

**A REVIEW OF THE FISCAL YEAR 2020 BUDGET  
REQUEST FOR U.S. CUSTOMS AND BORDER  
PROTECTION, U.S. IMMIGRATION AND CUS-  
TOMS ENFORCEMENT, AND U.S. CITIZENSHIP  
AND IMMIGRATION SERVICES**

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**HEARING**

BEFORE THE

**SUBCOMMITTEE ON  
BORDER SECURITY, FACILITATION,  
AND OPERATIONS**

OF THE

**COMMITTEE ON HOMELAND SECURITY  
HOUSE OF REPRESENTATIVES**

ONE HUNDRED SIXTEENTH CONGRESS

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SHIP AND IMMIGRATION SERVICES**

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**Thursday, May 9, 2019**

U.S. HOUSE OF REPRESENTATIVES,  
COMMITTEE ON HOMELAND SECURITY,  
SUBCOMMITTEE ON BORDER SECURITY,  
FACILITATION, AND OPERATIONS,  
*Washington, DC.*

The subcommittee met, pursuant to notice, at 2:10 p.m., in room 310, Cannon House building, Hon. Kathleen M. Rice [Chairwoman of the subcommittee] presiding.

Present: Representatives Rice, Correa, Torres Small, Green, Clarke, Higgins, Lesko, Joyce, and Guest.

Miss RICE. The subcommittee on Border Security, Facilitation, and Operations will come to order.

The subcommittee is meeting today—

Mr. HIGGINS. Mike, please.

Miss RICE. I have a loud enough voice to carry, I think. Can everyone hear me?

The subcommittee is meeting today to receive testimony on the fiscal year 2020 budget request for U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, and U.S. Citizenship and Immigration Services. I want to thank the administration officials who came here this morning to testify and provide additional details about their priorities and programs for the coming fiscal year.

But I am going to be frank with everyone here today. This budget request is deeply flawed and seems to double down on a number of highly questionable policies that have been patently and repeatedly rejected by Congress over the past 2 years. That includes billions of dollars for a useless border wall and hundreds of millions of dollars for additional detention space for migrant families.

Let me be clear, these items were nonstarters in last year's budget, and they will be nonstarters this year, too. The fiscal year 2020 CBP budget proposal includes a \$5 billion request for a border wall, while simultaneously eliminating or reducing funding for several technology-oriented security measures, including video surveillance and cross-border, tunnel-detection systems. Shockingly, the proposed budget would also drastically reduce funding for non-

intrusive inspection systems, which scan for drugs, guns, and other contraband at ports of entry.

Last year Congress allocated over \$500 million to procure new NII systems. In the 2020 budget, the President requests just \$59 million. That is not enough. We have been over this time and time again. We need to continue investing in proven border security technology. It works and it works well. Eliminating funding for something as effective as NII systems is reckless and dangerous, and it will hamper our ability to secure our border. There is overwhelming evidence of that.

In fiscal year 2018, 90 percent of heroin was seized at ports of entry by CBP officers while only 10 percent was seized between ports. CBP officers at ports of entry also seized 81 percent of fentanyl in the same period. NII systems play an indispensable role in these types of seizures.

Meanwhile, there is absolutely no evidence that a border wall would be more effective in stopping contraband from crossing the border. None whatsoever. Nevertheless, here we are again litigating this issue. The President himself frequently talks about the horrors of human trafficking and of the families that have been devastated by the opioid epidemic. Yet given the chance to actually do something about it, to actually invest in the resources that will help prevent those tragedies, he opts for a border wall, something that only serves to bolster his ego and irrevocably harm our border communities.

It is hard to believe that this needs to be said, but clearly it does. Our committee is not in the business of funding ridiculous, xenophobic, campaign promises. We are in the business of securing our border and ensuring the efficacy of our border operations. We will not sign off on a budget that is chockful of baseless, politically-motivated line items that would only leave our border more vulnerable than it already is.

This brings me to my next point: This committee is not just responsible for ensuring border security. We are also responsible for making sure that that security apparatus does not undermine a fair, thorough, and humane immigration and asylum process. This budget woefully fails to deliver on that as well.

First and foremost, the fiscal year 2020 budget creates something called the Border Security and Immigration Enforcement Fund, which appears to use USCIS fees to fund an expansion of detention capacity to 60,000 beds, including a 300 percent increase in family detention space, as well as an increase in law enforcement and prosecution-related personnel. As I see it, this fund only further advances USCIS's alarming change in focus from an agency responsible for facilitating and granting immigration benefits into an enforcement arm for this President to execute his cruel and punitive immigration agenda.

Thus far, USCIS has not answered questions about this fund, instead directing questions to the White House. I can assure you that we will get the answers here today.

Second, in addition to the 60,000 beds that the fiscal year 2020 budget proposes, it also requests funding for 54,000 ICE detention beds, a significant increase over the 40,520 cap in the fiscal year 2018 and 2019 appropriation bills. ICE has continuously ignored

the bed caps and still exceeds its current bed capacity today as it carries out Trump's anti-immigration agenda.

Immigration detention is supposed to be civil detention. However, I have seen ICE detention facilities, and I can assure you, there is nothing civil about them. ICE's detention facilities look and feel like prisons. I saw them with my own eyes last month when I led a delegation from this committee down to El Paso. These facilities are chronically cited for conditions that are hazardous to the health and safety of its detainees, including lack of medical care, overuse of solitary confinement, spoiled and rotten food, and unreported health and security incidents. That is to say nothing of the repeated reports of abuse toward LGBTQ individuals, pregnant women, and other vulnerable populations.

To make matters worse, ICE has consistently failed to hold detention facilities accountable to performance standards. How in good conscience can we increase their capacity for detention when they have proven incapable of properly overseeing their existing facilities?

On May 1, 2019, OMB sent a letter to the Speaker, requesting an emergency appropriation of \$4.5 billion for the remainder of fiscal year 2019 to address the, "humanitarian and security crisis at the Southern Border." Of that \$4.5 billion, \$1.1 billion was for DHS, and what did DHS say they would use that money for? Additional detention beds, rapid DNA testing for individuals that CBP and ICE believe could be human smugglers disguised as family units, and training for Border Patrol agents to begin administering credible fear screenings to families that they apprehend.

All the while, this administration continues to illegally curtail and criminalize our asylum process. They have continued to implement the metering process, whereby the administration limits the number of people who are permitted to apply for asylum each day, and they have maintained the remaining Mexico policy where migrants and asylum seekers are forced to wait in Mexico while their asylum cases are processed. Taken together, these two strategies have led asylum seekers and migrants to cross in between ports of entry which is far more dangerous.

Last week Bishop Mark Seitz from the Catholic diocese of El Paso, Texas, testified before this subcommittee. He described the dangerous conditions he saw in Mexico along the U.S. border. He specifically called on the Trump administration to end policies like migrant protection protocols, also known as "remain in Mexico," that force asylum seekers to wait in Mexico under grave safety, humanitarian, and due process concerns.

Not only does this policy put tremendous stress on our Mexican partners, it has also proven to be deeply flawed. For example, several migrants subject to remain in Mexico, received notices to appear in immigration court, but with an incorrect court date or no date at all. Even though the migrant could not have possibly shown up for a court date they did not know about, some have been ordered removed in absentia. It is things like this, that make a mockery of our entire immigration system.

Then, of course, there are the President's absurd threats to close the border altogether or charge fees for asylum applications, but this is what happens when you prioritize fear-mongering and cam-

paign slogans over thoughtful border policies like addressing chronic personnel challenges and helping our Central American neighbors. President Trump's proposed DHS budget is simply a continuation of his misguided, shortsided, enforcement-only approach to border security and immigration. At this point, we know all too well how that ends. It will undoubtedly lead to the inhumane treatment of migrants and severe misallocations of limited DHS resources. If anyone has any doubts about that, then I would remind them of the administration's horrifying family separation policy which plunged DHS into a state of utter chaos and paralysis and caused unimaginable trauma to thousands of children.

When does it stop? When will this administration wake up to the reality that these policies are not only inhumane, they are not only un-American, but they are actually undermining our ability to secure our border. These policies make us less safe. We cannot continue down this road. We cannot continue allowing this administration to divert resources away from solutions and distort DHS's critical mission. We need to focus on and invest in the proven, common-sense strategies that will address both the humanitarian and security challenges at the border, and that is what I intend to do here today.

[The statement of Chairwoman Rice follows:]

STATEMENT OF CHAIRWOMAN KATHLEEN RICE

MAY 9, 2019

I want to thank the administration officials who came here this morning to testify and provide additional details about their priorities and programs for the coming fiscal year. But I'm going to be frank with everyone here today. This budget request is deeply flawed and seems to double down on a number of highly questionable policies that have been patently and repeatedly rejected by Congress over the past 2 years. That includes billions of dollars for a useless border wall and hundreds of millions of dollars for additional detention space for migrant families.

Let me be clear. These items were non-starters in last year's budget, and they will be non-starters this year too. The fiscal year 2020 CBP budget proposal includes a \$5 billion request for a border wall, while simultaneously eliminating or reducing funding for several technology-oriented security measures including video surveillance and cross-border tunnel detection systems. Shockingly, the proposed budget would also drastically reduce funding for Non-Intrusive Inspection (NII) Systems, which scan for drugs, guns, and other contraband at ports of entry. Last year, Congress allocated over \$500 million to procure new NII systems. In the 2020 budget, the President requests just \$59 million. That is not enough.

We have been over this time and time again. We need to continue investing in proven border security technology. It works. And it works well.

Eliminating funding for something as effective as NII systems is reckless and dangerous and it will hamper our ability to secure our border. And there is overwhelming evidence of that. In fiscal year 2018, 90 percent of heroin was seized at ports of entry by CBP officers, while only 10 percent was seized between ports. CBP officers at ports of entry also seized 81 percent of fentanyl in the same period. NII systems play an indispensable role in these types of seizures. Meanwhile, there is absolutely no evidence that a border wall would be more effective in stopping contraband from crossing the border . . . none whatsoever. Nevertheless, here we are again, litigating this issue.

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First and foremost, I noticed that the fiscal year 2020 budget creates something called the “Border Security and Immigration Enforcement Fund,” which appears to use USCIS fees to fund an expansion of detention capacity to 60,000 beds, including a 300 percent increase in family detention space, as well as an increase in law enforcement and prosecution-related personnel. As I see it, this fund only further advances USCIS’ alarming change in focus from an agency responsible for facilitating and granting immigration benefits, into an enforcement arm for this president to execute his cruel and punitive immigration agenda. Thus far, USCIS has not answered questions about this fund, instead directing questions to the White House. I can assure you that will not fly today.

Second, in addition to the 60,000 beds that the fiscal year 2020 budget proposes, it also requests funding for 54,000 ICE detention beds, a significant increase over the 40,520 cap in the fiscal year 2018 and 2019 appropriations bills. ICE has continuously ignored the bed caps and still exceeds its current bed capacity today as it carries out Trump’s anti-immigration agenda. Immigration detention is supposed to be civil detention. However, I have seen ICE detention facilities, and I can assure you there is nothing civil about them. ICE’s detention facilities look and feel like prisons. I saw them with my own eyes last month when I led a delegation from this committee down to El Paso. These facilities are chronically cited for conditions that are hazardous to the health and safety of its detainees including lack of medical care, overuse of solitary confinement, spoiled and rotten food, and unreported health and security incidents. And that’s to say nothing of the repeated reports of abuses toward LGBTQ individuals, pregnant women, and other vulnerable populations. And to make matters worse, ICE has consistently failed to hold detention facilities accountable to performance standards. How in good conscience can we increase their capacity for detention when they have proven incapable of properly overseeing their existing facilities.

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All the while, this administration continues to illegally curtail and criminalize our asylum process. They have continued to implement the “metering” process, whereby the administration limits the number of people who are permitted to apply for asylum each day, and they have maintained the Remain in Mexico policy, where migrants and asylum seekers are forced to wait in Mexico while their asylum cases are processed. Taken together, these two strategies have led asylum seekers and migrants to cross in between ports of entry, which is far more dangerous.

Last week, Bishop Mark Seitz from the Catholic Diocese of El Paso, Texas, testified before this subcommittee. He described the dangerous conditions he saw in Mexico along the U.S. border. He specifically called on the Trump administration to end policies like Migrant Protection Protocols, also known as “Remain in Mexico” that force asylum seekers to wait in Mexico under “grave safety, humanitarian, and due process concerns.” And not only does this policy put tremendous stress on our Mexican partners, it has also proven to be deeply flawed. For example, several migrants subject to Remain in Mexico received Notices to Appear in immigration court, but with an incorrect court date, or no date at all. And even though the migrant could not have possibly shown up for a court date they did not know about, some have been ordered removed in absentia. It’s things like this that make a mockery of our entire immigration system . . . And then of course, there are the President’s absurd threats to close the border altogether or charge fees for asylum applications.

But this is what happens when you prioritize fear-mongering and campaign slogans over thoughtful border policies, like addressing chronic personnel challenges and helping our Central American neighbors.

President Trump’s proposed DHS budget is simply a continuation of his misguided, short-sighted, enforcement-only approach to border security and immigration. And at this point, we know all too well how that ends: It will undoubtedly lead to the inhumane treatment of migrants and severe misallocations of limited DHS

resources. And if anyone has any doubts about that, then I would remind them of the administration's horrifying family separation policy, which plunged DHS into a state of utter chaos and paralysis and caused unimaginable trauma to thousands of children.

When does it stop? When will this administration wake up to the reality that these policies are not only inhumane . . . they are not only un-American . . . but they are actually undermining our ability to secure our border. These policies make us less safe. We cannot continue down this road. We cannot continue allowing this administration to divert resources away from solutions and distort DHS's critical mission. We need to focus on and invest in the proven, common-sense strategies that will address both the humanitarian AND security challenges at the border . . . and that's what I intend to do here today.

Miss RICE. With that, I now recognize the Ranking Member of the subcommittee, the gentleman from Louisiana, Mr. Higgins, for an opening statement.

Mr. HIGGINS. Thank you, Madam Chair, and thank you to our witnesses for being here today to present President Trump's fiscal year 2020 budget for Customs and Border Protection, Immigration and Customs Enforcement, and Citizenship and Immigration Services.

Law enforcement professionals tasked with actually securing our border agree that we need layered security, enhanced 21st Century security, to control the incredible flow of human trafficking and illegal crossings. We need enhanced technology to detect an incoming illegal crossing, enhanced physical barriers to delay and deter that crossing, enhanced capacity to respond to that detected and deterred crossing, and enhanced capacity to process once arrests are made appropriately according to the law.

Budgets for border security should be determined based upon the actual needs as expressed by the law enforcement professionals on the ground and commanders in the field, not by politicians and bureaucrats in the District of Columbia.

I have said in every hearing held this year, and I will say again, there is a growing humanitarian, National security, and illegal immigration crisis at the Southwest Border. This fiscal year, CBP is on track to apprehend the highest number of migrants in 12 years. This increase in new migrant crossings has pushed our ability to properly manage our Southern Border and enforce our immigration laws. We have been pushed to the breaking point and beyond. Migrants professing—processing facilities along the border are continuing to be pushed far but past their capacity. Border Patrol is apprehending record numbers of groups of a hundred migrants or more. It is very challenging to deal with. CBP just reported that they encountered over 100,000 people at the Southwest Border in April of this year alone, nearly a 600 percent increase since 2017.

Law enforcement officers are being taken off the line of duty to transport and accompany migrants to hospitals once they reach our border in deteriorating health. This is unsustainable.

For political reasons, perhaps, my colleagues on the other side of the aisle, have hesitated to even admit that a crisis exists. During the last fiscal year, there was attempts to zero out funding for additional Border Patrol agents, to zero out funding for additional ICE agents, and to block supplemental appropriations language to support our men and women along the border. This effort to defund border security is an attack on law enforcement. It forces illegal migrants to be released en masse, into our border communities,

and prevents ICE from arresting criminal aliens who threaten public safety.

Because of this inaction, last week the administration submitted a fiscal year 2019 supplemental budget request to Congress for \$4.5 billion in humanitarian assistance. I encourage my colleagues to set aside their hatred for President Trump and work to address the crisis at the border.

I stand ready to work with Members on both sides of the aisle to pass legislation in support of this necessary supplemental request. Today we will examine the President's fiscal year 2020 budget request and determine if it is adequate in providing CBP, ICE, and USCIS, with the tools and resources necessary for them to carry out their mission. I was happy to see increases made to the CBP and ICE budgets to address the crisis at the border and at least deliver a down payment on border security called for by the law enforcement professionals on the ground.

The President's fiscal year 2020 budget funds the construction of approximately 300 miles of enhanced physical barriers and needed 21st Century technology. Important access roads, and the ability to respond is included in this budget. The budget also makes strong investments in front-line personnel, to hire an additional 1,000 ICE law enforcement officers, 750 Border Patrol agents, 171 CBP port of entry officers, 128 immigration court-processing attorneys, and the necessary associated support personnel.

I was encouraged to see that the request includes strong investments in Homeland Security investigations, to fund and prosecute cross-border criminals, including terrorists, transnational criminal organizations, human traffickers, and all those who participate in sexual exploitation.

President Trump is determined to do what it takes to secure the homeland, and I support this thoroughly justified budget. Today, we are fortunate to have experts before us who can explain why they need these resources and how they will be deployed. I look forward to the testimony of our witnesses. I respect my colleagues on both sides of the aisle, and, Madam Chair, I yield back.

[The statement of Ranking Member Higgins follows:]

STATEMENT OF RANKING MEMBER CLAY HIGGINS

MAY 9, 2019

Thank you, Madam Chair, and thank you to our witnesses for being here today to present President Trump's fiscal year 2020 budget for Customs and Border Protection, Immigration and Customs Enforcement, and Citizenship and Immigration Services.

I've said this in every hearing held this year, and I will say it again: There is a growing humanitarian, National security, and illegal immigration crisis at the Southwest Border.

This fiscal year, CBP is on track to apprehend the highest number of migrants in 12 years. This increase in new migrant crossings has pushed our ability to properly manage our Southern Border and enforce our immigration laws to the breaking point. Migrant processing facilities along the border are continuing to be pushed past 100 percent capacity. Border Patrol is apprehending record numbers of groups of 100 migrants or more. CBP just reported that they encountered over 100,000 people at the Southwest Border in April of this year, nearly a 600 percent increase since 2017. Law enforcement officers are being taken off the line of duty to transport and accompany migrants at hospitals once they reach our border in deteriorating health.

Ladies and gentlemen, this is unsustainable.

For political reasons, my colleagues on the other side of the aisle refuse to act or even admit that a crisis exists. During the last fiscal cycle, they tried to zero out funding for additional Border Patrol agents. They tried to zero out funding for additional ICE agents. They then blocked supplemental appropriations language to support our men and women along the border.

This effort to defund border security is an attack on law enforcement. It forces illegal migrants to be released en masse into our border communities and prevents ICE from arresting criminal aliens who threaten public safety.

Because of this inaction, last week the administration submitted a fiscal year 2019 supplemental budget request to Congress for \$4.5 billion in humanitarian assistance. I encourage my colleagues to put aside their political rhetoric and hatred for President Trump and work to address the crisis at the border. I stand ready to work with Members on both sides of the aisle to pass legislation in support of this necessary supplemental request.

Today, we will examine the President's fiscal year 2020 budget request and examine if it is adequate in providing CBP, ICE, and USCIS with the tools and resources necessary for them to carry out their important mission.

I was happy to see increases made to the CBP and ICE budgets to address the crisis at the border and put a down payment on border security.

The President's fiscal year 2020 budget funds the construction of approximately 300 miles of new border barriers, needed 21st Century technology, and important access roads.

The budget also makes strong investments in front-line personnel to hire an additional 1,000 ICE law enforcement officers, 750 Border Patrol agents, 171 CBP port of entry officers, 128 immigration court prosecuting attorneys, and the necessary associated support personnel.

I was encouraged to see that the request includes strong investments in Homeland Security Investigations to find and prosecute cross-border criminals including terrorists, transnational criminal organizations, human traffickers, and those who participate in sexual exploitation of children.

President Trump has the determination to do what it takes to secure the homeland, and I support this thoroughly justified budget request.

Today, we are fortunate to have experts before us who can explain why they need these resources and how they will be deployed.

Miss RICE. Thank you, Mr. Higgins.

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

[The statement of Chairman Thompson follows:]

STATEMENT OF CHAIRMAN BENNIE G. THOMPSON

MAY 9, 2019

Today, we will hear from the 3 DHS components that are responsible for carrying out the Department's border security and immigration-related missions. The President's fiscal year 2020 budget proposal continues to illustrate that the Trump administration's priorities are skewed, short-sighted, and cruel. One only needs to review the White House's supplemental request sent to Congress last week to know that the administration continues to act in bad faith in regards to addressing the current challenge we face of our Southern Border.

There is a humanitarian crisis on our Southern Border, and this situation has been unfolding for nearly a year. This crisis is one of this administration's own making, and few steps have been taken to truly alleviate the pressures on the migrants, officers, and agents on the ground.

The White House's supplemental request is a non-starter. The request for \$81.7 million for more detention space for migrant families illustrates that the administration refuses to acknowledge or does not care that detention is harmful to children. The request for \$23 million for a pilot program that will dramatically change the credible fear screening process is both deeply problematic and possibly illegal—which is not surprising for the Trump administration. Neither of these two requests should be approved by Congress.

Similarly, the President's fiscal year 2020 DHS budget proposal doubles down on many of the same requests that have been denied for funding by Congress over the past 2 years. For example, the fiscal year 2020 U.S. Customs and Border Protection budget is dominated yet again by a request for billions of dollars for a wasteful bor-

der wall at the expense of other critical border security investments—such as non-intrusive inspection technology at ports of entry. This technology has proven, time and again, to be an important tool in detecting nearly 90 percent of the illegal drugs seized by CBP.

Despite the long-standing and serious problems with conditions and abuses at immigration detention facilities, the White House continues to advocate for more bed space. Funding for ICE's Homeland Security Investigations, which investigates transnational drug trafficking organizations and human smuggling rings, would be diverted to fund interior immigration enforcement arrests and deportations instead. Meanwhile, U.S. Citizenship and Immigration Services' budget proposal shows this administration is unilaterally morphing the agency into an enforcement one, contrary to the law, rather than addressing the growing backlog of immigration applications.

Border security is more than building a wall. Shortchanging legal due process and treating migrants inhumanely are not in keeping with our country's values. Democrats remain committed to being good stewards of taxpayer dollars by targeting resources at proven border security efforts while treating those arriving at our Southern Border in a humane manner.

I would urge the administration to stop putting forward non-starter budget requests and instead join us in that effort.

Miss RICE. I welcome our panel of witnesses. Our first witness is Mr. Robert Perez, the deputy commissioner for U.S. Customs and Border Protection. In this role, he serves as the agency's senior career official, overseeing the personnel who work every day to protect our Nation's borders. During his 26-year career in Federal law enforcement, Mr. Perez has also served as the director of field operations in CBP's New York field office and in Detroit, Michigan, and held various other positions at CBP headquarters.

Next, we have Mr. Matthew Albence, the current acting director for U.S. Immigration and Customs Enforcement. Mr. Albence oversees ICE's day-to-day operations and manages its operational and mission support personnel. Previously, he led ICE's enforcement and removal operations directorate, and has more than 24 years of Federal immigration law enforcement experience.

Finally, we have Ms. Tracy Renaud, the acting deputy director of U.S. Citizenship and Immigration Services. She has also held a number of positions at USCIS headquarters, including chief of field operations and deputy associate director of refugee asylum and international operations. Ms. Renaud has spent more than 32 years working in the area of immigration benefits and services.

Without objection, the witnesses' full statements will be inserted in the record. I now ask each witness to summarize his or her statement for 5 minutes, and we will start with Mr. Perez.

**STATEMENT OF ROBERT E. PEREZ, DEPUTY COMMISSIONER,  
U.S. CUSTOMS AND BORDER PROTECTION**

Mr. PEREZ. Chairwoman Rice, Ranking Member Higgins, and Members of the subcommittee, thank you for the opportunity to appear before you today. I am honored to represent the nearly 60,000 men and women of U.S. Customs and Border Protection and speak to you about our fiscal year 2020 budget request. Across the board, CBP employees continue to perform difficult and, at times, dangerous work in complex and a dynamic environment.

The President's fiscal year 2020 budget includes a combined total of \$18.2 billion that enables CBP to carry out our mission through a range of investments needed to secure our Nation against 21st Century threats. The funds included in the fiscal year 2020 budget support our critical mission initiatives in border security, trade,

and travel, counterterrorism, and other organizational improvements.

The need for investment in border security has never been greater. We are in the midst of an on-going humanitarian and National security crisis on our Southwest Border. Last month, CBP apprehended over 109,000 migrants along our Southern Border, more than 66 percent of which were families and unaccompanied children. Two days last month we apprehended over 5,000 migrants within one 24-hour period. So far this fiscal year, we have encountered 148 large groups of over 100 people.

The increases in families and children coming across our border, in large groups and often remote areas, presents unique challenges to our operations and facilities. Our resources are outpaced by this crisis. Our system is well beyond capacity. As a career, law enforcement professional, with over 26 years of experience, I can tell you, I have never seen anything like the crisis we are experiencing now. We must secure our border, and working together, I know we can find solutions to do so.

With regard to border security, the three primary areas of investment in the fiscal year 2020 budget are infrastructure, technology, and personnel. Funding provided for CBP in this budget supports construction of approximately 200 miles of new border wall system, including real estate environmental planning, land acquisition, and construction.

Alongside the border wall system, technology is a critical tool that increases our situational awareness and decreases risks to the safety of our front-line personnel. The fiscal year 2020 budget request proposes investing in the sustainment and continued deployment of technology to strengthen border security operations between the ports of entry in the land, air, and maritime environments.

