

**WORLDWIDE THREATS TO THE HOMELAND:
20 YEARS AFTER 9/11**

HEARING

BEFORE THE

COMMITTEE ON HOMELAND SECURITY

HOUSE OF REPRESENTATIVES

ONE HUNDRED SEVENTEENTH CONGRESS

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WORLDWIDE THREATS TO THE HOMELAND: 20 YEARS AFTER 9/11

Wednesday, September 22, 2021

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

The committee met, pursuant to notice, at 9:02 a.m., via Webex, Hon. Bennie G. Thompson [Chairman of the committee] presiding.

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

Chairman THOMPSON. The Committee on Homeland Security will come to order. The committee is meeting today to receive testimony on world-wide threats to the homeland 20 years after 9/11.

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

Good morning. I want to thank Secretary of Homeland Security Alejandro Mayorkas, FBI Director Christopher Wray, and National Counterterrorism Center Director Christine Abizaid, for coming before the committee today and for your service to the country.

This month Americans observed the 20th anniversary of the terrorist attacks of September 11, 2001. We will never forget the heroic first responders who ran into the Twin Towers to save others, the brave flight 93 passengers who fought back against the hijackers, or the service members killed at their posts in the Pentagon. We remember all of those who lost their life or their loved ones on 9/11 and those who have suffered Ground Zero-related health effects in the days since.

This committee was created in the aftermath of the attacks. Earlier this month we met on hallowed ground in New York to mark the 20th anniversary. We visited the 9/11 memorial and museum and laid a wreath in remembrance. We met in 1 World Trade Center with first responders to discuss how far we have come in the last two decades and what more remains to be done to secure our Nation for upholding our American values.

Today the committee is meeting to examine world-wide threats to the homeland 20 years after 9/11. It is the committee's long-standing practice to meet annually with National security leaders to discuss the global threat landscape and the U.S. response. This year especially we reflect on the incredible transformation of our National security apparatus, an expansion of the homeland secu-

rity enterprise over the last two decades. We recognize the success we have had in preventing another 9/11-style attack, but are sobered by the challenges posed by long-standing and emerging homeland security threats.

Some of these threats include the recent riots and domestic terrorism, more frequent cyber attacks from increasingly sophisticated actors, and the security implications of the Taliban's return to power in Afghanistan.

With respect to domestic terrorism, our witnesses have testified before this committee previously about the grave nature of the threat. Secretary Mayorkas called it the greatest threat in the homeland.

I hope to hear from the panel today about their current domestic terrorism threat assessment in the wake of the January 6 attack on the United States Capitol.

Regarding cybersecurity, over the past year we have seen our adversaries burrow into Federal networks through a sophisticated supply chain attack, exploit 1-day vulnerabilities in Microsoft and chain servers, and refuse to reign in cyber criminals working to extort millions of dollars from U.S. critical infrastructure owners and operators through ransomware attacks. I commend the administration for its sustained commitment to securing Federal networks and making the Federal Government a more valuable, secure department in the private sector. We still have a long way to go. I am interested to learn today about how DHS and FBI coordinate as they execute their shared cybersecurity missions.

Regarding Afghanistan, this committee has been, and will continue to, engage on threats to the homeland emanating from Afghanistan while recognizing that the terror threat has metastasized across the world in the last two decades. We are conducting careful oversight of U.S. efforts to screen and resettle our Afghan allies in this country and will continue to do so.

Finally, I want to address the situation at the Southern Border. The Biden administration inherited an immigration system badly broken by the previous administration. Trump's cruel policies led to families being separated and children dying in custody. Those immoral policies did not represent who we are as a people and the Biden administration was right to reject them. I have spoken with Secretary Mayorkas on a regular basis about the border and even more frequently in recent days as events unfolded in Del Rio, Texas. The administration has committed to enforce the laws in processing migrants in a safe, orderly, and humane manner. This committee will hold the administration to its commitment.

Finally, I want to say a word to the men and women working to secure the homeland. Their jobs have never been easy and they are particularly difficult right now with the COVID-19 pandemic and worsening natural disasters caused by climate change, threatening their health, disrupting travel, and diverting homeland security resources. Please know that this committee greatly appreciates those working on the front lines and behind the scenes to secure the homeland on behalf of the American people.

As we learned in 9/11, nothing short of a well-coordinated whole-of-Government effort will protect the Nation against urgent evolving threats. Twenty years on, the Committee on Homeland Security

remains committed to working with Federal, State, and local partners on that critical effort.

Again, I thank our witnesses for joining us today and the Members for their participation.

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

[The statement of Chairman Thompson follows:]

STATEMENT OF CHAIRMAN BENNIE G. THOMPSON

SEPTEMBER 22, 2021

This month Americans observed the 20th anniversary of the terrorist attacks of September 11, 2001. We will never forget the heroic first responders who ran into the Twin Towers to save others, the brave Flight 93 passengers who fought back against the hijackers, or the service members killed at their posts in the Pentagon. We remember all those who lost their lives or their loved ones on 9/11, and those who have suffered Ground Zero-related health effects in the days since.

Stood up in the aftermath of the attacks, this committee met earlier this month on hallowed ground in New York to mark the 20th anniversary. We visited the 9/11 Memorial & Museum and laid a wreath in remembrance. We met in One World Trade Center with first responders to discuss how far we have come in the last two decades and what more remains to be done to secure our Nation while upholding our American values.

Today, the committee is meeting to examine “Worldwide Threats to the Homeland: 20 Years After 9/11.” It is the committee’s long-standing practice to meet annually with National security leaders to discuss the global threat landscape and the U.S. response. This year especially, we reflect on the incredible transformation of our National security apparatus and expansion of the Homeland Security Enterprise over the last two decades.

We recognize the success we have had in preventing another 9/11-style attack, but are sobered by the challenges posed by long-standing and emerging homeland security threats. Some of these threats include the recent rise domestic terrorism; more frequent cyber attacks from increasingly sophisticated actors; and the security implications of the Taliban’s return to power in Afghanistan.

With respect to domestic terrorism, our witnesses have testified before this committee previously about the grave nature of the threat—Secretary Mayorkas called it “the greatest threat in the homeland.” I hope to hear from the panel today about their current domestic terrorism threat assessment in the wake of the January 6 attack on the United States Capitol.

Regarding cybersecurity, over the past year we have seen our adversaries burrow into Federal networks through a sophisticated supply chain attack, exploit 1 day vulnerabilities in Microsoft Exchange Servers, and refuse to rein in cyber criminals working to extort millions of dollars from U.S. critical infrastructure owners and operators through ransomware attacks. I commend the administration for its sustained commitment to securing Federal networks and making the Federal Government a more valuable security partner to the private sector. We still have a long way to go, and I am interested to learn today about how DHS and FBI coordinate as they execute their shared cybersecurity missions.

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Finally, I want to address the situation at the Southern Border. The Biden administration inherited an immigration system badly broken by the previous administration. Trump’s cruel policies led to families being separated and children dying in custody. Those immoral policies did not represent who we are as a people, and the Biden administration was right to reject them. I have spoken to Secretary Mayorkas on a regular basis about the border, and even more frequently in recent days as events unfolded in Del Rio, Texas. The administration has committed to enforcing the law and processing migrants in a safe, orderly, and humane manner, and this committee will hold the administration to its commitment.

Finally, I want to say a word to the men and women working to secure the homeland. Their jobs have never been easy, and they are particularly difficult right now, with the COVID-19 pandemic and worsening natural disasters caused by climate

change threatening their health, disrupting travel, and diverting homeland security resources. Please know that this committee greatly appreciates those working on the front lines and behind the scenes to secure the homeland on behalf of the American people.

As we learned on 9/11, nothing short of a well-coordinated, whole-of-Government effort will protect the Nation against urgent, evolving threats. Twenty years on, the Committee on Homeland Security remains committed to working with Federal, State, and local partners on that critical effort.

Mr. KATKO. Thank you, Mr. Chairman, and thank you for the witnesses for being here today. I am pleased that the committee is holding this very important hearing. As you know, the United States finds itself facing increasingly dire threats on a number of fronts impacting our homeland security.

From the Biden administration's chaotic and deadly withdrawal process in Afghanistan, to the on-going humanitarian and security crisis along our Southwest Border, to the unprecedented cyber threats facing the American way of life, the American people are deeply troubled by what they are seeing. These threats are of course all happening in the context of the COVID-19 pandemic, in which clarity from the administration related to vaccine boosters has been absent, similar to the Department of Homeland Security's mitigation of the pandemic at the Southwest Border, as was recently confirmed by the DHS Inspector General's Office.

What is most troubling to me is overwhelming lack of accountability this administration is willing to accept. Nearly 10 months after President Biden's inauguration the prevailing narrative coming from the administration's political class continues to be one that blames the last administration for the current administration's shortcomings. This is just tired. It is inaccurate. These talking points have been repeated consistently alongside scenes of Americans and Afghan allies being left under Taliban rule, and all while known terrorist operatives were inaugurated into the Taliban's cabinet on the 20th anniversary of 9/11. Let me repeat that. Known terrorist operatives were inaugurated into the Taliban's cabinet on the 20th anniversary of 9/11. That is significant.

But that is not the only crisis where the Biden administration's blame game shows up, what we also hear when officials blame the last administration for the deadly and increasingly untenable crisis along our Southern Border. Last month we saw the sixth straight month of more than 170,000 encounters along the Southwest Border, a trend that has never been recorded before. These numbers are part of the overall 1.5 million illegal border encounters that have occurred just this fiscal year. While the recently-departed border chief is on record stating that known or suspected terrorists are crossing the border at "a level we have never seen before," this administration continues to avoid the American people's demand for transparency.

This issue hits home for me. This year in my district in central New York has seen a very big increase in opioid-related deaths. This trend is repeated in communities across the country, proving that in 2021 every State truly is a border State. Customs and Border Protection has seized more than twice the amount of lethal fentanyl this year compared to last year, and that is just what we seized, and more than 3 times than in 2019. We all know that for

everything we intercept more is flowing undetected into American communities as the drug cartels exploit the administration's failings.

On the issue of cybersecurity, the American people have faced an unprecedented threat to their livelihood, their privacy, and their overall way of life. In this year alone we have seen a number of high-profile attacks aimed at America's critical infrastructure, leading to important conversations in Congress around the merits of incident reporting and identifying systemically important critical infrastructure. Two issues I would like to hear the panel's thoughts on today.

Last, but certainly not least, is the rapidly-increasing challenges facing the homeland from adversarial nation-states overseas, namely China. As the Chinese Communist Party aims to undermine the United States at every turn, I see aggressive moves on Beijing's part to increase its investments in the Western Hemisphere. Threats posed by China underpin supply chain security challenges that are leading this country into new economic security oversight efforts.

I recently traveled to New York City with a number of my colleagues to observe the 20th anniversary of the terrorist attacks of 9/11, and I thank the Chairman once again for making that happen. As we spoke with individuals at NYPD and the FDNY, two things became clear. First, that our first responders in law enforcement are true heroes on the front lines of our homeland security, risking their lives every day to protect American people. Second, that these same first responders are troubled by what they see; I heard many accounts concerning how troubled our front-line law enforcement is about the homeland security implications of al-Qaeda and ISIS having a safe haven in Afghanistan once again, along with consequences to their communities stemming from the porous Southern Border.

These threats, combined with low morale and retention caused by the shameful defund the police movement is putting American communities at greater risk at a time when we can least afford it.

Today I hope to hear solutions rather than talking points from our panelists, who each play a truly critical role in securing the U.S. homeland. I am grateful to each one of them for their service to this country in these trying times and I look forward to working with them in our efforts on behalf of the American people. But make no mistake about it, it is very, very frustrating right now, especially with respect to the Southern Border. I will pull no punches, and neither will my colleagues when it comes to that. I am looking forward to having this discussion today.

Thank you, Mr. Chairman, I yield back the balance of my time.
[The statement of Ranking Member Katko follows:]

STATEMENT OF RANKING MEMBER JOHN KATKO

Thank you, Mr. Chairman. I am pleased that the committee is holding this important hearing today, as the United States finds itself facing increasingly dire threats on a number of fronts impacting our homeland security.

From the Biden administration's chaotic and deadly withdrawal process in Afghanistan; to the on-going humanitarian and security crisis along our Southwest Border; to the unprecedented cyber threats facing our American way of life; the American people are deeply troubled by what they are seeing.

These threats, are, of course, all happening in the context of the COVID-19 pandemic in which clarity from the administration related to vaccine boosters has been absent, similar to the Department of Homeland Security's mitigation of the pandemic at the Southern Border, as was recently confirmed by the DHS Inspector General's Office.

What is most troubling to me is the overwhelming lack of accountability this administration is willing to accept. Nearly 10 months after President Biden's inauguration the prevailing narrative coming from the administration's political class continues to be one which blames the last administration for the current administration's shortcomings. This tired, inaccurate talking point has been repeated consistently alongside scenes of Americans and Afghan allies being left under Taliban rule, and while known terrorist operatives were inaugurated into the Taliban's cabinet on the 20th anniversary of 9/11.

But that is not the only crisis where the Biden administration's blame game shows up. We also hear it when officials blame the last administration for the deadly and untenable crisis along our Southern Border. Last month, we saw the 6th straight month of more than 170,000 encounters along the Southwest Border—a trend never before recorded. These numbers are part of the overall 1.5 million illegal border encounters that have occurred just this fiscal year. While the recently-departed border chief is on record stating that known or suspected terrorists are crossing the border “at a level we have never seen before,” this administration continues to avoid the American people's demands for transparency.

This issue hits home for me. This year, my home district in Central New York has seen marked increases in opioid-related deaths—up 15 percent in Syracuse alone. This trend is repeated in communities across the country, proving that, in 2021, every State truly is a border State. CBP has seized more than twice the amount of lethal fentanyl this year compared to last year, and more than 3 times more than in 2019. We all know that for everything we interdict, more is flowing undetected into American communities as the drug cartels exploit this administration's failings.

On the issue of cybersecurity, the American people are facing unprecedented threats to their livelihood, privacy, and overall way of life. This year alone we have seen a number of high-profile attacks aimed at America's critical infrastructure, leading to important conversations in Congress around the merits of incident reporting and identifying systemically important critical infrastructure—two issues I would like to hear the panel's thoughts on today.

Last, but most certainly not least, is the rapidly increasing challenges facing the homeland from adversarial nation-states overseas—namely China. As the Chinese Communist Party aims to undermine the United States at every turn, I see aggressive moves on Beijing's part to increase its investments in the Western Hemisphere. If we are unable to counter China's malign influence in our own backyard, I worry to think how successful we will be elsewhere. Threats posed by China underpin supply chain security challenges that are leading this committee into new economic security oversight efforts.

I recently traveled to New York City with a number of my colleagues to observe the 20th anniversary of the terrorist attacks of September 11, 2001. As we spoke with individuals at NYPD and FDNY two things became clear: First, that our first responders and law enforcement are true heroes on the front lines of our homeland security—risking their lives every day to protect the American people. And second, that these same first responders are troubled by what they see. I heard many accounts concerning how troubled our front-line law enforcement is about the homeland security implications of al-Qaeda and ISIS having a safe haven in Afghanistan, along with consequences in their communities stemming from the porous Southern Border. These threats, combined with low morale and retention caused by the left's shameful defund-the-police movement, is putting American communities at greater risk at a time when we can least afford it.

Today, I hope to hear solutions rather than talking points from our panelists, who each play a truly critical role in securing the U.S. homeland. I am grateful to each one of them for their service in these trying times, and I look forward to working with them in our efforts on behalf of the American people.

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

Chairman THOMPSON. Other Members of the committee are reminded that under committee rules opening statements may be submitted for the record. Members are also reminded that the committee will operate according to the guidelines laid out by the

Chairman and Ranking Member in our February 3 colloquy regarding remote procedures.

I welcome our panel of witnesses.

Our first witness is the Honorable Alejandro Mayorkas, the Secretary of Homeland Security. Our next witness is the Honorable Christopher Wray, the director of the Federal Bureau of Investigation. Our third and final witness is the Honorable Christine Abizaid, the director of the National Counterterrorism Center in the Office of the Director of National Intelligence.

Without objection, the witnesses' full statements will be inserted in the record.

I now ask Secretary Mayorkas to summarize his statement for 5 minutes.

**STATEMENT OF ALEJANDRO N. MAYORKAS, SECRETARY, U.S.
DEPARTMENT OF HOMELAND SECURITY**

Secretary MAYORKAS. Chairman Thompson, Ranking Member Katko, and distinguished Members of this committee, good morning and thank you for inviting me here today to discuss the threat landscape facing our homeland 20 years after 9/11, alongside my colleagues from the Federal Bureau of Investigation and the National Counterterrorism Center.

Mr. Chairman, with your indulgence, I may ask for a minute more of time. I do want to address the images that emanated from Del Rio, Texas over the last several days and correctly and necessarily were met with our Nation's horror. Because they do not reflect who we are as a country nor do they reflect who the United States Customs and Border Protection is.

I want to share with you, with Ranking Member Katko and this entire committee the fact that we are addressing this with tremendous speed and with tremendous force. I have ordered an investigation to be conducted of the events that are captured in those images. The Office of Professional Responsibility's leaders are conducting the investigation.

We have ensured that the individuals during the pendency of the investigation are not conducting law enforcement duties to interact with migrants, but rather are conducting only administrative duties. I have informed through the appropriate channels our Office of Inspector General.

The facts will drive the actions that we take. We ourselves will pull no punches and we need to conduct this investigation thoroughly, but very quickly. It will be completed in days and not weeks. I wanted to ensure this committee, and you, Mr. Chairman, and Mr. Ranking Member, of that fact.

During the past few weeks I have attended numerous events to remember the tragic assault on our democracy that occurred on 9/11. Each commemoration was a powerful reminder of why we served, in memory of those whom we lost and in pursuit of our noble mission to protect the homeland.

Today we face a diverse evolving threat landscape that includes domestic and international terrorism, malicious cyber activities, an on-going global pandemic, transnational climate change, and more. Through the extraordinary talent and dedication of the more than 250,000 individuals who comprise our Department, we are meeting

the challenge to protect our homeland and keep our communities safe. Every day our Department's personnel make tremendous sacrifices to achieve this mission.

I would like to take a moment to describe the major threats facing our country today and the work we are doing to combat them.

First, we have built a multi-layered security and screening and vetting architecture to combat the evolving terrorist threat. We remain ever-vigilant to protecting the homeland from foreign terrorists seeking to do us harm, the very reason for the Department's creation, while combatting the most significant and persistent terrorism related threat facing our country today, which stems from both home-grown and domestic violent extremists who are inspired by a broad range of ideological motivations.

To meet this challenge DHS has established a dedicated domestic terrorism branch within our Office of Intelligence and Analysis, launched the Center for Prevention Programs and Partnerships to provide communities with evidence-based tools and resources to address early risk factors, and redoubled our efforts to share timely and actionable information and intelligence with our partners across every level of Government.

This year, for the first time, we designated combatting domestic violent extremism as a National priority area in FEMA grant programs, resulting in at least \$77 million being spent on capabilities to detect and protect against these threats in communities Nationwide.

Second, as cyber threats have grown so have our efforts to increase our Nation's cybersecurity resilience and protect our critical infrastructure. Ransomware incidents are on the rise. Last year victims paid an estimated \$350 million in ransoms, a 311 percent increase over the prior year, with the average payment exceeding \$300,000. In July DHS launched Stopransomware.gov to help private and public organization of all sizes combat ransomware and adopt cybersecurity best practices.

Our experts at the Cybersecurity and Infrastructure Security agency, or CISA, stood up the Joint Cyber Defense Collaborative to bring together partners from every level of Government and the private sector to reduce cyber risks. To better protect our critical infrastructure, TSA recently issued two new security directives to strengthen the cybersecurity and resilience of our Nation's pipelines.

CISA and our Office of Intelligence and Analysis are also working with all 50 States, local jurisdictions, and election technology experts to keep our elections secure.

To further lead the way, we are building a top-tier cybersecurity work force by investing in the development of diverse talent pipelines and building the expertise to keep addressing changing threats.

Third, we continue making risk-based investments to keep our borders secure, including from threats posed by transnational criminal organizations. We are collaborating with our international partners to disrupt these groups, combat their illicit activities, like drug trafficking and human smuggling, and hold accountable those with ties to their logistical operations while streamlining multi-national cooperation on investigations and prosecutions.

Fourth, DHS continues to support Nation-wide efforts to combat the on-going COVID-19 pandemic. FEMA has helped stand up more than 800 community vaccination centers, including almost 200 mobile sites to more equitably increase access to COVID-19 vaccines across vulnerable and rural populations.

The Transportation Security Administration acted to protect the health of the traveling public and transportation personnel by implementing a Federal mask mandate at airports on commercial aircraft and in various modes of surface transportation. Meanwhile, the U.S. Secret Service and Immigration and Customs Enforcement have partnered with other Federal agencies to protect Americans from COVID-19-related fraud and criminal activity, including by preventing more than \$3 billion of much-needed COVID-19 relief from fraudulently ending up in the pockets of criminals.

Finally, we are countering the current and growing existential threat posed by climate change. Hurricane Ida was just the latest manifestation of a devastating reality: Natural disasters, rising in intensity and destructive reach. However, this threat is not new, nor is it unique to any region. To help communities recover and remain resilient, President Biden doubled the size of the Building Resilient Infrastructure and Communities Program, pouring \$1 billion into wildfire resilience efforts, flood control initiatives, and much more.

DHS also authorized nearly \$3.5 billion in hazard mitigation grant program funding to help States, Tribes, and territories adapt and prepare for the impacts of the climate crisis. FEMA revised its policies to overcome historic inequities in its aid programs and ensure a fairer and more equitable distribution of assistance to minority, low-income, and other disenfranchised communities.

