awaiting an interview for continued processing and the immigration backlog is over 1.6 million with more than 660,000 pending asylum seekers awaiting hearings to resolve their cases.³ These backlogs leave refugees waiting in limbo and separate families awaiting reunification, which can be extremely damaging for the mental health and overall integration of individuals who have already suffered immense trauma. There is no need for refugees to wait years-and sometimes decades-in refugee camps or dangerous situations for resettlement in the United States. It is particularly difficult for 74,000+ Afghan evacuees who were relocated from Afghanistan by the U.S. government and are seeking permanent immigration relief through asylum or U.S.-based special immigrant visa process. For Afghans who remain overseas, there are reportedly more than 43,000 Afghans⁴ awaiting adjudication on their humanitarian

¹ The FY23 President's budget requests \$903,622,000 for USCIS Operations and Support, \$765 million of which would go toward application processing, such as reduction of backlogs within USCIS asylum, field, and service center offices, additional support for asylum adjudication workloads, and support of the refugee program.

² <https://www.state.gov/report-to-congress-on-proposed-refugee-admissions-for-fiscal-year-2022/>

³ <https://trac.syr.edu/immigration/reports/672/>

⁴ <https://www.axios.com/us-turns-away-afghans-66bf3aac-4c93-46b1-828b-e08d503c007c.html>

parole applications, and as of May 2022, more than 1,000 Afghans have been paroled into the U.S. as part of phase two of the relocation. As a result, USCIS is experiencing unprecedented backlogs in humanitarian and immigration processing for refugees, Afghans, Ukrainians, and others who remain overseas, as well as the record volume of asylum, employment authorization, and other applications. This funding is urgently needed so that USCIS can quickly hire, onboard, and deploy additional officers to address these significant refugee and asylum backlogs and to help process parole applications and renewals, other humanitarian benefits, and adjustment applications.

The President's budget requests the same level of funding to support additional staff, equipment, and support services for backlog reduction for humanitarian processing and help reduce the longest processing times. The Congressional Budget Justification for USCIS indicates that this funding would convert the Refugee, Asylum, and International Operations Directorate (RAIO)'s International and Refugee Affairs Division (IRAD) operations to be fully-funded by appropriations. Additional staff, contract support, and international travel are vital for USCIS to meet the refugee admissions goal and support in-person and remote-to-office refugee interviews on circuit rides worldwide. Funding will maximize remote technologies as appropriate; provide timely and in-depth training to adjudicators; and continue COVID-19 mitigation guidance. USCIS's initiatives include improving refugee vetting processes in both efficiency and effectiveness; providing refugee applicants with more transparent access to their own records, reasons for decisions, and the procedures that govern refugee processing; decreasing average processing times for refugee adjudications; and re-institution and expansion of programs impacting Central American Minors. RCUSA supports USCIS deploying these innovative methods to overcome these inhumane delays. Robust appropriations will ensure USCIS can proactively address the backlogs and stabilize refugee, asylum, and humanitarian processing for the years to come.

The administration's responses to the crises in Afghanistan and Ukraine demonstrate the crucial nature of responding to humanitarian emergencies with 'the urgency of now' by modernizing overseas processing capacity, including security vetting processes. In the past year the U.S. government has pursued innovative solutions to urgent crises and should continue to do so throughout the U.S. Refugee Admissions Program (USRAP). In response to the increasingly urgent need for Afghans to be granted protection in the U.S., the U.S. government is now operating an expedited, 30-day processing program for Afghans in Qatar where refugee referrals and processing is housed on-site. Similarly, the Uniting for Ukraine effort includes expanded operations overseas, such as referral mechanisms, and an expedited visa appointment program for the particularly vulnerable Ukrainians fleeing Russia's violence in addition to plans to expand U.S. resettlement operations across Europe. Over 3,000 Ukrainian parolee applications have been approved since the launch of the Uniting for Ukraine program on April 25th. These humanitarian responses are supplemental to the ongoing work resettling refugees who have been languishing in the U.S. Refugee Admissions Program (USRAP) pipeline, in part because of USCIS processing delays and the need to scale up capacity. These innovations and collective investment demonstrate that when there's an American will, there's an American way and the U.S. should continue to expand these expedited responses to humanitarian needs.

RCUSA member organizations are eager to do their part and work hand-in-hand with Congress and DHS to build a humane, equitable, and efficient USRAP.

[This statement was submitted by Refugee Council USA.]