But an organization is only as good as its people, and CBP has made it a top priority to attract, hire, train, and recruit a world-class work force. The 2020 budget includes an increase of \$164.5 million to support hiring, training, and equipping of 750 additional Border Patrol agents and 145 mission support personnel. CBP is also actively working to minimize attrition and fill positions in hard-to-fill locations.

In addition to border security, facilitating lawful trade and travel is a crucial part of CBP's mission. The 2020 budget provides \$62.6 million to support the procurement and recapitalization efforts of non-intrusive inspection technologies at our ports of entry that enable CBP to detect materials and contraband that may pose a threat to our country. The budget also requests an increase in funding for 267 CBP officers, agriculture specialists, trade and revenue positions, and mission and operational support personnel.

In today's dynamic threat environment, detecting terrorists and criminals is paramount for our National security. To unify and streamline the vetting of international travelers and visa and immigration benefit applicants, the 2020 budget also includes \$31.5 million to fund positions, tools, and system enhancements for the National vetting center.

Finally, the fiscal year 2020 budget dedicates \$54.9 million in critical investments toward organizational initiatives, which will

enable CBP to mature and develop our capabilities and business processes to meet the challenges of tomorrow.

Our goal is to be the most innovative and trusted law enforcement agency in the world, and we are taking active measures to make that goal a reality. With the on-going support of Congress, CBP will continue to secure our Nation's borders while facilitating international trade and travel.

Thank you for the opportunity to appear before you today. I look forward to your questions.

[The prepared statement of Mr. Perez follows:]

PREPARED STATEMENT OF ROBERT E. PEREZ

MAY 9, 2019

Chairwoman Rice, Ranking Member Higgins, and Members of the subcommittee, it is an honor to appear before you today. As America's unified border agency, U.S. Customs and Border Protection (CBP) protects the United States from terrorist threats and prevents the illegal entry of inadmissible persons and contraband, while facilitating lawful trade and travel. The President's fiscal year 2020 budget includes \$18.2 billion in net discretionary funding and an additional \$2.6 billion in mandatory and offsetting fee funding that will help CBP achieve our complex and vital mission with the right combination of trained and dedicated personnel, intelligence-driven and risk-based strategies, collaborative partnerships, tactical infrastructure, and advanced technology. Nearly a third of this amount, \$5.9 billion, is for critical investments that will advance CBP's goals across all of our mission areas.

Over the past year, we have made significant strides across every area of our mission. We facilitated record levels of lawful trade and travel, inspecting more than 413.9 million travelers—a 4.2 percent annual increase from the previous year. We interdicted increasing quantities of hard narcotics, including the largest seizure of fentanyl in CBP history at the Nogales, Arizona, Port of Entry (POE). That seizure was 254 pounds, or more than 100 million lethal doses. We enhanced screening and vetting, including advancements in cargo and conveyance screening technology that provides CBP with a significant capacity to detect dangerous materials and other contraband. We continued to implement the Trade Facilitation and Trade Enforcement Act (TFTEA, Public Law No. 114–125). And we remained committed to ensuring that our officers and agents are safe as they carry out their critical duties, and have the best training, policy, and equipment. Across the board, CBP continues to do difficult work in a complex and dynamic environment, and needs a range of investments to secure our Nation against 21st Century threats. The funds included in the fiscal year 2020 budget support our critical mission initiatives in 4 strategic priority areas: Border security, trade and travel, counterterrorism, and organizational objectives.

Before discussing in detail the President's 2020 budget, I would like to thank the subcommittee for its support of CBP priorities in the Consolidated Appropriations Act 2019 (Public Law No. 116–6), to include funding increases for humanitarian aid, staffing at our POEs, Non-Intrusive Inspection (NII) equipment and other border security technologies. We are eager to put this funding to work to improve our Nation's security and facilitate lawful trade and travel. I ask Congress to support our fiscal year 2020 budget submission, which will allow our front-line personnel to do their jobs and carry out our critical missions to keep our Nation safe and prosperous.

As the subcommittee is aware, the fiscal year 2020 budget builds on the fiscal year 2019 President's budget and continues the important efforts enacted in fiscal year 2019, as well. In a number of key areas, the fiscal year 2019 enactment diverges from the fiscal year 2019 President's budget, both in terms of funding levels and limitations on where and how CBP can use the funding provided. The fiscal year 2019 appropriations act does not fully fund our most critical needs for border wall system construction nor the hiring of additional Border Patrol agents, which deviates from the requirements identified by our agents on the front line. Accordingly, the administration continues to seek Congressional support for these priorities.

In addition, the fiscal year 2019 appropriations act provides significant investments in humanitarian aid in response to a substantial increase in illegal crossings by family units and unaccompanied children, and arrivals of inadmissible persons at POEs across the entire Southwest Border. I want to express my appreciation for

the support of this initiative and for the \$415 million in fiscal year 2019 funds for facilities, medical care, transportation, and consumable commodities to help CBP care for those in its custody. We are executing those funds now and, while we are sustaining these efforts with \$82.2 million in the fiscal year 2020 budget, we look forward to a dialog with you on how best to meet our evolving requirements at the Southwest Border. CBP must continue to adapt to the dynamic border environment while continuing to provide humane treatment for migrants we encounter.

This situation on the border with unprecedented numbers of families and children represents an acute and worsening crisis. At the end of March, fiscal year 2019, the U.S. Border Patrol has seen more than a 370 percent increase in the number of family units apprehended compared to the same time period in fiscal year 2018. We are continuing to monitor the on-going crisis at the border and will keep the Congress apprised of the evolving situation.

Returning to the details of the fiscal year 2020 budget, our strategic priorities include \$5.6 billion for border security; \$188.4 million for trade and travel facilitation and enforcement; \$31.5 million in support of the National Vetting Enterprise; and \$74.3 million for organizational initiatives that will help CBP meet future challenges and opportunities. These investments will enhance border security, enforce the Nation's immigration laws, promote public safety, minimize the threat of terrorist attacks by foreign nationals, maintain our ability to provide critical emergency response support to our DHS component partners, and protect American workers from unfair foreign competition.

#### BORDER SECURITY

CBP guards the front line of the United States, and our border security mission—at POEs, along our borders, and from the air and sea—is a matter of National security. At the border, we face alarming trends in illegal crossings that impact security, exploit our laws, and challenge our resources and personnel. We are seeing increases in illegal crossings and arrivals of inadmissible persons at POEs across the entire Southwest Border. In fiscal year 2018, CBP recorded 404,142 apprehensions by U.S. Border Patrol (USBP) agents along the border and 279,009 inadmissible cases by CBP officers at U.S. POEs—an approximately 15 percent increase between ports of entry over the previous year. CBP personnel also played a critical counter-narcotics role, seizing or contributing to the seizure of 1.1 million pounds of marijuana; 282,570 pounds of cocaine; 248,132 pounds of methamphetamine; 6,552 pounds of heroin; and 2,463 pounds of fentanyl.

There are 3 primary elements of border security: Infrastructure, technology, and personnel. The fiscal year 2020 budget proposes new investments in all 3 elements, including the border wall system, as well as technology and equipment that keeps CBP personnel safe and allows them to more effectively and efficiently carry out their missions. All three components are necessary to safeguard and manage air, land, and maritime borders.

##### *Infrastructure*

Tactical infrastructure, including physical barriers between the POEs, has long been a critical component of CBP's multi-layered and risk-based approach to securing our Southwest Border. It is undeniable that border barriers have enhanced—and will continue to enhance—CBP's operational capabilities by creating persistent impedance and facilitating the deterrence and prevention of successful illegal entries. CBP plans to deploy a border wall system in a multi-phased and prioritized approach that meets USBP's operational requirements, safeguards National security and public safety, and is the result of thorough analysis of threat, cost, and mission effectiveness. Border wall systems are comprehensive solutions that include a concentrated combination of various types of infrastructure such as physical barriers, all-weather roads, lighting, sensors, enforcement cameras, and other related technology, and contribute to USBP's core master capability of impedance and denial. The fiscal year 2020 budget includes \$8.6 billion for the border wall, including \$5.0 billion for DHS to support the construction of approximately 200 miles of new border wall system. This funding supports real estate and environmental planning, land acquisition, wall system design, construction, and construction oversight.

Infrastructure investments also include facilities used by our workforce at and between POEs. Constructing and improving CBP's physical infrastructure is essential to keeping facilities operationally viable for front-line and mission support functions. CBP supports a vast and diverse real property portfolio, including more than 4,300 owned and leased buildings, over 28 million square feet of facility space and approximately 5,000 acres of land throughout the United States.

The fiscal year 2020 budget includes \$127.4 million for the construction, modernization, and expansion of Border Patrol, Air and Marine Operations (AMO), and



Office of Field Operations (OFO) facilities. Of the \$127.4 million total, the fiscal year 2020 budget includes \$84.2 million for the Border Patrol, which provides \$22.0 million for a Border Patrol checkpoint in Freer, Texas; \$15.0 million for the Carrizo Springs, Texas, checkpoint; \$15.0 million for the Eagle Pass, Texas, south checkpoint; and \$15.0 million for a Forward Operating Base in Papago Farms, Arizona. It also includes \$14.2 million for minor construction, alternations, and improvement projects at Border Patrol facilities and \$3.0 million for design efforts.

Of the \$127.4 million construction total, \$6.0 million is provided to co-locate AMO's Corpus Christi Marine Unit at the U.S. Coast Guard's (USCG) existing property at Port Aransas, Texas. USCG's current facility is being rebuilt due to damages incurred during the 2017 hurricane season and provides a new location for CBP that is closer to our operational watercraft.

Further, the fiscal year 2020 budget includes \$14.8 million to continue modernizing our POEs with capital improvements, furniture, fixtures, and equipment to ensure the facilities meet mission and security requirements. Also included is \$22.4 million to support OFO expansion activities at the John F. Kennedy International Airport in New York. An important area for future collaborative work with the committee will be on modernizing and right-sizing U.S. Border Patrol and Air and Marine Operations facilities in response to growing and changing missions.

#### *Technology and Equipment*

CBP's border security mission regularly requires that Border Patrol agents and CBP officers operate in diverse and remote locations where tactical communication, transportation, and surveillance capabilities are essential to coordinating mission activities and protecting the safety of CBP law enforcement personnel. The fiscal year 2020 budget will enable the continued deployment of proven, effective technology and equipment to strengthen border security operations in the land, air, and maritime environments.

#### *Land*

For our land-based border operations, technology and equipment are force-multipliers that enhance our agents' and officers' abilities to detect and respond to illegal activity. Fixed systems provide persistent surveillance coverage to efficiently detect unauthorized border crossings. Once detection is confirmed, Border Patrol can quickly deploy the appropriate personnel and resources to interdict the item or person of interest. The budget supports these critical assets by including \$1.1 million for procurement and deployment of Integrated Fixed Tower (IFT) technology, which consists of surveillance radars and electro-optical/infrared (EO/IR) cameras mounted on fixed towers with communications to an operations center. In some areas along the Southwest Border, USBP also uses Unattended Ground Sensors (UGS), which provide short-range, persistent surveillance. The fiscal year 2020 budget includes a procurement of approximately 8,900 UGS units and support equipment at \$20.6 million.

Remote Video Surveillance Systems (RVSS) are fixed technology assets used in select areas along the Southwest and Northern borders. These systems provide short-, medium-, and long-range persistent surveillance mounted on stand-alone towers, or other structures. The RVSS uses cameras, radio, and transmitters to send video to a control room. This enables a control room operator to remotely detect, identify, classify, and track targets using the video feed. The fiscal year 2020 budget includes \$40.7 million for deployment of upgraded RVSS technology to 22 sensor towers and command control technology at Brownsville (5 new and 5 existing) and Fort Brown (9 new and 3 existing) Stations in the Border Patrol's Rio Grande Valley (RGV) Sector. This investment will enhance the Border Patrol's situational awareness of border activity through persistent surveillance and detection to facilitate proper law enforcement resolution. The fiscal year 2020 budget also includes an additional \$17.9 million to sustain RVSS.

In areas where rugged terrain and dense ground cover may limit the effectiveness and coverage of fixed systems, USBP also uses mobile and relocatable systems. Mobile Video Surveillance Systems (MVSS) consist of short- and medium-range mobile surveillance equipment mounted on USBP vehicles. The budget includes \$14.8 million to procure and deploy 30 MVSS.

Investments in the deployment and sustainment of border security technology such as IFT, RVSS, MVSS, and UGS will significantly strengthen CBP's ability to detect, identify, classify, and track illicit activity.

The budget also includes \$15 million for the procurement of 50 Small Unmanned Aircraft Systems (sUAS). The Border Patrol requires sUAS capabilities to conduct surveillance in remote, isolated, and inaccessible portions of the Nation's borders. The sUAS provides ground reconnaissance, surveillance, and tracking capabilities

in support of USBP surveillance tasks of predicting, detecting, tracking, identifying, and classifying suspected items of interest. An additional \$1.7 million is also provided for sUAS operations and maintenance. The ability to persistently and discreetly surveil remote areas along portions of the border is critical to USBP's ability to secure the border. To keep pace with 21st Century technology, the budget includes a further \$12.1 million to enable Remote Surveillance Technology Innovation.

The budget also provides \$3.2 million in operations and maintenance costs for the Cross Border Tunnel Threat (CBTT) program. The CBTT program strengthens border security effectiveness between POEs by diminishing the ability of transnational criminal organizations (TCOs) to gain access into the United States through cross-border tunnels and the illicit use of underground municipal infrastructure. This effort helps CBP predict potential tunnel locations; detect the presence of suspected tunnels and tunneling activities, and project the trajectory of a discovered tunnel; confirm a tunnel's existence and location through mapping measurement; and facilitate secure information sharing across all stakeholders.

The CBP mission is dangerous, and CBP personnel can encounter situations requiring the use of force. As such, it is vitally important that CBP law enforcement personnel are equipped with properly functioning weapons. The fiscal year 2020 budget provides \$19.4 million to continue CBP's transition to the new 9mm service weapon. In 2019, 95 percent of all CBP service handguns will exceed the expected service life, resulting in an increased hazard rate for service handguns and exhausting the current reserve inventory. This funding will provide overall mission support associated with new training mandates related to the handgun transition and overall requirements associated with the acquisition of 9mm duty handguns, ammunition, replacement parts, and holsters.

Investments in opioid detection equipment and safeguards are essential for ensuring the safety of our employees and for combatting the opioid crisis gripping our Nation. In January of this year, CBP officers at the Nogales Commercial Facility seized the largest amount of fentanyl in CBP history. Opioids—particularly fentanyl and its analogs—present significant dangers to first responders, including CBP officers, Border Patrol agents, and their K-9 partners. The budget provides \$8.9 million for presumptive testing devices and related training, and naloxone countermeasure units and related training for OFO. It also includes an increase of \$7.1 million for chemical analysis software and equipment for 24/7/365 narcotics reach-back services, laboratory instrumentation, satellite border laboratory locations, and digital forensics workspace and equipment. This funding will maintain OFO's safety stance for POEs and enhance CBP's Laboratories and Scientific Services (LSS) Directorate's capabilities and capacity.

Additional technology funding includes \$18.8 million for the Border Enforcement Coordination Network, which will replace Border Patrol's legacy Border Patrol Enforcement Systems.

#### *Air*

The fiscal year 2020 budget also seeks significant investments in our aircraft fleet, starting with \$56.8 million to purchase two multi-role enforcement aircraft (MEA). MEA are the optimal sensor-equipped aircraft for surveillance operations in regions along the Southern and Northern Borders, and maritime environments where terrain, weather, and distance pose significant obstacles to border security operations. This aircraft further serves as a force multiplier for law enforcement and emergency response personnel, facilitating the rapid-response deployment of equipment, canines, and people.

The fiscal year 2020 budget includes \$46.5 million to support the conversion of 3 Army HH-60L helicopters to CBP's UH-60 Medium-Lift Helicopter (MLH) configuration. These assets are the only helicopters with medium-lift capability that are rugged enough to support interdiction and life-saving operations in hostile environments, and are able to operate at high altitude in the desert, over open water, and in extreme cold. This request includes initial spare repair parts, training, and Army testing.

The P-3 Long Range Tracker and Airborne Early Warning Aircraft provide critical detection and interdiction capability in both the air and marine environment. Their sophisticated sensors and high endurance capability greatly increase AMO's range to counter illicit trafficking, and CBP P-3s are an integral part of the successful counter-narcotic missions operating in coordination with the Joint Interagency Task Force-South. The fiscal year 2020 budget includes \$8.1 million to address obsolescence issues in the P-3 by refreshing technology infrastructure of core critical detection and interdiction components.

Aircraft sensor EO/IR systems provide improved detection and identification capabilities, greater stand-off ranges for more covert operation and safety, and have

laser range finders, laser target illumination, and shortwave infrared functionality, which enhance mission coordination between airborne and ground agents. The EO/IR systems allow agents and investigators to view and record criminal activity for prosecution without alerting the suspects to their presence. Most of AMO's EO/IR systems are technologically outdated and have obsolescence issues, which causes maintenance and reliability issues. The fiscal year 2020 budget provides \$13.5 million to replace up to 10 old, obsolete EO/IR systems, including a one-time purchase of high-bandwidth receive/transmit hardware, which supports transmission of motion video information and enables CBP to communicate simultaneously with multiple aircraft. Without this upgrade, CBP aircraft will have to share assets, thereby increasing the risk of damage to the sensors during system swap-outs. This funding increase will also enable the purchase of associated mission equipment that will ensure the continued viability of AMO assets to detect, identify, classify, track, and illuminate targets of interest to National security.

Other investments in our aircraft fleet include \$2.4 million for support services for Light Enforcement Aircraft programs to develop analytical products to determine future technology requirements, and \$3.0 million for compliance with the Federal Aviation Administration's NextGen initiative, completing the phased-in purchase and installation of ADS-B transponders and cockpit displays in more than 250 AMO aircraft.

#### *Maritime*

AMO's Marine Interdiction Agents operate Coastal Interceptor Vessels (CIV) in coastal waters to combat maritime smuggling and defend the waterways along our Nation's borders from acts of terrorism. The vessels provide agents with additional speed and maneuverability, and improve safety. They are also equipped with a state-of-the-art marine navigational suite. The fiscal year 2020 budget provides \$14.8 million for the procurement of 14 CIV that will replace the outdated legacy vessels. The subcommittee's support of this program with the enactment of \$14.5 million for CIV procurements in fiscal year 2019 is very much appreciated.

#### *Innovation Team*

In October 2018, CBP formally established the CBP Innovation Team (INVNT). This team was established following a successful CBP pilot to transition commercial technologies in joint partnership with DHS S&T's Silicon Valley Innovation Program. INVNT's mission is to identify, adapt, and deliver innovative and disruptive commercial technology solutions to keep front-line personnel safer and more effective. The team invests in four areas: Autonomous platforms; artificial intelligence-driven analytics; sensors; and communications capabilities. INVNT has successfully transitioned multiple technologies, including autonomous towers, compact sensors, and big data analytics, into operational use. These capabilities are directly contributing to increased situational awareness in San Diego Sector and supporting the National Targeting Center with the development of algorithms that facilitate lawful trade and travel.

CBP INVNT has established itself as a strong partner for industry, and CBP looks forward to continued support from the committee to enable us to increase the rate at which CBP transitions new technology into operational use.

#### *Personnel*

An organization is only as good as its people, and CBP has made it the top mission support priority to attract, hire, train, retain, and support a world-class, resilient workforce.

Through a combination of process changes, realignment of resources and leadership focus, CBP increased both Border Patrol and Office of Field Operations year-end strength for the first time in 6 years. Border Patrol Agent hiring increased by 95 percent and CBP officer hiring increased by 39 percent over fiscal year 2017, resulting in an additional 120 agents and 380 officers at the end of fiscal year 2018. On the non-front-line side, we also increased hiring by 17 percent.

We continue to retool and upgrade our recruitment, hiring, and retention mechanisms to help us meet staffing requirements not just to secure the border, but also to address all critical emergent needs at the ports. In just the last year, CBP has opened permanent recruitment offices on multiple military installations across the country, enhanced data-driven digital advertising/marketing and social media efforts, implemented an "applicant care" initiative that helps guide recruits through the CBP hiring process, and launched a Fast Track process to move well-qualified candidates more quickly through the hiring process. We also launched several initiatives designed to increase workforce resilience and employee retention, including our new veteran support program, family outreach events, and multiple family support programs, such as the child care subsidy program, backup care program, and direct

child care program. Our investments are starting to deliver positive, sustainable results, and in fiscal year 2018, hiring outpaced attrition for Border Patrol agents for the first time in 6 years. We will continue to further enhance our capabilities and build on our momentum through fiscal year 2020 and beyond.

The fiscal year 2020 budget includes an increase of \$164.5 million to hire, train, and equip 750 additional Border Patrol agents and 145 mission support personnel. Staffing Border Patrol Sectors at operationally-required levels is fluid as threats change and TCOs adopt new tactics. Even as the Border Patrol continues to conduct staff analysis and develop models to refine Border Patrol personnel requirements, it is already clear that additional Border Patrol agents will be necessary in fiscal year 2020 just to meet today's operational and staffing requirements. Anticipated trends, coupled with currently heightened enforcement efforts, result in a clear requirement for additional Border Patrol agents to interdict illegal activity in an all-threats border environment.

CBP is also actively working to minimize attrition and fill positions in "hard-to-fill" locations that are often remote and offer very limited amenities compared with metropolitan locations. We appreciate the subcommittee's support of Border Patrol's relocation and retention initiatives, including those aimed at helping fill mission-critical vacancies and developmental assignment opportunities. Improving retention is a priority for both the Secretary and me, and, as described above, we will continue to look at novel approaches to best support and retain our valuable workforce.

#### *Trade and Travel*

Advancing U.S. economic competitiveness and prosperity is a strategic priority for CBP, and facilitating lawful trade and travel is a crucial part of CBP's mission. Ensuring an efficient, secure supply chain and safe, strong global tourism is imperative for a healthy economy. In fiscal year 2018, CBP processed more than \$2.6 trillion in imports, and collected approximately \$47 billion in duties, taxes, and fees—an increase from the previous fiscal year, caused in part by the increased duties on steel, aluminum, and products from China.

In the fiscal year 2019 budget CBP received an increase of approximately \$520 million for the procurement of non-intrusive inspection (NII) technology at land border ports of entry. The funding will support system procurements as well as the implementation of new concepts of operations that are focused on significantly improving scanning rates of both commercial and privately-owned vehicles. The procurements will occur following successful completion of technology demonstrations at Southwest Border ports of entry. The focus is not just to replace aging systems, but to transform port operations in order to expertly facilitate legitimate travel and trade, while successfully interdicting deadly fentanyl and other contraband.

The fiscal year 2020 budget continues substantial investment in NII technology that enables CBP to detect materials that pose significant economic and National security threat. Using NII imaging equipment, CBP officers can examine cargo conveyances such as sea containers, commercial trucks, and rail cars, as well as privately-owned vehicles, for the presence of contraband without physically opening or unloading them. NII technologies—both radiological detection and imaging—are force multipliers that enable CBP to screen or examine a larger portion of the stream of commercial traffic while facilitating the flow of legitimate trade, cargo, and passengers.

The fiscal year 2020 budget provides \$62.6 million to support procurement of more than 20 large-scale NII systems and approximately 200 small-scale NII systems for recapitalization efforts as well as new systems to support operational needs. It also provides \$8 million for the procurement of approximately 3 large-scale NII and 3 small-scale NII systems as well as the associated infrastructure to support operational requirements at the Gordie Howe International Bridge land POE. Also for the Gordie Howe International Bridge, the fiscal year 2020 budget designates \$12 million for the procurement and deployment of Land Border Integration Equipment and Z-Portal screening technology to support inspection requirements for bus, privately- and commercially-owned vehicles lanes, along with booths and infrastructure.

Utilizing detection equipment deployed Nation-wide at our POEs, CBP is able to scan 100 percent of all mail and express consignment mail and parcels; 100 percent of all truck cargo and personally-owned vehicles arriving from Canada and Mexico; and nearly 100 percent of all arriving maritime containerized cargo for the presence of radiological or nuclear materials. Let me take this opportunity to express further appreciation for the subcommittee's decision to add \$520 million to our fiscal year 2019 funding for NII.

The fiscal year 2020 budget also requests an increase in funding for a combined 267 CBP officers, agriculture specialists, trade and revenue positions, and mission

and operational support positions. This funding will help CBP move closer toward the necessary staffing levels identified in the OFO Workload Staffing Model, Agriculture Resource Allocation Model, and the new Mission and Operational Support Resource Allocation Model.

CBP's intelligent enforcement efforts are anchored on further improving risk management and the impact of efforts to detect high-risk activity, deter non-compliance, and disrupt fraudulent behavior by using technology, big data, and predictive analytics. Through the use of data-driven operations and enhanced ability to collect and analyze information, CBP can better develop a holistic understanding of the global trade environment. To better protect U.S. consumers and businesses, the fiscal year 2020 budget includes \$24.3 million to increase intelligent enforcement.

CBP recognizes how critical our trade enforcement and facilitation role is in protecting our Nation's economic security. We are working to ensure a fair and competitive trade environment where the benefits of trade compliance exceed the costly consequences of violating U.S. trade law. The fiscal year 2020 budget continues to build on our progress and will enable CBP to hire additional staff to support continued TFTEA implementation.

#### NATIONAL VETTING ENTERPRISE AND COUNTERING TRANSNATIONAL ORGANIZED CRIME

Since CBP's creation after the tragedies of September 11, 2001, preventing the travel of bad actors to the United States has been a primary CBP objective. Our Nation's enemies, whether terrorists or criminals, remain determined and agile, and detection is paramount for our National security.