Two decades after 9/11, the Department of Homeland Security remains focused on protecting our country from evolving threats. We can execute this critical mission because of our incredible work force and because of our key partners, the Members of this committee, our counterparts abroad, the private sector, non-governmental organizations, and local communities. We will remain vigilant, resilient, and agile. We will do so to continue countering the threats of today and of the next 20 years.

Thank you for your leadership and continued support. I look forward to answering your questions.

[The prepared statement of Secretary Mayorkas follows:]

PREPARED STATEMENT OF ALEJANDRO N. MAYORKAS

SEPTEMBER 22, 2021

Chairman Thompson, Ranking Member Katko, and distinguished Members of the committee, thank you for inviting me to join you today.

This month, we remember the 20th anniversary of the September 11 terrorist attacks that took thousands of American lives. Following that tragic day, Congress passed significant reforms to reorganize our Government's National security agencies. The Department of Homeland Security (DHS) was created and charged with safeguarding the American people, our homeland, and our values.

Today, our country faces a threat landscape that has evolved significantly over the past 20 years. DHS confronts complex challenges, including international and domestic terrorism, a global pandemic, malicious cyber activity, transnational organized crime, and the catastrophic impacts of climate change, among others. Our Department is able to confront these challenges because of the extraordinary talent

and dedication of the more than 250,000 individuals who comprise our workforce and serve our Nation.

TERRORISM

In the years immediately following 9/11, we focused on foreign terrorists who sought to harm us within our borders and threaten our interests and assets abroad. In partnership with Federal agencies spanning the law enforcement, counterterrorism, and intelligence communities, DHS built a multi-layered screening and vetting architecture to prevent certain individuals from traveling to or entering our country by air, land, or sea. We also issued a call for vigilance on the part of local communities and individuals alike.

The first major evolution of the terrorist threat emerged in the form of the home-grown violent extremist (HVE)—the individual in America who is radicalized by a foreign terrorist organization’s ideology. HVEs became the most prominent terrorism-related threat to the homeland. In response, we partnered with law enforcement, first responders, social workers, mental health experts, and local communities to identify signs of radicalization and prevent violence before it occurred.

That threat has continued to evolve. Today, U.S.-based lone actors and small groups, including HVEs and domestic violent extremists (DVEs) who are inspired by a broad range of ideological motivations, pose the most significant and persistent terrorism-related threat to our country. DVEs are motivated by various factors, including racial bias, perceived Government overreach, conspiracy theories promoting violence, and false narratives about unsubstantiated fraud in the 2020 Presidential election. Among DVEs, racially or ethnically motivated violent extremists, including White supremacists (RMVE–WS), will likely remain the most lethal DVE movement in the homeland. Since 2020, however, we have also seen a significant increase in anti-Government and anti-authority violent extremism, particularly from militia violent extremists (MVEs), which typically target law enforcement, elected officials, and Government personnel and facilities.

In June, the White House released the first-ever National Strategy for Countering Domestic Terrorism to improve Federal response efforts. In executing this strategy, DHS will:

- (1) Focus on preventing terrorism and targeted violence, including through threat assessments, grants, and community-based prevention programs, as well as efforts to enhance public awareness;
- (2) Assess, evaluate, and mitigate the risk of violence inspired by violent extremist narratives, including those narratives shared via on-line platforms; and,
- (3) Establish partnerships with non-Governmental organizations (NGO’s), including academia, and private-sector entities, including technology and social media companies.

The National Strategy recognizes that on-line narratives espousing attacks on our fellow citizens, institutions, and critical infrastructure are a key factor in driving the radicalization and mobilization to violence by some recent lone offenders. DHS has shared analyses of this threat with our law enforcement partners at every level of Government through formal information-sharing channels, and with the American public through the National Terrorism Advisory System (NTAS). This year, I have issued 3 NTAS bulletins to contextualize the evolving threat landscape for the American people and provide information about how to stay safe.

Our Department is redoubling its efforts to provide timely and actionable intelligence and information to the broadest audience at the lowest classification level possible. As a result, DHS is augmenting its intelligence and information-sharing capabilities in collaboration with other Government agencies; State, local, Tribal, territorial, and campus law enforcement partners; and private-sector partners. This includes publishing and disseminating intelligence bulletins that provide our partners with greater insight into evolving threats, and situational awareness notifications that inform public safety and security planning efforts to prevent terrorism and targeted violence.

We are also reviewing how we can better access and use publicly-available information to inform our analysis. DHS’s Office of Intelligence and Analysis (I&A) has enhanced its ability to analyze, produce, and disseminate products that address DVE threats, including violent extremist narratives shared via social media and other on-line platforms. This year, I&A also established a dedicated domestic terrorism branch that is leading our efforts to combat this threat.

Further, the newly-formed DHS Center for Prevention Programs and Partnerships (CP3) is expanding our Department’s ability to prevent terrorism and targeted violence through the development of local prevention frameworks. Through CP3, we are leveraging community-based partnerships and evidence-based tools to address

early risk factors and ensure individuals receive help before they radicalize to violence.

As it relates to our continued focus on combatting international terrorism, we are actively assessing the counterterrorism-related and other threats that could develop over the coming months and years, including those related to the fall of the government of Afghanistan, and ensuring we have the resources and operational infrastructure required to protect the homeland. Al-Qaeda, the Islamic State of Iraq and ash-Sham, and other terrorist groups continue operating world-wide, and the threat of these groups exploiting permissive environments to plan and launch attacks against the United States will continue posing challenges.

As I have said before, DHS is fundamentally a department of partnerships. Our ability to execute our mission depends on strong partnerships across every level of government, the private sector, and local communities. DHS works closely with Homeland Security Advisors in every State and territory to increase resiliency and preparedness across our communities. Additionally, through our partnership with the National Network of Fusion Centers, DHS deploys personnel to the field to share information on a broad range of threats, including counterterrorism, counterintelligence, and cybersecurity. DHS also partners with FBI-led Joint Terrorism Task Forces (JTTFs) to detect, disrupt and dismantle, and prosecute terrorists.

Further, this year, and for the first time, I designated combating domestic violent extremism as a “National Priority Area” for the fiscal year 2021 State Homeland Security Program (SHSP) and Urban Area Security Initiative (UASI) grant programs. Recipients of these grants will be required to spend at least 7.5 percent of their awards on combating DVE, meaning that States and local governments across our Nation will spend at least \$77 million in grant funding on capabilities to detect and protect against these threats.

ECONOMIC SECURITY

The United States continues to face counterintelligence and malign threats by nation-state adversaries intent on gaining military and economic dominance over our country. Of note, the People’s Republic of China (PRC) represents a critical threat to U.S. economic competitiveness via its intellectual property theft, exploitation of vulnerable supply chains, engagement in illicit trade, and use of economic coercion. The PRC has mobilized vast resources to support its industrial development and defense goals and will continue exploiting U.S. academic institutions and our visa system to transfer valuable research and intellectual property that Beijing calculates will provide a military or economic advantage over the United States and other nations.

DHS is uniquely positioned to support Federal Government efforts to identify and counter these threats, from identifying instances of visa fraud to discovering and preventing the illicit transfer of user-collected data and/or proprietary research and technology. For example, DHS has targeted illicit PRC-based manufacturers who have exploited the COVID-19 pandemic by producing fraudulent or prohibited personal protective equipment (PPE) and medical supplies that especially endanger our front-line workers, prohibited the use of certain passenger and cargo screening equipment at airports from companies that pose a significant risk to the National security or foreign policy interests of the United States, leveraged technology to target and interdict deadly fentanyl and fentanyl-like substances originating in the PRC at our ports of entry, and prevented goods produced by forced labor from entering our markets. DHS also continues to work closely with the Department of State to prevent the exploitation of our academic system to further the PRC’s military and economic goals.

SECURING CYBER SPACE AND EMERGING THREATS

Cyber threats from nation-states and state-sponsored and criminal actors remain one of the most prominent threats facing our Nation. We have recently seen numerous cybersecurity incidents impacting organizations of all sizes and disrupting critical services, from the SolarWinds supply chain compromise to the exploitation of vulnerabilities found in Microsoft Exchange Servers and Pulse Connect Secure devices, to ransomware affecting entities from Colonial Pipeline to JBS Foods to Kaseya. The assaults on these companies, not to mention interference in our elections, have reinforced the importance of cybersecurity and how we preserve and defend an open, interoperable, free, secure, and reliable internet, and stable cyber space.

Ransomware incidents continue to rise. Like most malicious cyber activities, ransomware exploits the weakest link. In 2020, nearly 2,400 State, local, Tribal, and territorial governments, health care facilities, and schools across our country were

victims of ransomware. That same year, victims paid an estimated \$350 million in ransoms, a 311 percent increase over the prior year, with the average payment exceeding \$300,000. The Federal Government and our private-sector partners must be prepared to respond to and recover from a cyber incident, sustain critical functions even under degraded conditions, and, in some cases, quickly restart critical functionality after disruption.

This year, DHS has taken the following steps, among others, to increase our Nation's cybersecurity resilience:

- In February, I issued a call to action to tackle ransomware more effectively, including by increasing National adoption of the 9 cybersecurity steps CISA recommends taking to protect against this threat. In July, together with the Department of Justice and other Federal partners, DHS launched the first whole-of-Government website that pools together Federal resources to combat ransomware to help private and public organizations mitigate their related risk. This website, called StopRansomware.gov, is a one-stop hub to help individuals, businesses, and other organizations better protect their networks and know what to do if they become a victim of malicious cyber activities.
- As it relates to on-going cybersecurity threats to our critical infrastructure, TSA issued 2 new security directives after soliciting industry feedback to strengthen the cybersecurity and resilience of our Nation's pipelines. The first security directive required owners and operators of critical pipelines to report confirmed and potential cybersecurity incidents to CISA, designate a cybersecurity coordinator to be available 24/7, review current practices, and identify any gaps and related remediation measures to address cyber-related risks and report the results to TSA and CISA within 30 days. The second security directive required implementation of specific mitigation measures to protect against ransomware attack, develop and implement a cybersecurity contingency and recovery plan, and conduct a cybersecurity review.
- In March, I announced a series of 60-day cybersecurity sprints to elevate existing work, remove roadblocks, and launch new initiatives. We are currently undertaking our fourth sprint dedicated to the cybersecurity of transportation systems, building on lessons learned from the Colonial Pipeline ransomware attack and the TSA security directives to advance greater cybersecurity and resilience across transportation subsectors.
- In August, the Coast Guard released its new Cyber Strategic Outlook, the first update to this outlook since 2015. The strategy focuses on mitigating cyber risks to critical maritime systems essential to the Nation's economy and security, defending the Coast Guard's networks, as well as leveraging the Coast Guard's capabilities to protect the maritime transportation system.
- Also in August, CISA announced the creation of the Joint Cyber Defense Collaborative (JCDC) to lead the development and execution of joint cyber defense planning with partners from all levels of government and the private sector to reduce risk before an incident and unify defensive actions when one occurs. This initiative underscores the whole-of-society approach needed to increase cybersecurity resilience.
- The U.S. Secret Service has continued expanding its cyber crime enforcement programs through the National Computer Forensics Institute (NCFI), the Nation's premiere Federally-funded training institute for State, local, Tribal, and territorial law enforcement officers, prosecutors, and judges in cyber crime investigations. The NCFI provides hands-on training in ransomware response, digital evidence processing, and applicable law for high-tech criminal prosecution and adjudication.
- DHS also continues leveraging its authorities to deliver timely cyber threat-focused information to State, local, Tribal, and territorial partners and the private sector at the lowest possible classification level. To scale these efforts, we are leveraging CISA, the U.S. Secret Service, and I&A to increase access to this information among our partners and stakeholders.
- Further, DHS increased the required minimum spend on cybersecurity via FEMA grant awards from 5 percent to 7.5 percent this year, representing an increase of \$25 million. We are also optimizing existing grant programs to improve the cybersecurity capacity and capabilities of State, local, Tribal, and territorial governments.

ELECTION SECURITY AND MALIGN FOREIGN INFLUENCE

DHS continues working closely with State, local, Tribal, and territorial partners to ensure their election systems are protected against interference. The Biden-Harris administration has continually called out malign actors, such as the PRC, Rus-

sia, and Iran, that seek to interfere in our elections and threaten our democratic institutions.

Since 2016, Russia has continued to amplify mis- and disinformation about U.S. candidates for political office and the security of U.S. election systems, with the goal of sowing divisiveness and confusion, and weakening our democratic institutions. Iran continues to amplify narratives about perceived sociopolitical divisions to exacerbate domestic tensions. The PRC has consistently pushed conspiracy theories about the COVID-19 pandemic, including about its origin. Russia, Iran, and PRC, as well as other malign influence actors, also continue to disseminate and amplify inaccurate information to international and U.S. audiences about topics such as racial justice, false claims about the 2020 Presidential election, the efficacy of U.S. COVID-19 vaccines in comparison with Russian and Chinese vaccines, and our withdrawal from Afghanistan.

Further, Iran, the PRC, and other authoritarian regimes continue to target dissidents and human rights activists on U.S. soil. Known as “transnational repression,” these governments are increasingly silencing exiles and members of diasporas—including activists, dissidents, defectors, journalists, and other critics—living outside their territorial borders. The Biden-Harris administration is committed to addressing this challenge as part of our broader commitment to stem rising authoritarianism and prevent foreign influence and interference in our society.

Through CISA and I&A, DHS works with our Federal partners, all 50 States, local jurisdictions, and election technology partners to ensure they have the resources they need to keep our elections secure and resilient. For example, CISA has provided more than 600 cybersecurity services to the election community, including cyber hygiene scans, risk and vulnerability assessments, phishing assessments, and other services. In the last year, CISA’s informational products have reached over 3,500 election officials, offering scalable and customizable tools to improve infrastructure security and build awareness of CISA’s resources and services. Further, CISA, through the Elections Infrastructure Information Sharing and Analysis Center (EI-ISAC), has deployed intrusion detection devices to all 50 States and over 400 local jurisdictions and territories. All 50 States and over 3,000 local and territorial officials also receive threat alerts from the EI-ISAC.

IMMIGRATION AND BORDER SECURITY

The Biden-Harris administration is committed to rebuilding a fair, orderly, and humane immigration system. DHS continues enforcing our immigration laws and responsibly managing our border, while restoring fairness and efficiency in our immigration system. We are safer when we take a more comprehensive and sustainable approach to border management and ensure that policies and procedures at our borders are consistent with our immigration laws and our values.

We currently face 3 linked and significant challenges along our Southwest Border. First, the surge of migrants, including unaccompanied children, encountered at and between ports of entry. Second, transnational criminal organizations (TCOs) seeking to profit from a range of illicit activity. Third, the on-going impacts of COVID-19 on the DHS personnel responding to these challenges.

To address these challenges, DHS has leveraged FEMA’s coordination capabilities, activated our volunteer workforce, and expanded processing capacity. We are also helping the Department of Health and Human Services increase its capacity to accept transfers and manage the care and custody of unaccompanied children efficiently and expeditiously, as required by the *Flores* Settlement Agreement, Homeland Security Act of 2002, and Trafficking Victims Protection Reauthorization Act of 2008. DHS also continues to enforce the Centers for Disease Control and Prevention (CDC) Title 42 public health order. At the same time, the Department must continue to address increased levels of irregular migration, much of which has been exacerbated by TCOs activity. In consultation with the CDC, DHS has developed, implemented, and continuously evaluates a multi-layered approach for COVID-19 testing among noncitizens encountered along the Southwest Border where practical.

The Biden-Harris administration is committed to stemming the flow of irregular migration and comprehensively addressing the long-standing challenges that drive this migration. Although there is no quick, easy, or single solution that will adequately address these challenges, we are taking the following steps:

- First, the most sustainable solution is to address the root causes that drive people to migrate in the first place. To this end, we are engaging with foreign governments and other partners to address the insecurity, violence, corruption, and systemic poverty that drive people from their homes.
- Second, we are working with foreign governments and international humanitarian organizations to provide potential migrants with meaningful opportuni-

ties to seek humanitarian protections as close to home as possible. These opportunities should include refugee resettlement and family reunification programs to the United States and other countries in the region, and regional relocation and integration programs. We must also expand seasonal and temporary employment-based non-immigrant visa programs to provide alternative pathways for those migrating primarily for economic reasons.

- Third, we are ensuring shared responsibility with other countries in the region by supporting their efforts to improve their asylum capacities.
- Fourth, we are seeking to dramatically improve our system for processing migrants at the border and adjudicating their asylum claims in a fair and timely way.
- Finally, we are marshaling our enforcement resources to deliver accountability in a fair and effective way.

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

TRANSNATIONAL CRIMINAL ORGANIZATIONS (TCOS)

TCOs and their smuggling operations present a clear and present threat to the homeland. These organizations—which profit from illicit activities that include fraud and large-scale theft, drug trafficking, wildlife and timber trafficking, extortion, sex trafficking, child exploitation, and human smuggling—are agile and adept at adjusting their operations. DHS continues making risk-based investments in our border security mission to combat TCOs and related threats.

For example, U.S. Immigration and Customs Enforcement (ICE) leverages its Border Enforcement Security Task Force to bring together officers from more than 100 different law enforcement agencies to combat TCOs. This Task Force employs a broad range of Federal, State, local, Tribal, and international law enforcement authorities and resources to identify, investigate, disrupt, and dismantle these organizations at every level. This model has closed the gap between international partners in multinational criminal investigations.

Further, in collaboration with Federal and international partners, DHS announced Operational Sentinel, a counter-network targeting operation to hold accountable those with ties to TCO logistical operations. The Operation leverages law enforcement authorities to identify TCO targets and their foreign and domestic associates and assets, and it employs a series of targeted enforcement actions and sanctions against them. Such actions include, for example, denying access to travel through the revocation of travel documents, the suspension and debarment of trade entities, and the freezing of bank accounts and other financial assets tied to TCO logistical networks.

ICE also administers mobile, biometric data collection programs to disrupt and dismantle TCOs by strengthening international partners' law enforcement investigations, border security, and counterterrorism efforts. Further, ICE leads Transnational Criminal Investigative Units (TCIUs) in more than a dozen countries to facilitate rapid bilateral cooperation on investigations and prosecutions related to weapons trafficking and counter-proliferation, money laundering and bulk cash smuggling, human and narcotics trafficking, other customs-related fraud, child exploitation, and cyber crime.

EXTREME WEATHER EVENTS AND CLIMATE CHANGE RESILIENCE

DHS is committed to combatting the climate crisis and mitigating climate change-related risks, which impact our National and economic security. This year, we are once again facing an historic hurricane season while simultaneously fighting unprecedented wildfires. Hurricane Ida recently caused death and destruction from the Gulf Coast to the Northeast. At the same time, the Dixie and Caldor Fires, two of the largest wildfires in the history of the State, burned in California. So far, President Biden has declared major disasters in 4 States for Hurricane Ida and 2 major disasters in California for the fires, making much-needed Federal assistance available through FEMA and other Federal agencies. FEMA is committed to working with affected States and communities to respond and rebuild in a resilient manner.

Sea-level rise, extreme weather events, drought, and other direct, indirect, and cumulative consequences of climate change will continue to threaten lives, essential functions, and infrastructure across the United States. Simply put, we are facing an existential climate crisis that poses a current and growing threat to our way of life. Under the Biden-Harris administration, DHS is taking urgent action to address these increasing threats. The steps taken include the following:

- President Biden authorized \$3.46 billion in Hazard Mitigation Grant Program funding, which States, Tribes, and territories will utilize on mitigation projects to reduce the impacts of climate change.
 - In April, DHS launched a Climate Change Action Group comprised of senior officials from across the Department to focus on promoting resilience and addressing multiple risks, including flooding, extreme heat, drought, and wildfires.
 - DHS has leveraged the Building Resilient Infrastructure and Communities (BRIC) program—the funding for which President Biden doubled to \$1 billion—to create incentives and funding to help our Nation address these threats. Our initial BRIC selections include wildfire resilience programs, flood control programs, small town coastal hazard mitigation plans, and more.
 - We have upgraded our National Risk Index, which provides communities unprecedented clarity about the risks they face and thus helps equip them to act to reduce those risks.
 - DHS has released new guidance on cost-effective methods for increasing local resilience.
 - FEMA revised its policies governing individual assistance to overcome historic inequities adversely impacting minority, low-income, and other disenfranchised communities, to ensure a more equitable distribution of funds.
 - FEMA also authorized the funding of mitigation measures through individual assistance to allow homeowners affected by disasters to repair their homes in a way that will protect against future damage.
- Much more is on the way.

COVID-19 RESPONSE

On his first day in office, President Biden challenged FEMA to stand up 100 Federally-supported Community Vaccination Centers (CVCs) within 30 days. Before the end of February, FEMA was supporting over 400 CVCs. Today, there are almost 800 active sites, including almost 200 mobile sites still receiving Federal support. President Biden also challenged DHS to deliver 100 million vaccinations Nation-wide in 100 days, a goal we surpassed. We are particularly focused on ensuring vaccine equity. To this end, FEMA worked with partners in 39 sites across the country to provide a supplemental allocation of vaccines above and beyond State, Tribal, and territorial allocations and utilized mobile vaccination sites to increase access to COVID-19 vaccines among vulnerable and rural populations.

To protect the traveling public and transportation personnel, and pursuant to President Biden's Executive Order on Promoting COVID-19 Safety in Domestic and International Travel, TSA issued on February 2, 2021 a Federal mask mandate at airports, on commercial aircraft, and in various modes of surface transportation, including passenger railroads and other public transportation. On September 9, 2021, TSA increased the range of civil penalties that can be imposed on individuals who violate this Federal mask mandate, to reinforce its importance to public health and safety.

Further, CISA developed voluntary guidance for the Essential Critical Infrastructure Workforce that has helped officials and organizations identify essential work functions during the COVID-19 pandemic.