PREPARED STATEMENT OF THE U.S. CUSTOMS AND BORDER PROTECTION

Chairman Murphy, Ranking Member Capito, and distinguished members of the subcommittee, thank you for the opportunity to provide this testimony. As President of the National Treasury Employees Union (NTEU), I have the honor of leading a union that represents over 29,000 Customs and Border Protection (CBP) Office of Field Operations (OFO) CBP Officers, Agriculture Specialists and trade enforcement specialists stationed at 328 air, sea, and land ports of entry across the United States and 16 Preclearance stations throughout the world.

CBP OFO personnel are responsible for border security at the ports of entry—including anti-terrorism, immigration, anti-smuggling, trade compliance, and agriculture protection. CBP OFO employees also facilitate lawful trade and travel at U.S. ports of entry that is critical to our Nation's economy.

CBP Staffing at the Ports of Entry: For years, NTEU has advocated for the hiring of thousands of new CBP Officers and hundreds of new Agriculture Specialists and

non-uniformed trade operations personnel that are needed based on the agency's own Workload Staffing Model (WSM), Agriculture Resource Allocation Model (AgRAM) and Resource Optimization Model for Trade Revenue (Trade ROM). These staffing models are dynamic and reflect the impact of the pandemic on CBP OFO staffing needs. Based on CBP's most recent staffing models, CBP needs to hire at least 900 CBP Officers, 240 Agriculture Specialists and 100 non-uniformed Trade Specialists. NTEU expects these numbers to increase as the economy recovers.

The Fiscal Year 2022 funding agreement did not include funding to increase CBP staffing at the ports of entry. However, Congress included \$650 million to compensate for pandemic related reduction in customs and immigration user fee revenue that funds up to 8,000 CBP Officer positions. This fiscal year 2022 funding was necessary to maintain the current level of CBP OFO staffing and avoid furloughs. Unfortunately, in his fiscal year 2023 budget request, the President included funding for only 50 CBP Officer new hires—specifically to combat forced labor—far short of what is needed to address the ongoing CBP Officer staffing gap according to CBP's own WSM.

This month, The House Appropriations subcommittee on Homeland Security approved by voice vote its fiscal year 2023 bill. The bill provides \$120.2 million for an additional 250 Customs Officers, 500 technicians, and 500 mission support staff.

NTEU commends the House subcommittee for funding these CBP OFO new hires, but it does not fully meet the need and NTEU requests that the Committee provide funding for CBP OFO new hires to the levels required by the CBP's dynamic workplace staffing models for CBP Officers, Agriculture Specialists and Trade Specialists in the Senate fiscal year 2023 DHS appropriations bill. To achieve funding to the model, NTEU strongly supports S. 3850, the Securing America's Ports of Entry Act, a bipartisan bill introduced by Senators Gary Peters (D-MI) and John Cornyn (R-TX), that would increase the authorized number of CBP Officers by 600 annually to help the agency meet its current and future staffing needs and an identical staffing authorization is likely to be introduced in the House soon.

Acknowledging the economic impact of the ongoing CBP Officer staffing shortage at the ports, NTEU works with a coalition of 24 port stakeholders, including Airports Council International-North America, American Association of Port Authorities, U.S. Chamber of Commerce, and the U.S. Travel Association in support on increased funding for CBP OFO new hires to address the increases in trade and travel volume at the ports-of-entry as the current international travel restrictions and public health orders are lifted. In a letter in support of this effort, the coalition wrote that "[w]hile the volume of commerce crossing our borders has more than tripled in the past 25 years, CBP staffing has not kept pace with demand. Long wait times at our ports-of-entry lead to travel delays and uncertainty, which can increase supply-chain costs and cause passengers to miss their connections. According to the U.S. Department of Commerce, border delays result in losses to output, wages, jobs, and tax revenue due to decreases in spending by companies, suppliers, and consumers."

Furthermore, due to the ongoing CBP Officer staffing shortage at the ports, CBP again has found it necessary to solicit CBP Officers for temporary duty assignment (TDY) to Southwest Border (SWB) land ports of entry beginning in April 2022. A second wave of 245 CBP Officers were sent to the SWB on June 18, 2022. These TDYs will be filled by CBP Officers currently assigned to air and seaport locations.

Staffing shortages that result in excessive overtime requirements and an increasing need for TDYs are additional stressors in the workplace effecting the mental health of CBP law enforcement officers. NTEU greatly appreciate \$23 million added in fiscal year 2022 for CBP onsite mental health clinicians, employee resiliency and suicide prevention programs and strongly supports keeping this level of funding in fiscal year 2023. According to the agency, 145 CBP employees died by suicide between 2007 and 2021. Last year, CBP saw the highest number of suicides since 2010 at 11; and, as of May, CBP has lost 9 employees to suicide so far in 2022.