In 2018, in order to unify and streamline the vetting of international travelers and visa and immigration benefit applicants, the President signed National Security Presidential Memorandum 9, *Optimizing the Use of Federal Government Information in Support of the National Vetting Enterprise, establishing the National Vetting Center (NVC)*. Consistent with applicable law and policy, the NVC ensures that traveler and immigration populations are consistently vetted against all appropriate U.S. Government information to identify National security and public safety threats. The fiscal year 2020 budget includes \$31.5 million to fund 20 full-time positions, a case management tool, targeting system enhancements, and systems engineering for the NVC, which will be co-located with the National Targeting Center.

In addition to our vetting efforts, CBP also guards against threats from TCOs. TCOs maintain a diverse portfolio of crimes, including fraud, human trafficking, kidnapping, and extortion. They are also heavily involved in human, weapons, bulk cash, and drug smuggling through their sophisticated criminal networks.

Part of CBP's strategy to counter TCOs is participation in joint task forces. CBP is the lead component for the Department of Homeland Security's Joint Task Force-West (JTF-W), and a participating component in JTF-East (led by USCG) and JTF-Investigations (led by U.S. Immigration and Customs Enforcement). The fiscal year 2020 President's budget will further enhance JTF-W's ability to execute counter-network operations by meeting JTF-W's intelligence and targeting team's travel requirements and by providing investigative case support with the purchase of new forensic equipment and investigative software. This funding will help ensure these unique collaborative efforts have the resources they need.

#### ORGANIZATIONAL INITIATIVES

The fiscal year 2020 President's budget dedicates \$54.9 million in critical investments to organizational initiatives, which will enable CBP to mature and develop our capabilities and business processes to meet the challenges of tomorrow.

##### *Modernization and Improvement*

Revenue Modernization is a multi-year, phased program that will benefit the trade and travel industries and the U.S. economy by simplifying the collections process, providing modern electronic billing and payment options, and creating operational efficiencies at the POEs. The purpose of Revenue Modernization is to free up CBP officers to focus on law enforcement duties rather than the labor-intensive process of collecting fees at POEs; to offer modern, on-line, and electronic billing and payment options; and to enable access to reliable, transaction-level financial information to inform decision making and promote accountability.

The fiscal year 2020 budget includes \$15.7 million to increase electronic payment capabilities into collections processes, modernize Intra-Governmental Payment and Collection (IPAC) system collections, and expand the location and collection capabilities of the Mobile Collections and Receipts (MCR) project. Initially deployed to pilot participants in New Orleans, Louisiana; Gulfport, Mississippi; Mobile, Alabama; and

Los Angeles/Long Beach, California sea POEs, the budget will enable MCR to expand to 84 out of 186 POEs.

While technology and network-enabled capabilities significantly enhance CBP's daily operations, it also increases CBP's vulnerability to cybersecurity incidents. The fiscal year 2020 budget allocates \$25.0 million to address high-risk internal cybersecurity, including hardware, software, monitoring tools, and contract support services to operate the CBP Security Operations Center (SOC). The SOC enables CBP to support Continuous Diagnostics and Mitigation of security vulnerabilities and to detect and respond to cybersecurity threats.

In the theme of modernization, CBP is also seeking to transform its time-keeping system. CBP processes time-keeping in the CBP Overtime Scheduling System (COSS), which came on-line in 1998. The President's fiscal year 2020 budget supports retirement of the antiquated COSS and replace it with a modern, integrated scheduling and timekeeping solution. This modern system will provide comprehensive and accessible scheduling and timekeeping data.

#### *Personnel and Mission Support*

CBP's Operations Support (OS) Office brings together experts, analysts, innovators, and facilitators from across 9 functional areas that directly support the operational offices to strengthen mission effectiveness. These specialized capabilities that OS provides play a critical role in making a more agile, innovative, and stronger CBP. Integrating across the OS functional areas—including intelligence, international affairs, planning, requirements development, incident coordination, laboratories and scientific services, and use of force—is essential to fully support CBP's operational office. The fiscal year 2020 budget provides \$2.3 million to fund contract support for this critical function.

The Information and Incident Coordination Center (IICC) enhances internal and external situational awareness and coordinates CBP's incident response capabilities. The IICC serves as a 24/7 central entry point of communication and information flow for field CBP and DHS management officials. The fiscal year 2020 budget provides \$1.6 million to support the implementation of new programs and the continuation of others to comply with both Presidential and DHS policy directives.

The fiscal year 2020 budget includes \$1.1 million for 6 criminal investigator positions within the Investigative Operations Division, National Security Group with the Office of Professional Responsibility. These positions would focus on detection and investigation of counter-intelligence and insider threats. This allotment also funds 6 management and program analyst positions for programmatic oversight.

A substantial mandate within TFTEA is the Enforce and Protect Act (EAPA), which allows a party to submit an allegation of dumping circumvention to CBP, and grants CBP new authorities to make adverse decisions against an importer based on the lack of response or an incomplete response to an inquiry. CBP is mandated to initiate and pursue EAPA allegations within certain time frames, and demand for these services is growing. The fiscal year 2020 budget funds \$1.5 million in overseas operating costs, including housing and utilities, and mission-critical travel in support of EAPA and forced labor investigations.

CBP's AMO plays a critical role in narcotics interdiction, investigations, and domain awareness, and our standards for recruitment are very high. As such, we face a challenge to meet authorized staffing levels. CBP trains all of its new AMO agents to become full-time law enforcement agents through the Air and Marine Basic Training Academy at the Federal Law Enforcement Training Center in Georgia. The budget enables the Air and Marine Basic Training Academy to increase student throughput in fiscal year 2020, which will strengthen AMO on-board staffing.

#### LEGISLATIVE PROPOSALS

Finally, as in the past, the fiscal year 2020 budget highlights some of the legislative priorities CBP hopes to achieve with the help of Congress. The legislative proposals, if enacted, will increase user fee revenues that would directly impact the trade and travel operations programs, projects, and activities.

The Department will submit a legislative proposal that increases the Immigration Inspection User Fee (IUF) by \$2 and removes the IUF exemption for certain travelers. The fee was initially set at \$5 per passenger in 1986, increased to \$6 per passenger in 1993, and to \$7 per passenger in May 2002. The legislation that increased the fee to \$7 introduced a second fee of \$3 per passenger effective February 27, 2003. The fee applied to vessel passengers whose journey originated in the U.S. territory, Canada, or Mexico—passengers to whom the \$3 fee applied had previously been exempt. The fee has not been adjusted since that time, though travel volumes and CBP costs for immigration inspections have continued to increase. If passed, the

IUF increase legislation would support up to an additional 1,753 CBP officer positions.

The Department will also submit a legislative proposal to decrease the shortfall between the costs of CBP's inspections activities and the collections received. Per the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), passenger inspection fee collections fund customs inspection activities that are mandated by law. The fee levels set in current law do not fully cover CBP's costs. The proposal will increase the customs inspection fees for air and sea passengers, as well as increase all other COBRA inspection fees and any respective caps. The baseline fee has not been adjusted since 2007, though a final rule of increased inflation has gone into effect. The proposed legislation also supports up to an additional 1,169 CBP officers. The legislation also seeks to extend COBRA and Merchandising Process Fees past their current sunset dates.

The Department is resubmitting a legislative proposal to redirect approximately \$160.8 million in Electronic System for Travel Authorization (ESTA) surcharge collections from Brand USA to CBP. The base fee of \$10 per application remains unchanged and funds the vetting of travelers and refugees; helps reengineer and modernize the entry and exit process; and fund the staffing and overtime processing of arrivals and departures from the United States. The Brand USA funding would not constitute an overall increase to CBP's budget, but rather offset a commensurate decrease in CBP's Operations and Support (O&S) discretionary appropriation.

The Department is also resubmitting a legislative proposal to create a \$10 Electronic Visa Update System (EVUS) user fee. As Senate appropriators indicated in their markup of the fiscal year 2019 DHS appropriations bill, non-immigrant visa holders who benefit from this program, not U.S. taxpayers, should pay for the operation and maintenance of EVUS. Once the authorizing proposal is enacted, CBP will no longer require appropriated funding to support the EVUS program.

CBP looks forward to working with you and your colleagues in the appropriate committees of jurisdiction to accomplish these legislative priorities.

#### CONCLUSION

The fiscal year 2020 President's budget recognizes the serious and evolving threats and dangers the American people face each day, enables CBP to continue its vital operations, and provides funding for new initiatives critical to our success across all mission areas. With the support of Congress, CBP continues to secure our Nation's borders and promote international trade and travel. I want to thank the Members of this subcommittee for your continued support of CBP. Thank you for the opportunity to appear before you today. I look forward to your questions.

Miss RICE. Thank you for your testimony.

I now recognize Mr. Albence to summarize his statement for 5 minutes.

#### **STATEMENT OF MATTHEW T. ALBENCE, ACTING DIRECTOR, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT**

Mr. ALBENCE. Thank you.

Chairwoman Rice, Ranking Member Higgins, and distinguished Members of the committee, thank you for the opportunity to discuss ICE's \$9.3 billion fiscal year 2020 budget request. While this represents a \$1.2 billion increase from the fiscal year 2019 enacted—excuse me—enacted budget, this increase is critical for ICE to meet its current and future mission needs, and it will enable ICE to invest its necessary personnel, equipment, and systems.

In particular, it provides resources and officers to address an increasing number of at-large criminal aliens and the ever-growing, fugitive, alien population. Those who have been provided due process and have been determined by a judge to have no lawful right to remain in the United States, numbering at more than 570,000 people.

This increase in funding also provides for attorneys to reduce the rapidly expanding, nondetained alien docket, transportation cost removals, medical care for detainees, UAC transportation, expan-

sion of criminal investigative personnel to combat opioids, solid exploitation, human smuggling, and the deleterious impacts of transnational gangs across the United States.

ICE's Homeland Security investigations special agents protect the United States against terrorists and other criminal organizations through criminal and civil enforcement of Federal laws governing border control, customs, trade, and immigration.

The fiscal year 2020 budget maintains HSI's critical operations abroad, supports hiring of an additional 150 domestic special agents, and increases our efforts to target and combat dangerous, transnational gangs and other criminal organizations.

In fiscal year 2018, HSI made 4,333 arrests of gang leaders, members, and associates, including 959 Mara Salvatrucha, MS-13 members. Our special agents helped take more than 750 firearms off the street through these investigations, and we intend to expand on that success going forward.

Additionally, last fiscal year, HSI identified and assisted more than 1,477 crime victims, including 308 human trafficking victims, and 715 child exploitation victims. Leveraging its border enforcement security task forces, HSI is increasing investigation and enforcement activities, combatting organizations that illicitly introduce and distribute fentanyl, heroine, methamphetamine, and cocaine into and throughout the United States.

Narcotics enforcement efforts throughout fiscal year 2018 resulted in more than 11,400 criminal arrests with seizures totaling more than 1 million pounds.

Another component of HSI's international engagement, the visa security program, maximizes the visa process and a counterterrorism tool to identify, exploit, and disrupt transnational terrorists and criminal networks seeking to harm the United States. In fiscal year 2018, the VSP screened almost 2.2 million nonimmigrant visa applicants at high-risk diplomatic posts. From those applicants VSP made over 1,200 nominations, or enhancements, to the terrorist watch list and recommended the refusal of over 9,000 visa applications.

The Biometric Identification Transnational Migration Alert Program, known as BITMAP, is managed by HSI in collaboration with the Department of Defense and Customs and Border Protection. Through BITMAP, HSI extends the U.S. border by targeting high-risk subjects who attempt to enter the United States utilizing illicit pathways.

Under this program HSI trains and equips foreign counterparts to tactically collect biometric and biographic data on special-interest aliens, gang members, and other persons of interest as identified by the host country. In fiscal year 2018, BITMAP enrolled over 41,000 persons of interest, including over 100 biometric enrollments, or amendments, to records of known and suspected terrorists.

From an enforcement and removal operations perspective, DHS and ICE continue to work to balance effective law enforcement with the overwhelming number of aliens, including family units and unaccompanied alien children arriving at our borders. The increase in the flow of migrants and the change in those who are arriving at our border are putting migrants, particularly young chil-



dren, at risk of harm from smugglers, traffickers, criminals, and the dangers of the difficult journey.

ERO remains committed to directing its enforcement resources toward those aliens posing the greatest risk to the safety and security of the United States, as well as to maintain the integrity of our border.

In fiscal year 2018, ICE housed a daily average of 42,188 aliens, with 61 percent of the aliens booked into detention stemming from CBP or border apprehensions, a number which has swelled to 75 percent during fiscal year 2019, as a result of the on-going crisis. Consequently, additional detention capacity will be necessary to prevent the expansion of catch and release. Specifically, the budget includes nearly \$2.7 billion to increase detention capacity to support an average daily adult population of 51,500 and an average daily family population of 2,500, for a total of 54,000 beds, and also includes augmentation for ground and air transportation-related, alien movements and removals.

Securing our borders is a fundamental National security priority as well as a humanitarian issue. However, we can never achieve strong border security without effective interior enforcement. In fiscal year 2018, ERO officers removed over 250,000 illegal aliens and made over 150,000 interior arrests, with more than 138,000 of those having criminal histories.

The fiscal year 2020 budget request includes attorney resources to ensure that ICE is able to carry out its statutory responsibility to prosecute removal proceedings before immigration courts. There are currently over 870,000 pending cases before the immigration courts, and ICE attorneys are an indispensable part of the immigration hearing process.

In fiscal year 2018, ICE obtained over 122,000 orders of removal for a ratio of more than 150 cases per attorney. With the hiring—with the hundreds of additional immigration judges that DOJ is in the process of hiring, it is critical that we be resourced at a level which ensures that aliens charged with immigration violations, have their cases completed efficiently and either receive relief to which they are entitled, or removed promptly.

Simply put, an inadequate augmentation of local resources will prevent the realization of the efficiencies envisioned by the substantial increase in immigration judges and will not reduce the massive backlog of cases.

Looking ahead, the men and women of ICE will continue to do their sworn duty to enforce all laws with which we are charged, removing the scourge of illegal narcotics from our communities, dismantling gangs that prey upon the vulnerable, protecting children from sexual exploitation, and arresting, detaining, and removing criminal aliens, public safety threats, known or suspected terrorists, and immigration violators, all of which are critical to the National security, border security, and the safety and well-being of our country.

Thank you again for inviting me today and providing me the privilege of representing the outstanding, dedicated professionals in every job series, program, and assignment within this great agency.

I look forward to answering any questions you may have.

[The prepared statement of Mr. Albence follows:]

## PREPARED STATEMENT OF MATTHEW T. ALBENCE

MAY 9, 2019

## INTRODUCTION

Chairman Thompson, Ranking Member Rogers, and distinguished Members of the committee: Thank you for the opportunity to appear before you today to present the fiscal year 2020 President's budget for U.S. Immigration and Customs Enforcement (ICE). We look forward to discussing our priorities for the upcoming fiscal year and highlighting our continued efforts to ensure we make the most efficient and effective use of the resources to carry out our vital homeland security mission. Every day, the over 20,000 dedicated, proud, professional men and women at ICE work to promote homeland security and public safety through broad enforcement of over 400 Federal laws governing border control, customs, trade, and immigration.

The fiscal year 2020 President's budget includes \$8.8 billion in discretionary funding, reflecting a \$1.2 billion increase from the fiscal year 2019 enacted budget. Additionally, the budget estimates \$527.4 million in budget authority derived from mandatory fees, bringing total estimated budget authority to \$9.3 billion. This increase in funding is critical for ICE to meet its current and future mission needs and enables ICE to invest in necessary personnel, equipment, and systems. Particularly, it provides resources and officers to address an increasing number of at-large criminal aliens and the ever-growing fugitive alien population—those who have been provided due process and have been determined by a judge to have no lawful right to remain in the United States—numbering at more than 570,000. This increase in funding provides for attorneys to reduce the rapidly expanding non-detained alien docket; transportation costs for removals, medical care of detainees, and UAC transportation; and expansion of criminal investigative personnel to combat opioids, child exploitation, human smuggling, and the deleterious impacts of transnational gangs across the United States.

## ENFORCING IMMIGRATION LAWS

Our immigration enforcement efforts are led by the more than 6,000 law enforcement officers of Enforcement and Removal Operations (ERO). ERO's deportation officers enforce our Nation's immigration laws by identifying, arresting, detaining, and removing illegal aliens. To ensure the National security and public safety of the United States and the faithful execution of the immigration laws, officers may take targeted enforcement action against any removable alien who is present in the United States in violation of immigration law.

ERO remains committed to directing its limited enforcement resources toward those aliens posing the greatest risk to the safety and security of the United States, as well as the integrity of our border. In fiscal year 2018, ICE removed 256,085 illegal aliens, a 13 percent increase over fiscal year 2017. Additionally, ICE's ERO officers arrested 152,074 aliens, an 11 percent increase over fiscal year 2017, of which 138,117 had criminal histories. ICE housed a daily average of 42,188 illegal aliens, with 61 percent of the aliens booked into detention stemming from CBP border apprehensions, a number which has swelled to 75 percent during fiscal year as a result of the on-going border crisis. ERO also responded to 1,533,007 immigration alien inquiries from Federal, State, and local law enforcement agencies through ICE's Law Enforcement Support Center. Additionally, ERO conducted 807 foreign Fugitive Alien Removals (FAR) arrests—removable aliens wanted for or convicted of crimes committed abroad and residing within the United States.

Due to the crisis on the border, additional detention capacity will be necessary to prevent the expansion of catch-and-release. Specifically, the budget includes nearly \$2.7 billion to increase detention capacity to support an average daily adult alien population of 51,500 and an average daily family population of 2,500, for a total of 54,000 beds. The budget also includes an augmentation for ground and air transportation related alien movements and removals, and additional funds for the Alternatives-to-Detention (ATD) program to increase the average daily participants to 120,000.

Additional resources are also requested in fiscal year 2020 to ensure that ICE's Office of the Principal Legal Advisor (OPLA) is able to carry out its statutory responsibility to prosecute removal proceedings before the U.S. Department of Justice's (DOJ) immigration courts.<sup>1</sup> There are currently over 870,000 pending cases before the immigration courts, and OPLA attorneys are an indispensable part of the immigration hearing process. They determine the legal sufficiency of charging docu-

<sup>1</sup> 6 U.S.C. § 252(c).

ments, appear in court, examine witnesses, prepare evidentiary submissions and legal pleadings, work with opposing counsel to narrow issues, hold aliens who are seeking asylum and other forms of relief to their burdens of proof, and ensure that immigration judges enter fair and correct decisions, including by filing appeals of erroneous decisions. In fiscal year 2018, OPLA obtained over 122,000 orders of removal for a ratio of more than 150 cases per OPLA line attorney (up from a ratio of 135 cases per attorney in fiscal year 2017). With the hundreds of additional immigration judges that DOJ is in the process of hiring, it is critical that OPLA be resourced at a level which ensures that aliens charged with administrative immigration violations have their cases completed efficiently, and either receive relief to which they are entitled or are removed promptly. The President's request for 128 additional attorneys and 41 additional support staff for OPLA addresses a critical resource gap. Without these resources, ICE OPLA will not be able to handle the heavy workload. Simply put, an inadequate augmentation of OPLA resources will prevent the realization of the efficiencies envisioned by the substantial increase in immigration judges and will not reduce the massive backlog of cases.<sup>2</sup>

#### COMBATTING TRANSNATIONAL CRIMINAL ORGANIZATIONS

ICE's Homeland Security Investigations (HSI) Special Agents protect the United States against terrorists and other criminal organizations through criminal and civil enforcement of Federal laws governing border control, customs, trade, and immigration. As the largest investigative arm of DHS, HSI utilizes its broad legal authorities to investigate immigration and customs violations, including those related to weapons and contraband smuggling, child exploitation, human trafficking and smuggling, transnational gangs, export control, human rights abuses, narcotics, financial crimes, cyber crime, intellectual property infringements, immigration document and benefit fraud, and worksite enforcement. The fiscal year 2020 budget maintains HSI's critical operations abroad, supports hiring of an additional 150 domestic special agents and increases our efforts to target and combat dangerous transnational gangs and other criminal organizations.

In fiscal year 2018, ICE's HSI agents arrested 44,069 individuals, making a record 34,344 criminal arrests, along with 9,725 administrative arrests. HSI achieved numerous significant enforcement initiatives and accomplishments, and additional funding is necessary to sustain and build upon our successes. For example, HSI made 4,333 arrests of gang leaders, members, and associates, including 959 Mara Salvatrucha (MS-13) members. Our special agents helped take more than 750 firearms off the streets through these criminal investigations, and we hope to expand on that success going forward. We will continue targeting transnational criminal gangs like MS-13. Results from across the country show that these policies are working and helping make communities safer for our kids, who are frequently targeted for initiation.

HSI identified and assisted more than 1,477 crime victims, including 308 human trafficking victims, and 715 child exploitation victims. HSI initiated more child exploitation cases and achieved more arrests, indictments, and convictions paying immediate dividends when considering the long-term, lasting damage these criminals can inflict upon their young victims. HSI is prioritizing the identification and rescue of child victims of sexual exploitation, working to disrupt and dismantle the transnational criminal organizations (TCOs) responsible for the sexual exploitation of children through cyber crime and child sex tourism.

Narcotics enforcement efforts throughout fiscal year 2018 resulted in more than 11,400 criminal arrests, with seizures totaling more than 1 million pounds. Our workforce is dedicated to eliminating the transnational criminal organizations responsible for the manufacture, distribution, and sale of these illegal and deadly drugs. Leveraging the Border Enforcement Security Task Force, or BEST unit resources, HSI is increasing investigation and enforcement activities combating organizations that illicitly introduce and distribute fentanyl, heroin, methamphetamine, and cocaine into and throughout the United States.

HSI conducted 5,981 Employment Eligibility Verification (Form I-9) inspections; issued over \$10.0 million in judicial fines, forfeitures, and restitutions against employers found to be in violation of employment eligibility verification requirements; conducted nearly 1,500 presentations to 8,257 employers regarding the requirements and benefits of the ICE Mutual Agreement between Government and Employers

<sup>2</sup>In addition to representing DHS in proceedings before EOIR, OPLA is responsible for advising ICE leadership and operational personnel on legal matters and addressing an array of other litigation and legal matters facing the agency, which have seen significant increases in tempo and complexity.

(IMAGE) program, designed to reduce unauthorized employment and minimize fraudulent identity documents; and certified 18 exceptional employers as new IMAGE members.

In addition to leveraging domestic assets, HSI works closely with attaché personnel deployed to 68 offices in 51 countries world-wide. These personnel are uniquely positioned to utilize established relationships with host country law enforcement, including Transnational Criminal Investigative Units (TCIUs). These TCIUs are composed of DHS-vetted and trained host country counterparts who have the authority to investigate and prosecute violations of law in their respective countries. The use of TCIUs enables HSI to promote direct action on its investigative leads while respecting the sovereignty of the host country and cultivating international partnerships. These efforts, often thousands of miles from the U.S.-Mexico border in countries like Colombia and Panama, act as an outer layer of security for our Southwest Border.

Another component of HSI's international engagement, the Visa Security Program (VSP), maximizes the visa process as a counterterrorism tool to identify, exploit, and disrupt transnational terrorist and criminal networks seeking to harm the United States. In fiscal year 2018, the VSP screened 2,196,708 million non-immigrant visa applicants at 35 (36 as of fiscal year 2019 Q2) high-risk U.S. diplomatic posts. From those visa applicants, VSP made 1,251 nominations/enhancements to the terrorist watch list and recommended the refusal of 9,007 visa applications.

An additional international program is the Biometric Identification Transnational Migration Alert Program (BITMAP), managed by HSI in collaboration with the Department of Defense (DOD) and Customs and Border Protection (CBP). Through BITMAP, HSI extends the U.S. border by targeting high-risk subjects who attempt to enter the United States utilizing illicit pathways. Under this program, HSI trains and equips foreign counterparts to tactically collect biometric and biographic data on special interest aliens, gang members and other persons of interest as identified by the host country. Foreign partners share this data with HSI to populate and enhance U.S. Government databases. In fiscal year 2018, BITMAP enrolled over 41,000 encounters of persons of interest, including 31 biometric enrollments of Known and Suspected Terrorists (KST) and 81 enrollments resulting in a biometric enhancement to a KST record. BITMAP has matched nearly 190 persons to the DOD Biometrically-Enabled Watchlist (BEWL) and added 200 new identities to the BEWL. Since inception in fiscal year 2011, BITMAP has enrolled over 94,000 encounters of persons of interest, including over 450 enrollments of KSTs. BITMAP has matched to over 230 persons to the DOD BEWL and added 1,500 new identities to the BEWL.

Terrorism remains one of the most significant threats our law enforcement faces in protecting the homeland. Our counterterrorism and anti-criminal exploitation efforts seek to prevent terrorists and other criminals, such as human rights violators, from exploiting our Nation's immigration system. HSI's overstay analysis efforts provide timely, relevant, and credible information on entry, exit, and immigration overstay status of visitors to the United States to enhance security, facilitate legitimate trade and travel, and ensure the integrity of the immigration system, all while protecting the privacy of visitors.

#### POSITIONING OUR WORKFORCE TO MEET THE MISSION

The fiscal year 2020 budget includes \$313.9 million to hire additional personnel critical to mission success. This funding would allow ICE to hire 850 additional ERO Officers, 150 additional HSI Criminal Investigators, 128 additional attorneys, and 538 additional support staff including intelligence analysts, case management specialists, and other operational support personnel.

#### INVESTING IN INFORMATION TECHNOLOGY AND INFRASTRUCTURE

The fiscal year 2020 budget includes \$7.8 million to fund the deployment and modernization of ICE's information technology applications—systems infrastructure that support our front-line personnel and improves information sharing with the Department of Homeland Security (DHS) and partner organizations.