ICE launched Operation Stolen Promise to protect American consumers and first responders by combatting COVID-19-related fraud and criminal activity. Through this operation, ICE and its partners have seized over \$54 million in illicit proceeds, made 359 arrests, served 356 criminal search warrants, opened over 1,250 criminal investigations, and seized more than 2,200 mislabeled, fraudulent, unauthorized, or prohibited COVID-19 vaccines, test kits, PPE, and other medical items. Further, the U.S. Secret Service—through its network of Cyber Fraud Task Forces and in partnership with law enforcement agencies across every level of government, State-employment agencies, and financial institutions—has prevented more than \$3 billion of much-needed COVID-19 relief from fraudulently ending up in the pockets of criminals.

CONCLUSION

Twenty years after the tragic day of 9/11, the threats facing our country have significantly evolved and the global threat landscape is no less daunting. Those who wish to do us harm now have social media, encrypted apps, and other modern tools that enhance their ability to carry out attacks, sow discord, undermine our democracy and institutions, and erode our way of life.

At the same time, DHS continues to evolve to remain nimble enough to address the dynamism of not only the threat landscape confronting our Nation today, but also the threats, both seen and unseen, of tomorrow and of the next 20 years. We

will do so with the commitment to protecting the security of both our homeland and our values. We will do so through the incredible dedication and talent of the public servants in the Department of Homeland Security.

Thank you and I look forward to answering your questions.

Chairman THOMPSON. Thank you very much, Mr. Secretary.

I now ask Director Wray to summarize his statement. I know it might be a little more than 5 minutes, but just we look forward to your testimony.

STATEMENT OF CHRISTOPHER A. WRAY, DIRECTOR, FEDERAL BUREAU OF INVESTIGATION

Mr. WRAY. Thank you, Mr. Chairman. Good morning to you and to Ranking Member Katko and to Members of the committee. I am honored to be here today to discuss the many threats facing our homeland.

A week-and-a-half ago we marked a somber, really sacred anniversary in this country: The 20th anniversary of the September 11 attacks. September 11 reminds us of evil and loss and nearly 3,000 victims taken from us that day and from their families. It also though reminds us of sacrifice and selflessness, of common purpose, it reminds us of the first responders and everyday heroes we lost that day and all those who suffered illness as a result of their selfless work after the attacks, including members of our FBI family. Still, two decades later our response to September 11 and the lessons learned from those attacks drive our approach to combatting all the many threats Americans face today.

It was 9/11 after all that turned the FBI into an agency focused on disrupting threats and to building deeper and even more effective partnerships, both here at home and around the world.

Good thing we made those changes because as we will discuss this morning, there is no shortage of dangers to defend against. Just a flavor before we even get to terrorism, on the cyber front we are now investigating over 100 different types of ransomware, each of them with scores of victims. That is on top of hundreds of other criminal and National security cyber threats that we are working against every day.

In our violent crime work, we recently arrested over 600 gang members in a single month. That is just 1 month.

Protecting our Nation's innovation, we are opening a new China counterintelligence investigation every 12 hours. Every day we receive thousands of tips to our National Threat Operations Center, many of which require imminent action against threats to life.

That list goes on and one and I am not going to have time to discuss most of them before we get started, but I do want to spend a few minutes on terrorism and the challenges facing those protecting us against it.

Preventing terrorist attacks remains our top priority, both now and for the foreseeable future. Today the greatest terrorist threat we face here in the United States is from what are in effect lone actors. Because they act alone and move quickly from radicalization to action, often using easily obtainable weapons against soft targets, these attackers don't leave a lot of dots for investigators to connect or time in which to connect them.

We continue to see individuals here at home inspired by Jihadist ideologies, espoused by foreign terrorist organizations, like ISIS and al-Qaeda, what we would call “home-grown violent extremists”. But we are also countering lone domestic violent extremists, radicalized by personalized grievances, ranging from racial or ethnic bias to anti-authority or anti-Government sentiment to conspiracy theories. There is no doubt about it, today’s threat is different from what it was 20 years ago and it will most certainly continue to change.

So to stay in front of it, we have got to adapt too. That is why over the last year-and-a-half the FBI has pushed even more resources to our domestic terrorism investigations. Since the spring of 2020, so about 16–17 months ago, we have more than doubled our domestic terrorism caseload, from about 1,000 to around 2,700 investigations. We have surged personnel to match, more than doubling the number of people working the threat from a year before.

But we are also surging against threats by terrorist organizations like ISIS, al-Qaeda, and al-Shabaab. Their operatives continue to search for vulnerabilities and have not stopped trying to carry out large-scale attacks against us. We are certainly watching the evolving situation in Afghanistan.

Now, 9/11 was 20 years ago, but for us at the FBI, as I know it does for my colleagues testifying here with me today, it represents a danger that we focus on every single day. Make no mistake, the danger is real. Our adversaries are committed and they are working to succeed just once where we are working to bat 1,000. so we are working side-by-side with our partners to identify and stop would-be attackers before they act.

Just within the past couple of years we thwarted potential terrorist attacks in areas like Las Vegas, Tampa, New York, Cleveland, Kansas City, Miami, Pittsburgh, and elsewhere. Now, we are proud of our successes, but we need to stay on the balls of our feet, relentlessly vigilant against the next plot of our adversaries and their next attempts to attack us.

Our work force has been battling the threat of terrorism and every other threat we face right through the teeth of a pandemic and rising danger to their own safety. I add that last part because over the past year we have seen a sharp and deeply disturbing uptick in violence against the law enforcement community.

In just the first 8 months of this year, 52 law enforcement officers have been feloniously killed on the job. To put that into context, that is an officer murdered every 5 days, and that is more than all of 2020. Of course that doesn’t even count all those who died in the line of duty facing the many other inherent dangers of this job, much less the scores of officers, agents, analysts, and other dedicated professionals who lost their lives to COVID–19.

We will be forever indebted for their bravery and their sacrifice and are determined to honor them all through the way we do our work while we remain focused on our ultimate mission, protecting the American people and upholding the Constitution.

Thank you for taking the time to hear from me today and I look forward to your questions.

[The prepared statement of Mr. Wray follows:]

PREPARED STATEMENT OF CHRISTOPHER A. WRAY

SEPTEMBER 22, 2021

Good morning, Chairman Thompson, Ranking Member Katko, and Members of the committee. Thank you for inviting me here today to discuss the threats facing our homeland.

A week-and-a-half ago, we marked a somber anniversary in this country—20 years since the September 11 attacks.

September 11 represents evil and loss. But it also represents sacrifice and selflessness. It represents grit and resilience and strength in the face of great adversity. And 2 decades later, it has come to represent the FBI's continued ability to adapt to a changing world, and to stay laser-focused on keeping our country safe from another attack like that one.

About 2 years after the 9/11 attacks, when I was the assistant attorney general overseeing the Justice Department's terrorism portfolio, I had the chance to meet with members of the victims' families. Those families and their stories left an impression that I'll never forget. The kind of knee-buckling grief those families experienced—that sense that something you held most precious was stolen from you—never goes away.

Of course, we can't think of 9/11 without recalling the sacrifices made on that day and the days after. We continue to honor members of the FBI family who died that day; our FBI brothers and sisters who have since lost their lives to illnesses resulting from their work after the attacks; and those fighting grave illnesses today. These selfless men and women thought of others first and answered the call of duty, no matter the cost.

I would like to talk a bit about how the FBI has transformed in the past 2 decades, and how the threats we face today have evolved during that time.

FBI TRANSFORMATION

Twenty years ago, I was working in senior leadership at the Department of Justice. On the afternoon of September 11, 2001, I was at FBI Headquarters, in the Strategic Information and Operations Center, with Director Mueller and Attorney General Ashcroft.

Although it was a chaotic, horrifying time, it was also a time of incredible solidarity. Everyone there that day had one purpose, and that was to make sure that what we had just experienced as a Nation would never, ever happen again.

For a long time, we lived in a haze that seemed like September 12, day after day after day. Every lead, every tip, every threat seemed like it could be the next one. We kept asking ourselves, "What could we have done better? What should we have done better?" And now every day, we wake up asking ourselves, "What do we need to do to keep people safe today . . . and tomorrow . . . and the day after that?"

Under Director Mueller's leadership, the FBI made a paradigm shift, dramatically expanding National security operations, and changing the way we did business: Shifting to focus intently on disrupting attacks before they occur and on working with and through our partners around the world and at every level of government here at home. When I left the Department of Justice in 2005, those changes were still in their infancy. When I take stock of where things stand now, all these years later, I am astounded by the progress.

It is incredible to see first-hand the capabilities we have built with our partners here and around the world. Today we are all stronger, smarter, and better able to confront the threats we face.

Preventing terrorist attacks, from any place, by any actor, remains the FBI's top priority. The nature of the threat posed by terrorism—both international terrorism ("IT") and domestic terrorism ("DT")—continues to evolve.

To meet that evolving threat, the FBI has surged resources to our domestic terrorism investigations in the last year, increasing personnel by 260 percent. Importantly, however, our increased focus on domestic terrorism is not at the expense of our work on other terrorism threats. We continue to monitor potential threats by foreign terrorist organizations like al-Qaeda and ISIS, which have never stopped expressing their intent to carry out large-scale attacks like 9/11 here in the United States. We are also monitoring other dangerous groups like Iran's Islamic Revolutionary Guard Corps.

Of course, in addition to terrorism threats, we also face a wide array of cyber threats from nation-state and criminal actors alike; persistent counterintelligence threats from the People's Republic of China ("P.R.C."), Russia, Iran, and North Korea; and the full spectrum of criminal threats, from hate crimes and other civil

rights abuses to violent crime spikes in cities across this country, to human trafficking and crimes against children, just to name a few.

But no matter which threats have dominated the landscape over the last 20 years, the FBI has remained focused on prevention and disruption—sharing intelligence and making arrests before criminals and terrorists can act. And we have remained focused on our ultimate mission: Protecting the American people and upholding the Constitution.

CAPITOL VIOLENCE

First and foremost, I want to assure you, your staff, and the American people that the FBI has deployed our full investigative resources and is working closely with our Federal, State, local, Tribal, and territorial partners to aggressively pursue those involved in criminal activity during the events of January 6, 2021. We are working hard to identify those responsible for the violence and destruction of property at the U.S. Capitol building.

FBI Special Agents, Intelligence Analysts, and professional staff have been hard at work gathering evidence, sharing intelligence, and working with Federal prosecutors to bring charges against the individuals involved. As we have said consistently, we do not and will not tolerate violent extremists who use the guise of First Amendment-protected activity to engage in violent criminal activity. Thus far, the FBI has arrested hundreds of individuals with regards to rioting, assault on a Federal officer, property crimes violations, and conspiracy charges, and the work continues. Overall, the FBI assesses that the January 6 siege of the Capitol Complex demonstrates a willingness by some to use violence against the Government in furtherance of their political and social goals. This ideologically-motivated violence—domestic terrorism—underscores the symbolic nature of the National Capital Region and the willingness of some Domestic Violent Extremists to travel to events in this area and violently engage law enforcement and their perceived adversaries. The American people should rest assured that we will continue to work to hold accountable those individuals who participated in the violent breach of the Capitol on January 6 and any others who attempt to use violence to intimidate, coerce, or influence the American people or affect the conduct of our Government.

TOP TERRORISM THREATS

There are some commonalities between the IT and DT threats, most importantly the danger posed by lone actors or small cells who typically radicalize on-line and look to attack soft targets with easily accessible weapons. Individuals who commit violent criminal acts in furtherance of social or political goals stemming from domestic influences—some of which include racial or ethnic bias, or anti-Government or anti-authority sentiments—are described as Domestic Violent Extremists (“DVEs”), whereas individuals who are inspired primarily by global jihad but are not receiving individualized direction from Foreign Terrorist Organizations (“FTOs”) are known as Homegrown Violent Extremists (“HVEs”). Both of these threats, which together form the most significant terrorism danger to our country, are located primarily in the United States and typically radicalize and mobilize to violence on their own.

DVEs and HVEs are often motivated and inspired by a mix of socio-political, ideological, and personal grievances against their targets, and more recently have focused on accessible targets including civilians, houses of worship, retail locations, and mass public gatherings. Selecting these types of soft targets, in addition to the insular nature of their radicalization and mobilization to violence and limited discussions with others regarding their plans, increases the challenge faced by law enforcement to detect and disrupt the activities of lone actors before they occur. Some violent extremists have also continued to target law enforcement and the military as well as symbols or members of the U.S. Government.

The top threats we face from DVEs are from those we categorize as Racially or Ethnically Motivated Violent Extremists (“RMVEs”) and Anti-Government or Anti-Authority Violent Extremists. While RMVEs who advocate for the superiority of the White race were the primary source of lethal attacks perpetrated by DVEs in 2018 and 2019, Anti-Government or Anti-Authority Violent Extremists—specifically, Militia Violent Extremists and Anarchist Violent Extremists—were responsible for 3 of the 4 lethal DVE attacks in 2020. Notably, this included the first lethal attack committed by an Anarchist Violent Extremist in over 20 years.

Consistent with our mission, the FBI holds sacred the rights of individuals to peacefully exercise their First Amendment freedoms. Regardless of their specific ideology, the FBI will aggressively pursue those who seek to hijack legitimate First Amendment-protected activity by engaging in violent criminal activity such as the destruction of property and violent assaults on law enforcement officers that we wit-

nessed on January 6 and during protests throughout the United States during the summer of 2020. The FBI will actively pursue the opening of FBI investigations when an individual uses—or threatens the use of—force, violence, or coercion, in violation of Federal law and in the furtherance of social or political goals.

The FBI assesses that HVEs pose the greatest, most immediate IT threat to the homeland. They typically are not receiving individualized direction from global jihad-inspired FTOs but are inspired largely by the Islamic State of Iraq and ash-Sham (“ISIS”) and al-Qaeda to commit violence. HVEs’ lack of a direct connection to an FTO, their ability to rapidly mobilize without detection, and their use of encrypted communications pose significant challenges to our ability to proactively identify and disrupt them.

The FBI remains concerned that FTOs, such as ISIS and al-Qaeda, intend to carry out or inspire large-scale attacks in the United States. As we saw in the murder in Kabul last month of 13 brave American service men and women and nearly 200 Afghans, ISIS remains relentless in its campaign of violence against the United States and our partners—both here at home and overseas. To this day, ISIS continues to aggressively promote its hate-fueled rhetoric and attract like-minded violent extremists with a willingness to conduct attacks against the United States and our interests abroad. ISIS’ successful use of social media and messaging applications to attract individuals seeking a sense of belonging is of continued concern to us. Like other foreign terrorist groups, ISIS advocates for lone offender attacks in the United States and Western countries via videos and other English language propaganda that have at times specifically advocated for attacks against civilians, the military, law enforcement, and other Government personnel.

Al-Qaeda maintains its desire to both conduct and inspire large-scale, spectacular attacks. Because continued pressure has degraded some of the group’s senior leadership, in the near term, we assess that al-Qaeda is more likely to continue to focus on cultivating its international affiliates and supporting small-scale, readily achievable attacks, including attacks against the interests of the United States and other Western nations, in regions such as East and West Africa. Over the past year, propaganda from al-Qaeda leaders continued to seek to inspire individuals to conduct attacks in the United States and other Western nations. We expect those attempts to continue.

Iran and its global proxies and partners, including Iraqi Shia militant groups, continue to attack and plot against the United States and our allies throughout the Middle East in response to U.S. pressure. Iran’s Islamic Revolutionary Guard Corps-Qods Force (“IRGC-QF”) continues to provide support to militant resistance groups and terrorist organizations. Lebanese Hezbollah, Iran’s primary strategic partner, has sent operatives to build terrorist infrastructures world-wide. Hezbollah also continues to conduct intelligence collection, financial activities, and procurement efforts world-wide to support its terrorist capabilities. FBI arrests in recent years of alleged Iranian and Hezbollah operatives in the United States suggest the government of Iran and Hezbollah each seek to establish infrastructure here, potentially for the purpose of conducting operational or contingency planning. IRGC-QF Commander Esmail Ghani and Hezbollah Secretary General Hasan Nasrallah have each threatened retaliation for the death of IRGC-QF Commander Qassem Soleimani.

As an organization, we continually adapt and rely heavily on the strength of our Federal, State, local, Tribal, territorial, and international partnerships to combat all terrorist threats to the United States and our interests. To that end, we use all available lawful investigative techniques and methods to combat these threats while continuing to collect, analyze, and share intelligence concerning the threat posed by violent extremists, in all their forms, who desire to harm Americans and U.S. interests. We will continue to share information and encourage the sharing of information among our numerous partners via our Joint Terrorism Task Forces across the country, and our Legal Attaché offices around the world.

CYBER

In the last decade, while professionals toiled against a steady drumbeat of malicious cyber activities, typically only one or two major cyber incidents captured the Nation’s attention each year: The Sony Pictures hack in 2014, the announcement of the OPM data breach incident in 2015, Russian election interference in 2016, and the WannaCry ransomware and NotPetya attacks of 2017. This past year, a steady stream of high-profile cyber incidents has garnered world-wide attention, beginning with the SolarWinds incident at the very end of 2020; followed by the Microsoft Exchange Server intrusions revealed in March; significant exploitation of Pulse Secure vulnerabilities in April; and then ransomware attacks against Colonial Pipeline,

JBS USA, and customers of Kaseya between May and July, among thousands of other incidents targeting victims in the United States and world-wide.

Throughout the last year, the FBI has seen a wider-than-ever range of cyber actors threaten Americans' safety, security, and confidence in our digitally-connected world. Cyber-criminal syndicates and nation-states keep innovating to compromise our networks and maximize the reach and impact of their operations, such as by selling malware as a service or by targeting vendors to access scores of victims by hacking just one provider.

With each significant cyber incident, our surge to the affected victim serves a host of purposes at once. The evidence and intelligence we develop helps that victim effectively detect and remediate the intrusion; identifies other victims and potential future targets of the same actors that we can notify and work with our partners to assist; and develops the attribution to and knowledge of the adversary that we as a Government need to effectively respond. When other incident responders leave the scene, our work to analyze the evidence, identify those responsible, and hold them accountable can continue for months, even years. In the SolarWinds investigation, just one field office collected more than 170 terabytes of data—that's 17 times the content housed within the Library of Congress in one office for one investigation. We bought tens of thousands of dollars of new servers just to house the data, but that doesn't begin to take into account the time and talent it takes to exploit it, share it, and act upon it.

The situation is not sustainable, and it's not acceptable. Cyber criminals and nation-states believe that they can compromise our networks, steal our property, and hold our critical infrastructure at risk without incurring any risk themselves. In the last year alone, we have seen—and have publicly called out—the P.R.C., North Korea, and Russia for using cyber operations to target U.S. COVID-19 vaccines and research. We have seen the far-reaching disruptive impact a serious supply chain compromise can have through the SolarWinds intrusions, conducted by the Russian SVR. We have seen the P.R.C. working to obtain controlled defense technology and developing the ability to use cyber means to complement any future real-world conflict. We also recently unsealed an indictment against four P.R.C. Nationals working with the Ministry of State Security. The 4 individuals were charged with a campaign to hack into the computer systems of dozens of victims while trying to obtain information with significant economic benefit to the P.R.C. Iran used cyber means to try to sow divisions and undermine our elections, targeting voters before the November election, and threatening election officials after. North Korea's cyber capabilities have increased in recent years, posing a particular threat to financial institutions and a growing cyber espionage threat.

As dangerous as nation-states are, we do not have the luxury of focusing on them alone. Ransomware has always been treated by the FBI as a serious cyber-criminal threat. But as the President has observed, ransomware has evolved into a National security issue, affecting the critical infrastructure we can least afford to be without. Last year, there was a 20 percent increase in the number of ransomware incidents reported to the FBI's Internet Crime Complaint Center and a 225 percent increase in ransom amounts. Unfortunately, ransomware incidents are not only becoming more common, but also more dangerous. Ransomware incidents in the past year have hit victims in nearly every critical infrastructure sector. While attacks against Colonial Pipeline and JBS USA made National headlines, ransomware actors have also targeted hospitals and medical centers, putting patients' lives at an increased risk at a time when America faces its most dire public health crisis in generations. While we are bringing our unique dual criminal and National security authorities to the fight, we recognize that we cannot fully combat this threat without international cooperation. We have been working with our partners in the State Department and the National Security Council to increase pressure on countries that consistently fail to take action to stop ransomware actors in their territory, particularly Russia. We will continue to tackle the ransomware threat through a whole-of-Government approach, but we also need foreign nations to do their part to keep cyber criminals from acting with impunity within their borders.

Dark web vendors who sell capabilities in exchange for cryptocurrency are making it more difficult for us to stop what would once have been less dangerous offenders. Although once a ring of relatively unsophisticated criminals, these actors are now armed with the tools to paralyze entire hospitals, police departments, and businesses with ransomware. It is not that individual hackers alone have necessarily become much more sophisticated, but—unlike previously—they are able to rent sophisticated capabilities.

We have to make it harder and more painful for hackers to steal our intellectual property and hold our networks at risk. That is why I announced a new FBI cyber strategy last year, using the FBI's role as the lead Federal agency with law enforce-

ment and intelligence responsibilities to not only pursue our own disruptive actions, but to work seamlessly with our domestic and international partners to defend networks, attribute malicious activity, sanction bad behavior, and take the fight to our adversaries overseas.

FBI's strategy of using our information to enable our partners has been successful in taking down cyber criminal enterprises. Each success has this in common: Multiple U.S. agencies working—often with multiple international partners—to bring our information and tools together to achieve the most significant, durable impact. One example of this approach is the international takedown in January 2021 of the Emotet botnet, which enabled a network of cyber criminals to cause hundreds of millions of dollars in damages to Government, educational, and corporate networks. The FBI used sophisticated techniques, our unique legal authorities, and, most importantly, our world-wide partnerships to significantly disrupt the malware, working with an unprecedented number of international law enforcement agencies.