NTEU seeks the Committee's support for the union to work collaboratively with CBP in effectively utilizing the \$23 million appropriations to address the unique and prevalent behavioral health challenges within the Agency with a goal toward helping, and retaining employees with behavioral health challenges, that removes obstacles that prevent employees from seeking treatment; and provides meaningful support to employees struggling with suicidal thoughts, anxiety, depression, family/marriage relationship problems, PTSD, substance abuse and sleep deprivation.

In addition to supporting suicide prevention programs, the \$23 million increase will free up funding for other important resiliency programs, such as one that helps CBP employees with childcare expenses.

In addition to the increase in CBP OFO personnel and mental health staffing and support, NTEU also supports the increases in funding in the fiscal year 2023 House appropriations bill for the following CBP personnel assistance programs:

- \$15 million for an increase in the uniform allowance;
- \$3 million for personnel childcare services; and
- \$5 million personnel tuition assistance.

CBP Agriculture Specialist Staffing: Currently, there is a continuing shortage Agriculture Specialists nationwide according to CBP's own data-driven and vetted Workload Staffing Model. Last year, Congress approved Public Law 116–122, the Protecting America's Food and Agriculture Act of 2019. The new law authorizes CBP to hire 240 CBP Agriculture Specialists, 200 CBP Agriculture Technicians and 20 Agriculture Canine Teams per year until the staffing shortage that threatens the U.S. agriculture sector is met. NTEU's appropriations request includes funding for CBP agriculture quality inspection new hires authorized by Public Law 116–122.

CBP Trade Operations Staffing: In addition to safeguarding our Nation's borders and ports, CBP is tasked with regulating and facilitating international trade. CBP employees at the ports of entry are critical for protecting our Nation's economic growth and security and are the second largest source of revenue collection for the U.S. government. For every dollar invested in CBP trade personnel, \$87 is returned to the U.S. economy, either through lowering the costs of trade, ensuring a level playing field for domestic industry or protecting innovative intellectual property. Since CBP was established in March 2003, however, CBP trade operations staffing has fallen below the statutory floor set forth in the Homeland Security Act of 2002 and stipulated in the fiscal year 2021 CBP Trade ROM. NTEU strongly supports appropriated funding in fiscal year 2023 for at least 100 additional CBP non-uniformed, OFO and Office of Trade personnel.

Therefore, NTEU is asking the Committee to provide in direct appropriated funding for CBP "Operations and Support" in fiscal year 2023 to fund the hiring of at least 600 CBP Officers, 240 CBP Agriculture Specialists, 200 CBP Agriculture Technicians, 20 Agriculture Canine Teams as authorized by Public Law 116–122 and 100 non-uniformed trade enforcement specialists and associated operational support personnel.

User Fee Shortfalls: As you know, due to the pandemic's continued disruption of fee generating international travel and commerce, user fee collections have fallen precipitously which has necessitated the need for emergency funding to prevent furloughing CBP OFO personnel at a time when international trade and travel volume is beginning to return to pre-pandemic levels. To address the user fee shortfall, we were pleased that Congress provided millions in fiscal year 2021 and fiscal year 2022 to maintain current staffing of CBP Officers.

NTEU requests that the Committee include in its fiscal year 2023 DHS funding bill any additional appropriated funding needed to replace user fee shortfalls for CBP OFO salaries and expenses and to mitigate dependence on user fees to fund salaries and expenses of CBP OFO personnel.

Thank you for the opportunity to submit this fiscal year 2023 appropriations request for CBP Officer, Agriculture Specialist, Technicians, Canine teams, Trade Operations, and mission support new hires at the ports of entry. NTEU greatly appreciates your efforts to continue building on CBP OFO staffing advances made in recent years, and we urge you to provide fiscal year 2023 funding to replace any user fee shortfall to maintain the current number of CBP employees and to hire needed additional CBP OFO employees to adequately staff the Nation's ports of entry as our economy rebounds from the pandemic. NTEU also greatly appreciates and supports the Committee's CBP suicide prevention and other resiliency program funding in fiscal year 2022 and urge that this \$23 million funding level again be provided in the fiscal year 2023 appropriations bill.

[This statement was submitted by Anthony M. Reardon, National President, National Treasury Employees Union.]

PREPARED STATEMENT OF WESTERN GOVERNORS' ASSOCIATION

Chair Murphy, Ranking Member Capito, and Members of the subcommittee, the Western Governors' Association (WGA) appreciates the opportunity to provide written testimony on the appropriations and activities of the U.S. Department of Homeland Security (DHS). WGA is an independent organization representing the Governors of the 22 westernmost States and territories. The Association is an instru-

ment of the Governors for bipartisan policy development, information sharing and collective action on issues of critical importance to the western United States.