Tactical Communication (TACCOM) is an integral part of all successful ICE law enforcement operations, including criminal apprehension, emergency response, surveillance, and multi-agency task force operations. In addition to daily operational needs, TACCOM provides critical support necessary for National Special Security Events (NSSEs) and responses to natural and man-made disasters. ICE needs to procure and deploy multi-band mobile and portable radios and the required radio infrastructure nationwide to support interoperability communications, improve offi-

cer safety, increase mission effectiveness, and reduce capability gaps. The fiscal year 2020 budget sustains \$53.6 million in IT resources for this effort.

In addition to information technology enhancements, ICE facilities and vehicle recapitalization plans are funded within the fiscal year 2020 budget. An additional \$71 million is requested to conduct critical repairs at ICE-owned facilities and improve mission capacity at leased facilities. Funding for the 5-year vehicle recapitalization plan is also included providing \$49.4 million to support the lease and acquisition of 1,000 new law enforcement vehicles.

ICE relies on the availability of these mission-essential systems to perform critical functions across the enterprises. These systems, in turn, rely on modern and up-to-date infrastructure to ensure operational readiness and optimal performance.

#### CONCLUSION

ICE continues to work to balance effective law enforcement with the staggering number of arriving aliens, including family units, at our borders. The increase in the flow and the change in those who are arriving at our border are putting these aliens, particularly young children, at risk of physical and emotional harm from smugglers, traffickers, criminals, and the dangers of the difficult journey.

Our workforce is dedicated to eliminating the transnational criminal organizations responsible for the manufacture, distribution, and sale of illegal and deadly drugs. We are determined to work with our local law enforcement partners to meet this crisis head-on and reverse the devastating toll these substances are taking on our communities.

Funding people, technology, and equipment are especially prudent investments given today's challenges. We believe no other investment will return more operational value on every dollar than the extraordinary men and women of ICE. Removing illicit narcotics, dismantling gangs, protecting children from sexual exploitation, and detaining and removing criminal aliens, public safety threats, and immigration violators, along with ICE's ability to counter emerging threats also constitutes an operational success that continues to yield important results for the Nation.

Thank you again for inviting me to testify today. I look forward to your questions.

Miss RICE. Thank you for your testimony. I now recognize Ms. Renaud to summarize her statement for 5 minutes.

#### **STATEMENT OF TRACY RENAUD, ACTING DEPUTY DIRECTOR, U.S. CITIZENSHIP AND IMMIGRATION SERVICES**

Ms. RENAUD. Chairwoman Rice, Ranking Member Higgins, and distinguished Members of the subcommittee, thank you for this opportunity to discuss the fiscal year 2020 budget proposal of U.S. Citizenship and Immigration Services.

My name is Tracy Renaud, and I am the acting deputy director of USCIS. I have had the honor to serve this agency and its predecessor, the Immigration and Naturalization Service since 1982. As the agency that administers the lawful immigration system, we are proposing a budget of \$4.8 billion, 97 percent of which comes from fees paid by those seeking certain immigration benefits. Of the proposed budget, \$122 million would be appropriated funds to support the E-Verify program, which last year verified the employment eligibility of 38 million new hires.

In addition, our budget proposal includes \$25 million in fee revenue to build a USCIS Academy Training Center at the Federal Law Enforcement Training Center in Charleston, South Carolina. A new headquarters building is under construction in Camp Springs, Maryland, and it will centralize operations and consolidate our staff from locations across the National Capital Region. The move is anticipated for fiscal year 2020.

I would like to focus on E-Verify for a moment, because it is the appropriated portion of our budget. E-Verify is an electronic system that allows employers to confirm the eligibility of their employees

to work in the United States. Nearly all confirmations occur instantly or within 24 hours. As of April 15 of this year, more than 855,000 employers were enrolled in E-Verify.

USCIS previously received appropriated funding to modernize the technology behind E-Verify. The system can now handle nearly 11,000 users at once, with scaleable technology to accommodate future growth. We have also increased accuracy and efficiency by automating more data checks, providing the verification algorithms, and providing for employer, data-entry-error checks.

During the 35-day partial Government shutdown, E-Verify suspended operations and was unavailable to employers. When the system resumed operations on January 27, we received more than 600,000 requests, triple the volume we have ever seen in a given day.

Between January 27, and February 1, E-Verify successfully processed approximately 2 million requests. E-Verify's expanded capabilities, achieved through the modernization, made it possible to handle the unprecedented incoming volume and eliminate the backlog promptly and efficiently.

We anticipate achieving full operating capability of E-Verify modernization by the fourth quarter of this fiscal year. Since 2016, we have experienced a period of unexpectedly high demand for immigration benefits. We are still feeling the wake from the extraordinary receipt growth of fiscal years 2016 and 2017.

In fiscal year 2018, USCIS received more than 8 million petitions, applications, and requests for immigration benefits. The agency naturalized over 757,000 new citizens, a 5-year high, and issued nearly 1.1 million green cards to new, lawful, permanent residents.

We are also undertaking several initiatives to realize efficiencies, focus resources, and better facilitate access to information, including shifting away from first-in/first-out processing of affirmative asylum cases, and returning to a last-in/first-out process, to help identify nonmeritorious asylum claims earlier and place those individuals into removal proceedings sooner.

Committing to making the filing and adjudications of applications a paperless process by the end of calendar year 2020, which will put the agency in a better position to allocate resources, spot trends, and work with other agencies.

We continue to focus on filling positions and reducing vacancy rates and ensuring employee overtime is available to increase adjudication capacity. We are also focused on improving screening and vetting standards and procedures for immigration benefits, including expanding the use of in-person interviews for certain employment-based adjustment applications, enhancing screening and vetting in the U.S. refugee admissions program with the goal to close security gaps and take a more risk-based approach to refugee admissions, and expanding the targeted site visit and verification program to take a more targeted approach to combatting fraud and abuse.

Our country and the world have changed significantly since I joined the service 37 years ago, yet our immigration policies and practices have not kept pace. Our immigration system and our Nation are vulnerable in new and dynamic ways. USCIS is dedicated

to serving and safeguarding the American people, our Nation, and our economy. I am extremely proud of the hard work and professionalism I see every day from the people at USCIS.

Again, thank you for allowing me to be here, and I look forward to answering your questions.

[The prepared statement of Ms. Renaud follows:]

PREPARED STATEMENT OF TRACY RENAUD

MAY 9, 2019

INTRODUCTION

Chairwoman Rice, Ranking Member Higgins, Chairman Thompson, Ranking Member Rogers, and distinguished Members of the subcommittee, thank you for this opportunity to discuss U.S. Citizenship and Immigration Services' (USCIS) fiscal year 2020 budget.

USCIS administers the lawful immigration system for the United States. The agency's mission is to safeguard the integrity and promise of that system by efficiently and fairly adjudicating requests for immigration benefits while protecting Americans, securing the homeland, and honoring our values.

My name is Tracy Renaud. I am the acting deputy director of USCIS. I have had the honor to serve in this agency and its predecessor, the Immigration and Naturalization Service, since 1982. A lot has changed since then. But while our country and the world have changed significantly, our immigration policies and practices have not kept pace. Today, we realize that many current security and integrity risks to our system did not exist in the last century, and many of the threats that did exist then have evolved. At the same time, National and economic interests demand efficient and reliable processes so that our Nation can retain its preeminent position in the world for business, education, and technology. The agency is working hard to tackle many issues through technology, updated regulations, and clear guidance. Yet, there is only so much that the agency can do through regulation and technology. As Congress continues to grapple with immigration policy, I want you to know that USCIS stands ready to provide assistance on immigration-related legislation.

FISCAL YEAR 2020 BUDGET

USCIS is nearly 97 percent fee-funded. The USCIS budget for fiscal year 2020 provides funding to support our critical mission. The budget allocates \$4.8 billion in funding, of which \$4.7 billion would be financed through mandatory fee revenue, and \$122 million would be funded with discretionary appropriations. The appropriated funding supports the operation and maintenance of the E-Verify program. The fee-funded portion of the budget, which supports all other USCIS operations, includes \$25 million and the required language to enter into an interagency agreement for the construction of a USCIS Academy Training Center at the Federal Law Enforcement Training Centers (FLETC) in Charleston, South Carolina.

USCIS UPDATES

Here are some statistics that provide a quick snapshot of USCIS in fiscal year 2018:

- More than 8 million petitions, applications, and requests received.
- Approximately 19,000 employees and contractors working in approximately 240 offices.
- \$4.5 billion budget supported almost entirely (97 percent) by fees.
- 849,000 naturalization applications completed—nearly a 10-year high.
- 757,000 new U.S. citizens naturalized—a 5-year high.
- Nearly 1.1 million Green Cards obtained by new lawful permanent residents.
- Nearly 2.1 million employment authorization applications processed.
- 14 million USCIS Contact Center calls received.
- 38 million new hires verified through E-Verify.
- 191,000 FOIA requests received.

As of the end of March 2019, USCIS had an approved level of 20,404 positions and 18,473 employees on-board. USCIS operates offices in a variety of settings—from high-volume service centers, to asylum offices and field offices where interviews take place, to application support centers, to our headquarters offices. A new building under construction in Camp Springs, Maryland, will centralize operations

and consolidate our staff from locations across the National Capital Region. This consolidation will likely occur in fiscal year 2020.

The agency derives nearly all its revenue from fees for services—a fact of which we are very mindful. As the stewards of these funds, we continually seek greater efficiencies, while also striving for the highest degree of integrity and security. One thing remains constant—the workload USCIS faces each year is staggering. This workload represents the full spectrum of immigration benefits that our laws provide to those seeking to come to the United States—temporarily or permanently—and those who seek to become citizens of this Nation. USCIS anticipates workloads and resource needs based on events and historic trends. Occasionally, however, workloads do not conform to the models that have served us so well, and we have to adjust priorities, processes, and resources. Since 2016, there has been a period of unexpected high demand for immigration benefits.

As receipts have grown, USCIS has continued to add staff and look for ways to maximize use of our existing facilities wherever possible. As discussed below, USCIS is tackling increased workloads with several initiatives designed to realize efficiencies, focus resources on adjudicating cases, and better facilitate access to information.

#### OPERATIONAL UPDATES

##### *E-Verify*

E-Verify is an electronic system that allows employers to confirm the eligibility of their employees to work in the United States. It compares information from an employee's Form I-9, Employment Eligibility Verification, to records available to the Department of Homeland Security (DHS), the Social Security Administration, the Department of State, and certain State Department of Motor Vehicle divisions. Nearly all confirmations occur instantly or within 24 hours. As of April 15, 2019, more than 855,000 employers were enrolled in E-Verify. Enrollment has grown by an average of approximately 1,500 new employers each week in fiscal year 2019.

USCIS previously received appropriated funding to modernize the technology that supports the E-Verify program. This modernization effort was designed to improve the effectiveness and efficiency of the E-Verify program for its users and USCIS, and to manage the rapid increase in enrollments and use of this popular program.

As a result of the modernization effort the program can now handle up to 10,800 concurrent users, with the ability to handle even more with the scalable technology that has been built. Additionally, the modernization effort improved accuracy by automating more data checks and improving the verification algorithms, which has reduced the manual verification workload by 35 percent since implementation. Finally, the modernization effort provided for employer data entry error checks. These checks have improved the accuracy of E-Verify results and reduced data mismatches from a fiscal year 2016 baseline of 84,116 down to 341.

In fiscal year 2018, USCIS executed an agreement with the National Law Enforcement Telecommunications System (NLETS). The former Records and Information from Department of Motor Vehicle for E-Verify (RIDE) program included only 10 States. The new connection to NLETS allows verification of States' Department of Motor Vehicles data in over 40 States. This effort will help flag fraudulent or invalid driver's licenses and State-issued identification cards.

USCIS upgraded the Verification Information System architecture for case processing by eliminating redundant steps and providing a more user-friendly experience through an improved design. This included implementing an auto-scroll feature that automatically advances to the next section on the page. This reduced the case processing screens from 10 to 3 by removing unnecessary pages and steps. Additionally, there are new checks for data entry errors by the employer, which improved accuracy of the results and reduced data mismatches.

In April 2018, USCIS launched E-Verify.gov, a new dedicated Uniform Resource Locator (URL, i.e., web address), as opposed to the previous sub-URL within the agency web address. The dedicated URL enhances the existing brand with a new look throughout the website and other public materials. Website hits to E-Verify.gov increased over 8 percent in fiscal year 2018. The dedicated URL streamlines materials on the site for easier and faster navigation for employers, improves readability and explanations of E-Verify services and products (my E-Verify, account roles, web services) for the public, and strategically targets and supports unique external users that are separate and apart from the larger USCIS audience.

In July 2018, an E-Verify data field was added to the Federal Procurement Data System that identifies Federal contractors subject to the E-Verify clause. This addition will allow our E-Verify Monitoring and Compliance team to better monitor Federal contractors for required enrollment and usage of E-Verify.



Between January 27 and February 1, 2019, approximately 2 million cases were successfully processed in E-Verify, eliminating the case backlog from the most recent partial Government shutdown. During the 35-day shutdown, E-Verify suspended operations and was unavailable to employers. When the system resumed operations on January 27, it received more than 600,000 cases—triple the volume previously seen on a single day. By January 30, the number of E-Verify cases had reached 2 million. E-Verify's expanded capabilities, achieved through modernization, made efficiently and promptly handling this backlog possible.

We anticipate achieving full operating capability of E-Verify modernization by the fourth quarter of fiscal year 2019.

Beginning in fiscal year 2019 and continuing into fiscal year 2020, we plan to concentrate on strengthening system architecture, improving system reliability and resiliency, and delivering verification services with the highest degree of speed and accuracy possible, while reducing user burden. We will leverage cloud-based data warehousing and analytic services that allow business users to run customized reports, dashboards, and data analytic tools to monitor performance, program integrity, and support decision making. We will also enhance the systems that support call center operations, monitoring and compliance units, status verification operations, and program promotion. These enhancements will allow us to better monitor the program and respond to employer's questions.

#### *SAVE (Systematic Alien Verification for Entitlements)*

USCIS also administers the SAVE Program, which provides a fast, secure, and efficient verification service for Federal, State, and local benefit-granting agencies to verify a benefit applicant's immigration status or naturalized/derived citizenship.

More than 1,100 agencies use SAVE. New features include improved case search capabilities, larger file size upload capacity, and more user-friendly navigation. Improved ease of use has led agencies to submit many cases digitally using uploaded documents, doubling from 17,000 per month to 34,000 per month, thereby reducing abandonments and improving the effectiveness of the program.

SAVE became fully paperless in May 2018 and has reduced response time from 20 business days to 5 business days or less. An estimated 170,000 formerly paper cases a year will now be submitted and responded to electronically.

#### *Asylum and Credible Fear*

In fiscal year 2018, USCIS adjudicated nearly 82,000 applications for affirmative asylum, a 61 percent increase from fiscal year 2017. In January 2018, USCIS announced a shift away from "first in, first out" processing of affirmative asylum cases and a return to "last in, first out" (LIFO) processing. This priority approach, first established by the asylum reforms of 1995 and used for 20 years until 2014, seeks to deter those who might try to exploit the existing backlog as a means to obtain employment authorization. The goal is to quickly identify non-meritorious claims, thereby deterring such claims and helping to slow the growth of the affirmative asylum caseload that disadvantages legitimate asylum seekers. In the first quarter of fiscal year 2019, USCIS had approximately 325,000 affirmative asylum applications pending adjudication. Returning to a LIFO interview schedule has allowed USCIS to identify non-meritorious asylum claims earlier and place those individuals into removal proceedings sooner.

Individuals placed in the expedited removal process who claim a fear of return are screened by the Asylum Division for a "credible fear" of persecution or torture to determine whether they will be issued a Notice to Appear in full removal proceedings in Immigration Court. In fiscal year 2018, USCIS processed nearly 98,000 credible fear claims. Adjudications were up 22 percent from fiscal year 2017 and nearly doubled from fiscal year 2014.

#### *Refugee Program*

In fiscal year 2018, USCIS officers interviewed more than 26,000 refugee applicants in 45 countries, and the United States admitted 22,491 refugees. In fiscal year 2018, the Refugee Affairs Division committed the equivalent of an average of 100 full-time equivalent positions throughout the fiscal year to support the Asylum Division workload. To sustain this level of commitment, Refugee Affairs Division staff completed over 500 details to the Asylum Division. In fiscal year 2019, it continues to detail staff to assist but on a smaller scale as the Asylum Division continues to add permanent staff.

USCIS, along with our partners, has implemented a number of enhancements recommended because of two reviews of the U.S. Refugee Admissions Program (USRAP) pursuant to Executive Orders. The enhancements aim to close security gaps and take a more risk-based approach to refugee admissions. These enhancements are an additional layer of security for the American people and take account

of evaluated intelligence, as well as identified gaps in screening and vetting operations. These enhancements are part of a long-standing practice of prioritizing integrity and security in the USRAP. Since the inception of the program, USCIS and other processing partners have consistently reviewed the USRAP and implemented enhancements to its security vetting and program integrity in order to carry out the mission and safeguard the United States.

#### *eProcessing*

USCIS' goal is to make the filing and adjudication of applications a paperless process by the end of calendar year 2020. The agency has taken in, stored, and transported paper forms and documentation in the tons for far too long. USCIS is committed to using the technology necessary to support on-line filing and electronic records management. An electronic government is the key to increasing efficiency, reliability, and accuracy. USCIS is taking active steps to increase operations on-line.

USCIS is modernizing our IT strategy and business processes to enable all applicants to file for benefits on-line so that we can adjudicate cases electronically. This effort is called "eProcessing." The plan is to create an on-line filing platform for each benefit request product line, gradually stopping the creation of new paper immigration records. Once digital, cases can be adjudicated with more current and comprehensive information. USCIS will be better able to allocate resource, see trends, and collaborate with other agencies.

Today individuals can file several forms on-line, including the Application to Replace Permanent Resident Card, the Application for Replacement Naturalization/Citizenship Document, and the Application for Naturalization. On-line filing opportunities are scheduled to expand quickly because existing technical functionalities can be reused to facilitate an increased rate of deployment for subsequent benefit request types.

#### *Employment-Based Adjustment of Status Interviews*

Pursuant to Section 5 of Executive Order 13780, *Protecting the Nation from Foreign Terrorist Entry into the United States*, DHS and Federal partners continue to develop "a uniform baseline for screening and vetting standards and procedures." As part of this effort, USCIS has expanded the use of interviews. This expansion includes transitioning certain employment-based adjustment applications from service centers to field offices for interviews.

Specifically, USCIS has transitioned the adjudication of employment-based adjustment of status applications based on an underlying immigrant worker petition. The employment-based adjustment cases that were transitioned for interviews to field offices generally included applications filed on or after March 6, 2017 (the effective date of Executive Order 13780). USCIS service centers generally continue to adjudicate employment-based cases filed before March 6, 2017, that still await visa availability.

USCIS has provided training to field offices on the adjudication of employment-based cases, along with fraud detection training, to ensure a high level of consistency in the adjudication of employment-based adjustment of status applications while maximizing the use of available employment visa numbers.

#### *Site Visit and Verification Programs*

In fiscal year 2018, USCIS created and expanded the Targeted Site Visit and Verification Program in response to Executive Orders 13768, *Enhancing Public Safety in the Interior of the United States*, and 13788, *Buy American and Hire American*, to take a more targeted approach to combating H-1B fraud and abuse by focusing on:

- Cases where USCIS cannot validate the employer's basic business information through commercially available data;
- H-1B-dependent employers (those who have a high ratio of H-1B workers as compared to U.S. workers, as defined by statute); or
- Employers petitioning for beneficiaries who work offsite at another company or organization's location.

In fiscal year 2018, USCIS completed 414 targeted H-1B site visits, confirming fraud in 149 cases. From the start of fiscal year 2019 through April 22, 2019, USCIS conducted 2,209 targeted H-1B site visits, confirming fraud in 100 and non-fraud related compliance issues in another 100.

In fiscal year 2018, USCIS also began Targeted Site Visit and Verification Program pilots for the following nonimmigrant employment classifications:

- L-1B (intracompany transferee with specialized knowledge)
- E-2 (treaty investors)
- H-2B (temporary nonagricultural workers)

USCIS is currently reviewing the results of these pilots.

USCIS plans to continue expanding the Targeted Site Visit and Verification Program pilots in fiscal year 2019. So far this fiscal year USCIS has added the L-1A (intracompany transferee in a managerial or executive position) nonimmigrant visa classification and conducted a mini-pilot on selected EB-3 (immigrant unskilled worker) petitions in the Targeted Site Visit and Verification Program.

*USCIS Tip Unit*

In June 2018, USCIS established a Tip Unit in Williston, Vermont. This unit, collocated with the U.S. Immigration and Customs Enforcement (ICE) Tip Line Center, is working on processing the thousands of immigration benefit fraud tips that USCIS receives annually from the public and other Government entities. USCIS has established dedicated mailboxes for tips: *ReportFraudTips@uscis.dhs.gov*, *ReportH1BAbuse@uscis.dhs.gov* and *ReportH2BAbuse@uscis.dhs.gov*. The Tip Unit refers actionable or articulable leads to USCIS officers for further action. Since becoming operational, the Tip Unit has processed over 45,000 tips from the public. Of these, over 26,000 leads have been developed and numerous fraud findings and referrals were submitted to ICE for criminal investigation.

CONCLUSION

It is my privilege to be here to discuss USCIS' budget for the upcoming fiscal year. Our goal by the end of 2020 is to have all of our adjudications moved to a digital environment, allowing full digital processing and more streamlined workflows. But technology can only do so much. It cannot replace the people who actually make the decisions. That is why we continue to focus on filling positions and reducing vacancy rates, and ensuring employee overtime is available to increase adjudication capacity. We are still feeling the wake from the extraordinary receipt growth during fiscal year 2016 and 2017. As certain workloads have continued to grow, so too has the complexity of some adjudications, and the time needed for us to do our job in compliance with the will of Congress, as expressed in the immigration laws.

USCIS is dedicated to serving and safeguarding the American people, our Nation, and our economy, and I am extremely proud of the hard work and professionalism I see every day in service to our Nation. Again, thank you for allowing me to be here and I look forward to answering your questions.

Miss RICE. I thank all the witnesses for their testimony, and I will remind each Member that he or she will have 5 minutes to question the panel. I will now recognize myself for questions.

I am going to put this question to all three of the witnesses. There have been multiple news reports finding that the actual architect of the Trump administration's immigration agenda is White House Advisor Stephen Miller. Have any of you ever been contacted by Stephen Miller?

Mr. PEREZ. Thank you, Madam Chairwoman. I will answer first. I have been in meetings with Mr. Miller at the White House, but that is it. Other than in a professional capacity, with respect to what my duties, I have had interaction—

Miss RICE. What was discussed at those meetings?

Mr. PEREZ. Pardon me, ma'am?

Miss RICE. What was discussed at those meetings with Stephen Miller?

Mr. PEREZ. Various efforts of the Department and of the agency with respect to our border security mission.

Miss RICE. So broadly the administration's policy and what it was going to be and how you were going to implement it at the border?

Mr. PEREZ. More so an exchange of ideas and how to implement what we believe are the best policies moving forward, yes.

Miss RICE. That is what I said. Thank you.

Mr. Albence.

Mr. ALBENCE. Yes, ma'am, I have been contacted by Mr. Miller, been in meetings with him as well, as with many other White House individuals.

Miss RICE. So, Mr. Albence, I am asking about you, not other White House officials. It is a very simple question, to you, not any other White House official. When he contacted you, what did he contact you about?

Mr. ALBENCE. Generally, it is operational guidance with regard to impact that a certain policy may have.

Miss RICE. He was directing to you what the policy—the White House policy was, to make sure that you, as a soldier in the field, were implementing it correctly?

Mr. ALBENCE. No. It was more of, if we instituted this policy, could it be operationalized, how would it be operationalized, what would be the impact on the operations. It was more an exchange of ideas versus a—it was not a direction that I would do X, Y, or Z.

Miss RICE. So he would speak to you about a policy—immigration policy that he had and was asking you whether you thought it was going to work or not?

Mr. ALBENCE. Or if it could work, if it would be possible to implement, would it be able to operationalize.

Miss RICE. Ms. Renaud.

Ms. RENAUD. I have— [inaudible.]

Miss RICE. Has he spoken to you about immigration policy and how it is going to be implemented at the border and elsewhere?

Ms. RENAUD. [Inaudible.]

Miss RICE. Can you speak up?

Ms. RENAUD. Oh, thank you. The conference calls that I have participated on have been mostly seeking updates on implementation of either Executive Orders or Presidential memorandums and status of where we are.

Miss RICE. He specifically was asking you in your capacity for data regarding your piece of that operation?

Ms. RENAUD. He is a participant. He doesn't chair the calls. So whoever chairs the calls will do the—

Miss RICE. Did he speak on the calls?

Ms. RENAUD. Yes.

Miss RICE. Did he ask questions?

Ms. RENAUD. Yes.

Miss RICE. Did he ask questions specifically of you?

Ms. RENAUD. Not of me, no.

Miss RICE. Were you asked to give information?

Ms. RENAUD. Yes.

Miss RICE. Mr. Albence, I want to go back to what I talked about in terms of, I think one of the most shocking parts of the budget which would drastically reduce funding for NII systems, which are specifically used to scan for drugs, guns, and other contraband at ports of entry, if you look at any public statement that the President makes and people in his administration, whether it is his spokesperson or other people, about our biggest problem at the border, that then becomes an interior problem in this country, it is drugs.

So I think it doesn't make much sense to me that in his budget, he would cut from \$500 million to procure new NII systems to the 2020 budget where he requests just \$59 million. Do you think that is a wise decision?

Mr. ALBENCE. With all due respect, ma'am, that is on the CBP budget, so I would defer to my colleague here to answer that question.