Also this January, we worked with Canada and Bulgaria to disrupt NetWalker, a ransomware variant that paralyzed companies, municipalities, hospitals, law enforcement agencies, emergency services, school districts, colleges, and universities. We obtained Federal charges, seized more than \$450,000 in cryptocurrency, and the United States requested Canada's arrest of a subject who is facing extradition proceedings.

Our joint efforts extend to our partners in private industry, especially those providers that have unique visibility into how adversaries are exploiting U.S. networks. In March, cybersecurity companies including Microsoft disclosed that hackers—who have since been identified as affiliated with the P.R.C.'s Ministry of State Security—were using previously-unknown Microsoft Exchange vulnerabilities to access email servers that companies physically keep on their premises rather than in the cloud. These “zero day” vulnerabilities allowed the P.R.C. actors to potentially exploit victim networks such as by grabbing login credentials, stealing email messages in bulk, and installing malicious programs (“web shells”) allowing the hackers to send commands to the victim network. First, the FBI put out a joint advisory with the Department of Homeland Security's Cybersecurity and Infrastructure Security Agency (“CISA”) to give network defenders the technical information they needed to mitigate the vulnerability. However, while many infected system owners successfully removed the web shells, others were not able to do so. That left many systems vulnerable to Chinese cyber actors who could continue to steal information, or potentially even execute a destructive attack.

We thought that risk was unacceptable, especially when it was within our authorities to do something about it. So, we used those authorities, through a court-authorized operation in partnership with the private sector, to remove malicious web shells from hundreds of vulnerable computers in the United States running Microsoft Exchange Server software. The P.R.C. propped open back doors throughout U.S. networks. We slammed them shut.

These are the incidents that garner the most attention, but behind the scenes the FBI took upwards of 1,100 actions against cyber adversaries last year, including arrests, criminal charges, convictions, dismantlements, and disruptions; and enabled many more actions through our dedicated partnerships with the private sector, foreign partners, and at the Federal, State, and local level. In some instances, we were also able to seize cyber criminals' ill-gotten gains, with the most publicized example being the seizure of \$2.3 million in cryptocurrency paid to the DarkSide ransomware group that targeted Colonial Pipeline.

We have been putting a lot of energy and resources into all of those partnerships, especially with the private sector. We are working hard to push important threat information to network defenders, while also been making it as easy as possible for the private sector to share important information with us. We emphasize how we keep our presence unobtrusive in the wake of a breach, how we protect information that the private sector shares with us and commit to providing useful information back, and how we coordinate with our Government partners so that we are speaking with one voice.

But we need the private sector to do its part, too. We need the private sector to come forward to warn us quickly when they see malicious cyber activity. We also need the private sector to work with us when we warn them that they are being targeted. The recent examples of significant cyber incidents only emphasize what I have been saying for a long time: The Government cannot protect against cyber threats on its own. We need a whole-of-society approach that matches the scope of the danger. We wholeheartedly support the administration's view that legislation is needed to require reporting of significant cyber incidents, including ransomware attacks, cyber incidents that affect critical infrastructure entities, and other incidents that implicate heightened risks to the Government, the public, or third parties.

There is really no other option for defending a country where the vast majority of our critical infrastructure, personal data, intellectual property, and network infrastructure sits in private hands.

FOREIGN MALIGN INFLUENCE

Our Nation is confronting multifaceted foreign threats seeking to both influence our National policies and public opinion, and cause harm to our National dialog. The FBI and our interagency partners remain concerned about, and focused on, malign influence measures used by certain adversaries in their attempts to sway U.S. voters' preferences and perspectives, shift U.S. policies, increase discord in the United States, and undermine the American people's confidence in our democratic processes.

Foreign malign influence operations—which include subversive, undeclared, coercive, and criminal actions by foreign governments to influence U.S. political sentiment or public discourse or interfere in our democratic processes themselves—are not a new problem. But the interconnectedness of the modern world, combined with the anonymity of the internet, have changed the nature of the threat and how the FBI and its partners must address it. Foreign malign influence operations have taken many forms and used many tactics over the years. Most widely reported these days are attempts by adversaries—hoping to reach a wide swath of Americans covertly from outside the United States—to use false personas and fabricated stories on social media platforms to discredit U.S. individuals and institutions.

The FBI is the lead Federal agency responsible for investigating foreign malign influence operations. In the fall of 2017, we established the Foreign Influence Task Force (“FITF”) to identify and counteract malign foreign influence operations targeting the United States. The FITF is led by the Counterintelligence Division and is comprised of agents, analysts, and professional staff from the Counterintelligence, Cyber, Counterterrorism, and Criminal Investigative Divisions. It is specifically charged with identifying and combating foreign malign influence operations targeting democratic institutions and values inside the United States. In all instances, the FITF strives to protect democratic institutions; develop a common understanding of threats with our interagency partners; raise adversaries' costs; and disrupt foreign malign influence operations and enablers in the United States and world-wide.

While we are keenly focused on threats to elections, those events are not the only aspects of our democracy that are being threatened. Our adversaries are also targeting the very fabric of our civil discourse and are targeting policy processes at every level of government—State, local, and Federal. The FITF brings the FBI's National security and traditional criminal investigative expertise under one umbrella to better understand and combat these complex and nuanced threats. This cross-programmatic approach allows the FBI to identify connections across programs, to aggressively investigate as appropriate, and—importantly—to be more agile. Coordinating closely with our partners and leveraging relationships we have developed in the technology sector, we regularly relay threat indicators that those companies use to take swift action, blocking budding abuse of their platforms.

Following the 2018 mid-term elections, we reviewed the threat and the effectiveness of our coordination and outreach. As a result of this review, we further expanded the scope of the FITF. Previously, our efforts to combat foreign malign influence focused solely on the threat posed by Russia. Using lessons learned from the 2018 mid-term elections, the FITF widened its aperture to confront foreign malign operations of the P.R.C., Iran, and other global adversaries. To address this expanding focus and wider set of adversaries and influence efforts, we have also added resources to maintain permanent coverage of foreign malign influence threats, including threats to our elections.

These additional resources were also devoted to working with U.S. Government partners on two documents regarding the U.S. Government's analysis of foreign efforts to influence or interfere with the 2020 Election. The reports are separate but complementary and were published earlier this year. The first report—referred to as the 1a report and authored by the Office of the Director of National Intelligence—outlines the intentions of foreign adversaries with regard to influencing and interfering with the election but does not evaluate impact. The second report—referred to as the 1b report and authored by the Department of Justice, including the FBI, and Department of Homeland Security, including CISA—evaluates the impact of foreign government activity on the security or integrity of election infrastructure or infrastructure pertaining to political organizations, candidates, or campaigns.

The main takeaway from both reports is that there is no evidence—not through intelligence collection on the foreign actors themselves, not through physical security and cybersecurity monitoring of voting systems across the country, not through post-election audits, and not through any other means—that a foreign government or other actors compromised election infrastructure to manipulate election results.

Another way in which foreign governments reach across borders to influence and target diaspora communities in the United States is through “transnational repression,” which is the growing practice of governments silencing exiles and members of diasporas—including activists, dissidents, defectors, journalists, and other critics—living outside of their territorial borders. Iran, the P.R.C., and other authoritarian regimes continue to target dissidents and human rights activists on U.S. soil. The administration is committed to addressing this challenge as part of our broader commitment to stem rising authoritarianism.

We remain vigilant in understanding and combating foreign malign influence in the homeland and look across the U.S. Government—in our intelligence community partners and beyond—as we work to effectively protect our elections, democratic processes, and the American people.

LAWFUL ACCESS

The problems caused by law enforcement agencies’ inability to access electronic evidence continue to grow. Increasingly, commercial device manufacturers have employed encryption in such a manner that only the device users can access the content of the devices. This is commonly referred to as “user-only access” device encryption. Similarly, more and more communications service providers are designing their platforms and apps such that only the parties to the communication can access the content. This is generally known as “end-to-end” encryption. The proliferation of end-to-end and user-only access encryption is a serious issue that increasingly limits law enforcement’s ability, even after obtaining a lawful warrant or court order, to access critical evidence and information needed to disrupt threats, protect the public, and bring perpetrators to justice.

The FBI remains a strong advocate for the wide and consistent use of responsibly managed encryption—encryption that providers can decrypt and provide to law enforcement when served with a legal order. Protecting data and privacy in a digitally-connected world is a top priority for the FBI and we believe that promoting encryption is a vital part of that mission. It does have a negative effect on law enforcement’s ability to protect the public. What we mean when we talk about lawful access is putting providers who manage encrypted data in a position to decrypt it and provide it to us in response to legal process. We are not asking for, and do not want, any “back door,” that is, for encryption to be weakened or compromised so that it can be defeated from the outside by law enforcement or anyone else. Unfortunately, too much of the debate over lawful access has revolved around discussions of this “back door” straw man instead of what we really want and need.

For example, even with our substantial resources, accessing the content of known or suspected terrorists’ data pursuant to court-authorized legal process is increasingly difficult. The often-on-line nature of the terrorist radicalization process, along with the insular nature of most of today’s attack plotters, leaves fewer dots for investigators to connect in time to stop an attack, and end-to-end and user-only access encryption increasingly hide even those often precious few and fleeting dots.

In one instance, while planning—and right up until the eve of—the December 6, 2019, shooting at Naval Air Station Pensacola that killed 3 U.S. sailors and severely wounded 8 other Americans, deceased terrorist Mohammed Saeed Al-Shamrani communicated undetected with overseas al-Qaeda terrorists using an end-to-end encrypted app. Then, after the attack, user-only access encryption prevented the FBI from accessing information contained in his phones for several months. As a result, during the critical time period immediately following the shooting and despite obtaining search warrants for the deceased killer’s devices, the FBI could not access the information on those phones to identify co-conspirators or determine whether they may have been plotting additional attacks.

This problem spans international and domestic terrorism threats. Like al-Shamrani, the plotters who sought to kidnap the Governor of Michigan late last year used end-to-end encrypted apps to hide their communications from law enforcement. Their plot was disrupted only by well-timed human source reporting and the resulting undercover operation. Subjects of our investigation into the January 6 Capitol siege used end-to-end encrypted communications as well.

We face the same problem in protecting children against violent sexual exploitation. End-to-end and user-only access encryption frequently prevent us from discovering and searching for victims, since the vital tips we receive from providers

only arrive when those providers themselves are able to detect and report child exploitation being facilitated on their platforms and services. They cannot do that when their platforms are end-to-end encrypted.

When we are able to open investigations, end-to-end and user-only access encryption makes it much more difficult to bring perpetrators to justice. Much evidence of crimes against children, just like the evidence of many other kinds of crime today, exists primarily in electronic form. If we cannot obtain that critical electronic evidence, our efforts are frequently hamstrung.

This problem is not just limited to Federal investigations. Our State and local law enforcement partners have been consistently advising the FBI that they, too, are experiencing similar end-to-end and user-only access encryption challenges, which are now being felt across the full range of State and local criminal law enforcement. Many report that even relatively unsophisticated criminal groups, like street gangs, are frequently using user-only access encrypted smartphones and end-to-end encrypted communications apps to shield their activities from detection or disruption. As this problem becomes more and more acute for State and local law enforcement, the advanced technical resources needed to address even a single investigation involving end-to-end and user-only access encryption will continue to diminish and ultimately the capacity of State and local law enforcement to investigate even common crimes will be overwhelmed.

CONCLUSION

The threats we face as a Nation have never been greater or more diverse, and the expectations placed on the FBI have never been higher. Our fellow citizens look to the FBI to protect the United States from all of those threats, and the men and women of the FBI continue to meet and exceed those expectations, every day. I want to thank them for their dedicated service.

Chairman Thompson, Ranking Member Katko, and Members of the committee, thank you for the opportunity to testify today. I am happy to answer any questions you might have.

Chairman THOMPSON. Thank you, Mr. Director.

Now I ask Director Abizaïd to summarize her statement for 5 minutes, or whatever you are required, Director.

STATEMENT OF CHRISTINE ABIZAÏD, DIRECTOR, NATIONAL COUNTERTERRORISM CENTER, OFFICE OF DIRECTOR OF NATIONAL INTELLIGENCE

Ms. ABIZAÏD. Thank you very much, Chairman Thompson, Ranking Member Katko, and distinguished Members of this committee. Thank you for the opportunity to appear before you today to discuss the global counterterrorism environment and to highlight the tireless work of NCTC professionals and IC professionals across the board who are working to protect our homeland.

As noted in my statement for the record, 20 years after 9/11 the United States faces a changed threat from foreign terrorist organizations. The threat today is less acute to the homeland, but it continues to become more ideologically diffuse and geographically diverse. The United States continues to have success at degrading foreign terrorist operations, including those directed at the homeland, though these terrorists have also proven adaptive over years of CT pressure.

Their presence has spread to countries that are often under-governed and which offer a permissive operating environment that can be easily exploited, requiring constant vigilance on the part of the intelligence community as we monitor for threats.

Turning first to the international counterterrorism landscape, the 26 August suicide bombing by ISIS-Khorasan at the international airport in Kabul, which tragically killed 13 U.S. service members and scores of Afghans, illustrates that these groups con-

tinue to place a premium on attacks against the United States. ISIS–Khorasan in Iraq and Syria maintains a strategic interest in attacks in the West, even as it remains committed to the long-term goal of establishing an Islamic caliphate. It is fomenting sectarian discord and exploiting security gaps in Iraq and Syria to create conditions favorable for seizing territory again.

For its part, al-Qaeda has changed significantly since 9/11. The group and its affiliates and allies have repeatedly demonstrated their ability to adapt to changing CT environments. Part of this adaptation has included shifting from its core leadership in the Afghanistan-Pakistan region, to a more geographically dispersed network of affiliates and veteran leaders across Africa, the Middle East, and South Asia.

While years of CT pressure has degraded the al-Qaeda network, the group and its affiliates remain intent on using individuals with access to the United States to conduct attacks. This was most recently demonstrated by al-Qaeda in the Arabian Peninsula’s probable approval of a 2019 attack in Pensacola, Florida where a Saudi Air Force officer killed 3 and wounded 8 U.S. service members.

Here in the United States, the primary threat in the homeland comes from individuals inspired to violence either by foreign terrorists or by motivations more domestic in nature. U.S.-based home-grown violent extremists, HVEs, are largely inspired by al-Qaeda or ISIS and will likely continue to attempt attacks because of their personal and ideological grievances, their attraction to foreign terrorist messaging, and their access to weapons and targets.

One of the most pressing terrorist threats to the homeland also comes from domestic violent extremists, DVEs. In particular, racially or ethnically motivated violent extremists or militia violent extremists, who often mobile to violent independent of direction from a formal organization.

Since 2015 the threat from these individuals has increased and since 2018 DVEs have posed the most lethal threat inside the homeland. We assess that that DVEs will continue to pose a heightened threat in the coming years.

We also remain vigilant against Iran, its MOIS and Quds Force agents, and its proxies, principally Lebanese Hezbollah, but also the Iraqi Shia militants it is aligned with in the region.

We remain concerned about plotting against the United States for the January 2020 killing of former IRGC Quds Force commander, Qasem Soleimani, and we face an increasing number of indirect fire and unmanned aerial attacks against U.S. facilities in Iraq, especially over the last several months.

Now, looking ahead, we will continue to face a diverse range of threats that play out against the backdrop of complex global trends, including the on-going effects of the COVID–19 pandemic, great power competition, the disruptive effects of a changing climate and rapidly-evolving technology.

More than 17 years after its establishment, the National Counterterrorism Center is uniquely positioned to lead in this moment alongside our partners in the FBI and DHS as we move into the next phase of the counterterrorism fight. We will continue to discover, analyze, and warn about on-going and future threats as part of a broader set of foreign policy challenges that the United

States will face in the 21st Century. We will continue finding innovative ways to synthesize, manage, and exploit our unique access to terrorism data across a spectrum of sources to identify threats that might otherwise go unnoticed.

We mark the 20th anniversary of the 9/11 attacks, recognizing the remarkable CT successes of the last two decades and with great gratitude to the military, law enforcement, diplomatic and intelligence professionals who have made them possible. Working together we have succeeded in preventing another major 9/11-style attack on the homeland. But we must not be complacent. NCTC and the larger intelligence community must continue to collaborate and maintain the inability to innovate to stay ahead of the next evolution of the threat.

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

[The prepared statement of Ms. Abizaid follows:]

PREPARED STATEMENT OF CHRISTINE ABIZAID

SEPTEMBER 22, 2021

Thank you, Chairman Thompson, Ranking Member Katko, and Members of the committee for the opportunity to testify before you today. I will focus the balance of my time on an overview of the terrorism landscape as it stands 2 decades after 9/11, then go into details regarding the threat to both the U.S. homeland and our interests overseas.

TERRORISM THREAT OVERVIEW

Twenty years after September 11, the United States faces a changed threat from foreign terrorist organizations, or FTOs, that is less acute to the homeland but which continues to become more ideologically diffuse and geographically diverse. Even as we end America's longest war in Afghanistan and absorb a broader array of National security priorities, NCTC remains clear-eyed about, and committed to, our mission to detect, disrupt, and deter terrorist efforts to harm the United States, both at home and abroad. The ISIS-Khorasan attack on Hamid Karzai International Airport on August 26 that claimed the lives of 13 heroic U.S. service members and nearly 200 Afghan civilians is a somber reminder that terrorists remain committed to harming the United States.

- The United States has continued to make significant progress in the fight against the terrorist organizations that seek to attack us or otherwise undermine our interests. We have degraded the threat to the homeland from terrorist groups over the past 20 years—by removing key leaders and sustaining pressure against the ability of groups to plot attacks outside their operating areas, move money, and communicate. Even as the threat to the United States is changed, those organizations seeking to do us harm continue to adapt, establishing a presence in more countries around the world with a permissive operating environment—especially in the Middle East and Africa.
- Today, the most pressing terrorist threats to the homeland come from individuals who are inspired to conduct acts of violence, whether by FTOs or by ideologies that are more domestic in nature. The threat from domestic violent extremists (DVEs)—in particular, racially or ethnically motivated violent extremists, or RMVEs, and militia violent extremists, or MVEs,—has increased since 2015 and will most likely persist, in part because the factors that underpin and aggravate their motivations—like social polarization, negative perceptions about immigration, conspiracy theories promoting violence, and distrust of Government institutions—will probably endure. The threat from home-grown violent extremists (HVEs) inspired by groups like al-Qaeda or ISIS also remain a significant concern.

More than 15 years after its establishment, NCTC is positioned to lead as we move into this next phase of the counterterrorism fight. We will continue to discover, analyze, and warn about on-going and future terrorist threats as part of a broader set of foreign policy challenges that the United States will face in this century. We will continue finding innovative ways to synthesize, manage, and exploit our unique access to terrorism data across a spectrum of sources to identify threats

that otherwise might go unnoticed. Finally, we will continue investing in leading-edge technology to stay ahead of our ever-adapting adversaries that power more comprehensive data-informed insights to enhance collaboration.

THE TERRORIST THREAT TO THE HOMELAND

As described above, the primary threat in the homeland comes from individuals inspired to violence, either by FTOs or by other grievances and ideologies.

US-based HVEs, who are mostly inspired by al-Qaeda or ISIS, will most likely continue to attempt attacks because of their personal and ideological grievances, their attraction to FTO messaging, and their ready access to weapons and targets. HVEs mobilize without specific direction from FTOs and act independently or with few associates, making it extremely difficult to disrupt such attacks. While it is possible that some individuals may draw additional inspiration from developments in Afghanistan, HVEs generally do not conduct attacks in response to singular events.

Despite the degraded threat from FTOs to the homeland, al-Qaeda and its affiliates remain intent on using individuals with access to the United States to conduct attacks, as demonstrated by al-Qaeda in the Arabian Peninsula's probable approval of the 2019 Pensacola, Florida, attack where a Saudi Air Force officer killed 3 and wounded 8 U.S. service members. ISIS also seeks to advance attacks in the homeland, and NCTC continues to monitor for any threats to the United States that might emanate from ISIS core in Iraq and Syria or its branches, including those in South Asia and Africa. Since 2019, there have been 6 possible attacks by individuals inspired or enabled by an FTO in the United States, and 2 of those—including the aforementioned Pensacola attack—resulted in the loss of life.

During the past year, NCTC has continued to support FBI and DHS in better understanding the threats from DVEs. Since 2018, DVEs—who are driven by a range of ideologies—have been the most lethal terrorist threat within the homeland and will most likely pose an elevated threat during the next few years. Racially or ethnically motivated violent extremists—RMVEs—and militia violent extremists—MVEs—present the most lethal DVE threats, with RMVEs most likely to conduct attacks against civilians and MVEs typically targeting law enforcement and Government personnel and facilities. U.S. RMVEs who promote the superiority of the White race are almost certainly the DVE actors with the most persistent and concerning transnational connections because individuals with similar ideological beliefs exist outside the United States, and these RMVEs frequently communicate with and seek to influence each other.

We also remain vigilant regarding Iran's efforts to build operational capability against U.S.-based organizations and people. Several people, including U.S. citizens and Iranians, have been arrested or indicted in the past 5 years for seeking to build operational capability against U.S.-based organizations and people. Protecting against such threats is even more important now, as Iran, its agents, and proxies plan ways to retaliate against the United States for the January 2020 killing of IRGC-QF Commander Qasem Soleimani. For its part, we assess that Lebanese Hizballah maintains a high threshold for conducting attacks in the homeland. Secretary General Hassan Nasrallah balances his organization's view of the United States as one of its primary adversaries against the likelihood of U.S. retaliation if the group decided to conduct an attack.