The western United States has seen a significant increase in major disasters and extreme weather events. In 2020 there were 230 major disaster or emergency declarations, which easily surpassed the previous record of 128 dating back to 2011. Further burdening the Nation, in 2020 the number of federally declared disasters which resulted in costs exceeding \$1 billion was 22, also a new record. Certain types of disasters are more frequent in the West than other parts of the Nation, and result in a devastating amount of damage. According to the U.S. Drought Monitor, almost 96 percent of the West is in a declared drought (compared to 12 percent in the northeast, 34 percent in the southeast, and 37 percent in the Midwest), with over 20 percent of the West in an extreme or exceptional drought. On their own, these drought conditions devastate local communities and the agricultural and livestock industries in the West. These conditions also pave the way for another disaster just as destructive, but far more deadly—wildfires. In 2020 alone, wildfires affected 10.1 million acres across the United States. Of that, 90 percent, or 9.1 million acres, of wildfire-affected land was in the West. This is more than the total acreage of the States of Maryland and Rhode Island combined.

For these reasons, DHS programs, particularly those related to pre- and post-disaster, play an enormous role in the viability of the West, not only in terms of its economic vitality, but also in its flora and fauna, its infrastructure, and its general livability. In terms of hazard mitigation, the Federal Emergency Management Agency's (FEMA) Hazard Mitigation Assistance (HMA) grant programs, including the Building Resilient Infrastructure and Communities (BRIC), Flood Mitigation Assistance (FMA), Hazard Mitigation Grant Program (HMGP), and Pre-Disaster Mitigation (PDM), all play a significant role in western States' ability to help withstand disasters and lessen the damage thereof.

Hazard mitigation and risk reduction are cost-effective methods of reducing the effect of natural disasters and lowering costs associated with post-disaster restoration. In a 2019 study, the National Institute of Building Sciences found that every Federal dollar spent in mitigation grants saved the American taxpayer six dollars in future spending. That level of return on investment cannot be overlooked or ignored, and Western Governors encourage the subcommittee to fully fund FEMA's HMA grant program.

Unfortunately, not all disasters can be avoided, and post-disaster response and recovery programs are just as important as hazard mitigation, especially to the communities affected by natural disasters. FEMA programs like the Community Disaster Loan Program, Disaster Assistance, and the Fire Management Assistance Grants, should be adequately funded to give States the ability to quickly respond to and recover from disasters.

Federal agencies should provide state, territorial, local, and Tribal government officials with accessible and clear information on available Federal resources and programs and the most effective utilization of those resources in disaster recovery. WGA has worked with Federal partners to improve interagency coordination on post-wildfire restoration work, including a roadmap of assistance available to communities affected by wildfire and identification of "navigators" to help communities prioritize post-wildfire restoration needs. Western Governors urge the Federal Government to prioritize the funding of these important efforts, as they should have a positive effect on maximizing the value of restoration work and, more importantly, addressing the needs of communities affected by wildfire.

The cybersecurity of States and the Nation, which is an all-of-government and industry-wide endeavor, is an utmost priority for Western Governors as well. The COVID-19 pandemic has transformed society and accelerated the shift to a virtual environment, further increasing vulnerabilities across systems as threat actors become more complex and widespread. In recent years, the Governors have witnessed an alarming acceleration of attacks targeting every level of government and spanning across critical infrastructure sectors. Western Governors support sufficient funding for the Cybersecurity & Infrastructure Security Agency (CISA) and its functions, including the Office of Cybersecurity and Communications, CISA Central, and State, local, Tribal, and territorial engagement. WGA was pleased to see some funding allocated to CISA in the Infrastructure Investment and Jobs Act (Pub. L. 117-58) and would appreciate continued funding to the Agency for these purposes.

Western Governors encourage the subcommittee to provide funding for cybersecurity research and development, including the use of blockchain and encryption by perpetrators and its utility for defense against cyber threats, addressing vulnerabilities of other emerging technologies like connected vehicles and Internet of Things devices, and providing strong support to States to meet election security needs.

Western Governors recognize the importance these disaster and cybersecurity programs have on the Nation, but especially in the West, and urge the subcommittee to carefully consider the funding needs of these programs, especially as the number, severity, and overall cost of disasters and cyber incidents continue to rise. Western Governors recognize the enormous challenge you have in balancing competing funding priorities, and appreciate the difficulty of the decisions the subcommittee must make. These recommendations are offered in a spirit of cooperation and respect, and WGA is prepared to assist you as the subcommittee discharges its critical and challenging responsibilities.

[This statement was submitted by James D. Ogsbury, Executive Director, Western Governors' Association.]

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