Mr. PEREZ. I will gladly answer for you, Madam Chairwoman. So—

Miss RICE. Let me just say, Mr. Albence, we spoke about drugs when we met previously, so you have an opinion. What is your opinion?

Mr. ALBENCE. Again, I can't speak to the money. I can tell you what we have learned in Homeland Security investigations that—

Miss RICE. I am asking you, are you aware of the NII systems that are used?

Mr. ALBENCE. A little bit, ma'am. I don't have—

Miss RICE. Do you think they make sense?

Mr. ALBENCE. From what I understand, they are effective systems, yes.

Ms. RICE. So do you think it makes sense to cut the procurement dollars for that technology?

Mr. ALBENCE. I don't have insight into the whole CBP budget—

Miss RICE. So you are not going to answer the question.

OK, Mr. Perez, can we go to you?

Mr. PEREZ. Thank you, ma'am—Chairwoman. So in the fiscal year 2018 budget, we were provided, thanks to Congress, the ability to recapitalize—

Miss RICE. So Mr. Perez, I have very limited time. I have to interrupt you, and I am very sorry. I am asking you one specific question.

Mr. PEREZ. Right.

Miss RICE. Do you think it is a good decision for this administration to cut the budget for NII systems, from \$500 million to \$59 million, yes or no?

Mr. PEREZ. Since we have money between 2018 and 2019 to recapitalize nearly 75 percent, thanks to Congress, of our entirety of our NII systems, and we are balancing a very complex mission that is multifaceted—

Miss RICE. Yes, go ahead.

Mr. PEREZ. I don't think deem it unreasonable to position—

Miss RICE. So basically you don't need any money, you don't even need—

Mr. PEREZ. No.

Miss RICE [continuing]. The \$59 million?

Mr. PEREZ. No, I'm saying we need all the—

Miss RICE. Wow, I think it sounds like you don't even—well, I just saved us \$59 million. Thank you.

Mr. PEREZ. We will gladly—thank you, Madam Chairwoman.

Miss RICE. OK, Mr. Perez, thank you.

Mr. PEREZ. Thank you.

Miss RICE. So I just have one question for Ms. Renaud.

Despite the on-going violence and political unrest that renders El Salvador unable to adequately handle the return of their nationals, then-Secretary Nielsen announced the decision to terminate TPS status for El Salvador in January 2018. Do you know what the reasons justifying the termination of TPS for El Salvador were?

Ms. RENAUD. I do not know the reasons off the top of my head, ma'am. I would be happy to get you that information.

Miss RICE. Did USCIS provide the Secretary or anyone within the administration with an opinion as to whether TPS should be terminated or extended?

Ms. RENAUD. Yes. USCIS prepares country conditions for the Secretary whenever there is going to be a determination made on TPS for any country. Along with that, we usually do provide a recommendation.

Miss RICE. So what was your recommendation?

Ms. RENAUD. I don't recall. It was some time ago.

Miss RICE. Any of the northern triangle countries or—I shouldn't say that. I should say—yes, so El Salvador, along with Nicaragua and Honduras, can you give us—

Ms. RENAUD. I don't have that—

Miss RICE [continuing]. Did you give opinions about those?

Ms. RENAUD. We gave opinions on all of those, and we—

Miss RICE. But you don't remember what they are now?

Ms. RENAUD. I don't on the—

Miss RICE. So I am going to ask you to please provide me with—this committee with that information.

Ms. RENAUD. We will follow up with you, ma'am.

Miss RICE. So I just want to ask, we have a lot of people up here who want to ask questions. I asked direct questions. Can you please give direct answers? There is no filibustering on the subcommittee. So, please, can we all use the time wisely, and can you answer in the most direct way possible? Thank you very much. Appreciate that.

Mr. Higgins.

Mr. HIGGINS. Thank you, Madam Chair. Regarding technology, Mr. Perez, with the purchase of new technology, would there be a requirement to replace that new technology every year?

Mr. PEREZ. Not every year, Congressman.

Mr. HIGGINS. Thank you. I believe we try and keep to direct answers here. I believe most of the folks in the audience here have a laptop or an iPad. I don't know of anyone that replaces that technology every year.

You had mentioned a number, I believe you said 75 percent of your systems have been upgraded or replaced with new technology?

Mr. PEREZ. We received funding, Congressman, between fiscal year 2018 and 2019 to recapitalize and replace over 230 of our 280 systems.

Mr. HIGGINS. OK. So just to clarify, you have already received funding to replace a large percentage of your technology that was indicated here. So would it not make sense that the budget decrease? It is just common sense. We can move on.

Let's talk about personnel, please. The budget request includes \$163.6 million to recruit, hire, and train 750 additional Border Patrol agents. It is no secret that CBP experiences difficulties in re-

cruiting, hiring, and retaining. It is a gruelling job, and it is insane down there right now. I am amazed at the retention that you are managing. How long would you project it would take, given flexibilities regarding hiring bonuses, retention bonuses, et cetera, can you fulfill the hiring of 750 additional Border Patrol agents if we provide the budget for it?

Mr. PEREZ. Thank you, Congressman. We expect that we will. The time frame, I wouldn't want to speculate as to how long. Right now, particularly with Border Patrol agents, our attrition rates are at about 6 percent, which is higher than our other law enforcement uniformed personnel. We have put in place a lot of hiring initiatives to retain more, to—with—

Mr. HIGGINS. Do you have the flexibility needed at the command level regarding bonuses and retention bonuses, hiring bonuses, et cetera?

Mr. PEREZ. We do, however, it is part of the supplemental request that was put forward.

Mr. HIGGINS. Thank you, sir.

Mr. PEREZ. We are looking forward to getting that support.

Mr. HIGGINS. Moving on, the President has requested \$4.5 billion emergency supplemental funding for the crisis at the border. Mr. Perez, can you explain why these funds are so critical?

Mr. PEREZ. Thank you, Congressman. So in addition to the surging of now nearly—or just over a thousand CBP officers and Border Patrol agents along the Southern Border from parts all over the country, the nourishment, the procurement of consumables for primarily the families and the children that are in our custody for the time they are, the soft-sided facilities that we have put up recently.

In addition to all of that, and being able to fund what we have already done, everything that we expect to continue to have to be done in this urgent crisis, is included in that supplemental request, along with some very critical support for our interagency partners, particularly in—

Mr. HIGGINS. Would funding directed within the supplemental request help the American men and women that work for you to respond to the humanitarian crisis?

Mr. PEREZ. Unquestionably so.

Mr. HIGGINS. OK. Moving to Acting Deputy Director—excuse me—Acting Director Albence. Would you explain to us, sir, the expansion of the 287(g) program, in the form of the warrant service officer program? We are talking about personnel, for boots on a guy—ground, like me, this is significant. Difficult jobs, difficult to hire and retain, and you have determined a way to expand an existing 287(g) program within the parameters of the law, to be a force multiplier for your endeavors at ICE. Would you explain the warrant service officer program, please?

I have 35 seconds.

Mr. ALBENCE. Yes, sir. Thank you for the question. The warrant service officer serves as a force multiplier for ICE. We only have about 6,000 or so sworn law enforcement officers within ERO to cover the wide spectrum of duties that we have to do.

The warrant surface officer allows us to deputize State and local law enforcement agents and deputies to execute immigration warrants on our behalf. So that way, individuals that are sitting in

their custody, criminals that are here illegally, have committed a criminal violation—convicted—

Mr. HIGGINS. That is, the program essentially puts in place trained and certified officers at the State and local level?

Mr. ALBENCE. Absolutely. It allows us to take our officers that are sitting in these detention facilities—

Mr. HIGGINS. Automatic detainers.

Mr. ALBENCE [continuing]. And replace them with theirs.

Mr. HIGGINS. Would you provide to the committee, please, some details and explanations of that program for my colleagues on both sides?

Mr. ALBENCE. I would be happy to.

Mr. HIGGINS. I yield back, Madam Chairwoman.

Miss RICE. So before we go on, I just—you know, I just want to go back to something that Mr. Albence said. You had said before there are 109,000 people had been apprehended between ports of entry, and the actual number is 98,000. You include people who actually presented themselves at a port of entry and were then turned away by CBP ICE. So I think it is important to be accurate. It is not 109,000. It is 98,000.

I now recognize the gentleman from California, Mr. Correa.

Mr. CORREA. Thank you, Madam Chair.

All of you, first of all, seem to have a tremendous history of serving our country, thank you very much. I just returned from Central America, where I took a tour of the triangle countries to look at what was going on. I concur with my colleague from Louisiana, we do have a crisis, and it is a refugee crisis. It is one that is been going on, probably since the 1980's. It has just been invisible for the most part, and now, when we have these caravans, I think it is easier to detect.

I went to these three countries to ask, what is going on, what is fueling all of this activity. The simple answer is a lot of violence, a lot of drugs, a lot of dollars—dollars that flow out of our country because of our insatiable appetite for drugs, that everybody's essentially on the take, there is so much money, there is so much violence, and most people are just looking for a better place.

A lot of interesting things going on. Some of our aid has helped create some educational centers, some jobs, some local training, some deported individuals that are going back and trying to start lives. Good silver linings in those dark clouds. One of the other ones I found, and I was pleasantly surprised, was to find fusion centers in those Central American countries where our FBI agents, DEA agents, other Federal agencies, working together to make sure that we track a lot of those individuals that are dangerous criminals, that seem to move from one country to another, in and out. We talk a little bit—your testimony was about investing more resources to make sure we track these folks that I would call high, serious risks.

My question is, any of those resources also going to coordinate with groups like—or entities like fusion centers in Central America or Mexico?

Mr. ALBENCE. Thank you, Congressman. We actually have—

Mr. CORREA. Can you make it a quick—just an answer—



Mr. ALBENCE. Yes sir. We have—Homeland Security Investigations has attaché offices in each of these countries that work very closely with the law enforcement agencies in those countries. In fact, we have—

Mr. CORREA. Is some of the budget that you requested to augment those efforts, or is that—

Mr. ALBENCE. No. We will augment those efforts. We have transnational criminal investigative units. We have vetted officers from those foreign governments that work—

Mr. CORREA. Thank you, you answered my question. You mentioned 570,000 criminal aliens that you are following, or—

Mr. ALBENCE. It was 570,000 immigration fugitives. So these are individuals that are here illegally.

Mr. CORREA. Now, define a fugitive for me. Is that somebody who murdered—

Mr. ALBENCE. So an immigration fugitive is an individual who has been through the entire immigration court process, has had their due process, and at the end of that process, has been ordered removed by an immigration judge, but has failed to comply with that order.

A portion of those, I don't have the exact number, but I believe it is around 130,000 or so, do have criminal records.

Mr. CORREA. Your discussions with Mr. Miller, when you spoke to him, it was clearly immigration policy, how you are doing the job. My question is—again, all of you have very long careers in this area of Government—when you talk to Mr. Miller or you were part of those discussions, did you find Mr. Miller asking your opinion as to what worked or didn't work, or was it more Mr. Miller telling you the new vision that he wanted to implement in terms of immigration policy and immigration enforcement?

Mr. ALBENCE. No, sir, it was the former. It was, we have this policy idea, how would it work, how would you operationalize it, is it doable—

Mr. CORREA. Child separation, was that something of a policy you came up with or he came up with?

Mr. ALBENCE. No, sir. I wasn't involved in that.

Mr. CORREA. Who came up with that?

Mr. ALBENCE. I believe that was the Former Attorney General developed a prosecution program, a zero-tolerance prosecution program is what related to—

Mr. CORREA. One final question. I have got 40 seconds. Border Patrol agents hiring, recruiting, I know that—was it last year or the year before we had that challenge where you all were paying somebody a \$10 million bonus to hire, to speed up the hiring of agents, and only about a dozen were hired.

So my question is, have you changed the way you are looking for recruits? Are you going, for example, to college campuses? Are you going to, you know, hire veterans, or are we still doing these 10 million for a dozen kind of programs?

Mr. PEREZ. Thank you, Congressman. Yes, we have put forth several initiatives to try to improve our hiring, targeted recruitment—

Mr. CORREA. Very quickly, it is my understanding that the big issue in hiring agents is passing of the polygraph test, the lie detec-

tor test. I was talking to some of the members of the local union. They were telling me it is easier for an FBI agent to pass than it is for an agent to actually pass. Is that the case? Are we doing anything to change that specific issue?

Mr. PEREZ. Making sure we adhere to the practices and the policies that we have in place to maintain the integrity. We feel we have made a lot of strides on the polygraph program, Congressman, and that we are not experiencing nearly some of the challenges that we had had a couple of years ago.

In addition to targeted recruitment for veterans, in addition to fast-track hiring processes to get people who are willing, through the process much faster. Last year actually was the first year that we actually got ahead in the 5 years of Border Patrol agents, meaning bringing on more than we attrited. So we are encouraged moving forward that we are going to be able to continue to do the same.

Mr. CORREA. Madam Chair, I am out of time, I yield.

Miss RICE. Thank you, Mr. Correa.

The Chair now recognizes Mr. Joyce from Pennsylvania for 5 minutes.

Mr. JOYCE. Thank you, Madam Chairwoman. I thank our witnesses for being here today. Currently, there is a massive crisis on our Southern Border. Just last month's data of attempted illegal crossings represented more than a 100 percent spike over the previous year and a staggering 500 percent increase from 2 years ago. I witnessed this first-hand when I was at the Southern Border just last month.

While I was there, I witnessed first-hand the lack of a secure border in areas along the Colorado River, which allows the cartels to smuggle drugs into our country, to smuggle drugs that end up in my district in south central Pennsylvania.

There is another issue with the surge of people who seek to be apprehended at the border. They are brought into custody, they say prescribed words, and they are allowed access to American jobs, health care, and education that law-abiding citizens—with no real ability for these individuals to verify their claims. This new group of family and unaccompanied minors arriving from Central America present significant new challenges, and it is truly driving this crisis.

Fully acknowledging that the Majority has refused to even address this emergency request for funding sent to Congress by DHS Secretary McAleenan, do you think that the budget request for fiscal year 2020 are still in line with what is needed to protect our Nation? This is a simple yes and no question, and I will address Deputy Commissioner Perez first.

Mr. PEREZ. I will say yes, Congressman.

Mr. JOYCE. Director Albence, do you feel that the budget requests are in line to address this crisis?

Mr. ALBENCE. Yes, I do.

Mr. JOYCE. Second—thank you both—Secretary McAleenan also made requests to change the asylum laws, among other changes, to alleviate the pressures at the border. These are similar to what legislations from Representative Collins, that I cosponsored, would fix the *Flores* settlement and strengthen our asylum system. Do

you believe that passing these laws would have impact on the crisis at the border? If we pass them, do you think it would cut down on the amount of money we have to spend to address this crisis? In essence, will fixing our asylum system save taxpayers in the long run without sacrificing our security? Again, I ask for your yes-no answers.

Mr. PEREZ. I will say yes, but if I may, Congressman, I will just add that it is the most urgent and immediate need that we need right now to deal with this crisis.

Mr. JOYCE. So let me clarify that. So passing the asylum laws would most be pressing for us to fix the problem that you face on the Southern Border?

Mr. PEREZ. That and fixing the—having the ability to main—keep families together through an expedited immigration process, and being able to return unaccompanied children to noncontiguous countries, as long as they are not being trafficked. Fixes to *Flores*, TVPRA, and asylum, those are the three legal fixes that are most urgent now.

Mr. JOYCE. Mr. Albence, would you please comment as well?

Mr. ALBENCE. Mr. Perez is absolutely correct.

Mr. JOYCE. Thank you both.

I yield back my time to the Ranking Member.

Mr. HIGGINS. Thank you, sir. Deputy Commissioner Perez, just to give you an opportunity to clarify. The numbers we have for border apprehensions for April were 98,977. You mentioned a number of 109,000. Will you clarify for the committee, please, where the other 9,000 law enforcement interactions were at the border?

Mr. PEREZ. Thank you, Congressman. The number—the 109,000 that I cited included not just apprehensions in between our ports of entry, but encounters at the ports of entry of inadmissible migrants. So that is the total number that we encountered, again, 109,000.

Mr. HIGGINS. Thank you, sir.

Madam Chair, I yield.

Miss RICE. I thought that is what I said, but thank you for clarifying that.

I now recognize for 5 minutes the gentleman from Texas, Mr. Green.

Mr. GREEN. Thank you, Madam Chair. I thank the Ranking Member as well. Madam Chair, it is an honor to serve under your leadership. I thank you for hosting this hearing.

Mr. Albence, you are now the acting director of ICE. Is this correct?

Mr. ALBENCE. Yes, sir, that is correct.

Mr. GREEN. But you have not always been the acting director. In 1994, you were with INS. Is this correct?

Mr. ALBENCE. Correct. I started as a special agent in San Antonio that year.

Mr. GREEN. Special agent. You have, through the years, seen a good many things take place at ICE. You know the history of ICE, do you not?

Mr. ALBENCE. I have experienced many things, yes, sir.

Mr. GREEN. You know that ICE has metamorphosed from the Office of the Superintendent of Immigration, created and placed in

the Treasury Department in 19—that is 1891, excuse me, and it has gone through a good many changes and metamorphosed into INS in 2003. ICE—according to this, the INS was abolished in 2003. Is that correct?

Mr. ALBENCE. The various—

Mr. GREEN. This is, by the way, coming from your home page. So I am reading from—

Mr. ALBENCE. The various—

Mr. GREEN. Without giving me the history, just let me ask you, is that correct, was INS abolished?

Mr. ALBENCE. It wasn't abolished. It was fold—its responsibilities were folded into DHS.

Mr. GREEN. Well, let me ask you this. Why would you have on your home page that INS was abolished and its functions placed under three agencies?

Mr. ALBENCE. I would have—I would have to take a look at that page. But, yes, the functions were separated between—

Mr. GREEN. OK. Well, does INS exist now?

Mr. ALBENCE. No, it does not.

Mr. GREEN. Then it was abolished, wasn't it?

Mr. ALBENCE. That is a term you could use, sure.

Mr. GREEN. Well, it is a term that you use. I am looking at your home page.

Mr. ALBENCE. OK.

Mr. GREEN. Do you—would you—I hate to—look, now, I know the questions to ask. I am not going to do it to you, but you will agree, if you would, that INS does not exist now, and it was abolished?

Mr. ALBENCE. I agree it does not exist now, correct.

Mr. GREEN. OK. Well, let's just say it was abolished so that I don't have to go through another exercise. The reason I am sharing this with you is because you didn't complain when INS was abolished, did you?

Mr. ALBENCE. No. I would say there was a great bit of consternation on both the individuals from the Customs Service, as well as INS during the time of the merger. It was a difficult merger for many individuals.

Mr. GREEN. And the merger took place?

Mr. ALBENCE. Yes, it took place.

Mr. GREEN. Would you reverse it if you could?

Mr. ALBENCE. I don't think I would reverse it, because we have come so far, and we have learned how to utilize both our customs and immigration authorities for the benefit of National security and public safety.

Mr. GREEN. Yes, sir. If you could, you would improve upon it, wouldn't you?

Mr. ALBENCE. Sir, the men and women of ICE come to work every day trying to do their job better.

Mr. GREEN. Yes, sir. So you would improve upon what you have, would you not?

Mr. ALBENCE. If we can, yes.

Mr. GREEN. OK. So if someone, according to what you have here, has indicated that INS was abolished and ICE was created, one of the products, then if someone else said, well, look, let's improve

upon ICE, let's abolish ICE, let's create something that is better, and you thought that this something was better, just as you have acclimated to the iteration that was created in 2003, you would want to see that better thing take place, wouldn't you? You would want to see it, wouldn't you? You would want to be one of the persons to support that, wouldn't you?

Mr. ALBENCE. I can envision an agency being better based on the—

Mr. GREEN. Well, let me just ask you this. All of these iterations, let's look at it—1891, 1895, 1903, 1906, 1913, 1924, 1933, 1940, 2003. All of these changes, it has metamorphosed, and now we have perfection.

Mr. ALBENCE. I would say that you have within—

Mr. GREEN. Would you say you have perfection?

Mr. ALBENCE. I don't think anybody would say they have perfection.

Mr. GREEN. OK. That is what I am looking for. You wouldn't say that.

Because you don't have perfection, my assumption is that—just as the President has said that Boeing with its 737 MAX 8 ought to change the name, he said. Let's not call it the MAX 8. Let's improve upon it and, he said, give it another name.

This is why you have a good many people saying, let's improve upon ICE, and it is OK for it to get another name, given that it has all of these other names that it has had through the years. Why not make it better? You understand the point.

I yield back my time.

Miss RICE. Thank you, Mr. Green.

The Chair now recognizes Mr. Guest, the gentleman from Mississippi, for 5 minutes—oh, my gosh, I am so sorry.

Mrs. LESKO. No worries.

Miss RICE. The gentlewoman from Arizona, Ms. Lesko.

Mrs. LESKO. Thank you, Madam Chairman.

First of all, I want to say thank you. Thank you for the work that you do. I really want to thank all the men and women that work for you. Coming from the State of Arizona, the No. 1 issue of constituents in the State of Arizona, in my district, is securing the border. We see the impacts each and every day.

I have gone down and visited the border and met with some of the agents down there, and my staff has met with the ICE agents in Phoenix. I applaud you for your hard work. This is hard work. You are doing a lot of humanitarian work, as well, with the crisis that is going on on the border. So I just want to say thank you.

I do have several questions. Don't know if I can fit them all in or not. But similar to what Mr. Joyce said, I, too, am sponsoring legislation, and hopefully my staff can get together with you to talk about all of the details, but I had met with Secretary Nielsen in the past.

So I am introducing a bill to tighten the "credible fear" standard; permit DHS to remove asylum seekers to safe third countries, where they could apply for asylum without the need for bilateral agreements; to give more funds for more detention bed space and immigration judges. I was just wondering what your thoughts were on it.

Anybody can speak.

Mr. PEREZ. Thank you, Congresswoman, again, for your support of our men and women.

Certainly, all those solutions are part of, again, a very complex mix of immediate solutions we need.

I don't want to undersell the need, especially given the supplemental that was put forward, of resources now, by virtue of the absolute humanitarian overwhelming crisis we have, as well as the security crisis that goes right alongside that.

But certainly, again, those legal fixes are, as I mentioned before, the most, in my professional opinion, urgent and immediate need that will make a huge difference in what it is we are dealing with.

Mrs. LESKO. Thank you. Yes, I have been on record as saying we need the resources and the money. I think we need not only—we needed the funding for the border fence, because I think it is part of the solution, not the entire solution, but we need to change the laws. That is up to Congress. I think President is doing what he can. Because he has to protect our Nation. That is his No. 1 duty. That is our No. 1 duty. This is a security crisis and a humanitarian crisis.

I remember Secretary Nielsen, right here in this committee room, saying how 11-year-old girls are being tested, pregnancy tests. I think 3 out of every—or 1 out of every 3 women is being raped. This is bad news. We really need to fix it.

But let me go to the next question.

The President's request, he wants to add 128 attorneys and 41 support staff for the ICE Office of the Principal Legal Advisor.

So, in addition to immigration judges, Director Albence, why do you need the extra attorneys?

Mr. ALBENCE. Well, the immigration courts can't proceed without those OPLA attorneys to actually present and prosecute those cases. So there has been a large increase of immigration judges over the past couple of years. There has not been a corresponding increase of OPLA attorneys.

So, without those OPLA attorneys, you could hire and bring on as many judges as you want; you will only make that bottleneck get worse.

Mrs. LESKO. OK. Thank you.

My next question is, I have heard numerous stories about adults bringing in children to take advantage of our laws and our court settlements here, and some of those children aren't their children. They are being recycled and sent back to their home country and then being exploited again.

What are we doing to try to address that problem now?

Mr. ALBENCE. Homeland Security Investigations over the past 3 weeks has been surging resources to the Border Patrol sectors to start ferreting out these fraudulent families. In the matter of just a couple of weeks, we identified 256 potentially fraudulent families and confirmed that 65 of those were indeed fraudulent families.

Within the first week, we found a young 7-year-old girl from Guatemala who was on her second trip to the country, whose mom had rented her to her uncle so that he could come to the country because he knew that he would be released. She also told us that

her two brothers were already here and came in January, and she didn't know where they were.

So we know and we have criminal investigations on-going of multifaceted criminal organizations, both domestic and international, that are profiting off this problem, profiting off the poor children that are being trafficked. That is our primary goal in having those officers and agents down there, is to ferret out these traffickers and smugglers.

Mr. PEREZ. If I can add, Congresswoman, year to date, to put it into context, on the CBP side, in the last 6 months of last fiscal year, we identified 466 fraudulent families. So far, in the first 6 months of this fiscal year, we are up to 3,500, just over 3,500 fraudulent families.

So we are, again, working right alongside our colleagues in ICE on this very, very important issue.

Mrs. LESKO. Yes. Thank you very much. I mean, we do have a crisis. I mean, some people, I think, might be denying it, but it is right in front of our eyes. This is a humanitarian crisis and a security crisis. I thank you for your work.

I yield back.

Miss RICE. Thank you.

The Chair now recognizes the gentlewoman from New Mexico, Ms. Xochitl Torres, for 5 minutes.

Ms. TORRES SMALL. Thank you, Chairman Rice.

Thank you also, Ranking Member Higgins.

Thank you all for being here.

As you know, Border Patrol is currently under immense strain, partly due to the administration's "metering" and "remain in Mexico" policies, which are pushing some migrants to cross the border between ports of entry, often in areas like the one that I represent, which is rural and remote.

In my district in southern New Mexico, Border Patrol checkpoints have been suspended, and many agents have been recalled from the field to assist with processing individuals voluntarily presenting along the border.

In speaking to a Border Patrol agent in my district, he said, "We are not a detention center agency. We are a law enforcement agency." I couldn't agree more.