THE TERRORIST THREAT OVERSEAS

Over the past 20 years, our multi-faceted offensive and defensive CT operations, along with those of our international partners, have significantly hampered terrorists' ability to strike the homeland and targets outside their main operating areas, although these groups continue to plot against U.S. interests abroad. However, the underlying drivers of terrorism—such as instability and weak Government institutions—continue to present conditions that terrorists exploit, allowing them to spread across a broader swath of territory than we have witnessed in the past two decades. We assess that ISIS and al-Qaeda remain the greatest Sunni terrorist threats to U.S. interests overseas. The elements of these groups with at least some capability to threaten the West include especially ISIS core in Iraq and Syria, al-Qaeda in the Arabian Peninsula in Yemen, and al-Shabaab in Somalia.

ISIS

Moving to ISIS in Iraq and Syria: ISIS remains an intact, centrally-led organization that will most likely continue to pose a global threat to U.S. and Western interests. The group remains committed to its long-term goal of establishing an Islamic caliphate and is working toward that goal in the aftermath of territorial losses, waiting until conditions are favorable to begin operating more openly. The core

group continues to pursue the same basic strategy that it has followed since its founding as al-Qaeda in Iraq in 2004: Fomenting sectarian discord, eroding confidence in governments, and exploiting security gaps to create conditions favorable for seizing and administering territory. Despite on-going CT pressure and enduring a number of senior leadership losses during the past year, the structure and cohesion of the group has allowed ISIS to sustain its influence—and, in some areas around the globe, expand on it. ISIS leaders have also prioritized the freeing of thousands of detained members in prisons and internally displaced persons camps across Iraq and Syria, and while not yet successful at scale, any future reintegration would significantly augment the group's operations.

Additionally, ISIS probably maintains the intent to conduct external attacks through a variety of means, including by deploying attackers from the conflict zone, sending operational suggestions virtually to individuals in target countries, and inspiring supporters through their propaganda. Inspired attacks by ISIS supporters will most likely remain the primary ISIS threat to the United States and other Western countries. The group will almost certainly continue using its media to encourage supporters to carry out attacks without direction from ISIS leadership, but its degraded propaganda arm will likely hinder its ability to inspire its previous high pace of attacks and bring in new recruits. While we have seen a decline in the number of ISIS-inspired attacks in the West since peaking in 2017, such operations remain a priority for the organization.

Outside Iraq and Syria, ISIS will most likely continue to grow its already robust global enterprise, which includes approximately 20 branches and networks. Although these loyal outposts have varying levels of capability, they provide ISIS with launch points to plan and conduct attacks, recruit, and galvanize supporters and are a source of propaganda that helps sustain the movement. Many of the group's branches and networks continue to conduct local operations, which ISIS claims in media to dispel the narrative of its defeat. In particular, during the past year, ISIS has had success in growing its presence across large swaths of Africa, as demonstrated by ISIS-Mozambique's temporary seizure in March of a coastal town where foreign workers on the country's largest liquefied natural gas project resided. Notably, we have seen no sign of fissures or splintering by the branches and networks despite the fact that ISIS has not held territory in Iraq or Syria in more than 2 years.

Al-Qaeda

Meanwhile, al-Qaeda and its affiliates around the world remain committed to attacking the homeland and U.S. interests abroad, although like ISIS, these affiliates have varying degrees of capability and access to Western targets. In the past 2 years, al-Qaeda has endured a number of senior leadership losses—including its deputy amir and the heads of 3 affiliates—that have deprived the organization of charismatic, experienced figures. Despite years of international CT cooperation that has constrained the group's external plotting and helped prevent another attack on the scale of 9/11, the organization has repeatedly demonstrated its ability to evolve, adapt, and capitalize on changing security environments and geopolitical realities to expand its reach.

In Yemen, al-Qaeda in the Arabian Peninsula—is intent on conducting operations in the West and against U.S. and allied interests regionally. In June, al-Qaeda in the Arabian Peninsula published English- and Arabic-language versions of its sixth issue of *Inspire Guide*—its first *Inspire* product since 2017—to provide English-language operational guidance to would-be attackers in the homeland. We also are concerned that al-Qaeda elements in northern Syria could use their safe haven in opposition-controlled territory for external attack efforts. In West Africa, we have seen Jama'at Nusrat al-Islam wal-Muslimin work to expand its operational reach and conduct large-scale, lethal attacks in Mali, Burkina Faso, and Niger, suggesting the group will most likely pose an increasing threat in the region during the next year. For example, in August, Jama'at Nusrat al-Islam wal-Muslimin conducted an exceptionally deadly attack in which 84 military personnel and civilians were killed in Burkina Faso. On the eastern part of the continent, al-Shabaab poses a persistent threat to U.S. citizens and Western interests, as demonstrated by the group's attack last year on a U.S. military base in Kenya that tragically killed 3 U.S. personnel and the late 2020 Federal indictment of a suspected al-Shabaab operative who was part of a plot to hijack a commercial aircraft. Also, in March, the group's amir publicly called for attacks on American and French citizens in Djibouti.

Afghanistan

ISIS and al-Qaeda both have branches and affiliates in Afghanistan that will require CT vigilance, especially in light of recent developments there. Both groups are

intent on attacking U.S. interests both in the region and overseas, although years of sustained CT pressure has degraded their capabilities to project a major external threat to the West. Since the U.S. withdrawal, we have continued to closely monitor for any signs of terrorist plotting that targets the United States or our interests abroad. Over the longer term, we suspect these groups could try to take advantage of reduced counterterrorism pressure and a relatively more permissive operating environment to rebuild their capacity to carry out attacks against Western targets. ISIS-Khorasan maintains a steady operational tempo in Afghanistan and retains the ability to execute attacks in cities like Kabul—as we saw tragically on 26 August. While focused against the Taliban, the group’s external intentions bear monitoring. Similarly, we continue to closely watch the activities of al-Qaeda elements in the region because of the group’s close ties to the Taliban and its propaganda against the West. After the withdrawal, the group released an official statement congratulating the Taliban for what it called a defeat of the United States. On September 11 this year, al-Qaeda released a video of group leader Ayman al-Zawahiri praising the Pensacola attacker and claiming that the U.S. withdrawal from Afghanistan proved that the United States was defeated.

Of note, NCTC collaborated closely with our military, diplomatic, and intelligence partners in the weeks before the final U.S. forces left Afghanistan, fulfilling our critical role of screening Afghans seeking to relocate to the United States. As of early this month, NCTC and IC partners had screened more than 60,000 individuals evacuated from Afghanistan. Immediately following the fall of Kabul, analysts throughout the Center worked around the clock to screen individuals, monitor reporting, and provide warning of threats during and after evacuation operations.

Iran and Hizballah

Moving to Iran and Lebanese Hizballah, in concert with their terrorist partners and proxies, Iran and Hizballah continue to pose a significant threat to the United States and our allies abroad. Iran views terrorism as a tool to support its core objectives, including projecting power in the Middle East, defending Shia Islam, and deterring its strategic rivals, like the United States and Israel. Iran and aligned groups probably carry out asymmetric and covert attacks to reduce U.S. influence and the U.S. presence in the region, advising both its state allies and proxies. In Iraq, Shia militant groups pose the most immediate threat to U.S. interests. We have seen these militants conduct an increasing number of indirect fire and, in the past several months, unmanned aerial systems attacks against U.S. facilities with the objective of expelling U.S. forces from the country. In Yemen, Iran has maintained its years-long effort to support Huthi attacks against Saudi Arabia and other targets located in the Gulf, including those involving long-range missiles and UAVs.

THE CT ENTERPRISE AND THE WAY FORWARD

We mark the 20th anniversary of the 9/11 attacks recognizing the remarkable CT successes of the past 2 decades and with gratitude to the military and to law enforcement, diplomatic, and intelligence professionals, as well as the international partners who made them possible. Working together, we have succeeded in preventing another major, 9/11-style attack on the homeland.

However, we must not become complacent; the terrorist threat and National security landscape have evolved, and the CT enterprise must evolve as well. NCTC will continue its mission to prevent, detect, and deter threats to the United States and its interests, just as those who founded the Center intended. We will do this as our primary, no-fail mission, enabling other departments and agencies to prioritize resources where necessary to address other challenges, including great power competition and cybersecurity. Going forward, we must consider our CT investments in the context of our broader set of foreign policy objectives and focus our CT enterprise to meet the most immediate terrorism threats of today, all while maintaining an agile, intelligence-driven indications and warning framework that keeps pace with the next evolution of the threat and investing in a homeland resilience support structure that buttresses our defenses at home.

NCTC and the larger CT enterprise also stayed focused on innovating in an era of rapid technological change. Terrorists, in particular, continue to make technological advances in fields such as encrypted communications and in the use of social media that make detecting threats and discerning significant trends more difficult. We will need to ensure that our data management and exploitation practices; standardization and integration processes for large IC data sets; support for watchlisting and screening efforts; and technical capabilities evolve so we can quickly share information and continue to make sophisticated judgments on the terrorist threat.

Chairman THOMPSON. I thank the witnesses for their testimony. I will remind each Member that he or she will have 5 minutes to question the witnesses.

I will now recognize myself for questions.

Director Wray, you testified before this committee 2 years ago that domestic terrorism threats were the most concerning terrorism threats in terms of lethality. More recently you testified that the threats of domestic terrorism has metastasized.

Secretary Mayorkas, you testified before us earlier this year that domestic violence extremism represents the greatest threat in the homeland right now.

Despite these acknowledgments, it appears that warning signs was disregarded or the domestic terrorism threat was not prioritized appropriately in the lead up to the January 6 attack on the Capitol.

Director Wray and Secretary Mayorkas, what is your current assessment of threats posed by domestic terrorist to the homeland?

Secretary MAYORKAS. I would be very pleased, Mr. Chairman, to answer that at the outset.

We in the Department of Homeland Security, of course with our partners across the Federal Government and State and local law enforcement, consider domestic violent extremism to be the most prominent terrorism-related threat to the homeland right now. I think our response in anticipation of what could have materialized on September 18 demonstrates the lessons learned from the January 6 insurrection. We gathered a great deal of intelligence and information from public-facing sources, as well as leveraging academic and other third-party institutions. We disseminated that information and intelligence to State, local, Tribal, and territorial partners. We focused on the National capitol region, and we were far more prepared should anything have materialized on September 18 than was previously the case, Mr. Chairman.

Chairman THOMPSON. Director Wray.

Mr. WRAY. Thank you, Mr. Chairman.

So I guess I would say a few things. First, starting back in June 2019 I elevated racially and ethically motivated extremism to a National threat priority, which is our highest threat priority level. I think that has already shown fruits in the fact that we have effectively doubled the amount of domestic terrorism investigations and arrests since that time. We had about 180 domestic terrorism arrests last year, we have had over 600 now in connection with January 6 alone.

I would say that we have also created a domestic terrorism hate crimes fusion cell to help increase the level of intelligence and information flow that goes out. Certainly, from a lethality perspective, as you noted, Mr. Chairman, we have seen those kind of domestic violent extremists responsible for the most lethal activity over recent years, although I would add that in 2020 we saw a significant uptick in lethal action and violence by anti-Government and anti-authority violent extremists to go along with the racially motivated violent extremists.

From a perspective of pushing out intelligence, as we did before January 6, we have been pushing out dozens of intelligence prod-

ucts to our Federal, State, and local partners to highlight the threat.

Chairman THOMPSON. Thank you very much.

Director Wray, Congress passed the Data Act. As you know, we have been trying to make sure that FBI produces information on domestic terrorism in a manner that not just Members of Congress, but the public at large can understand what is going on.

We finally got a report, subject to the NDAA legislation, but there are still some gaps in terms of data missing from 2009 to 2019. Can you commit to helping close those data gaps in that report so that Members of Congress and the public at large can have the understanding necessary about the growing problem with domestic terrorism in this country?

Mr. WRAY. Thank you, Mr. Chairman.

Yes, you can count on us to work with you and your staff and the committee staff to try to produce more information, to be more responsive to those requests. Certainly, as I understand it, some of the information requested, and this gets overly involved for this setting, involves information that at least wasn't maintained in earlier years in the form that would be I think most useful. So we are trying to work through that with your staff.

Certainly I recognize that the earlier report took longer to get to you than it should have. Some of that, in all fairness, was in part due to the pandemic and the fact that the people that we really need to rely on for that work were both strained by the pandemic, but also working on the significant domestic terrorism caseload, that as I testified a few minutes ago, mushroomed last year.

So we are going to work with you and we will try to see if we can get you more complete information.

Chairman THOMPSON. Thank you very much.

The Chair recognizes the Ranking Member of the full committee, the gentleman from New York.

Mr. KATKO. Thank you, Mr. Chairman, and thank you all for being here.

Director Wray, it is nice to see you again. I appreciate your service to your country and your candor.

Just a very brief question, because I have got a lot of questions for Secretary Mayorkas. Does the situation in Afghanistan give you a concern about the possibility of terrorist networks reconstituting there and in effect trying to incite violence in the homeland?

Mr. WRAY. Yes, actually there are a number of reasons why we are concerned. Recognizing the time I will just tick them off real quickly.

One, we are of course concerned that there will be an opportunity for a safe haven to be recreated there, which is certainly something that we have seen in the past, and allowing foreign terrorist organizations to operate more freely in the region. We are concerned that ISIS-K can take advantage of a significantly weakened security environment to operate more freely. We are also concerned that the events there can serve as a catalyst or an inspiration for terrorists, whether they be members of FTOs, foreign terrorist organizations or home-grown violent extremists, to conduct attacks. Then, most importantly, we are concerned that foreign terrorist organizations will have an opportunity to reconstitute, plot, inspire,

in a space that is much harder for us to collect intelligence and operate against than was the case previously.

Mr. KATKO. Well, thank you very much. I wish I had more time to spend with you on this, but perhaps a cup of coffee or breakfast soon is in order so I can talk to you more about that.

Secretary Mayorkas, I want to commend you on many of the things that you have done at Homeland Security since you have been there, particularly in the cybersecurity area. The people that are appointed to leadership positions are doing a tremendous job and we have a very difficult task ahead of us.

As you know and as Chairman Thompson knows, I pride myself on being one of the most bipartisan Members of Congress and one who is hopefully seen as a gentleman, but I have got to tell you, Secretary Mayorkas, there is one major problem that I have that I have just got to unburden myself of it. That is the Southern Border.

I started my career as a Federal organized crime prosecutor at the Southern Border and I spent my adult life trying to keep this country safe. What is happening at the Southern Border is absolutely out of control. You and the administration have repeatedly referred to this border situation as a “rebuild,” you need to rebuild the border. Well, let me—you know, some things I am just wondering about. Is rebuilding the border having an unprecedented level of aliens seized at the border over the last 6 months? More than 170,000 a month over the last 6 months. Is rebuilding the border releasing many individuals, tens of thousands, into our communities without vaccinations for Covid? Is rebuilding our border not testing people in Customs and Border Protection custody for Covid because you don’t have the facilities to keep them there? Is rebuilding our border allowing more aliens to die in custody this year that at any time in recent memory? As a matter of fact, in 2018 6 people died in custody, 2019, 11, 2020, 13, this year that number has quadrupled to 51. Is that rebuilding our immigration system?

Let me ask you, is rebuilding our immigration system allowing cartels to get fentanyl across our border in record numbers? There has been more fentanyl seized this year than all of last year, and last year was a record number. The fentanyl seized this year is enough to kill every man, woman, and child in the United States six times over. Many of those deaths have reached my doorstep in Onondaga County, where 45 people in the first half of this year died of heroin overdoses laced with fentanyl. That is just my one county, and what is going on across the country.

I guess the other thing too is the number of known and suspected terrorists seized at the border this year. Caught, not the ones that got away, caught at the border this year, is—obviously is unprecedented numbers. You know that and I know that. Is that rebuilding our immigration system? Is it?

So you come to the inescapable conclusion from a letter from September 11 from a career Customs and Border Patrol agent who as running Customs and Border Patrol, Rodney Scott, who said “In my professional assessment, the U.S. Border Patrol is rapidly losing the situational awareness required to know who and what is entering our homeland.” He goes on to say, amongst many other things, it is important to remember that the border is not the des-

mination, but only a transit port en route to cities and towns through the United States and that these gaps in the border are exploited to easily smuggle contraband, criminals, or even potential terrorists in the United States.

Now, this is not from some political hack that is an appointee by the Trump administration, this is from somebody who served 29 years under 5 different Presidents.

So to me it is unbelievable what is going on at the border and now we have the deflection about Haitians and the border is closed, and now we know the border is not closed because the Haitians aren't—some Haitians are being sent home, some are being sent here, and we don't know what the distinction is. That goes for every type of person coming across the border as well.

So, Mr. Chairman, before I ask one simple question of Secretary Mayorkas, I ask unanimous consent to enter this letter into the record, September 11, 2021 letter from Rodney Scott.

I am sorry, sir?

Chairman THOMPSON. Without objection.
[The information follows:]

LETTER FROM RODNEY S. SCOTT, CHIEF, U.S. BORDER PATROL—RETIRED

September 11, 2021.

The Honorable NANCY PELOSI,
Speaker of the House, U.S. House of Representatives, Washington, DC 20515.

The Honorable KEVIN MCCARTHY,
House Minority Leader, U.S. House of Representatives, Washington, DC 20515.

The Honorable BENNIE G. THOMPSON,
Chairman, Homeland Security Committee, 2428 Rayburn House Office Building, Washington DC 20515.

The Honorable JOHN KATKO,
Ranking Member, Homeland Security Committee, 2428 Rayburn House Office Building, Washington, DC 20515.

Dear Speaker of the House Pelosi, Minority Leader McCarthy, Congressman Thompson, and Congressman Katko: I am writing to you today in consideration of your oversight role for the Department of Homeland Security (DHS). I served as a U.S. Border Patrol (USBP) agent and Federal law enforcement agent for over 29 years. I served under five different Presidential administrations. I began my career in 1992. I competitively progressed through the ranks and earned key leadership roles to include Deputy Executive Director of U.S. Customs and Border Protection (CBP), Office of Anti-terrorism; Director of CBP, Office of Incident Management and Operations Coordination; Patrol Agent in Charge, Brown Field Station; Chief Patrol Agent, El Centro Sector; and, Chief Patrol Agent, San Diego Sector. Ultimately, I earned the rank of Chief, USBP in February 2020. I served as President Biden's Chief of USBP for the first 7 months of his presidency until I chose to retire on August 14, 2021. I can assure you that for my entire career, I worked diligently to secure our international borders as a nonpartisan civil servant. I respectfully ask that you consider this as you reflect on the concerns outlined below.

The position of Chief, USBP is a career civil service position and not a political appointment. As Chief, I was the most senior official responsible for border security between the ports of entry. I witnessed the unprecedented seismic shift in border security and immigration policy that was initiated on January 20, 2021. I believe this policy shift and the associated public statements created the current border crisis. Of greater concern, I also witnessed a lack of any meaningful effort to secure our borders. Contrary to the current rhetoric, this is not simply another illegal immigration surge. This is a national security threat.

Today, on the 20th anniversary of the horrific 9/11 terrorist attack, as I reflect on the significant border security advances that we had made, I am sickened by the avoidable and rapid disintegration of what was arguably the most effective border security in our Nation's history. Common sense border security recommendations from experienced career professionals are being ignored and stymied by inexperienced political appointees. The Biden administration's team at DHS is laser-focused

on expediting the flow of migrants into the U.S. and downplaying the significant vulnerability this creates for terrorists, narcotics smugglers, human traffickers, and even hostile nations to gain access to our homeland.

In my professional assessment, the U.S. Border Patrol is rapidly losing the situational awareness required to know who and what is entering our Homeland. The ability of USBP to detect and interdict those that want to evade apprehension is being degraded daily. Low level, unsophisticated and uneducated smugglers are illegally crossing the border and increasingly evading apprehension daily. To think that well-resourced terrorist networks, criminal organization, and hostile nations are not doing the same is naive. The current situation is unsustainable and must be mitigated.

The experienced civil service staff within CBP, ICE and DHS have provided multiple options to reduce the illegal entries and reestablish some semblance of border security through proven programs and consequences, yet every recommendation has been summarily rejected. Secretary Mayorkas is choosing to ignore the sound recommendations of career government leadership despite his own admissions that he agrees with them. Of grave concern, is the fact that the Secretary and other political appointees within DHS have provided factually incorrect information to congressional Representatives and to the American public. Furthermore, they have directed USBP personnel to allow otherwise ineligible aliens to remain in the U.S. inconsistent with the CDC Title 42 Order, established legal processes and law. The professional staff within DHS is left perplexed, wondering who is really in charge and what the objective is.

As a direct result of these decisions, control of our borders has disintegrated overnight. While the sheer volume of aliens is overwhelming, it is critical that policymakers understand that these mass incursions are not simply an immigration issue. These illegal entries are being scripted and controlled by Plaza Bosses that work directly for the transnational criminal organizations (TCO) to create controllable gaps in border security. These gaps are then exploited to easily smuggle contraband, criminals, or even potential terrorists into the U.S. at will. Even when USBP detects the illegal entry, agents are spread so thin that they often lack the capability to make a timely interdiction. It is important to remember that the border is not the destination, but only a transit point en route to cities and towns throughout the United States.

This is not hyperbole. I urge you to request detailed information from DHS/CBP on the number of individuals with Terrorist Screening Database (TSDB) alerts that USBP has arrested this fiscal year. To ensure that you are not misled, please specifically ask for comparative data from previous years broken down by method of apprehension/encounter and immigration status at the time of the encounter. I believe you will find this data troubling. The current DHS leadership will no doubt attempt to downplay these numbers. I would like to remind you that 9/11 was carried out by 19 terrorists and that countless terrorist attacks around the world have been carried out by a single person.

I also encourage you to ask questions about the surge in USBP personnel assigned to the border in Texas. What national security and public health risks are we knowingly accepting in the areas these agents were pulled from? How many miles of border are now going unpatrolled daily to facilitate expedited processing and ultimately the release of these illegal aliens into the U.S.? What threats are we allowing into the U.S. by continuing to accept over 1,000 documented got-a-ways each day? What programs and or IT system developments have been shut down or significantly delayed due to limited resources being redirected to the mass migration crisis? What impact has the current crisis had on the ability of USBP to conduct thorough debriefings of individuals to determine intentions, threat and to document transnational criminal activity?