This is why CBP must be doing more to contract trained personnel to assist with non-law-enforcement duties, such as feeding, transporting, and giving medical care when necessary to migrants. This would allow agents to return to their law enforcement responsibilities for which they are really trained.

Mr. Perez, can you please describe how CBP is planning to allocate part of its fiscal year 2020 budget toward contracting for these non-law-enforcement duties?

Mr. PEREZ. Thank you, Congresswoman.

So, in the fiscal 2020 budget as well as, if I may, the supplemental request, very much the transportation, the care and feeding, the soft-sided facilities that we have raised, all of those non-law-enforcement-related duties are not only already being contracted and actually contracts being pursued to be expanded because of the crisis we have at hand, but certainly in 2020 those are exactly the type of things we are looking to get our officers and

agents out of doing and bringing on more other folks to do those types of functions for us.

Ms. TORRES SMALL. That is great to hear, Mr. Perez. Thank you so much.

How can Congress feel confident that the funds it appropriates for these very specific purposes, such as contracting services you just described, will not be reprogrammed for the administration's own priorities?

Mr. PEREZ. Well, I don't have the specific numbers right now, Congresswoman, but I will gladly get back to you on what it is we have already obligated from the funds we have been provided and actually what it is we have already begun to spend this fiscal year, as well, you know, with respect to what it is we are asking for, again, on the supplemental that is so critically important, you know, regarding the contracting and the like, you know, just so that you have a good frame of reference of how it is we are investing all those moneys.

Ms. TORRES SMALL. Sorry, my question was about future appropriations from Congress. You identified the need is still on-going. How can we make sure that is where the money goes?

Mr. PEREZ. Well, it is unquestionably true, Congresswoman, you know, front-line agents and officers are there to perform a law enforcement function, National security function, first and foremost, certainly a humanitarian function, given a crisis like the one we have in front of us. To make sure that we are fulfilling that mission responsibility, to keep our communities safe, keep drugs off the street, keep criminals from coming across our borders, that is where our focus will remain—and keeping, you know, again, the Nation safe.

So I am very confident that I can tell you that if we are able to bring on those contracts, get these types of roles filled with non-law-enforcement types, that is something the agency will remain very interested in doing.

Ms. TORRES SMALL. Thank you. I don't feel the assurance that I think we need to be able to work to support you in what needs to happen. I think if there is any additional words you can lend to that, it would be very helpful for me to continue to advocate for these continued needs.

I want to turn to investments in our ports of entry, which are also essential to our National security.

Facts show that the majority of illegal drugs that come into the United States enter through legal ports of entry. For example, according to the CBP's own numbers, in fiscal year 2018, 90 percent of the heroin was seized at ports of entry by CBP officers, while only 10 percent was seized between ports of entry by Border Patrol.

Yet, in recent years, not enough attention has been given to CBP's \$5 billion land port of entry modernization backlog or to the deployment of drug inspection technology at the ports of entry. My colleague Miss Rice spoke about NII tech, and I reinforce the need to invest there.

Mr. Perez, as a former port director and the director of field operations, you know first-hand the importance of these investments. Do you believe the administration should be giving more funding priority to decrease the backlog of CBP's land port of entry mod-



ernization portfolio and to drug-interdiction systems at ports of entry such as this non-intrusive inspection technology?

Mr. PEREZ. Thank you, Congresswoman. I am really grateful to the Congress for what it is we have received. I mentioned earlier about the recapitalization of a huge portion of the non-intrusive inspection fleet. We also received an incredible amount of funding, as well, for hand-held technologies, you know, for video surveillance and the like. So those are investments we are absolutely looking forward to continuing to make and are part of the fiscal year 2020 budget.

With respect to modernization of the ports, that is also something that is a priority for us in respect to, you know, there are so many of them that are outdated. We are living that every day right now, with respect to Border Patrol stations and ports of entry.

So, facilities-wise, definitely, you know, we have a few options there. We don't own all of those facilities. We have to work through GSA a lot of times. But we also have, you know, collaboration with the private, you know, communities themselves, where we could pursue some of those endeavors also.

Ms. TORRES SMALL. Thank you, Mr. Perez. I know I am out of time, but I look forward to working with you in the future.

Mr. PEREZ. OK.

Miss RICE. Thank you.

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

Mr. GUEST. Thank you.

To each of the witnesses, thank you for being here. I want to thank the men and women that serve under you for your service to our country.

Throughout prior hearings that we have had, I believe that there has been testimony that we have a drug trafficking crisis along our Southwest Border, a human trafficking crisis, an immigration crisis, and now a humanitarian crisis.

Would each of you agree that the current situation along our Southwest Border would fit in the definition of a crisis state based on everything that we have going on at this time?

Mr. ALBENCE. Undoubtedly.

Ms. RENAUD. Yes, I do believe there is a crisis at the Southwest Border.

Mr. PEREZ. I do, Congressman, unlike anything I have ever seen in 26 years.

Mr. GUEST. Mr. Albence, in your report that you provided to us as part of your testimony, you say, I believe on page 3, that ICE seized over 1 million pounds of illegal narcotics in fiscal year 2018. Is that correct?

Mr. ALBENCE. Yes, sir, that is correct.

Mr. GUEST. Mr. Perez, you also gave a figure in your report about narcotics that was seized. Would the amount seized by your agency be in addition to what Mr. Albence had in his report?

Mr. PEREZ. It would, Congressman. We collaborate often, the agencies, but those would have been deconflicted, in addition to, yes.

Mr. GUEST. So you report a million pounds of narcotics seized.

Mr. Perez, you broke yours down. You said that you all seized in that fiscal year 1.1 million pounds of marijuana, 282,570 pounds of cocaine, 248,132 pounds of methamphetamine, 6,552 pounds of heroin, and 2,463 pounds of fentanyl. Is that correct?

Mr. PEREZ. That is correct, Congressman.

Mr. GUEST. Thank you. Please thank the men and women that you serve with.

I think, as the American public, as Members of Congress, we often don't give you and the men and women that you work with the credit that you deserve. Because of your hard work, because you are standing there on the border, we have been able in a year to prevent millions of pounds of illegal drugs from coming into this country.

So I would ask that when you return home to the men and women that you serve with that you let them know that there are members of the American public and Members of the Congress that appreciate what they do on our behalf.

I wanted to speak very briefly on the current immigration crisis that exists along our Southwest Border.

Mr. Albence, you were saying in your report that there are currently 870,000 pending cases. Is that correct?

Mr. ALBENCE. On the non-detained docket, so individuals not in custody. We have about 50,000 people in custody that are also pending.

Mr. GUEST. OK. So that would be in addition to the 870,000?

Mr. ALBENCE. Correct.

Mr. GUEST. So we have, then, roughly 920,000 pending cases?

Mr. ALBENCE. That is a good approximation, yes.

Mr. GUEST. As I understand from media reports, the average wait time for a hearing is 2 years. Would that be approximately correct, give or take?

Mr. ALBENCE. It depends on the location. In some places, it could be 2 years. In some places, EOIR is setting out court dates 3 to 4 to 5 years.

Mr. GUEST. So we have people who are sometimes being released, and they are given a court date to return in 5 years?

Mr. ALBENCE. That is quite possible, yes.

Mr. GUEST. I think there was testimony that you all gave a few minutes ago that—and I believe, Mr. Perez, you were the one that offered this—that you believe that the best thing that Congress can do to alleviate the crisis along our Southwest Border is to fix our broken asylum process.

Mr. PEREZ. Yes, Congressman, in addition to, again, fixing *Flores*, the ability to keep families together through the entirety of an expedited immigration process and hearing and adjudication of their case, and fixing the TVPRA or the ability to process unaccompanied alien children and repatriate them to noncontiguous countries like we do for Canada and Mexico if they are not being trafficked. Those are the three really primary areas of legal change that we absolutely need.

Mr. GUEST. My question is, until we fix those three issues, are we just basically managing the crisis along our Southwest Border?

Mr. PEREZ. I personally believe those are the most prevalent— unquestionably prevalent pull factors of the phenomenon that we

are seeing right now and what the criminal alien smuggling organizations are very consciously exploiting and profiting off of.

Mr. GUEST. Again, thank you for your service. Thank you for testifying today.

I will yield back the remainder of my time.

Miss RICE. The Chair now recognizes for 5 minutes the gentleman from New York, Ms. Clarke.

Ms. CLARKE. I thank you, Madam Chair, and I thank our Ranking Member, Mr. Higgins.

We are a Nation of immigrants. Our country's prosperity is inherently linked with our history of welcoming people from all corners of the Earth. Diversity has been and continues to be our greatest strength.

But Donald Trump sees strength through a different lens. When he sees an immigrant family, he sees a threat to our Nation rather than an opportunity to enrich it. He thinks ripping those families apart, not just at the border but through bureaucratic maneuvers here in the District of Columbia, is somehow strong. But he is wrong. Congress has an obligation to get it right and to fix this inhumanity.

So let me start by asking you, Mr. Albence, I want to get some ideas of current policy and how it is actually being implemented.

In March, I actually sent a letter to DHS regarding ICE's immigration check-in policies, and I am still waiting for a response. So I am Congresswoman Clarke from Brooklyn, New York.

Traditionally, DHS has allowed immigrants to be accompanied by persons of their choosing during check-ins with ICE personnel. However, when I attempted to accompany Ravi Ragbir, a New York immigrant rights activist, to his check-in appointment this January, many members of our group, including elected officials, were denied entry to ICE's field office.

So I would like to know: What is DHS policy with respect to allowing members of the public, including family members, clergy, and public officials, in accompanying immigrants to facilities where ICE check-ins occur?

Mr. ALBENCE. So I can get back with you with the specific policy with regard to how we manage the check-in process. In many locations—

Ms. CLARKE. That is fine. That will be good.

Mr. ALBENCE. OK.

Ms. CLARKE. If I can get that in writing, I would like to know what the policy is. And—

Mr. ALBENCE. I will check on your letter. I am sorry for the delay.

Ms. CLARKE. OK.

Why has DHS's long-standing policy, which has been to allow folks to be accompanied, been changed?

Mr. ALBENCE. Again, I will get you a written response on that.

Ms. CLARKE. Very well.

The Supreme Court appears likely to allow the administration to add a citizenship question to the 2020 Census. This comes after a Federal judge in New York ruled against adding the question, which would have forced everyone to answer whether or not they and others in their household are U.S. citizens.

Federal law prohibits the Census from sharing data with other Federal agencies, such as ICE. But the laws have been circumvented before to target minority families. During World War II, the Census Bureau found a loophole so it could help the Government identify Japanese-Americans for internment.

Will you commit, if the Supreme Court allows the citizen question appear in the 2020 Census, not to seek any data whatsoever in violation of existing law regarding immigration status from the Census Bureau?

Mr. ALBENCE. I would never ask any of my officers to do something in violation of law.

Ms. CLARKE. Very well.

Ms. Renaud and Mr. Perez, by the end of the summer, the President wants to sanction countries with visa-overstay rates higher than 10 percent, including by potentially restricting entry from those countries. In plain English, that means tearing apart families simply because of the Nation they hail from.

The order cites 20 specific countries, 13 of which are on the continent of Africa. Caribbean nations like Jamaica and Haiti could also become targets. Last year, Donald Trump used vile language to describe Haiti, Central America, and the continent of Africa. Now the President is putting those words into action.

Do you have any additional information about what specific restrictions Donald Trump intends to impose on nationals of visa-overstay countries?

Mr. PEREZ. I do not, Madam Congresswoman.

Ms. CLARKE. OK.

Ms. RENAUD. Nor do I.

Ms. CLARKE. Very well.

Ms. Renaud, USCIS recently issued new guidance to asylum officers on adjudicating “credible fear” claims, directing them to be more confrontational and focus on discrepancies between testimony instead of the testimony itself. There may be a series of reasons as to why there are differences between the testimony given at Border Patrol compared to trained asylum officers.

How are you planning to document those discrepancies? Given the serious life-and-death consequences of a negative finding, what kind of discretion are experienced asylum officers given to determine what is an allowable discrepancy?

Ms. RENAUD. Thank you for the question, ma’am.

Our asylum officers, as you well know, are very well-trained. We give them an extraordinary amount of training.

We did recently update a lesson plan which clarified to them that they need to address the credibility issue related to the individual themselves, both when they are looking to find a positive “credible fear” screening or a negative “credible fear” screening.

In addition to that, what we asked them is that they do elicit testimony when they find discrepancies, and that is so that they can deconflict. But they still have the discretion to have a finding of a positive screening or a negative screening. We just want them to actually document the fact that they deconflicted any conflicts between what they told CBP when they entered and what they are telling us during the screening process.

Ms. CLARKE. Thank you for your responses.

I yield back, Madam Chair.

Miss RICE. Thank you.

We are now going to go into Round 2 of questioning.

Ms. Renaud, I want to ask you, I understand that USCIS is planning to close its overseas field offices, which I strongly oppose. Do you know if the State Department is planning to charge USCIS for the services that they would take over from USCIS?

Ms. RENAUD. Yes, they would charge us. They already do so in a number of other locations.

Miss RICE. So how would that save any money for the Federal Government and not actually result in an increase in costs? I understand why you need your personnel—why you would want to make that decision, but how do you think that is going to save money and not actually incur a higher cost?

Ms. RENAUD. It is very costly to have individuals stationed overseas, and our cost analysis right now, based on the rates the Department of State is charging, shows that we will have a substantial amount of savings, although we are negotiating with them right now about those specific locations. So we won't have a solid number about the financial impact until we finish those negotiations for our 22 locations.

Miss RICE. But it is also not just a financial impact. It is actually, can they handle the increase in the workload with the personnel that they have, or are they then going to turn around and request additional hires, which would increase the cost there, not just—

Ms. RENAUD. Excuse me, ma'am. The volume of work that we have in our overseas offices is very minor compared to the work that State already has. So we don't believe that they will need to plus up. They may hire some of our locally-engaged staff that are trained in that work already, and it gives them trained personnel to be able to continue—

Miss RICE. When is that decision likely to be made?

Ms. RENAUD. We are in negotiations right now with State. We have started maybe 10 days ago the conversations with them about the cost related to these particular functions. So we expect over the next 30 or 60 days we would finalize those costs.

Miss RICE. OK.

Mr. Perez, you have testified here today that the CBP is already greatly understaffed. Why do you think that CBP is going to be able to handle "credible fear" interviews for asylum seekers instead of trained USCIS officials?

Mr. PEREZ. Thank you, Madam Chairwoman.

What we are doing now is we are just pursuing a pilot, working with our colleagues at CIS, and essentially just looking for any and every tool in the toolbox that we can apply to try to streamline, make more effective, more efficient the process and all the different administrative responsibilities that we have at the border.

Again, we are working on a pilot alongside CIS right now, and, you know, where and how we evaluate those results will remain to be seen once we are done.

Miss RICE. So the pilot, has it started or not?

Mr. PEREZ. No. We are in the process of our agents now getting trained. Again, as Ms. Renaud mentioned, it is very extensive

training to be able to do that work. They will also be supervised by a CIS supervisor while we perform this pilot.

Again, we are just using every tool in the toolbox we have available to us in an effort to try to be as innovative as we can to make more efficient, you know, the backlogs and the complexities of what we are facing at the border right now.

Miss RICE. How are you paying for that training process for these agents?

Mr. PEREZ. I believe we actually included in the supplemental request some funding for that. Other than that, that would be just coming out of our base funding.

Miss RICE. OK.

So, Mr. Perez, I just want to stay with you for another question. Actually, let me just ask you, on that note, I know it is only in the pilot phase, but where will Border Patrol agents actually conduct the “credible fear” interviews? Will they be in the field or at the ports of entry?

Mr. PEREZ. It will be in a field location, but we are still working on determining exactly where.

Miss RICE. OK.

So we have spoken about DHS’s targeting and surveillance of people who are known to either work with or advocate for migrants. I had highlighted the case of the 59 people, mostly Americans, who are on a CBP list entitled “San Diego Sector Foreign Operations Branch: Migrant Caravan Fiscal Year Suspected Organizers, Coordinators, Instigators, and Media.”

Can you tell us how these 59 people were targeted and who compiled the list and who ordered that list to be made?

Mr. PEREZ. The matter and the allegations you are talking about, Madam Chairwoman, are being investigated by our Office of Inspector General at the Department right now.

What I can tell you is, once we were made aware, that we very diligently not only reported it to our Office of Inspector General, but our Office of Professional Responsibility augmented and is supporting them in that same investigation.

What I can assure you is that we do not target any group based on profession, based on ethnicity or anything of that nature. So, when and if we see any of those types of allegations, we take them very seriously. What we absolutely do do is manage the risk of any potential threat that comes to the border.

So they are working on that investigation, and we are waiting to see what the outcome is.

Miss RICE. Is your internal OPR analysis done yet?

Mr. PEREZ. They would be in a supportive role, our Office of Professional Responsibility, to the Office of Inspector General’s investigation.

Miss RICE. So they don’t come up with their own results.

Mr. PEREZ. Not during—it is my understanding that, no, not when an Office of Inspector General investigation has taken on that case.

Miss RICE. You have not been informed by OPR of any findings that they have made regarding that case.

Mr. PEREZ. Not anything that I can disclose at this time.

Miss RICE. So you have, but you can't disclose it until after the——

Mr. PEREZ. Well, it is a sensitive investigation, so, although I have some general awareness, not definitive findings but general awareness of what occurred, again, I have to defer to investigators to let them pursue the entirety of that investigation until it is concluded.

Miss RICE. So can you tell us if this kind of targeting is still being done by CBP?

Mr. PEREZ. Again, Madam Chairwoman, thank you.

We do not tolerate targeting or profiling of any type for anybody's profession, any ethnicity, any type of profiling at all. What we do is manage threats and risk based on, you know, potential criminality, criminal activity, and, as such, criminal histories.

We do not tolerate that at all within our work force, never have, absolutely never will. We take very, very seriously any of those allegations, run them to ground to the best of our ability.

Miss RICE. Are you aware as to whether this activity occurred in other areas of the country, outside of the San Diego area?

Mr. PEREZ. I am not aware.

Miss RICE. So there is a case in San Francisco where the CBP ordered an Apple employee to hand over his company-owned phone and laptop. The employee did not decline but asked to speak to attorneys at Apple, because he had signed a nondisclosure agreement and his devices held corporate information. CBP told him he had no right to an attorney and eventually let him leave but revoked his Global Entry status, which you can imagine had an immediate effect on his ability to travel for work.

Questioning by officers clearly indicates CBP knew about his past jobs and perhaps his social views. Do you know if this was also a part of a targeting effort by CBP? Were you aware of this incident?

Mr. PEREZ. I am not aware of the incident, Madam Chairwoman. I will gladly get back to you with a little bit more specificity of what we can share.

Miss RICE. Great. I would appreciate that. Thank you.

Mr. Higgins.

Mr. HIGGINS. Thank you, Madam Chair.

Regarding the 920,000 pending cases, you had stated there were 870,000 pending cases, and you said it was another 50,000 to my colleague. What of that number, clarify for us please, had been released on summons?

Mr. ALBENCE. I don't have the exact number. I can look to see what we have. We would release them. Depending on the circumstances, they may be bonded out by an immigration judge.

Mr. HIGGINS. Not bond. I am talking about initial summons that would have to have been after apprehension, found to be a misdemeanor crossing——

Mr. ALBENCE. Right. So if I——

Mr. HIGGINS [continuing]. And no other felony warrants and they are released. They are released with a summons to be contacted for a court date.

Mr. ALBENCE. Right.

Mr. HIGGINS. That number, give us a round figure, please.

Mr. ALBENCE. Yes, so all those individuals are placed with, depending on the type of entry which they made and the encounter—whether they overstayed their visa, whether they entered the country illegally—are issued a notice to appear or a charging document.

Mr. HIGGINS. OK. What, roughly, is that number?

Mr. ALBENCE. That is all those individuals that I mentioned are in that process because they were given a charging document. So that 920,000 are all in that process because they have been charged with an immigration violation.

Mr. HIGGINS. All right.

When an American citizen bonds out after initial arrest, he is given bond instructions, which include the clarification that it is incumbent upon that American citizen to maintain contact with the judicial system if he has a change in phone number, address, et cetera.

If an American citizen is granted parole after sentencing or remanded to probation and parole with suspended sentence, the clarification is given as well, it is incumbent upon that American citizen to maintain contact with the judicial system.

Of these pending cases of illegal immigrants that have been given summons, one of the common complaints that we hear from them when we listen compassionately, they say, “Well, we were never contacted by the court.”

So would you clarify for us, please—and anyone can answer this—is it incumbent upon the judicial system to maintain contact with that released illegal immigrant, or is it incumbent upon the illegal immigrant to maintain contact with the judicial system?

Mr. ALBENCE. So a lot of the aliens that are not in custody do have reporting requirements. They would report to ICE, actually. They would not report to the immigration courts. So they would report to ICE on a—

Mr. HIGGINS. To law enforcement.

Mr. ALBENCE [continuing]. On a periodic basis. However, it is also their responsibility, if they change their address, to notify the Executive Office of Immigration Review, which is the jurisdiction for the court.

Mr. HIGGINS. Just to move on, what you are stating is that it is incumbent upon the offender or the suspect to maintain communication with the system, not the other way around.

Mr. ALBENCE. Right. They are required to comply.

Mr. HIGGINS. Thank you.

Moving to—let’s discuss, if we can, Deputy Commissioner Perez, the justification for the additional miles of enhanced physical barriers, 21st-Century technology, access roads, and border law enforcement personnel.

My understanding is the 2018 Border Security Improvement Plan was mandated in the fiscal year 2018 appropriations bill. After distribution to the Appropriations Committee, this plan was subsequently shared with this committee upon our request.

Who at CBP had input in this comprehensive plan to secure our Southwest Border? Were the men and women on the ground consulted?

Mr. PEREZ. Thank you, Congressman.



Absolutely, yes. So it was a combination, first and foremost, of our field leadership and field agents, as well as the——

Mr. HIGGINS. OK.

Mr. PEREZ [continuing]. Program office and headquarters.

Mr. HIGGINS. Thank you for that clarification. Limited time.

So agents and operators in the field, what you are saying is, actually had input into the analysis that identified the need for hundreds of additional miles of enhanced physical barrier, 21st-Century technology, access roads, and law enforcement personnel to gain operational control of the Southwest Border. Is that your statement, sir, that the men and women in the field made this determination, not bureaucrats in the District of Columbia and not politicians in the District of Columbia?

Mr. PEREZ. Yes, Congressman, they had a significant amount of input in all that, first and foremost.

Mr. HIGGINS. Are you aware that that appropriation was included in the 2018 appropriations bill for the Border Security Improvement Plan?

Mr. PEREZ. Yes, Congressman.

Mr. HIGGINS. This is what we are trying to accomplish in this fiscal year as well.

Mr. PEREZ. Indeed. Indeed.

Mr. HIGGINS. Gentlemen, madam, thank you very much for your appearance today. We are going to get this thing hammered out. We have faith in each other on both sides of the aisle and confidence in your professional performance.

Thank you, Madam Chair.

Miss RICE. I just want to clarify, Mr. Perez. I mean, I appreciate the fact that the men and women on the ground were asked for input, but the priorities were set right here in Washington. Isn't that correct?

Mr. PEREZ. There is a program management office, Madam Chairwoman, that handles, you know, and put together, alongside the agency folks who built the Border Security Improvement Plan that oversees all the activity of the wall planning and procurement and processing.

Nevertheless, again, the prioritization, the types of solutions that are put forth and were put forth was, you know, first and foremost driven by the experiences and the folks in the field, the leadership we have in the field, the ground agents, based on, again, decades of their experience of what it is they have known to have worked and will work along the border.

Miss RICE. Was every single recommendation that the men and women on the ground suggested taken and actually implemented by the powers that be here in Washington?

Mr. PEREZ. I wouldn't know to that degree of detail, Madam Chairwoman. What I would expect is that we took everything that they suggested and then, nevertheless, you know——

Miss RICE. But you can't answer——

Mr. PEREZ [continuing]. Worked through with them——

Miss RICE. But you can't answer that question. I mean, you are making it seem as if everyone here in Washington just listened to what was said on the ground and that there was no policy coming

out of Washington. I just don't think you are in a position to say that that is true.

Mr. PEREZ. Well, it was a collaborative process, Madam Chairwoman, is what I am saying, and that, first and foremost, the experience and the considerations and the input of the field leadership and of the front-line agents was really the driver behind the design and the implementation.

Miss RICE. But the overall policy, as it is in most organizations, comes from the top down, right?

Mr. PEREZ. I am not sure which policy you are referring to.

Miss RICE. Any policy usually comes from the top down, right? Wouldn't that be fair to say?

Mr. PEREZ. Usually, yes.

Miss RICE. OK.

Ms. Xochitl Torres Small.

Ms. TORRES SMALL. Thank you, Madam Chair.

Thank you, Ranking Member.

The work that you do is incredibly hard, and I want to recognize that. I want to recognize that it is getting even harder and more complex, with the different people who are approaching the border now, families who are approaching. It is something—to adapt to these changing circumstances and to constantly adapt, as you have, to continue to respond to needs. But we have seen these challenges grow. We are all in it together, from agents on the line and officers on the line, to communities along the border, to the families that are voluntarily presenting, and Members of Congress trying to figure out what to do and how to work together to make it happen. I just want to recognize and respect the work that you do. Thank you.

Communities really are feeling it along the border too. I have communities who are working incredibly hard to help—when families are bonded out, to help them reach those families so they can better comply with the orders they have been given.

Sometimes it is really hard because, with the increasing numbers presenting along the border, they are not always getting the right paperwork that has all the information that they need. Border Patrol is incredibly strained right now, and so being able to provide all of that paperwork has been difficult. The coordination with these churches and other organizations that are working to help this happen sometimes slips through the cracks as well.