For context, just prior to my retirement, this fiscal year USBP had encountered over 1,277,094 aliens illegally entering the U.S. and documented over 308,000 known got-a-ways. At 0800 hrs on 08/01/21, there were over 18,000 aliens in USBP custody which equated to more than three times USBP's capacity of 5,118. Only about 5,100 aliens were fully processed with over 13,000 individuals unprocessed. Over 7,000 aliens had been in custody for over 72 hours. For contrast, on 08/01/2019, USBP had 4,946 in custody. On 08/01/2020, USBP had 408 in Custody. On 02/01/2021, USBP had 2,375 subjects in custody.

In a 24-hour period on 08/01/21, USBP documented over 5,900 encounters of individuals illegal entering the U.S. from 33 different countries. This included over 560 unaccompanied children. Agents also documented over 1,100 got-a-ways. Of note, this is at a time when hundreds of miles of border went unpatrolled due to manpower and capability limitations. Despite the above, the CBP Chief Operating Officer continued to assert that USBP agents must simply process aliens faster. Any

discussions about consequence to illegal entry or securing the border were immediately stymied.

In addition to the clear national security implications of an uncontrolled border, it is unconscionable that as COVID-19 continues to spread, DHS would choose to voluntarily carve out policy exceptions to Title 42 (T42) authority. These carve outs do not appear to comport with any medical assessments that I have read. These policy carve outs are unquestionably placing the lives of CBP personnel, U.S. citizens and the migrants themselves at increased risk. In October 2020, over 91 percent of total encounters by USBP were processed under T42 and expelled in an average of 90 minutes. A report I received on August 1, 2021, indicated that nearly 53 percent were being granted exemptions from T42 with the majority ultimately being released into the United States. CBP lacks the adequate facilities and resources to conduct Covid testing without significantly increasing the risk to exposure and further degrading border security. Therefore, any Covid testing is conducted on a voluntary basis by private non-governmental organizations. There is no mandated vaccine prior to release.

Processing an alien that illegally enters the United States under T42 authority can be accomplished in approximately 10 minutes while avoiding congregate settings where COVID-19 exposure would be increased. Consequently, processing an individual under Title 8 (T8), to include a Notice to Appear (NTA) takes approximately 2 hours and is completed inside an enclosed processing center. If the alien will be transferred to ICE, vice released immediately on their own recognizance (OR), the time in custody will increase even further and routinely exceeds 72 hours.

Increased processing time has direct border security implications. For example, processing 500 aliens under T42, or even with a Notice to Report equates to approximately 93 additional Border Patrol agents remaining on patrol duties when compared to the time required to process an equal number of aliens under T8 for Notice to Appear/Release on Own Recognizance (NTA/OR). Every agent back on patrol increases situational awareness and reduces the ability of adversaries to further exploit our borders.

The number of encounters/arrests recorded by USBP is only part of the story. As of Aug 1, 2021, USBP agents had responded to and resolved well over 1.805M events. Infrastructure and technology are key components of USBP's strategic plan and staffing model. Unfortunately, DHS has intentionally slow rolled the implementation of Presidential Proclamation 10142 creating significant new vulnerabilities that are getting worse every day. Even though the proclamation directed that all wall construction be paused for 60 days, over 7 months has passed with little progress toward any resolution. Border security beyond the physical barrier is also being degraded as political appointees expanded the pause to include technology deployments that were separate from the barrier construction.

Career CBP and USBP personnel have provided multiple in-depth briefings to the Biden administration on each individual project. This included when and who identified the original operational requirement for the barrier. In most cases the requirement originated prior to the Obama Administration. As a direct result of these delays USBP has been forced to reduce patrol areas to address gaps in barrier, non-functional gates and grates and inoperable technology. I am extremely confident that the Biden administration to include Secretary Mayorkas are fully aware of the significant operational risk and the monetary costs associated with the construction pause, which at times reportedly exceeded \$5M a day. I was briefed by USBP and CBP personnel with direct knowledge that leadership within the Biden administration openly discussed ways to slow roll any decisions as well as options to do the least action possible to avoid an Impoundment Act violation without doing any construction as required by law.

Something as simple as re-connecting shore power to the Calexico Port of Entry to reduce the environmental impact of diesel-powered generators took months simply because the work was being conducted under the border wall contracts. Even connecting electrical power to an existing security gate to reduce manpower requirements was unfathomable to the current leadership. I believe this equates to waste, fraud, and abuse.

As I stated upfront, it is my professional assessment that transnational criminal organizations (TCO), and other more dangerous actors are increasingly exploiting identified border security vulnerabilities. The threats are real, and the situation is unsustainable, yet the current administration refuses to take any meaningful action.

It is important to note that I have only addressed issues directly associated with the Border Patrol's mission. As a senior executive leader within CBP, I was also privy to decisions that negatively affected security and legitimate trade and travel operations at our Ports of Entry.

Please ensure that Americans get the border security that we already paid for and deserve. I respectfully request that you exercise your oversight responsibility and convene hearings to ensure that Congress and the American people have access to the truth. To help ensure that accurate information is provided, I am willing to appear and testify under oath as well.

Sincerely,

RODNEY SCOTT,
Retired—Chief U.S. Border Patrol.

Honor First!

Mr. KATKO. Thank you very much.

Now, one very simple question—

Chairman THOMPSON. The gentleman's time has expired, but we would be happy to let the Secretary answer some of the questions you presented.

Mr. KATKO. Well, that was one of the questions he can answer, Mr. Chairman, also that I was going to ask, is why the actual number of known suspected terrorists seized at the border is considered law enforcement sensitive. We are not asking about the details, just that simple number. We asked for that information August 10 and we still haven't got it.

Secretary MAYORKAS. Ranking Member Katko, you and I have discussed the Southern Border and I respectfully disagree with a number of statements that precede your question.

I should also say that I have tremendous confidence not only in the United States Border Patrol, but in its new leader, Raul Ortiz, who is a three-decade veteran of law enforcement in the United States Border Patrol.

So I look forward to discussing more with you some of the statements that precede your question.

We are indeed addressing security at the border. We are exercising and enforcing both the laws of enforcement, the laws of accountability, and the humanitarian laws that this country and this Congress have enacted and recognized.

Thank you.

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

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

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

Ms. JACKSON LEE. Good morning. Thank you, Mr. Chair and Mr. Ranking Member. Let me express my appreciation very quickly to all of the men and women represented before us and all of your teams and the entire team that have provided us with a safe journey post-9/11 as it relates to international threats coming to the United States. We have not had that kind of attack.

My time is short and I would appreciate your quick response.

To Director Abizaid, can you provide me with the interaction and the potential of a new ally or friend or an expanded ally and friend with Pakistan in light of the circumstances with Afghanistan and

the potential rise of ISIS? Are we looking to use assets and collaborate as relates to domestic security?

My time is short. Would you give me a brief answer please?

Ms. ABIZAID. Yes. Thank you very much for the question.

Pakistan has been a long time CT partner. It is a complicated partner given some of the dynamics in the region, but we will absolutely look to collaborate with them on CT, whether emanating from Afghanistan, Pakistan, or elsewhere in the region, consistent with our shared interests.

Ms. JACKSON LEE. Thank you.

You have been eloquent, Director Wray, on advising us about domestic terrorism. I would like to get in writing again the protocols that you have put in place post-January 6 very devastating insurrection attack against democracy. I would prefer to have that in writing to the committee and directed to me as well.

Let me indicate that many of us know that your responsibility for National security is large and so as I think of Ali Raisman, Simone Biles, McKayla Maroney, and Maggie Nichols, they deserve the protection of the United States and the attention of the FBI. I know that you provided an apology, but as well I also noted in the testimony of these young women, Simone Biles from Texas, all of them contributing the National pride, if you will, throughout their lives, indicated that they had seen no prosecutions, no extensive investigations.

My time is short and I have questions for the Secretary. What is your singular comment on moving forward on further investigations of agents who ignored these young women and caused additional harm and violence against them and other athletes?

Mr. WRAY. So thank you for the question.

As I said last week, I consider what happened, or what more importantly did not happen back in 2015 at the FBI to be totally unacceptable and I am deeply sorry on behalf of the entire FBI for what happened there. We have fired the one individual featured prominently in the report that we could fire.

As far as prosecutions go—

Ms. JACKSON LEE. Can I just—

Mr. WRAY. I am sorry, it is just a second please. As far as prosecutions go, as you may know, that is really the responsibility of the Department of Justice, not the FBI. We have done what we have the power to do. So I would refer you really to the Department on the latter part.

Ms. JACKSON LEE. Thank you. Will you be presenting the case or information to the DoJ for them to go further?

Mr. WRAY. Well, on that issue the Inspector General, as you may know, took over the investigation, so it is really a conversation between the Inspector General and the Justice Department. If we can be helpful in that regard and that is appropriate, we would be happy to do that.

Ms. JACKSON LEE. Thank you so very much. I will pursue that.

Mr. Secretary, thank you very much for your heart and as well your commitment to serving the United States.

I think the narrative about immigration is so wrong. First of all, the Southern Border is 1,954 miles, it is not out of control. Thank

you to those who are protecting it. I have many people who acknowledge that.

Let me quickly raise the point that we should refrain from these kinds of accusatory attacks against migrants. We are a nation of laws and immigrants.

So let me first of all raise the question of the terrible scenes that are all over the internet now and also the mockery of Haitians who are taking water—washing the water. First of all, how much did race play a part in these actions? Are you looking into that as well? Also have you considered this Trump relic of Title 42, not eliminating but a suspension of it in light of the fact that Haitians have been determined to be no National security threat. There are Haitians in my district right now, migrants who have come from NGO's on the border. We welcome them. I will be visiting them over the weekend.

But I want to know how we can do better in this particular instance. You have answered all the other questions of asylum, opportunities, the opportunities for them to be taken by sponsors or family members, which they have. We can do better, I know you want to do better. Can you give me those answers?

Thank you.

Secretary MAYORKAS. Congresswoman, thank you very much.

The investigation is going to be all-encompassing. We are not going to cut a single corner or compromise any element of thoroughness. It will be a sweeping investigation. No. 1.

No. 2, with respect to Title 42 and its exercise, that is an authority of the Centers for Disease Control, it is not a matter of immigration policy, it is a matter of public health policy driven by the situation of COVID-19 and where the trajectory of that pandemic is. It is based on the data that CDC analyzes and it is a CDC order that determines the applicability of the Title 42 authority.

Chairman THOMPSON. The gentlelady's time has expired.

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

Mr. HIGGINS. Thank you, Mr. Chairman. I would like to thank the Chairman and the Ranking Member for holding this hearing today to discuss worldwide threats to the homeland as we move beyond the 20th anniversary of 9/11.

Americans watching this hearing today are wondering why the focus of our narrative is not on the obvious threats as we look at the immediate future of our Nation and the security of our homeland being the threat of Jihadist terrorists coming into our country due to the abhorrent failure in Afghanistan and the disintegration of our Southern Border. Our national sovereignty has been lost at the Southern Border. We have been invaded. My colleagues refer to scenes on the internet. You don't have to look very far to see imagery that none of us have ever seen in our lives. I am 60 years old, I have never seen anything like this in America. You know, we have witnesses before us, with all due respect, good Lord, step away from your talking points and let us share truth as Americans.

After the Biden administration's disgraceful retreat from Afghanistan the Pentagon is actively warning Congress of the increased likelihood of terrorist attacks on U.S. soil. That's a fact. Regardless, this committee's recent mark-up of the Democrats' \$3.5 trillion rec-

conciliation monstrosity bill did not include a single dime for counterterrorism efforts despite these warnings, and Republican amendments to attempt to correct that were voted down by party line vote by Democrats with the Majority control.

Further, during this time the security crisis at our own Southern Border has gotten worse and worse. We didn't think it could get worse, but it has. We have witnesses that consistently stick to these talking points, like Baghdad Bob, saying there is nothing wrong here, move along. America is wondering exactly when will Congress embrace the truth and have honest discussion of the actual threats to our homeland on the homeland security committee.

We have had 170,000 documented interactions. Now, based upon known formulas of estimated—what are referred to as gotaways, which means you have a quarter of a million illegal crossings or attempted illegal crossings a month. We have never seen numbers like this and yet we keep getting told oh, it is all cool, the border is under control. I don't know how you would define failure of securing our Southern Border if it is not what we are witnessing right now. But to no one's surprise in the Republican Party there was zero funding in the majority's \$3.5 trillion bill for border security.

We face significant National security threats that have been made worse by this administration's own policies. There is no shame in admitting that, but we are responsible to deal with it. That begins with honest communications, which we seem—we are avoiding this right now. With all due respect to my colleagues across the aisle, in a very disciplined matter of sticking to their talking points.

Director Wray, I am going to ask you yes or no, did 19 terrorists execute the 9/11 Jihadist terror attacks on America? Not the planning, the execution.

Mr. WRAY. There were 19 hijackers, yes.

Mr. HIGGINS. OK. There you go. There you go. That is a number I am referring to.

Now, you won't tell us, although we are Members of Congress—we have the very highest security clearance, we have confidential briefings all the time—but we can't get an answer how many known or suspected terrorists have been detected crossing our Southern Border. But my sources tell me a conservative estimate is 200.

Now, with a percentage of undetected being 20–25 percent, that means 40–50 known terrorists have very likely entered our country through the Southern Border. Yet my colleagues across the aisle want to talk about, you know, Americans wearing Trump shirts. It is unbelievable.

Secretary Mayorkas, good sir, all of us—

Chairman THOMPSON. The gentleman's time from Louisiana has expired.

Mr. HIGGINS. I will have a question. I will submit in writing to the Secretary, Mr. Chairman. Thank you for having the courage to convene this hearing today.

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

Mr. LANGEVIN. Thank you, Mr. Chairman. I want to thank our witnesses for their testimony today and everything they are doing to keep the country safe.

I would like to start with you, Director Wray. Yesterday you testified before the U.S. Senate about a *Washington Post* story that the FBI did not distribute a key to help victims of the Kaseya ransomware attack for 3 weeks. In your response you emphasized the need to, “maximize impact against an adversary.”

So, you know, I appreciate that as the lead agency for threat response, the FBI is responsible for going after the bad guys. However, I have to say I am deeply concerned that your response to Chairman Peters did not reflect the harm withholding a decryption key could do to victims. I would like you to just kind-of consider this analogy if you would, Director: A business is on fire, there is a strong reason to suspect arson. The police argue that letting the firefighters in to put out the fire risks damaging forensics that could be used to catch the arsonist. So certainly, that argument is valid, but I don’t think anyone here would suggest we should not put out the fire or even if it does not maximize your impact against an adversary.

So I understand these decisions are difficult and complex and that you may not be at liberty to discuss the specifics of the Kaseya case, however I would like to give you the opportunity now to correct the record and affirm that asset response is a critically important factor when responding to a significant cyber incident.

Mr. WRAY. Well, thank you, Congressman, for the question, especially knowing your long-standing interest in this subject.

Again, I am somewhat constrained about what I can say about an on-going investigation, but what I would say is that speaking in general, that encryption keys are something that it is just one of many kinds of technical information we provide to the private sector, and turning those things into decryption tools that could actually be used and not have unintended consequences is a lot more complicated than a lot of people realize, and that itself takes time.

So part of what I refer to when I talk about maximizing impact is making sure that, to use your analogy of the house, that what we would be supplying is actually just water and not water that might have some trace of say gasoline or some accelerant in it that would actually have all kinds of unintended consequences.

So that is one of many considerations that goes into it, but absolutely, we recognize that asset response has to go hand-in-hand with threat response. That is why we have such a close partnership with DHS and CISA and these kinds of decisions are made in consultation with a host of inter-agency partners.

Mr. LANGEVIN. Well, Director, I would just push back and say that I think that asset response has to be higher on the priority list. So much could have been prevented had those decryption keys been given to businesses that were impacted. I understand you can’t comment specifically on Kaseya, but I think there has got to be a greater emphasis on asset response and not just preserving the crime scene so you gather forensics.

Secretary Mayorkas, I want to commend you for your leadership and for the success of DHS on its cyber hiring initiatives. I do have

to say, however, I remain concerned about the significant vacancies that remain in the cybersecurity work force, particularly at CISA.

So I am hopeful about the cybersecurity talent management system set to start in November. However, given that these authorities have existed since 2014 and have not been used, I am concerned about how effectively they will be used. So I would appreciate an update on the status of the cybersecurity talent management system and how the DHS headquarters plans to coordinate its activity with CISA to amass the cyber talent that it needs.

Secretary MAYORKAS. Congressman, thank you so much for your support of CISA. I actually had a meeting yesterday on staffing and the prioritization of staffing for our cybersecurity portfolio. Specifically, I look forward to speaking with Director Easterly. I very well know that she has prioritized the staffing of the directorate and the talent initiative to which you refer. We are incredibly proud of our cybersecurity hiring initiative, which is, frankly, the biggest in the Department's history. This is assuredly a priority of ours and I would be very, very pleased to update you on it regularly because I know how important it is to you in light of your tremendous support of CISA and the criticality of our Nation's cybersecurity writ large.

Mr. LANGEVIN. Thank you. I know my time—

Chairman THOMPSON. The gentleman's time—

Mr. LANGEVIN [continuing]. Has expired, Mr. Chairman.

Chairman THOMPSON. Thank you very much. The Chair recognizes the gentleman from Mississippi for 5 minutes, Mr. Guest.

Mr. GUEST. Thank you, Mr. Chairman. I want to thank our witnesses for the dedication that they have provided in service to our country, particularly to make sure that they are keeping our homeland safe each and every day. Before I begin, I would like to ask the Clerk if she would pull, please pull the chart from Customs and Border Patrol that outlines the encounters on the Southwest Border that we have currently seen.

My concerns today are many. My time is limited so I will focus those on the current situation that we have seen along our Southwest Border. In front of each of our witnesses should be statistics put forth by Customs and Border Patrol that shows recent encounters along the Southwest Border. Secretary Mayorkas, I know that you have recently visited the Southwest Border in response to the surge that we have seen and the number of Haitians immigrants that have recently crossed. I know Congressman Sheila Jackson Lee recently said in her questioning a few minutes ago, that she felt that the border is not out of control. I will tell you that I completely disagree with her statement. I think the figures that are before the witnesses here today clearly show that the situation along our Southwest Border is a situation that has continued to deteriorate month after month after month. Taking out from those figures the month of October, November, December, and January, just starting from the numbers February going forward when this administration has been completely in control of Customs and Border Patrol, those numbers are 1.25 million encounters along the Southwest Border. Looking at that and comparing that to the population of our States, that number is greater than the population of Montana. Greater than the population of Rhode Island. Greater than

the population of Delaware. Greater than the population of both North and South Dakota. Greater than the population of Alaska. Though not a State, greater than the population of the District of Columbia. It is greater than the population of Vermont. It is greater than the population of Wyoming. Soon, when figures become available for this month, I believe that we will quickly surpass the population of Maine, New Hampshire, and Hawaii.

I think clearly these figures show that what we are doing along our Southwest Border, what the current administration has done, that that is not working. Not only do I believe that, but I believe that that is clearly the sentiment of the American public. *Politico*, an article that was actually published yesterday, they cited recent polling that said 38 percent of the United States adults approve of President Biden's handling of immigration.

So, Secretary Mayorkas, I wanted to kind of now turn to that to you. It was reported in August that you met with a group of Border Patrol agents and in a closed-door meeting, you stated, "if our borders are the first line of defense, we are going to lose and this is unsustainable". My question is, No. 1, did you make that statement? Then, No. 2, do you still stand by that statement? Do you believe that what currently is happening on our borders today is unsustainable?

Secretary MAYORKAS. Congressman, thank you very much for your question. In fact, I did make the statement. A very important fact underlying it is that our border is not our first line of defense. We have a multi-layered strategy that includes our partners to the south, not only Mexico, but the countries of Guatemala, Honduras, and El Salvador. So, in fact, our border is not our first line of defense. It is a statement that I made and I stand by it. In fact, it does not reflect the strategy that we have been employing and executing.

Mr. GUEST. Mr. Mayorkas, you see those figures there in front of you, I believe. Hopefully, those are visible to you. I think that you see that month after month we continued to see a rise. We saw a recent small dip from July to August. But those figures are extremely troubling, particularly when you look at year-to-date figures. When you compare the numbers from fiscal year 2021 to fiscal year 2020, comparing them to fiscal year 2019, fiscal year 2018. You know, when you are looking at a total of—when you look at a physical year, it is 1.5 million. Again, giving the administration the benefit of the doubt, the fact that October, November, December, and just credit all of January to the prior administration, the numbers month after month continue to grow. So, I guess my question to you, Mr. Mayorkas, is how would you rate the administration? How would you rate the job that has been done to secure our border since the President was sworn into office? Would that be A, B, C, D, F? Just if you could give me a grade and then I would be happy to let you explain your answer from there.

Secretary MAYORKAS. Congressman, it is interesting you mention what you described as a small dip in the latest month's data. I cannot see the visuals that you presented. That dip is actually a decrease and it is a decrease because of some of the enforcement tools that we have employed in execution of our plan. I have been quite clear that we do have a plan to address migration at the Southern

Border. We are executing it. It takes time and we are starting to see the results.

I would be very pleased to meet with you and discuss with you some of the tools that we have employed to actually drive the results that we saw this past month, and we expect to see in the ongoing months. Those tools are not met with unanimous approval, but we are using those enforcement tools to help secure our border, which we are doing.

Mr. GUEST. Could you answer—

Chairman THOMPSON. The gentleman's—

Mr. GUEST [continuing]. The question—

Chairman THOMPSON. The gentleman's—

Mr. GUEST [continuing]. As giving a grade—

Chairman THOMPSON. The gentleman's time—

Mr. GUEST [continuing]. Of A, B, C—

Chairman THOMPSON. The gentleman's time—

Mr. GUEST [continuing]. D, or F?

Chairman THOMPSON [continuing]. Has expired.

Mr. GUEST. Mr. Chairman,—

Chairman THOMPSON. The Chair recognizes—

Mr. GUEST [continuing]. I would ask unanimous consent to enter the chart that was previously published into the record.

Chairman THOMPSON. Without objection.

[The information follows:]



U.S. Customs and Border Protection (CBP) Encounters
 US Border Patrol (USBP) Title 8 Apprehensions,
 Office of Field Operations (OFO) Title 8 Inadmissible Volumes,
 and Title 42 Expulsions by Fiscal Year (FY)

FY
All

Component
All

Demographic
All

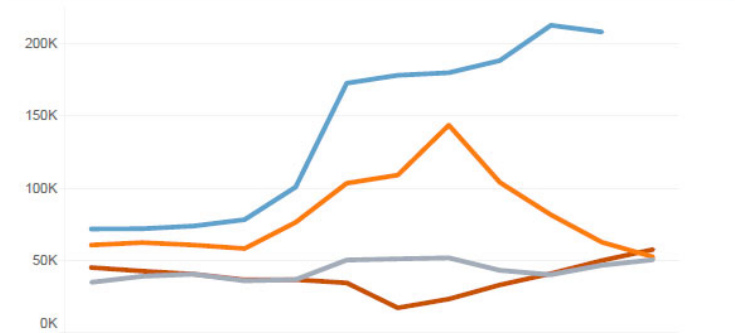
Citizenship Grouping
All

Title of Authority
All

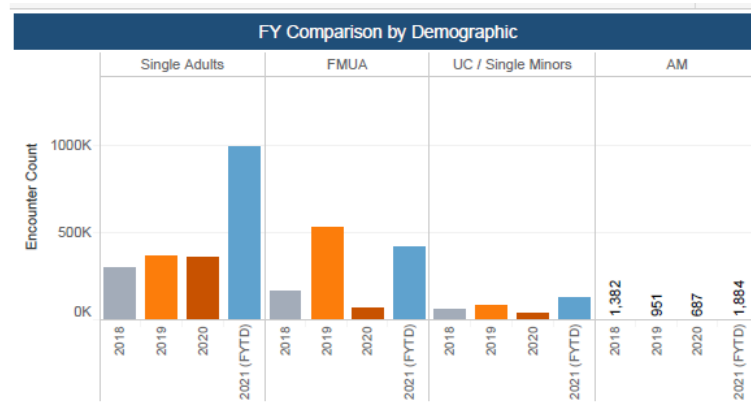
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FY ■ 2018 ■ 2019 ■ 2020 ■ 2021 (FYTD)

FY Southwest Land Border Encounters by Month



	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	Total
2021 (FYTD)	71,946	72,113	73,995	78,414	101,099	173,281	178,799	180,563	189,020	213,534	208,887		1,541,651
2020	45,139	42,643	40,565	36,585	36,687	34,460	17,106	23,237	33,049	40,929	50,014	57,674	458,088
2019	60,781	62,469	60,794	58,317	76,545	103,731	109,415	144,116	104,311	81,777	62,707	52,546	977,509
2018	34,871	39,051	40,519	35,905	36,751	50,347	51,168	51,862	43,180	40,149	46,719	50,568	521,090



Source: USBP and OFO official year end reporting for FY18-FY20; USBP and OFO month end reporting for FY21 to date. Data is current as of 8/3/2021.

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

Mr. CORREA. Thank you very much, Mr. Chairman. Can you hear me OK?

Chairman THOMPSON. Yes, sir.

Mr. CORREA. Yes, I just want to thank you and the Ranking Member for this hearing this morning. I want to thank our guests also for your time. I was also in New York to remember 9/11. We met with our first responders, our heroes. I remember back 20 years ago watching those images on TV as those first responders ran into the burning buildings knowing they were probably going to lose their lives while civilians ran away. We will not forget.

Gentlemen, your witnesses, your testimony, thank you very much. As I hear my colleagues on this committee talk, it kind-of brings out a universal truth that I have learned in Congress, which is we are always in management crisis. We manage by crisis. We never seem to move beyond yesterday or today to the big issue. I agree with my colleagues that fentanyl is a major issue. But I would propose to all of you that if you seal off the Southern Border, you seal off the Northern Border, you seal off the ports of entry, we are still going to have that major issue, which is a medical issue called drug addiction in our country. As long as people want to do fentanyl, they are going to do it.

Forty years ago, I saw my neighbors dying from heroin overdoses. The challenge that we have that it is not going away. Mr. Mayorkas, I would ask you, are you prepared to deal with the social issue of drug addiction in our country? Yes or no?

Secretary MAYORKAS. Yes, I am in collaboration with our partners across the Federal enterprise and across the country.

Mr. CORREA. You can deal with a medical issue called drug addiction in the United States? That's not really a homeland security issue. That's a societal issue. But we are going to expect you to stop drug addiction at the border. Thank you very much.

Mr. Wray, thank you very much for the good job you are doing. You know, defending our country like you, Mr. Mayorkas, y'all

have to hit 100 percent. You can't let anything happen in this Nation. Yet, the universe of threats keeps multiplying. Terrorists, domestic terrorism, I hear experts now telling me that it's no longer is essential for the bad guys to import the bad guys, to import terrorists, but rather the home-grown terrorists that keep being inspired by these radical ideas are the big issue now.

So, you know, trying to figure out how to protect our Nation against domestic terrorists, is a major challenge. I think the big issue here becomes intelligence. How do you figure out, how do you stop something from happening before it stops? My question would be, do you gentlemen get enough support coordination from our foreign partners? Mr. Mayorkas, when you talk to Mexico, are you able to get enough intelligence, coordination cooperation from them to do your job? I would ask the same question to our FBI director, do we have enough intel internationally to be able to coordinate your intelligence services? You are trying to find a needle in a haystack. Mr. Mayorkas?

Secretary MAYORKAS. Information sharing, Congressman, is one of our highest priorities in the international domain. We have a very significant footprint in many countries around the world. We have information sharing agreements that a number of our component agencies and offices lead. Immigration and Customs Enforcement, Customs and Border Protection, our Office of Policy, Strategy, and Plans, our international operations, which is a part of that last office I mentioned.

Mr. CORREA. Mr. Mayorkas,—

Secretary MAYORKAS. Information sharing and—

Mr. CORREA [continuing]. Is there anything we can do to make sure that your job is more effective? Meaning, is there anything we can do to talk to address our foreign partners to make sure that they have a—you have a better level of cooperation with folks overseas?

Secretary MAYORKAS. Congressman, thank you very much for the question. We would greatly appreciate and have greatly appreciated the support that this committee has provided to us in funding the Department of Homeland Security's requests for support to execute our mission. We greatly appreciate it.

Mr. CORREA. FBI Director Wray.

Mr. WRAY. Well, thank you, Congressman. Certainly, we benefit a lot from information sharing from our foreign partners. You mentioned Mexico. Of course, our legat office in Mexico City is, I think, our biggest and oldest overseas office. We can always use more and certainly, with the kind of terrorist threats we are facing right now, both home-grown Jihadist inspired and domestic violent extremists, each benefit, unfortunately, from being—there fewer dots to connect. So, if there are fewer dots to connect and less time in which to connect them, it puts a real premium on making sure that we are able to find the few dots that are out there as quickly as possible. That's why we appreciate this committee's support for more agents, more analysts, more data analytics, and other tools which we desperately need to stay ahead of the threat.

Chairman THOMPSON. The gentleman's time from California has expired.

Mr. CORREA. Thank you, Mr. Chairman.

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

Mr. GIMENEZ. Thank you, Mr. Chairman. I really appreciate it. I am going to read some excerpt from Chief Scott's letter that is dated 9/11/2021. The Biden administration's team at DHS is laser-focused on expediting the flow of migrants into the United States and downplaying the significant vulnerability this creates for terrorists, narcotics smugglers, human traffickers, and even hostile nations to gain access to our homeland. Later on, he says, the experienced civil service staff within CBP, ICE, and DHS have provided multiple options to reduce the illegal entries and re-establish some semblance of border security through proven programs and consequences, yet, every recommendation has been summarily rejected. Secretary Mayorkas is choosing to ignore the sound recommendations of career Government leadership, despite his own admissions that he agrees with them. A grave concern is the fact that the Secretary and other political appointees within DHS have provided factually inaccurate or incorrect information to Congressional representatives and to the American public. Furthermore, they have directed USBP personnel to allow otherwise ineligible aliens to remain in the United States consistent with CDC Title 42 order, establish legal processes and law. The professional staff within DHS is left perplexed wondering who is really in charge and what the objective is.

This is a scathing indictment on you, Secretary, and the administration's handling of the border. So, I have a couple of questions though. Secretary Mayorkas, how many immigrants have we apprehended at the border this year?

Secretary MAYORKAS. So, Congressman, I respectfully disagree with Mr. Scott, of course. Let me pull if I can, the data from August, which I think will shed light—

Mr. GIMENEZ. That is not—well, sir, that is not the question. The question is how many immigrants have we apprehended this year? Not August, this year?

Secretary MAYORKAS. I believe thus far this fiscal year, Congressman, it is approximately 1.2 or 1.5 million. But I think the data that I would cite from August reflects the enforcement measures that we are taking, our use of our Title 42 authority, which is not an immigration enforcement authority, but is a public health authority, which belies some of the statements that you just made. Also, our use of Title 8 authority, which is, indeed, an immigration enforcement measure. I think the data from August would suggest the fulsomeness of our enforcement measures, which are not as I mentioned a full year—

Mr. GIMENEZ. With all due respect, I have only got 5 minutes. I got a couple of other questions I need to ask you. I am not really that worried about August. I understand that August you all now put a focus on it because you found that the American public really doesn't like what you are doing. So, let me keep going. Let me ask you, Secretary—

Secretary MAYORKAS. That is not accurate.

Mr. GIMENEZ [continuing]. Of the 1.—

Secretary MAYORKAS. That is not accurate.

Mr. GIMENEZ [continuing]. Of the 1.5 million people that we have apprehended, how many people have been returned? How many people are being detained? How many people have been disbursed?

Secretary MAYORKAS. I would be pleased to provide you with specific data subsequent to this hearing, Congressman. Your prior statement was inaccurate. But I would look forward and, in fact, meeting with you—

Mr. GIMENEZ. Sir, that is my opinion. Sir, that is my opinion, OK? So, I am entitled to my opinion, OK?

Secretary MAYORKAS. No, no, no, I—

Mr. GIMENEZ. So,—

Secretary MAYORKAS [continuing]. Respect—I respect that, Congressman. I would be very pleased to provide you with the specific data you have requested.

Mr. GIMENEZ. Well, sir, yesterday, you were asked exactly the same question and you gave exactly the same answer. You would think you would be a little bit better prepared now that you have been asked that question, that now maybe somebody else is going to ask you the same question. You don't have that information?

Secretary MAYORKAS. Oh, Congressman, let me share something with you, quite clearly. I work 18 hours a day, OK? So, when I returned from yesterday's hearing, I actually focused on mission. We will get that data both to the Senator who posed it yesterday and to you, Congressman, today.

Mr. GIMENEZ. So, you don't have any estimation of all—the numbers that I am asking for at all? You don't know how many—

Secretary MAYORKAS. Congressman—

Mr. GIMENEZ [continuing]. Have been returned. You don't know how many have been released into the United States. You don't have any estimation at all of what those numbers are.

Secretary MAYORKAS. Congressman, I want to be precise in my communication of data to the U.S. Congress and to you, specifically having posed the question. I will be—

Mr. GIMENEZ. Well, thank you very much.

Secretary MAYORKAS [continuing]. Precise in the provision of my data to you. Thank you.

Mr. GIMENEZ. Thank you very much. I yield my—I yield back, thank you.

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

Ms. SLOTKIN. Thank you, Mr. Chairman. Thank you for holding this hearing and thanks for our witnesses for being here. You know, I think a lot of us are struggling to understand with the withdrawal in Afghanistan sort of what era are we in? You know, now that we have had the 20th anniversary of 9/11, how are we to think differently about the threats facing the country? We, of course, have foreign terrorist organizations. We have home-grown folks who are inspired by groups abroad. We have our problem with domestic terrorism and domestic extremism. We have border issues. We have cyber issues. So, I think at least my constituents are just trying to understand like where are we and what are sort of the biggest threats that we are facing?

Director Wray, you have also always been a really straight shooter about numbers, right? About just being clear about data and

cases, since that is the bread and butter of the FBI. So, if you could just help me understand order of magnitude when it comes to open investigations that you have of foreign terrorist organizations—people connected to an actual foreign terrorist group versus a home-grown guy or gal who is inspired by someone abroad versus a domestic terrorist, or domestic violent extremist. Can you just tell me order of magnitude, where do you have the most open cases?

Mr. WRAY. So, thank you, Congresswoman. On domestic violent extremists, we currently have, as I said in my opening statement, now up to about 2,700 open investigations, which is up from about say 1,400 last year, which was itself up significantly from where it was when I started in this job. On home-grown violent extremists, which is a reference to, as you know, Jihadist-inspired or foreign terrorist organization inspired, but not necessarily directed terrorism, we have consistently hovered at around 1,000. I think we are a little under that right now. But it sometimes has been more than 1,000, sometimes it has been less than 1,000. But it has hovered kind-of up and down around that range.

As far as the third category, true foreign terrorist organization cases, I don't have that number at my fingertips. The last time I looked, I think that is probably around 2,000, maybe. So, between the foreign terrorist organization cases and the home-grown violent extremist cases, I think that gets you to, give or take, around 3,000 investigations total.

Ms. SLOTKIN. Gotcha.

Secretary MAYORKAS. Plus the 2,700 domestic violent extremists.

Ms. SLOTKIN. Right, OK. So, it just helps to get a sense of what your, you know, level of hovers on and kind-of understand this era.

Representative Abizaid—I am sorry—Director Abizaid, you know, there are a few people in the world that I trust more than you on Afghanistan. You are an expert on the country. You have spent a lot of time there. You were a Deputy Assistant Secretary on Afghanistan. I think what I am getting from constituents is this question of are we safer now than we were on 9/11? Are, you know, the ability of these terrorist groups to reconstitute something that I should worry about at the same level of worry that I had on September 12? So, help me understand where we are? Are we safer now? Are we the same level of safety? With all the investment we have made in 20 years, where are we?

Ms. ABIZAID. Thank you very much for the question. You know, as I had mentioned yesterday, years of CT pressure in Afghanistan and Pakistan had really relegated both al-Qaeda and ISIS-K to more regional threats. As I testified today, you know, you look at how the threat has changed over time since 9/11. The al-Qaeda network operates in a very different way than it did on that fateful day. You have a broader array of terrorist groups that are operating across a broader swath of territory, not just Afghanistan and Pakistan, but Africa, Middle East, other parts of South Asia.

In general, this kind of broader diffuse terrorist network exemplified by the al-Qaeda network and the ISIS, the expanding ISIS network, does appear more regionally focused. That said, that regional focus is something that we in the intelligence community are monitoring very closely to understand at what point it presents a threat to the homeland. When does that regional ambition turn back into

a transnational ambition that they are actually pursuing and executing a plan against?

With respect to reconstitution in Afghanistan, in particular, this is exactly what we are focused on as a top priority today. Which is how do we understand how the changed circumstances in Afghanistan will affect the trajectory of two groups that had sustained significant losses over the last couple of years? In the case of al-Qaeda, over the last 20 years. What does that mean for their plans and intentions going forward?

My own concern is very specifically around ISIS-K and the degree to which ISIS-K, you know, building off of the notoriety it received after the attack on August 26, will it become more focused on the West, more focused on the homeland than it was previously? As we look at the kind of dynamism of what is happening in the region, that is what our analysts are going to be focused on going forward.

Chairman THOMPSON. The gentlelady's time from Michigan has expired. The Chair recognizes the gentlelady from Tennessee for 5 minutes, Mrs. Harshbarger.

Mrs. HARSHBARGER. Thank you, Chairman Thompson. I have a couple of questions, just yes or no questions for Senator—I mean, for Secretary Mayorkas. Sir, we know what happened in Afghanistan with the Taliban being in control with the assumption that al-Qaeda can now operate as they did leading up to 9/11. These are some yes-or-no questions. Do you know how many terrorists have been apprehended at our Southern Border, sir?

Secretary MAYORKAS. I do know how—known or suspected terrorists, how many.

Mrs. HARSHBARGER. OK.

Secretary MAYORKAS. I would be pleased to provide that—

Mrs. HARSHBARGER. Yes, thank you.

Secretary MAYORKAS [continuing]. To you in a Classified context.

Mrs. HARSHBARGER. That would be awesome. Honestly, do you think there is a ripe opportunity for more terrorists, al-Qaeda, Taliban, whomever, to come across the Southern Border since it is wide open? That is a yes or no.

Secretary MAYORKAS. No.

Mrs. HARSHBARGER. All right. Is the Remain in Mexico policy being implemented and enforced?

Secretary MAYORKAS. It is. It is being implemented. We are developing the implementation plan as we are required to—

Mrs. HARSHBARGER. OK.

Secretary MAYORKAS [continuing]. At the border. I would like to mention, —

Mrs. HARSHBARGER. Yes, sir.

Secretary MAYORKAS [continuing]. Congresswoman, that that requires a bilateral agreement. The Remain in Mexico program—

Mrs. HARSHBARGER. We just need to know—

Secretary MAYORKAS [continuing]. Of course, arise—

Mrs. HARSHBARGER [continuing]. Yes or no since the Supreme Court, sir, has said that it needed to be implemented. So, if you could give us proof of that. Do you think if we continued to build the wall that that would stop over 208,000 people coming across the border illegally, sir? Yes or no?

Secretary MAYORKAS. I do not agree with the continuation of the construction of the wall.

Mrs. HARSHBARGER. OK. Since you don't want to build the wall, are we still paying the contractors not to build the wall, sir?

Secretary MAYORKAS. Congresswoman, we are meeting our contractual obligations as we are required—

Mrs. HARSHBARGER. So, that is yes.

Secretary MAYORKAS [continuing]. To do.

Mrs. HARSHBARGER. OK, thank you, sir. Director Wray, can you give us, as a committee, an update on the people who have been arrested from the January 6?

Chairman THOMPSON. I am not sure that the Secretary understood you. You were going in and out. Try it again with your question.

Mrs. HARSHBARGER. Yes.

Mr. WRAY. Can you hear me now?

Mrs. HARSHBARGER. Yes. Can you give us an update on the people who have been held from the January 6?

Mr. WRAY. Well, what I can tell you is that we have now made a little over 600 arrests. The status of each of those cases varies. We have had some cases that have been resolved by guilty pleas already. But a number of them are still pending and that is probably all I could really contribute in this kind of setting.

Mrs. HARSHBARGER. So, has every one of them been charged, sir?

Mr. WRAY. Well, the 600, give or take, are all people who have been charged. Obviously, we have other on-going investigations and there may be more charges there. Then the ones who have been charged, I think you could expect to see in some instances, superseding indictments that would add additional charges.

Mrs. HARSHBARGER. Can you classify briefly and tell us where they are being held?

Mr. WRAY. I am not sure whether that is a Classified issue. I think it varies from person to person. I would have to see what information was appropriate. But if there is information we can provide, we are happy to share it with you. I am mindful of the fact that with those 600 cases, that is quite a number of Federal judges who have very strong opinions about what we say about pending criminal cases. I learned a long time ago as both a prosecutor and a defense attorney, to respect the views of the judges who are responsible for those cases.

Mrs. HARSHBARGER. OK. Do you agree that China is one of the biggest threats to our National security, sir?

Mr. WRAY. I believe that the—that China, and by that, I mean, the People's Republic of China Government, the Chinese Communist Party, not the Chinese people,—

Mrs. HARSHBARGER. Right.

Mr. WRAY [continuing]. Is that there is no country that represents a more significant counterintelligence threat or a more significant threat to our innovation, our economic security, and our ideas. That is why as you heard me say in my opening statement, we are opening a new China counterintelligence investigation about every 12 hours. I can assure this committee that is not because our agents are looking around for something to do. It is because there is a need. That is why we have about 2,000-plus, open

investigations of that sort leading back to different parts of the Chinese Government or people acting on behalf of the Chinese Government even as we speak.

Mrs. HARSHBARGER. I believe that too. I agree with Representative Correa. These illegal drugs, the fentanyl, the meth, that is coming across the border, we need to hold these cartels accountable and are we doing that? Do you know, all HSI told us when we went to the border, to the Rio Grande Valley, is let us do our job. Are we letting them do their job?

Secretary MAYORKAS. We certainly are, Congresswoman. We most certainly are, Congresswoman. We are developing new strategies all the time to meet the threat of the TCOs, the Transnational Criminal Organizations.

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

Mrs. HARSHBARGER. You believe that is the biggest criminal threat to our country. Thank you, sir. I yield back.

Chairman THOMPSON. The Chair recognizes the gentleman from Missouri, Mr. Cleaver, for 5 minutes.

Mr. CLEAVER. Thank you, Mr. Chairman. I appreciate all the witnesses. Director Wray, I want to again, I said this the last time you were here, we just express appreciation for how you play your job straight. Let me go a little bit further and say that I am, you know, very much concerned about people crossing our borders, but I am more concerned about the fact that we are a Nation that is simply cross. It is very disturbing and I can speak experientially here, there was one gentleman who firebombed my office in Kansas City. His name is Eric King. He is in the Colorado supermax prison. Then there is a gentleman who was just indicted for his little plan to kill me. His name is Kenneth Hubert. Then you spoke earlier about a guy, Timothy Wilson, who was shot and killed by law enforcement because he had a plan in our community to blow up a hospital with a vehicle-borne explosive.