So I want to recognize the work that is being done and then also ask if CBP has any plans to improve that coordination with the local organizations for the release of these families.

Mr. PEREZ. Thank you, Congresswoman, for your recognition.

I can tell you that our interaction with the non-Governmental organizations—you know, there is a handful of which, certainly in your district and all across the Southern Border—that that collaboration is at an unprecedented high. We are absolutely grateful, because we couldn't do what we are doing right now if not but for those non-Governmental organizations, their collaboration not only with us but with ICE as well, and how we all come together to deal with, again, the humanitarian issues that we are confronting, the sheer volume of families.

So I assure you, we are talking to them just about every day, literally, our folks on the ground, every day. Because we are moving hundreds of these families to them every day for them to place and help find where it is that they need to go. Look, do things like you just mentioned, raise to us if they do encounter maybe, you know, a typo or something that they don't understand quite with the paperwork that they have been given.

But, nevertheless, you know, we are very grateful, and I assure you that is something that is going to be on-going.

Ms. TORRES SMALL. Just to clarify, one of the big challenges is just whether or not the families or the individuals get pictures—the processing paper, if it has a picture, a photograph of them. Because that is what allows them to take a flight to reach their sponsor, if that is what their sponsor paid—the person who sponsored their bond pays for.

Do you have any plans to try to make sure—because that is something that ICE has done very well, is that when they produce that paperwork it has that photograph which allows the travel. Is that something that you are working toward standardizing?

Mr. PEREZ. I will go back, Congresswoman, and check on that and make sure that, you know, whatever it is that is the standard is being applied.

Ms. TORRES SMALL. Thank you.

For fiscal year 2020, can you talk about any plans for that budget to better assist with that local government and NGO coordination?

Mr. PEREZ. I am not aware of any specific line item called out for that. But, unquestionably, even as we were talking earlier about some of the contractual arrangements, all of that plays into some of that, you know, type of work, if you will, that would end up with interaction and coordination with the non-Governmental organizations.

So, as I said before, you know, even as we expect to find solutions and want to work with you all to find solutions to this immediate crisis, we are part of those communities, and the NGO's are our neighbors as well, and so that collaboration, from a professional level, will never wane. In fact, again, we are very grateful for what we have right now.

Ms. TORRES SMALL. Thank you.

I yield my time.

Miss RICE. Thank you.

Ms. Clarke.

Ms. CLARKE. Thank you once again, Madam Chair.

Ms. Renaud, I wanted to circle back, because I am just trying to wrap my arms around this new policy of training Border Patrol to be trained asylum officers. I wanted to get a sense from you of, since the guidance went into effect on April 30, what is the daily average number of interviews completed by an asylum officer?

Ms. RENAUD. Excuse me. If I can clarify, are you talking about “credible fear” screening?

Ms. CLARKE. I am sorry. Yes.

Ms. RENAUD. So the “credible fear” screening takes about 2 hours per individual. So, depending on how long they are going to be in any facility that day, they can do up to 3 or 4.

Ms. CLARKE. OK. Has that been an increase or a decrease since April 30?

Ms. RENAUD. The April 30 lesson plan has not been put into effect yet. It will be put into effect mid-May. But we don't expect that it will have a substantial difference. The 2 hours has been pretty consistent for several years.

Ms. CLARKE. How do you certify sort-of the training of the Border Patrol officers?

Ms. RENAUD. So the Border Patrol officers are conducting—they have already done, as of the end of this week, 2 weeks of distance training where they have read a number of lesson plans and other materials.

They will begin their in-person training next week, and they will have several weeks of in-person training at our asylum office, conducted by our asylum officers, where they will do some mock interviews, they will have some training classes, they will observe some actual “credible fear” screenings that are being conducted by experienced asylum officers.

Once we feel they are ready to actually start conducting some “credible fear” screenings, we will have those be monitored, and we will supervise them as they are doing it to make sure they are going in the right direction.

Then, as Mr. Perez mentioned, once we feel that they are able to go out on their own and do “credible fear” screenings, our supervisory asylum officers will supervise that workload that they do. That includes the 100-percent check that the supervisors do of our own employees. We will do to same thing with—

Ms. CLARKE. So do you have a time line for when this will begin, since the guidance went into effect on April 30?

Ms. RENAUD. So the Border Patrol agents will be finished their training in late May. So they will begin actually doing the screening in late May or early June, depending on Mr. Perez's direction.

Ms. CLARKE. Mr. Perez, do you have a certain number of Border Patrol agents that will be specific to the “credible fear” screening process? Or is this going to become an additional duty of your average, everyday officer?

Mr. PEREZ. Thank you, Congresswoman.

For the pilot—because it is just a pilot now—I believe there are 10 agents that are in training with Ms. Renaud's folks right now. We have identified another 2 groups, I believe, of 20 to 25 each. So it is about a total of maybe 50 to 60 total agents, again, that we will initially utilize in the pilot.

It really will depend on the outcomes that we all realize as to whether or not, you know, we continue to move forward and what type of investments we make subsequent to that.

Ms. CLARKE. Would this be an additional duty for your officers, or would they be specifically relegated to sort-of that initial screening for “credible fear” or, you know, determining whether someone should move forward?

Mr. PEREZ. Those are some of the exact details, Congresswoman, that, right now, in the planning for the actual pilot and its implementation, that we are working through right now. So I am not aware that we have made those final—

Ms. CLARKE. So it would be the 10 officers right now are strictly dedicated to this training, or do they have other duties?

Mr. PEREZ. I believe, right now, they may be primarily only doing the training because of the time consumption of what it is to receive the training. But, again, I would gladly get back to you on that.

Ms. CLARKE. Yes, would you get back to us? Try to give us as much as you can about how their time would be delegated, if it were to be sort-of a hybrid or an additional duty to their regular duties.

Mr. PEREZ. Once we have the pilot up and running, we will be glad to share that.

Ms. CLARKE. Absolutely.

With that, Madam Chair, I yield back.

I thank you all for your testimony here today.

Miss RICE. Thank you, Ms. Clarke.

I want to thank all the witnesses for being here today.

For Mr. Perez and Mr. Albence, I know you spent some time before today with the Ranking Member and with myself, and I appreciate you taking the extra time for that. I think it makes for a more substantive hearing.

I know it is very difficult to sit there for the 2 hours that you have been there and answer a bunch of questions from us, but I think this is such an incredibly important conversation, because not only does it give us the ability to identify, maybe, where we need to fix things, but it does, as Ms. Xochitl Torres Small and everyone else up here has said, give us an opportunity to recognize the hard work that all of you are doing in a very difficult environment.

So thank you all very much. I want to thank you again for your testimony.

I want to thank the Members for their questions.

Members of the subcommittee may have additional questions for the witnesses, and we ask that you respond expeditiously in writing to those questions.

With that, I ask unanimous consent to insert 3 statements into the hearing record from the National Treasury Employees Union, Southern Border Communities Coalition, and Church World Service.

[The information referred to follows:]

STATEMENT OF ANTHONY M. REARDON, NATIONAL PRESIDENT, NATIONAL TREASURY  
EMPLOYEES UNION

MAY 9, 2019

Chairman Rice, Ranking Member Higgins, and distinguished Members of the subcommittee, thank you for the opportunity to submit this statement for the record. As president of the National Treasury Employees Union (NTEU), I have the honor of leading a union that represents over 27,000 Customs and Border Protection (CBP) officers, agriculture specialists, and trade enforcement personnel stationed at 328 land, sea, and air ports of entry across the United States and 16 Preclearance stations currently at airports in Ireland, the Caribbean, Canada, and the United Arab Emirates. CBP's Office of Field Operations (OFO) pursues a dual mission of safeguarding American ports by protecting the public from dangerous people and materials, while enhancing the Nation's global and economic competitiveness by enabling legitimate trade and travel. OFO is the largest component of CBP responsible for border security—including anti-terrorism, immigration, anti-smuggling, trade

compliance, and agriculture protection—while simultaneously facilitating lawful trade and travel at U.S. ports of entry that are critical to our Nation’s economy. In addition to CBP’s trade and travel security, processing and facilitation missions, CBP OFO employees at the ports of entry are the second-largest source of revenue collection for the U.S. Government. In 2018, CBP processed more than \$2.8 trillion in imports and collected approximately \$44 billion in duties, taxes, and other fees.

According to CBP on-board staffing data, there is a shortage of approximately 3,700 CBP officers at the ports of entry. Unfortunately, the administration has not included sufficient funding in its fiscal year 2020 budget request to address this significant staffing gap. Instead, the administration’s fiscal year 2020 budget requests only \$28 million to fund the hiring of 171 new Customs and Border Protection officers, 91 mission and operational support positions, and 5 agriculture specialists. According to CBP, these 267 new OFO employees in the fiscal year 2020 budget request are designated to go to San Luis, AZ, Blaine, Cincinnati, and Boston. CBP’s limited OFO personnel request is intended to test a “Proof of Concept” that if the OFO allocations in its own Workload Staffing Model (WSM) at these 4 ports of entry are fully met, then these ports should function without excessive wait times, overtime, or other economic consequences of short staffing.

While I am pleased that the administration included some new funding for the hiring of critically-needed CBP officers, agriculture specialists, and support staff, the fiscal year 2020 budget request for this “Proof of Concept” experiment does not by any means meet CBP’s staffing needs. During post-shutdown negotiations earlier this year, the House Majority proposed funding 1,000 CBP officer new hires, and ultimately the fiscal year 2019 final funding agreement provided \$58.7 million to hire 600 new CBP officers.

According to CBP’s most recent analytic workload staffing models—the fiscal year 2018 CBP officer WSM, the fiscal year 2018 Agriculture Resource Allocation Model (AgRAM), and the fiscal year 2017 Resource Optimization Model (ROM) for Trade Positions—an additional 2,516 CBP officers, 721 agriculture specialists, and at least 150 trade operations specialists need to be funded and hired in order to meet current staffing needs at the U.S. ports of entry.

CBP employees at the ports of entry are not only the first line of defense for illegal trade and travel enforcement, but their role of facilitating legal trade and travel is a significant economic driver for private-sector jobs and economic growth. According to CBP, for every 1,000 CBP officers hired there is an increase in the Gross Domestic Product (GDP) of \$2 billion; \$642 million in opportunity costs are saved (the amount of time that a traveler could be using for purposes other than waiting in line, such as working or enjoying leisure activities); and 33,148 annual jobs are added. If CBP filled the 3,700 needed new positions, the impact could be as high as a \$7.4 billion increase in GDP; a \$2.38 billion savings in opportunity costs; and the creation of 122,650 new private-sector jobs.

In addition, according to the Joint Economic Committee (JEC), the volume of commerce crossing our borders has more than tripled in the past 25 years. Long wait times lead to delays and travel time uncertainty, which can increase supply chain and transportation costs. According to the 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. JEC research finds border delays cost the U.S. economy between \$90 million and \$5.8 billion each year.

#### CBP OFFICER OVERTIME

Due to the on-going current staffing shortage of 3,700 CBP officers, CBP officers Nation-wide are working excessive overtime to maintain basic port staffing. Currently, CBP officer overtime pay is funded 100 percent through user fees and is statutorily capped at \$45,000 per year. All CBP officers are aware that overtime assignments are an aspect of their jobs. However, long periods of overtime hours can severely disrupt an officer’s family life, morale, and ultimately their job performance protecting our Nation.

In addition, since CBP officers are required to regularly work overtime, many of these individual officers are hitting the overtime cap very early in the fiscal year. This leaves no overtime funding available for peak season travel, resulting in critical staffing shortages in the third and fourth quarter of the fiscal year that usually coincide with holiday travel at the ports.

At many ports, CBP has granted overtime exemptions to over one-half of the workforce to allow managers to assign overtime to officers that have already reached the statutory overtime cap, but cap waivers only force CBP officers already working long daily shifts to continue working these shifts for more days. Officers are required to come in hours before their regular shifts, to stay an indeterminate

number of hours after their shifts (on the same day) and are compelled to come in for more overtime hours on their regular days off as well. Both involuntary overtime—resulting in 12- to 16-hour shifts, day after day, for months on end—and involuntary work assignments far from home, significantly disrupt CBP officers' family life and erode morale. As NTEU has repeatedly stated, this is not a long-term solution for staffing shortages at the ports and has gone on for far too long.

#### TEMPORARY DUTY ASSIGNMENTS AT SOUTHWEST LAND PORTS OF ENTRY

Due to CBP's on-going staffing shortage, since 2015, CBP has been diverting hundreds of CBP officers from other air, sea, and land ports to severely short-staffed Southwest land ports for 90-day Temporary Duty Assignments (TDYs).

This past month, CBP announced a new round of CBP officer TDYs—possibly exceeding 2,000—to be voluntarily reassigned not to ports, but to Border Patrol sectors across the Southwest Border. This redeployment is making the existing problems at the ports even worse and resulting in hours-long delays, since most of the CBP officers being redeployed are from the Nation's most short-staffed land ports on our Southern Border.

If these reassignments continue, they could lead to even more extensive staffing shortages at other critical land ports of entry on the Southern and Northern Borders, and at international air and seaports. Reduced personnel numbers at other ports threatens CBP's capacity to carry out critical immigration, trade, and health-related inspections and to interdict illegal drug shipments.

According to a newly-released study "The Economic Costs of the U.S.-Mexico Slowdown," by the Perryman Group that was commissioned by IBC Bank in conjunction with the Texas Association of Business, Texas Border Coalition, Texas Business Leadership Council and the Border Trade Alliance, this most recent TDY has resulted in a significant slowdown at the U.S.-Mexico border and led to substantial economic harms. Millions of trucks cross the Southern Border every year, and delays at the border cause logistical problems. The current slowing on the U.S.-Mexico border is reducing efficiency and costing the U.S. economy billions in output and hundreds of thousands of jobs.

The study further states that if the diversion of CBP officers from the Southwest Border international land ports continues, the State of Texas alone could lose more than \$32 billion in gross domestic product in just over 3 months. If there is a one-third reduction in trade between the United States and Mexico over a 3-month period, the cost to the U.S. economy would be over "\$69 billion in gross product and 620,236 job-years (when multiplier effects are considered). Almost half of these losses occur in Texas."

NTEU urges Congress to require CBP to allocate personnel and resources appropriately to ensure timely processing of people at all ports of entry and better manage the changing demographic flows at our Southern Border. To end all of these TDYs, CBP must fill existing CBP officer vacancies and fund the hiring of the additional CBP officers called for in CBP's own WSM. Without addressing the 3,700-CBP officer shortfall, allocating adequate staffing at all ports will remain a challenge.

#### OPIOID INTERDICTION

CBP OFO is the premier component at the Department of Homeland Security (DHS) tasked with stemming the Nation's opioid epidemic—a crisis that is getting worse. According to a May 2018 report released by the Senate Homeland Security and Governmental Affairs Committee Minority titled *Combatting the Opioid Epidemic: Intercepting Illicit Opioids at Ports of Entry*, "between 2013 and 2017, approximately 25,405 pounds, or 88 percent of all opioids seized by CBP, were seized at ports of entry. The amount of fentanyl seized at the ports of entry increased by 159 percent from 459 pounds in 2016 to 1,189 pounds in 2017."

On January 26, 2019, CBP OFO made their biggest fentanyl seizure ever, capturing nearly 254 pounds of the deadly synthetic opioid at the Nogales port of entry. According to the Drug Enforcement Administration, just 2 milligrams of fentanyl is considered a lethal dose. From the January 26 seizure alone, it is estimated that CBP officers seized enough fentanyl to kill 57 million people. That's more than the combined population of the States of Illinois, New York, and Pennsylvania. The street value for the fentanyl was over \$102 million. CBP officers also seized an additional 2.2 pounds of fentanyl pills and a large cache of methamphetamine.

The majority of fentanyl is manufactured in other countries such as China, and is smuggled primarily through the ports of entry along the Southwest Border and through international mail and Private Express Carrier Facilities, e.g. FedEx and UPS. Over the past 5 years, CBP has seen a nearly 50 percent increase in express

consignment shipments from 76 million to 110 million express bills and a 200 percent increase in international mail shipments from approximately 150 million to more than 500 million. Yet, according to CBP, over the last 3 years, there were only 181 CBP employees assigned to the 5 Postal Service International Service Centers and 208 CBP employees assigned to the Private Express Carrier Facilities. NTEU's funding request would allow for increases in CBP OFO staffing at these facilities.

Noting the positive impact of hiring additional CBP officers, it is troubling that the President's 2017 Border Security Executive Order and his subsequent budget request did not ask for 1 additional CBP officer new hire. In 2017, CBP officers at the ports of entry recorded over 216,370 apprehensions and seized over 444,000 pounds of illegal drugs, and over \$96 million in illicit currency, while processing over 390 million travelers and \$2.2 trillion in imports through the ports. Imagine what they could do with adequate staffing and resources.

#### AGRICULTURE SPECIALIST STAFFING

CBP employees also perform critically important agriculture inspections to prevent the entry of animal and plant pests or diseases at ports of entry. Agricultural specialists provide a critical role in both trade and travel safety and prevent the introduction of harmful exotic plant pests and foreign animal diseases, as well as potential ag/bio-terrorism into the United States. All ports of entry are currently understaffed relative to mission goals and workload requirements of agricultural specialists. For years, NTEU has championed the CBP agriculture specialists' Agriculture Quality Inspection (AQI) mission within the agency and fought for increased staffing to fulfill that mission. The U.S. agriculture sector is a crucial component of the American economy, generating over \$1 trillion in annual economic activity. According to the U.S. Department of Agriculture, foreign pests and diseases cost the American economy tens of billions of dollars annually.

Because of CBP's key mission to protect the Nation's agriculture from pests and disease, NTEU urges the committee to authorize the hiring of these 721 CBP agriculture specialists identified by CBP's AgRAM to address this critical staffing shortage that threatens the U.S. agriculture sector.

#### 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 in protecting our Nation's economic growth and security. For every dollar invested in CBP trade personnel, we return \$87 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, there has been no increase in non-uniformed CBP trade enforcement and compliance personnel. Additionally, 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 2017 CBP Resource Optimization Model for Trade Positions. NTEU strongly supports funding for 140 new hires at the CBP Office of Trade through direct appropriations to support Trade Facilitation and Trade Enforcement Act implementation.

#### CBP FUNDING SOURCES

CBP collects Customs User Fees (CUFs), including those under the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), to recover certain costs incurred for processing air and sea passengers and various private and commercial land, sea, air, and rail carriers and shipments. The source of these user fees are commercial vessels, commercial vehicles, rail cars, private aircraft, private vessels, air passengers, sea passengers, cruise vessel passengers, dutiable mail, customs brokers, and barge/bulk carriers.

COBRA fees are deposited into the Customs User Fee Account and are designated by statute to pay for services provided to the user, such as 100 percent of inspectional overtime for passenger and commercial vehicle inspection during overtime shift hours. Of the 24,576 CBP officers currently funded, Customs User Fees (CUFs) fund 3,825 full-time equivalent (FTEs) CBP officers. Further, Immigration Inspection User Fees (IUF) fund 4,179 CBPO FTEs. CUF and IUF user fees fund 8,004 CBPO FTEs or one-third of the entire CBP workforce at the ports of entry.

NTEU strongly opposes any diversion of CUFs. Any increases to the CUF Account should be properly used for much-needed CBP staffing and not diverted to unrelated projects. Unfortunately, while section 52202 of the FAST ACT indexed CUFs to inflation, it diverted this funding from CBP to pay for unrelated infrastructure projects. Indexing COBRA CUFs to inflation would have raised \$1.4 billion over 10



years—a potential \$140 million per year funding stream to help pay for the hiring of additional CBP officers to perform CBP’s border security, law enforcement, and trade and travel facilitation missions. Diverting these funds has cost CBP funding to hire over 900 new CBP officers per year since the FAST Act went into effect. These new hires would have significantly alleviated the current CBP officer staffing shortage.

In order to find alternative sources of funding to address serious staffing shortages, CBP received authorization for and has entered into Reimbursable Service Agreements (RSAs) with the private sector, as well as with State and local governmental entities. These stakeholders, who are already paying CUFs and IUFs for CBP OFO employee positions and overtime, reimburse CBP for additional inspection services, including overtime pay and the hiring of new CBP officer and agriculture specialist personnel that in the past have been paid for entirely by user fees or appropriated funding. According to CBP, since the program began in 2013, CBP has entered into agreements with over 149 stakeholders covering 111 U.S. ports of entry, providing more than 467,000 additional processing hours for incoming commercial and cargo traffic.

NTEU believes that the RSA program is a Band-Aid approach and cannot replace the need for Congress to either appropriate new funding or authorize an increase in customs and immigration user fees to adequately address CBP staffing needs at the ports.

RSAs simply cannot replace the need for an increase in CBP appropriated or user fee funding—and make CBP a “pay to play” agency. NTEU also remains concerned with CBP’s new Preclearance expansion program that also relies heavily on “pay to play.” Further, NTEU believes that the use of RSAs to fund CBP staffing shortages raises significant equity issues between larger and/or wealthier ports and smaller ports.

#### NTEU RECOMMENDATIONS

To address CBP’s workforce challenges, it is clearly in the Nation’s economic and security interest for Congress to authorize and fund an increase in the number of CBP officers, CBP agriculture specialists, and other CBP employees.

In order to achieve the long-term goal of securing the proper staffing at CBP and end disruptive TDYs and excessive involuntary overtime shifts, NTEU recommends that Congress take the following actions:

- Support funding for 600 new CBP officers in fiscal year 2020 DHS Appropriations;
- Support funding for 721 new CBP agriculture specialists, as well as additional trade operations specialists and other OFO support staff;
- Address the polygraph process to mitigate excessive (60 percent) applicant polygraph failures;
- Fully fund and utilize recruitment and retention awards, and other incentives; and
- Restore cuts in mission support personnel that will free CBP officers from performing administrative duties such as payroll processing, data entry, and human resources to increase the numbers available for trade and travel security and facilitation.

Congress should also redirect the increase in customs user fees in the FAST Act from offsetting transportation spending to its original purpose of providing funding for CBP officer staffing and overtime, and oppose any legislation to divert additional fees collected to other uses or projects.

Shutdowns, pay freezes, and proposed cuts to benefits, rights, and protections do nothing to help with recruitment and retention of CBP officers. The employees I represent are frustrated and their morale is indeed low. These employees work hard and care deeply about their jobs and their country. These men and women are deserving of more staffing and resources to perform their jobs better and more efficiently.

NTEU is not alone in seeking increased funding to hire new CBP officers at the ports. A diverse group of business, industry, and union leaders have joined forces in support of legislation and funding to hire more Customs and Border Protection personnel and alleviate staffing shortages at the Nation’s ports of entry. The coalition—which includes leading voices from various shipping, tourism, travel, trade, law enforcement, and employee groups—sent the attached letter urging House appropriators to provide the funding necessary to hire at least 600 new CBP officers annually (see Exhibit A.)

Thank you for the opportunity to submit this statement for the record.

## EXHIBIT A

May 1, 2019.

The Honorable LUCILLE ROYBAL-ALLARD,  
*Chairwoman, Subcommittee on Homeland Security, Committee on Appropriations,  
 U.S. House of Representatives, Washington, DC 20515.*

The Honorable CHUCK FLEISCHMANN,  
*Ranking Member, Subcommittee on Homeland Security, Committee on Appropriations,  
 U.S. House of Representatives, Washington, DC 20515.*

DEAR CHAIRWOMAN ROYBAL-ALLARD AND RANKING MEMBER FLEISCHMANN: As stakeholders interested in the facilitation activities of Customs and Border Protection (CBP) at land, sea, and air ports-of-entry around the globe, we urge you to provide additional appropriations in fiscal year 2020 for at least 600 new CBP officers over the current staffing level to help the agency meet its current and future staffing needs.

With CBP's on-board data and most recent workload staffing model showing a shortage of over 3,700 CBP officers, current staffing levels fail to address the growing demands of travel and trade at our ports-of-entry. Providing additional CBP officers at this time of growing volumes of international passengers and cargo will both reduce lengthy wait times and facilitate new economic opportunities in communities throughout the United States.

Increasing CBP officer staffing is an economic driver for the U.S. economy. According to the Joint Economic Committee (JEC), "every day 1.1 million people and \$5.9 billion in goods legally enter and exit through the ports of entry." CBP estimates that the annual hiring of an additional 600 CBP officers at the ports-of-entry could increase yearly economic activity by over \$1 billion and result in the addition of over 17,000 new jobs.

While 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. The travel industry estimates long CBP wait times discourage international visitors, who spend an average of \$4,200 per visit, from traveling to the United States. JEC research also finds border delays cost the U.S. economy upwards of \$5 billion each year.

We share your commitment to ensuring that America's borders remain safe, secure, and efficient for all users, while enhancing our global competitiveness through the facilitation of legitimate travel and trade. Therefore, we request at least 600 new CBP officers in fiscal year 2020 to continue building on the staffing advances made in recent years.

Thank you for your consideration of this request.

Sincerely,

AIRPORTS COUNCIL INTERNATIONAL—NORTH AMERICA  
 AMERICAN ASSOCIATION OF PORT AUTHORITIES  
 NATIONAL TREASURY EMPLOYEES UNION  
 AMERICAN ASSOCIATION OF AIRPORT EXECUTIVES  
 BORDERPLEX ALLIANCE  
 BORDER TRADE ALLIANCE  
 CARGO AIRLINE ASSOCIATION  
 CRUISE LINES INTERNATIONAL ASSOCIATION  
 FEDERAL LAW ENFORCEMENT OFFICERS ASSOCIATION  
 FRESH PRODUCE ASSOCIATION OF THE AMERICAS  
 GLOBAL BUSINESS TRAVEL ASSOCIATION  
 NATIONAL ASSOCIATION OF WATERFRONT EMPLOYERS  
 NEW YORK SHIPPING ASSOCIATION  
 UNITED STATES MARITIME ALLIANCE  
 U.S. CHAMBER OF COMMERCE  
 U.S. TRAVEL ASSOCIATION  
 WEST GULF MARITIME ASSOCIATION.

STATEMENT OF VICKI B. GAUBECA, DIRECTOR, SOUTHERN BORDER COMMUNITIES  
COALITION

MAY 3, 2019

Please accept my testimony on behalf of the Southern Border Communities Coalition, a network that brings together organizations from San Diego, California, to Brownsville, Texas, to ensure that border enforcement policies and practices are accountable and fair, respect human dignity and human rights, and prevent the loss of life in the region. The Southern Border region is one of the most diverse, economically vibrant, and safest areas of the country, home to about 15 million people. It is a place of encounter, hope, and opportunity, not confrontation and hate. Yet for decades, policy makers have pushed to militarize the Southern Border region with policies and funding that has not made us safer, but instead has jeopardized the rights and quality of life of those who live, work, and travel through the borderlands. These harms have been deeply exacerbated by this administration's reckless, unaccountable border militarization, enforcement, and detention operations that have terrorized border and immigrant communities, torn-apart families, and treated those seeking protection at our Southern Border with cruelty. As this committee considers the fiscal year 2020 Department of Homeland Security (DHS) appropriations, we urge you to reject this administration's requests to expand Trump's bloated border militarization, deportation, and detention regime by reducing funding for Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE).

Border communities have already endured the construction of 700 miles of walls built in our towns, neighborhoods, and even backyards. And regardless of whether the structures are called border walls, fences, levee walls, or barriers—and made of concrete, steel, or some other material—the reality is the same. Walls and the associated hyper-militarization of the border don't make us safer or address the root causes that motivate individuals to make the trek to our border. Instead, walls harm those who call the Southern Border region home, contribute to the on-going humanitarian crisis of migrant deaths, endanger wildlife and the environment, strip property owners of their lands, and reflect a colossal waste of taxpayer dollars. These harmful consequences will be felt long after this administration has left because once constructed, border walls cause permanent harms that cannot be remedied.

The last Congress alone provided President Trump with roughly \$3 billion in border wall funding. President Trump's fiscal year 2020 budget proposes \$5 billion for 200 additional miles of border wall—this is in addition to the over \$8 billion that this administration seeks to siphon from the Department of Defense budget for more border wall using its emergency powers. We strongly urge you to reject any funding for President Trump's wall in the fiscal year 2020 DHS appropriations bill—and ensure measures are in place to prevent President Trump from circumventing Congress and seizing funds from other agencies to pay for more wall.

In addition, we urge you to reject the administration's request for additional funding for Border Patrol agents. For years, the Border Patrol's budget has skyrocketed, although the agency has operated with little or no oversight, accountability, or transparency, leading to abuses and deaths across our Nation's borders. The agency has a troubled track record of excessive force, racial profiling, sexual assault, and misconduct. During this administration, agents have separated families, tear-gassed asylum seekers, terrorized our children, and acted as a deportation force in border communities.

Much ado has been made that there is a crisis in Southern Border communities to justify further more wasteful, damaging wall construction and other harmful, anti-immigrant policies. However, the only crisis we see in border communities is one stemming from excessive, unchecked militarization—and a humanitarian challenge of people fleeing violence and seeking refuge in a country that has historically been a beacon for refugees from throughout the world. The White House has used existing funds to try to shut down our current asylum system, cutoff access at ports of entry and lock up families and children. In the face of these deeply misguided policies, border communities have boldly stepped up to warmly greet and assist those who arrive to our Southern Border seeking protection.

The bottom line is that border communities do not want more wall and unchecked militarization, we want our taxpayer dollars dedicated to critical programs that make our communities strong and vibrant such as investments in education, health care, green infrastructure, and housing. We urge Members of Congress to view the budget as a moral document that reflects our priorities and values as a Nation. Congress must invest in programs and agencies that uphold our shared values of dig-

nity and justice and divest from programs and agencies that flout those values at every opportunity. It is unacceptable to claim support for border and immigrant communities while continuing to fund the border wall and grow the already inflated budgets for ICE and CBP. We call on Congress to rise to the occasion and revitalize, not militarize, our communities and reject Trump's dangerous budget request for DHS in 2020 with significant funding cuts for CBP and ICE.

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STATEMENT OF THE CHURCH WORLD SERVICE

MAY 9, 2019

As a 73-year-old humanitarian organization representing 37 Protestant, Anglican, and Orthodox communions, and 23 refugee resettlement offices across 17 States, Church World Service urges Congress to cut funding for immigration detention, deportation, and border militarization and to demand accountability over the Department of Homeland Security (DHS). We urge Congress to reduce funding for Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP) that has fueled family separation and the immoral and illegal treatment of asylum seekers and other immigrants.

CWS urges the administration to rescind its April 2018 information-sharing agreement between DHS and the Department of Health and Human Services (HHS) that turns HHS into an immigration enforcement agency and prolongs family separation. The agreement "requires HHS to share the immigration status of potential sponsors and other adults in their households with DHS to facilitate HHS's background checks." The population of detained unaccompanied children ballooned, and although HHS announced that it would stop requiring fingerprints from all household members of sponsors, ORR continues to share information about all potential sponsors with DHS, needlessly prolonging child detention.

CWS is strongly opposed to any proposal that would undermine *Flores* protections or increase family incarceration, which is plagued with systemic abuse and inadequate access to medical care. These conditions are unacceptable, especially for children, pregnant and nursing mothers, and individuals with serious medical conditions. The American Association of Pediatrics has found that family detention facilities do not meet basic standards for children and "no child should be in detention centers or separated from parents." CWS urges Congress to reject any proposal that would expand family detention or violate the *Flores* agreement's long-standing consensus that children should not be detained for longer than 20 days.

CWS is equally troubled by proposals to weaken or eliminate provisions in the Trafficking Victims Protection Reauthorization Act (TVPRA), which provides important procedural protections for unaccompanied children in order to accurately determine if they are eligible for relief as victims of trafficking or persecution. Weakening existing legal protections, especially for children, undermines the United States' moral authority as a leader in combating human trafficking and increases vulnerabilities for trafficking victims by curtailing access to due process, legal representation, and child-appropriate services.

Congress and the administration should utilize community-based, least-restrictive alternatives to detention (ATDs) that connect individuals with family members, faith-based hospitality communities, and local services to help them navigate the legal system. For example, the Family Case Management Program (FCMP) is effective and less expensive than detention, allowing people to be released, connecting them with legal counsel, providing case supervision, and helping with child care. The program is 99 percent effective at having families show up for check-ins and court appearances and also ensures departure from the United States for those who are not granted protection.

Immigration policies that repeatedly result in death do not make us secure. The death of two children in CBP custody pointedly highlights the urgent need for shifts in policy. Border crossings have declined to near-record levels; the uptick in arrivals this year stems from families fleeing violence, persecution, and desperation from El Salvador, Honduras, and Guatemala. Militarizing the border and separating families undermine our moral and legal obligations and are ineffective, as families continue to seek safety. The United States can humanely process all families and individuals who arrive at our borders seeking protection.

CWS strongly opposes sending troops to the border and any other policy that further militarizes our border. Border communities are some of the safest in the country. The most recent data available shows each Border Patrol agent along the Southwest Border apprehended on average about 3 migrants per month, far below fiscal year 2000 levels (approximately 16 migrants per month). With CBP's all-time

high funding for border security procurement and development alone, legislators should be looking for ways to rein in CBP's draconian enforcement efforts.

The administration has also imposed multiple bans and a series of changes to the U.S. Refugee Admissions Program (USRAP) that have prolonged family separation and left tens of thousands of vulnerable refugees in limbo. It has decreased the number of refugees that can be resettled in the United States to a record low 30,000 in fiscal year 2019, after resettling less than half of last year's then-historic low of 45,000. Resettlement is the last resort for men, women, and children who cannot return to their home countries and cannot rebuild their lives in the country where they first fled. Resettlement is the already the most difficult way to enter the United States, but these bans, alongside many policy changes, have denied safety to tens of thousands of bona fide refugees and have reversed decades of U.S. leadership on refugee protection. We urge Congress to hold the administration accountable to meeting its fiscal year 2019 refugee admissions goal and rebuilding the resettlement program, returning the program to historic norms.

As a faith-based organization, we urge Congress to hold the administration respecting the humanity and dignity of all asylum seekers, unaccompanied children, and others seeking protection.

Miss RICE. Without objection, the subcommittee record shall be kept open for 10 days.

Hearing no further business, the subcommittee stands adjourned. [Whereupon, at 4 p.m., the subcommittee was adjourned.]



## APPENDIX

### QUESTIONS FROM CHAIRWOMAN KATHLEEN M. RICE FOR ROBERT E. PEREZ

*Question 1.* The administration's emergency supplemental request includes \$23 million to train Border Patrol agents to make credible fear determinations.

How does Border Patrol's mission to "detect and prevent the illegal entry of aliens into the United States" conform with an asylum officer's duty to conduct a non-adversarial credible fear interview? Under what authority is this pilot being pursued?

Answer. Response was not received at the time of publication.

*Question 2.* Where will Border Patrol agents conduct credible fear interviews, in the field or at ports of entry?

Answer. Response was not received at the time of publication.

*Question 3.* When and for how long will Border Patrol agents be conducting credible fear interviews? How many will be tasked with this new responsibility? Will they only conduct credible fear interviews or is this in addition to their daily work?

Answer. Response was not received at the time of publication.

*Question 4.* What training will they receive prior to conducting credible fear interviews? Will other CBP personnel be tasked with carrying out other asylum officer functions?

Answer. Response was not received at the time of publication.

*Question 5.* How does the credible fear interview process training provided to Border Patrol agents differ from training that asylum officers undergo?

Answer. Response was not received at the time of publication.

*Question 6.* What oversight will USCIS provide for credible fear interview decisions made by these new interviewers to ensure consistency in decision making alongside other asylum officers?

Answer. Response was not received at the time of publication.

### MIGRANT PROTECTION PROTOCOLS

*Question 7.* The Migrant Protection Protocols (MPP) are currently only being carried out in San Diego, Calexico, and El Paso. What is CBP's role in advising the Department before MPP is put into effect at other locations along the border? What kind of metrics are required to monitor or review prior to expanding the program to other locations?

Answer. Response was not received at the time of publication.

*Question 8.* When MPP first began, serious flaws were noted in the execution of the first cases. Migrants were not asked if they feared being returned to Mexico, were given false hearing dates, and did not have the opportunity to talk to attorneys before the hearing date. What has been done to address these issues? Do these problems persist?

Answer. Response was not received at the time of publication.

*Question 9.* There have been multiple media reports of migrants being threatened in Mexico while awaiting their court date in the United States. What are CBP and USCIS doing to ensure that those who express fear of returning to Mexico are not returned?

Answer. Response was not received at the time of publication.

*Question 10.* How many people have been allowed to stay in the United States due to fear of returning to Mexico under MPP?

Answer. Response was not received at the time of publication.

### RAPID DNA

*Question 11.* The Department recently concluded a limited pilot program to use rapid DNA tests to check the authenticity of the parent-child relationship. What is the total cost of implementing this pilot program, including any technology to analyze the DNA, cost of capturing the DNA, and training of officials involved?

Answer. Response was not received at the time of publication.

#### FRAUDULENT FAMILIES

*Question 12.* On what basis is a family categorized as “fraudulent?” How many fraudulent parental relationships have been documented by CBP in the last 5 fiscal years? In how many of these cases were the children related to the adult but a different relationship or age that what was claimed? How many cases were referred to the Department of Justice for possible human trafficking charges? How many children were granted a U or T visa certification by ICE?

Answer. Response was not received at the time of publication.

#### CBP STAFFING

*Question 13.* In April, CBP announced a 5 percent retention bonus for GS-12 and GS-13 Border Patrol agents that will be paid in 4 quarterly payments over the course of 1 year. Why did CBP decide to extend this only to Border Patrol agents and not CBP officers at ports of entry or AMO personnel? Does CBP have any plans to extend the bonus to CBP officers? Why were only 2 pay grades included? What is the attrition rate in these 2 grades versus lower grade agents?

Answer. Response was not received at the time of publication.

*Question 14.* The President’s fiscal year 2020 budget requests \$28 million to fund the hiring of 171 new customs and border protection officers, 91 mission and operational support positions, and 5 agriculture specialists. These 267 new Office of Field Operations (OFO) employees in the President’s fiscal year 2020 budget request are designated to go to San Luis, AZ, Blaine, Cincinnati, and Boston to test a “Proof of Concept.” With the current shortage of over 3,700 CBP officers and 721 CBP agriculture specialists according to CBP’s own WSM, why is the fiscal year 2020 CBP OFO staffing request limited to just this “Proof of Concept” experiment?

Answer. Response was not received at the time of publication.

*Question 15.* Why does the fiscal year 2020 budget request not include funding for at least 600 CBP officers new hires, as does the final fiscal year 2019 DHS funding deal, to relieve OFO staffing shortages at the most severely short-staffed ports?

Answer. Response was not received at the time of publication.

*Question 16.* What is CBP’s plan to fund and hire the 3,700 additional CBP officers to end the OFO staffing shortage that has necessitated excessive CBP officer overtime and TDYs since 2015?

Answer. Response was not received at the time of publication.

*Question 17.* Is there a “comprehensive recruitment and retention strategy” for CBP personnel at the ports of entry as there apparently is for U.S. Border Patrol?

Answer. Response was not received at the time of publication.

#### BORDER PATROL MASS RELEASES OF FAMILIES

*Question 18.* Earlier in April, this subcommittee heard from Bishop Seitz of El Paso that the mass releases conducted by Border Patrol often occurred without prior coordination with local organizations and migrant families did not seem to have the proper paperwork or an ICE check-in appointment in their destination city. Does CBP have any plans to improve coordination with local organizations on releases of families? Has ICE offered any training to CBP to improve their processes in releasing families?

Answer. Response was not received at the time of publication.

#### QUESTIONS FROM RANKING MEMBER CLAY HIGGINS FOR ROBERT E. PEREZ

*Question 1.* Mr. Perez, I would like to give you the opportunity to clarify the back and forth on the NII system funding today.

Please clarify for the committee the differences between requested and appropriated funds for the program, and CBP’s priorities and vision for the NII program moving forward.

Answer. Response was not received at the time of publication.

*Question 2.* What percentage of U.S. ports of entry currently have some form of an NII system?

Answer. Response was not received at the time of publication.

*Question 3.* Does the Department use a risk-based approach when prioritizing where NII technology is needed? And if so, can you share a list with the committee of your top 10 priorities for recapitalization?”

Answer. Response was not received at the time of publication.



QUESTIONS FROM CHAIRWOMAN KATHLEEN M. RICE FOR MATTHEW T. ALBENCE

*Question 1.* The proposed emergency supplemental includes \$61 million to cover a payroll shortfall for ICE personnel. Why is there a \$61 million shortfall?

Answer. Response was not received at the time of publication.

*Question 2.* In February, the enacted Fiscal Year 2019 Consolidated Appropriations Act included funding for 40,520 beds on average per day, requiring ICE to bring down the number of beds by the end of the fiscal year by almost 10,000 from current average daily populations. What is ICE doing to comply with the enacted fiscal year 2019 appropriations law requiring a draw down to 40,520 beds by the end of fiscal year 2019?

Answer. Response was not received at the time of publication.

ALTERNATIVES TO DETENTION (ATD)

*Question 3.* Please explain your current policy on Alternatives to Detention (ATD). How do you select who gets ATD? Were alternatives, including pilot projects, considered?

Answer. Response was not received at the time of publication.

*Question 4.* Earlier this month, Attorney General Barr made the decision that immigration judges can no longer release detained immigrants through bond hearings. As a result, the only way for an immigrant to be released from detention is to seek parole by ICE. Is ICE planning any changes to its parole policy?

Answer. Response was not received at the time of publication.

*Question 5.* Even though a Federal court has enjoined ICE from a blanket “no parole” policy, there are 5 ICE offices that have issued virtually no parole since the start of the Trump administration: El Paso, Detroit, Los Angeles, Newark, and Philadelphia. How many paroles have been issued a year by each office for each of the last 5 years?

Answer. Response was not received at the time of publication.

QUESTIONS FROM RANKING MEMBER CLAY HIGGINS FOR MATTHEW T. ALBENCE

*Question 1.* Mr. Albence, I understand that starting in September 2018, the immigration courts in 10 cities across the country began prioritizing family unit cases. In which cities has this taken place?

Answer. Response was not received at the time of publication.

*Question 2.* Can you tell us how many cases have been on the docket, how many removals ordered, how many aliens were granted relief, and how many family units failed to appear for their hearings and were ordered removed in absentia?

Answer. Response was not received at the time of publication.

*Question 3.* Mr. Albence, during your testimony, you mentioned that increasing the number of immigration judges without a corresponding increase in Office of Principal Legal Advisor (OPLA) attorneys will make the immigration court “bottleneck worse.”

Can you extrapolate on this issue? How does this contribute to the bottleneck?

Answer. Response was not received at the time of publication.

*Question 4.* Can you provide for the committee how many immigration judges have been funded and/or requested over the past 3 fiscal years and how many corresponding OPLA attorneys were also funded/requested?

Answer. Response was not received at the time of publication.

*Question 5.* Additionally, do you have any staffing models that show the current and/or future needs of OPLA attorneys based on the increases in immigration judges?

Answer. Response was not received at the time of publication.

*Question 6.* Mr. Albence, in your testimony, you stated that over the past 3 weeks, Homeland Security Investigations (HSI) identified 65 fraudulent families out of 256 potential fraudulent families.

Is that from cases that CBP has identified to ICE HSI?

Answer. Response was not received at the time of publication.

*Question 7.* How many additional cases have been identified over the past year? Please provide the consequences of those identified cases as well.

Answer. Response was not received at the time of publication.

*Question 8.* What more needs to be done by Congress to combat this problem?

Answer. Response was not received at the time of publication.

*Question 9.* Does HSI incorporate DNA testing into this fraud detection process? If so, how?

Answer. Response was not received at the time of publication.

*Question 10.* Can you speak to the importance of DNA testing in combating human smuggling and trafficking of minors at the border?

Answer. Response was not received at the time of publication.

*Question 11.* Mr. Albence, in your testimony, you described the work that ICE attachés are doing with fusion centers in Central America to further border security. Can you please describe these relationships in more detail?

Answer. Response was not received at the time of publication.

*Question 12.* What more should we be doing south of the border to combat transnational criminal organizations?

Answer. Response was not received at the time of publication.

*Question 13.* Additionally, how does the BITMAP program align with these efforts?

Answer. Response was not received at the time of publication.

*Question 14.* What more can Congress do to strengthen these programs and target transnational criminal organizations?

Answer. Response was not received at the time of publication.

#### QUESTIONS FROM CHAIRWOMAN KATHLEEN M. RICE FOR TRACY RENAUD

##### ASYLUM PROCESSING

*Question 1a.* A recent media report details that under the Migrant Protection Protocols (MPP), asylum officers are being forced to sign the form saying the migrant wasn't likely to be persecuted in Mexico, even if the asylum office believed the migrant's life could be in danger if returned there.

Are you aware of concerns about MPP that asylum officers have raised with their union? How many officers have raised concerns about MPP?

Answer. Response was not received at the time of publication.

*Question 1b.* When an asylum officer decides the asylum seeker should not be returned to Mexico, how many of these decisions are reviewed and overturned by a Supervisory Asylum Officer?

Answer. Response was not received at the time of publication.

*Question 1c.* When an asylum officer decides the asylum seeker should be returned to Mexico, how many of these decisions are reviewed and overturned?

Answer. Response was not received at the time of publication.

*Question 2.* USCIS recently issued new guidelines to asylum officers on adjudicating credible fear claims directing them to be more confrontational and focus on discrepancies between testimony instead of the testimony itself. How are you planning to document these discrepancies? How much time is USCIS expecting for asylum officers to take to deconflict discrepancies and document the deconflictions?

Answer. Response was not received at the time of publication.

##### NOTICES TO APPEAR (NTAS)

*Question 3a.* In June 2018, USCIS announced a new policy that dramatically expands the circumstances under which the agency may place applicants and petitioners into deportation proceedings through the issuance of Notices to Appear (NTAs).

How many NTAs has USCIS issued to date as a result of this policy? Will you provide this information broken down by USCIS office and associated application type?

Answer. Response was not received at the time of publication.

*Question 3b.* How many NTAs did USCIS issue for each of the 2 years prior to this policy going into effect?

Answer. Response was not received at the time of publication.

*Question 3c.* Has USCIS made any estimates concerning the overall number of NTAs it anticipates issuing as a result of this policy? If so, please provide those estimates.

Answer. Response was not received at the time of publication.

*Question 4.* Is USCIS also going to issue NTAs to survivors of domestic abuse and human trafficking after their applications for T visas, U visas, or Violence Against Women Act protections, have been denied?

Answer. Response was not received at the time of publication.

##### CASE PROCESSING DELAYS

*Question 5.* According to one study USCIS case processing delays have increased 46 percent over the last 2 fiscal years and at the end of fiscal year 2017, USCIS' net backlog exceeded 2.3 million delayed cases. Has USCIS conducted any assess-

ments of all factors, including its own policies and practices, that may be affecting its case backlog? If so, what are your findings?

Answer. Response was not received at the time of publication.

*Question 6.* USCIS data indicates that “case completions per hour” have declined for 81 percent of application types since fiscal year 2016. What accounts for these declines? Given USCIS’s acknowledgement that this trend limits the agency’s ability to reduce the backlog, what actions are USCIS taking to address falling completion rates?

Answer. Response was not received at the time of publication.

*Question 7.* In the first quarter of fiscal year 2019, USCIS was 472 employees short of authorized staffing levels for the Asylum Program Office. Given the increase in asylum cases, what are you doing to increase the number of staff at the Asylum Program Office to process applications more quickly?

Answer. Response was not received at the time of publication.

*Question 8.* Of your net backlog of 2.5 million cases how many of these are asylum cases? How are you reprioritizing resources to reduce the number of cases in the backlog?

Answer. Response was not received at the time of publication.

#### USCIS–ICE DEPORTATION COORDINATION

*Question 9.* USCIS has been increasingly coordinating with ICE to arrest individuals appearing before USCIS for immigration interviews. Given the backlogs, processing delays, and increased interviews at field offices, why is USCIS using its resources in this manner?

Answer. Response was not received at the time of publication.

*Question 10.* To what extent has this partnership between USCIS and ICE been memorialized in writing? Is there a memo or MOU that lays out procedures for coordinating the arrest of people attending an USCIS interview?

Answer. Response was not received at the time of publication.

*Question 11.* To what extent is USCIS headquarters directing field offices to use interviews or other actions related to an immigration application as a way for ICE to arrest individuals? Is there a memo directing the use of this practice?

Answer. Response was not received at the time of publication.

#### FRAUD DETECTION

*Question 12.* In fiscal year 2018, USCIS’ Fraud Detection and National Security Directorate conducted 427 target site visits of companies in fiscal year 2018. Of those 427 site visits, how many sites were found to have fraud? How many were prosecuted?

Answer. Response was not received at the time of publication.

#### INTERNATIONAL OFFICES

*Question 13a.* The administration announced it would be closing all USCIS international offices. The administration has said it will shift those functions to the State Department who will charge USCIS a fee for completing these services.

International offices have a unique case management system called the Case and Activity Management for International Offices (CAMINO). Will the State Department assume custody of this system? If not, what will happen to the personal information of U.S. citizens, including biometric data, in CAMINO?

Answer. Response was not received at the time of publication.

*Question 13b.* As a result of the proposed closure of international operations, will USCIS transfer or delegate any of its functions to ICE?

Answer. Response was not received at the time of publication.

*Question 13c.* To what extent has DHS or USCIS conducted a cost-benefit analysis or studied the potential impact of international office closures on the State Department, military personnel, and international services like international adoptions? Please provide a copy of any analysis.

Answer. Response was not received at the time of publication.

*Question 13d.* Will the closure of overseas offices result in the loss of full-time employment jobs? If so, how many? If there is no loss, how will staff be reassigned?

Answer. Response was not received at the time of publication.

#### SPECIAL IMMIGRANT VISAS (SIV)

*Question 14.* Arrivals of Special Immigrant Visas (SIV) for Afghans for the first few months of fiscal year 2019 show that the United States is not on track to resetting the number of Afghan SIVs planned for this year. What is being done to en-

sure Afghans SIVs continue to be processed, especially since they have not been subject to the same pauses and additional vetting procedures that apply to other countries and refugees generally?

Answer. Response was not received at the time of publication.

*Question 15.* U.S.-affiliated Iraqis (Iraqi P-2s) have provided critical services to U.S. missions abroad and now face persecution as a result. Conservative estimates suggest there are tens of thousands of Iraqis with close affiliations to the U.S. Government awaiting interviews to have their resettlement cases processed. What is being done to increase the number of U.S.-affiliated Iraqis who arrive this year and next?

Answer. Response was not received at the time of publication.

#### REFUGEE RESETTLEMENT

*Question 16.* My understanding is that Security Advisory Opinion (SAO) processing delays are in part responsible for the refugee admission rate for fiscal year 2018 being well below the 45,000 refugee ceiling. This year, the United States appears to be on track to settle less than 20,000 refugees.

Answer. Response was not received at the time of publication.

*Question 17.* What is the average time it takes to process an SAO and what is the current backlog of SAOs awaiting determination?

Answer. Response was not received at the time of publication.

*Question 18.* Given the intensive scrutiny refugees already face, what additional security benefit do these changes add?

Answer. Response was not received at the time of publication.

*Question 19.* How can we improve the U.S. refugee resettlement program without decreasing the amount we resettle?

Answer. Response was not received at the time of publication.