I am very, very much—and I mentioned all of this to the Chairman last night, Chairman Thompson, last night. I am very concerned about where our Nation is and what we are doing in our Nation. Frankly, some of it is coming up here in our hearing today. But, Director Wray, is there something that we can do as Members of Congress? I am not asking you to say anything political. I, you know, but if there are things that we can do to arrest or reduce the domestic terrorism threat, I am all in. If you or any of our—any of our witnesses today can suggest something that this body can do, I am ready to try to do it before lunch. Director Wray.

Mr. WRAY. Well, thank you, Congressman, for the question and for your kind words of support. Certainly, as I had mentioned earlier, we need more agents, more analysts, more tools for data analytics and so forth because the volume of threats, as you—your own experience illustrates, is significant. I would also say that more and more across every threat area we contend with including in the terrorism arena in particular, the issues of end-to-end encryption and user-controlled encryption both on messaging and on devices is something that is making us in law enforcement increasingly blind to the threats and our ability to protect all of you and your constituents. That is a real problem and it needs to be addressed.

I think a lot of Americans don't understand that we are moving rapidly in a direction where no matter how ironclad your support for a search warrant is, no matter how much the judge vigorously enforces its order, and no matter how heartbreaking or horrifying the criminal activity we are investigating, we are moving in a direction where no matter what that is, we will not be able to see the information and therefore, we would be significantly hobbled in our ability to protect Americans. So, that is an issue coming to a place where we have lawful access, lawful access to encrypted information, it has got to be addressed somehow or we are all going to wake up in a much more dangerous spot than we already are. So, that would be one thing.

Then the last point, of course, is the more everyone, including prominent members of the public, our politicians, our corporate officials, et cetera, can—

Mr. CLEAVER. I think my time must be running out. I apologize, Mr. Chairman, if I went over.

Chairman THOMPSON. You actually have a little time, but I will take it if you want to give it up. The Chair recognizes the gentleman from New York, Mr. Garbarino, for 5 minutes.

Mr. GARBARINO. Thank you, Mr. Chairman. Thank you to the Ranking Member for hosting this hearing today. Director Wray, my first question is for you. Last week FBI Deputy Director Paul Abbate said there has been no indication that the Russian Government through President Putin have taken steps to stop the activities of cyber criminals engaging in ransomware attacks against U.S. entities. In fact, just yesterday, there was an attack on the New Cooperative, an Iowa-based farm service provider, who was hit with a ransomware attack with a—and with think a Russian-linked criminal group Black Matter is demanding \$5.9 million ransom. This is the exact attack that President Biden had messaged to President Putin against. That this is a critical infrastructure. It is a sector and this is off limits. So, I understand from your testimony that the FBI is working with the State Department and the National Security Council to increase pressure on countries that fail to stop ransomware actors in their territory, like Russia. What specific steps is the FBI taking to pressure these groups? What more should the administration be doing to hold these foreign adversarial-linked criminal groups accountable?

Mr. WRAY. Well, thank you, Congressman, for the question. Certainly, it is a topic that is the subject of quite a bit of discussion and planning and operational activity these days. There may be more that we could share in a more Classified setting. But what I would tell you in this setting is that Russia, the reality is that Russia has a long history of being a safe haven for cyber criminals where the implicit understanding has been that if they avoid going after Russian targets for victims, they can operate with near-impunity. The Russian Government has long refused to extradite Russians for cyber crimes against American victims. Worse, their Ministry of Foreign Affairs has long been warning its citizens, publicly been warning its citizens which other countries, which third-party countries to avoid because those countries they say will arrest or extradite those Russians back to the United States to face justice for cyber crimes.

So, it is too soon to tell whether any of the things that are under way are having an impact. But in my experience, there is a lot of room, a lot of room for them to show some meaningful progress if they want to on this topic.

Mr. GARBARINO. So, are you saying you can't talk about the specific procedures you are putting on Russia because it is Classified? Is that why we can't talk about it right now?

Mr. WRAY. Well, I think I can provide you a potentially a more descriptive answer if I don't have the concerns about what I can say publicly, that is all.

Mr. GARBARINO. I understand. I would hope that you do that because this is a huge issue that does not seem to be stopping. It is just getting worse. Every month we hear about another, maybe every week now we hear about another ransomware attack from a Russian-backed or if not Russian-backed they are operating freely in Russia, you know, these groups. So, I would very much appreciate if we could have that meeting, Mr. Wray.

Mr. Secretary, I have a question following up on—actually, I don't know if it was brought up already, but it is dealing with cyber and which is, I think, a huge threat to our National security. I understand that their reports have indicated that the Secret Service purchased 8 drones from a Chinese company called DJI on July 26, 2021. Just 3 days earlier on July 23, the Department of Defense released a statement saying that DJI's products posed threats to National security. Plus, in 2017, DHS itself stated with moderate confidence that DJI was providing U.S. critical infrastructure and law enforcement data to the Chinese Government.

This fact that the Secret Service purchased 8 drones, this seems absolutely unacceptable. Why would they purchase equipment from a known foreign adversary, especially in the light of well-documented cybersecurity vulnerabilities? How can we—how can the American people trust DHS to protect us from cyber crimes and attacks, ransomware attacks, when the Federal Government is leaving itself open to security risks by buying these—buying equipment from companies like DJI?

Secretary MAYORKAS. Congressman, my answer is two-fold. No. 1, cybersecurity is one of our top priorities in the Department of Homeland Security. We have an extraordinarily talented and dedicated work force on that critical mission set. I will look into the Secret Service purchase that you reference and I will get back to you and your staff as soon as possible.

Mr. GARBARINO. I appreciate that because this is—I hope it is very soon because I don't think we should be using these equipment if our DHS and the Department of Defense have already said that DJI and their equipment cannot be trusted. So, I hope we look into this right away before the drones are actually delivered. Thank you, Mr. Secretary.

Chairman THOMPSON. The gentleman's time has expired. The Chair recognizes the gentleman from Texas, Mr. Green, for 5 minutes.

Mr. GREEN. Thank you, Mr. Chairman. I thank the witnesses for appearing. I must say that I have great respect for both of the witnesses having observed them over some time now. I have found them to be persons who seem to genuinely want to do the right

thing. To me, doing the right thing is important. Almost as important as doing the righteous thing. So, today, I would like to have a friendly more of a colloquy than a Q&A.

I am just curious about something because we know that Title 42 allows persons to be quickly moved literally without giving them an opportunity to seek asylum. I supposed you can make your efforts, but Title 42 is for quick removal, as I understand it. Then we also know that TPS allows persons to stay because of conditions in the country that they would ordinarily be returned to. Haitians are in a very unique position. Title 42 allows them to be removed. TPS, for those who are already here, says that because of conditions in Haiti, we shouldn't send them back there.

So, if we shouldn't send them back because of conditions and we find that we have persons who should be removed under Title 42, I am asking is there some way to reconcile this so that we don't give the appearance of contradicting ourselves. So that we show that there is some rationale for Haitians remaining here. Now, we had testimony just yesterday, I believe, indicating that when the Haitians are expelled, they are sent back, they get a phone, some amount of money. Many of them, over 95 percent according to the testimony, haven't been to Haiti in years. So, we are sending people back to a country that they haven't been to in years and there are others who are going to be allowed to stay because they happened to have been in the country at a certain time. We are doing this under Title 42. TPS allows for staying.

So, isn't there some way, I am just making an appeal for the Haitians. Isn't there some way for us to reexamine this? I am just, this is an appeal, Mr. Secretary, for us to reexamine this. Maybe there is something we missed. Can you give me some hope, please?

Secretary MAYORKAS. Congressman, I very much appreciate what you have said, the question you posed, and the spirit of your question. I don't think that we can overstate the heartbreak with respect to the vulnerability of the Haitian people whom we are encountering, specifically in Del Rio, Texas, over the last week, and their vulnerability.

There are a number of things I would like to say. No. 1, we did grant temporary protected status to Haitian nationals who were resident in the United States prior to July 29 of this year. We, in collaboration with the Department of State, studied the country conditions there and made that determination. Then we looked—we have looked at the country conditions and made a determination that, in fact, we can return individuals who have arrived subsequent to July 29 to Haiti. We are working with countries in South American, Chile, Brazil, for example, to see whether they would accept the return of Haitians who have traveled from those countries. It is complicated for reasons I can explain at a later time when we have more time.

The Title 42 authority, as I had mentioned earlier, is not a matter of immigration policy. It is a matter of public health policy as determined by the Centers for Disease Control's assessment of, in this case specifically, over last year and this year, the trajectory of the COVID-19 pandemic and most recently, of course, the Delta variant.

Mr. GREEN. Thank you, Mr. Secretary. I do appreciate what you have said. What would you need for us to reconcile this such that the Haitians would be able to—would get a different result? Because I am just so concerned about having made a decision that the country is not such that we can send some back, but if you got here at a later time, country conditions have changed. Now, I have been to Haiti. I was there after the last earthquake. Not the most recent one, but the one before that. Haiti on a good day can be a place that can be difficult to negotiate. I am trying to be very kind because I have got a lot of constituents from Haiti. They love their country. I love it too. So, my question is that there just seems to me that there must be something that we can do. If it requires something from Congress, I am willing to be the guy to take the risk and ask that we do it. Can you give me some help on this, please?

Secretary MAYORKAS. Thank you, Congressman. I would welcome the chance to discuss that further with you. I know that the State Department, PRM, one office within the State Department, as well as USAID is very focused on resourcing Haiti and specifically providing greater sustenance to the individuals who are returned there. This is a very complicated and very heartbreaking situation. I really embrace the spirit with which you posed the questions to me. I would welcome the opportunity to sit down with you and talk it through.

Mr. GREEN. Thank you. How do I contact you? Will you contact me?

Secretary MAYORKAS. We will reach out, Congressman.

Mr. GREEN. Thank you. Thank you, very much. On behalf of the Haitians that are—

Chairman THOMPSON. The gentleman's time has expired.

Mr. GREEN. Thank you, Mr. Chairman. Thank you.

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

Mr. McCAUL. Thank you, Mr. Chairman. Secretary Mayorkas, when Jay Johnson was Secretary, you were Deputy, and I was Chairman of Homeland, we had the rise of ISIS and the caliphate. I commend your Department and the FBI and NCTC for stopping probably 99 percent of those threats. I worry with the fall of Afghanistan to the Taliban and Bagram Air Base being taken over, we have no eyes and ears on the ground. We have no ISR capability. We can't see or hear anymore the threats. We can't see Russia, China, and Iran as well as we could before the fall of Bagram.

But I want to go back to the border as Mr. Green was talking about because in my State of Texas, these Haitians, 14,000 of them, in addition to the over a million that have come in this year, has caused a crisis. I think in your words, you said it is unsustainable and told Border Patrol agents that we are going to lose. I agree with you with that.

I have also obtained emails from CBP agents stationed in Del Rio warning and asking for more resources in early June. Then the Foreign Minister of Panama warned on June 3 about this influx that was coming up to the Southwest Border. Did you see this threat coming? If so, what if anything, did you do?

Secretary MAYORKAS. So, if I may, Congressman, thank you and it is good to see you again. I know we worked closely for a number of years. I did not say that we are going to lose. That is unequivocally false, No. 1. And No. 2, we have not seen before such a rapid migration, irregular migration of individuals as we have observed and experienced with respect to the Haitians who have crossed the border in Del Rio, Texas. That has been an unprecedented speed.

Mr. MCCAUL. But did you have any warning signs? You know, when the sector chief is being warned about this, when the Panama foreign minister is warning on June 3, and, you know, here we are and it is September, and, you know, months later. Did you see this coming?

Secretary MAYORKAS. Well, so, we watch the flow of individuals who are seeking to migrate irregularly through Mexico from the Northern Triangle countries and further south we do, indeed, track it. Nevertheless, Congressman, as I previously articulated, the speed with which this materialized, is unprecedented. That is why we surged as many resources as we have. We have deployed as many—

Mr. MCCAUL. If I can just, one last question, and that is you have said this is the worst in 21 years, and I agree with you. The speed has been very fast-paced. The Migrant Protection Protocols, the asylum agreements negotiated by the prior administration, I believe, were effective. Unfortunately, this President on Day 1 rescinded those agreements, opening up this border. The traffickers know that. They know that if they touch base in the United States, they can stay now. I think—and I respect you, sir. I think you have been a Federal prosecutor, deputy secretary, now, you understand this concept of deterrence, but also the fact that these were working. My question is this has now been taken up to the Supreme Court of the United States. They have held, upheld the decision that the Migrant Protection Protocols need to be reinstated. I believe that you can call it whatever you want, sir, but it will greatly help in securing this border that is out of control right now. What are you doing to comply with the Supreme Court order?

Secretary MAYORKAS. Congressman, as you know, both of us served as Federal prosecutors, we have an obligation to abide by the orders of a court. The district court ordered us to implement the MPP program and that is, indeed, what we are doing. We are in on-going negotiations with Mexico with respect to that implementation. We rely upon Mexico's agreement to do so. We are moving with deliberate speed. I recognize and respect and will abide by a court order.

Mr. MCCAUL. I appreciate that. I think it will help tremendously. Any assistance you need with dealing with Mexico, I have chaired the U.S.-Mexico IPG for, you know, 15 years. I hope they will be willing to take the agreement back, to reinstate it. Because I do think it will make a difference in this crisis that we have at our border.

Chairman THOMPSON. The gentleman's time from Texas—

Mr. MCCAUL. I yield back.

Chairman THOMPSON [continuing]. Has expired. The Chair recognizes the gentleman from California for 5 minutes, Mr. Swalwell.

Mr. SWALLWELL. Thank you, Chairman. My first question is directed to Director Wray. I have been tracking the public reports of Anonymous—Anonymous lists health attacks world-wide including public reporting that there may have been attacks domestically in the United States. So, director, what are you doing at the FBI with your agents to determine who is responsible for these attacks? What message do you have to those conducting these attacks as to what you will do if you find out who they are?

Mr. WRAY. Thank you for the question. Thank you, Congressman. Certainly, there is nothing more important to us than the health and safety of our own work force and the intelligence community's work force. We at the FBI are working very aggressively in a very concerted way together with our intelligence community partners who also have a huge role to play on this issue. Our role is doing interviews of victims and pursuing the investigation from both a potential criminal, but also National security-type perspective. But again, it is a victim-focused effort at the moment. We are going to make sure that if we can figure out who is responsible, that we leave no stone unturned in holding them very firmly on accountable. Because if this is an attack, it is totally, totally unacceptable.

Mr. SWALLWELL. All right, thank you, Director. Moving to ransomware attacks, also something that has affected America's businesses and John Chambers, former CEO at Cisco predicts that there will be 60,000 ransomware attacks. The Bureau has worked to try and help America's businesses, but what additional resources do you need to one, reach out and work with businesses who have been affected? Reach out, provide, perhaps a cyber hygiene tools that they may need. Of course, to try and claw back any keys that have been stolen from them. I would also welcome Secretary Mayorkas if he had any insights on this.

Mr. WRAY. Well, thank you for the question. Certainly, ransomware has mushroomed significantly over the last year and is on pace to mushroom again this year. We, in terms of what we need, we have significant budget requests that have come before the Congress that are pending as part of a 5-year cyber strategy that I unveiled last September, a year ago. Part of that is designed to make sure that in every field office, we have a true model cyber squad capable of handling a Colonial Pipeline, a JBS, a Kaseya, whatever it happens to be, in every field office.

We also have the need to be able to improve our training. We need more technical tools. I would also say I know there have been various legislative proposals swirling around about potential pay system, paygrade modifications for computer-trained cyber expert personnel in a number of agencies. If something like that were to go into effect, obviously, we would want it to apply to the FBI as well. A lot of what those personnel are going to do is not just investigate, respond, and disrupt treats, but engage, to your point, with the private sector, with victims. That is one of the strengths, one of the things that the FBI can provide to the fight is with 56 field offices and 250-something RAs, we can put agents on the doorstep of a victim often within an hour or two no matter where they are or when they get hit. That is why we need the footprint to be able to make sure that we are doing right by all the victims.

Mr. SWALLWELL. Thank you, Director. Director Mayorkas, actually, I will follow up with you separately on ransomware. But I do have a question about the Reimbursable Services Program for airports. You know, all politics is local and I have a local airport in Livermore, California that would like to use this service, pay for it itself so that as international flights come in, they can have border agents or CBP custom agents to receive the flights. Is that still a program that DHS supports if local airports want to do that?

Secretary MAYORKAS. It is and it is a—Congressman, thank you. It is a program that is implemented on a fact-specific circumstance, a specific basis. We look forward to speaking with you about it in the jurisdiction that you identified.

Mr. SWALLWELL. Great, thank you. Chairman, I yield back.

Chairman THOMPSON. The gentleman yields back. The Chair recognizes the gentleman from Texas for 5 minutes, Mr. Pfluger.

Mr. PFLUGER. Thank you, Mr. Chairman. Secretary Mayorkas, good to see you. We have a letter that I know has been referenced from out-going Border Patrol Chief Rodney Scott that basically claimed of great concern that he has witnessed a lack of meaningful effort to secure the Southern Border. I would like to ask you, this person was 29 years in the Department, a non-partisan actor, somebody that served 5 administrations with the only goal of securing this country. Is the border more secure under your leadership than when you started?

Secretary MAYORKAS. Congressman, the border is secure. We are executing our plan. I have been very clear and unequivocal in that regard. I focus—

Mr. PFLUGER. Mr. Secretary, the question is, is the border more secure now under your leadership?

Secretary MAYORKAS. Congressman, it is no less secure than it was previously.

Mr. PFLUGER. Mr. Secretary, I want to look at something in his letter. Out-going Border Patrol Chief Rodney Scott said, that suspected terrorists are entering this country at a level we have never seen before. I want to know, I know it has been asked, how many known or suspected terrorists have entered this country this year?

Secretary MAYORKAS. I respectfully disagree with Mr. Scott's assertion and the information that you have requested we would be pleased to share with you in a Classified context.

Mr. PFLUGER. He said, in my professional assessment, the U.S. Border Patrol is rapidly losing situational awareness required to know who and what is entering our homeland. The ability of U.S. Border Patrol to detect and interdict those that want to evade apprehension is being degraded daily. Low-level, unsophisticated, and uneducated smugglers are illegally crossing the border and increasingly evading apprehension daily. To think that well-resourced terrorist networks, criminal organizations, and hostile nations are not doing the same is naive. The current situation is unsustainable and must be mitigated.

So, I have received the brief. I went to Del Rio. In less than 1 week, I was actually there on Saturday at the peak, 15,000 people, in what your Department said yesterday, bum-rushed the border, and there is, by the way, 40 to 60,000 on the way. So, is the quote true, at a level we have never seen before? That terrorists, sus-

pected terrorists are entering this country at a level that we have never seen before?

Secretary MAYORKAS. Congressman, as I have previously articulated, I respectfully disagree with Mr. Scott's assertions. I should say that that assertion has no relationship to a reference to Del Rio and the fact that vulnerable Haitians have crossed the border there have been encountered and are being repatriated. Those are two very different happenings.

Mr. PFLUGER. It ties in because I talked to these Haitians. They got the word that Del Rio was open. They came. In fact, I talked to several. I talked to 2 Cuban couples, 4 people total, from Cuba to Panama to the Southern Border in Del Rio, 40 hours. It took them 40 hours get to our Southern Border because what they heard through social media, what they heard through their networks, was that it was open. They paid thousands of dollars to trafficking organizations to get there. So, to think, like Rodney Scott says, outgoing Border Patrol Chief for 29 years, 5 administrations, to think that well-resourced terrorist networks, criminal organizations, and hostile nations are not doing the same, is naive. Mr. Secretary, why—the American public deserves to know what the threat is to our country. Why will we not release numbers? Why are you not releasing the number of known or suspected terrorists that have entered this country?

Secretary MAYORKAS. Congressman, I have been—Congressman, I have been very clear that I would be very pleased to share that information with you in a Classified context. No. 1, I don't think, I don't think that the vulnerable Haitians who are in Del Rio, Texas now, could say that the border in Del Rio, Texas is open. Quite frankly, we have seen the heartbreaking pictures—

Mr. PFLUGER. It is heartbreaking. I was there. I saw it.

Secretary MAYORKAS [continuing]. Congressman, that reflect—that reflect that fact.

Mr. PFLUGER. In fact, there is—there is all sorts of bad things going on. But it is a drain on resources. We had to repurpose Border Patrol agents from their National security mission all along the Southern Border to Del Rio. The Governor of Texas has had to step in because the Federal Government has abdicated the duty to protect our country. So, —

Secretary MAYORKAS. I respectfully—I respectfully disagree. We have never abdicated our duty to protect our country. As a matter of fact, the 250,000 men and women of this Department work day and night—

Mr. PFLUGER. And they are doing a phenomenal job.

Secretary MAYORKAS [continuing]. To protect this country.

Mr. PFLUGER. Mr. Secretary, we are calling it as Texans and as Americans, we want to know how many known or suspected terrorists have entered this country. I yield back.

Chairman THOMPSON. The gentleman yields back. The Chair recognizes the gentlelady from Nevada, Ms. Titus, for 5 minutes.

Ms. TITUS. Thank you, Mr. Chairman. Mr. Secretary, I would like to start by thanking you too for your work to extend the TPS for citizens for several countries. This was something I asked you about the last time you were here. We looked at El Salvador, Honduras, and Nicaragua. This is a large part of my district, which is

the most diverse in Nevada, and one of the most diverse in the country. So, we certainly appreciate your recognizing the importance of that TPS and thank you for that extension.

Well, you have heard a lot about the concern about the Haitians at the border and I would like to expand on that. But I would like to go back to where they came from. We know that the cartels and some of these people who prey on the immigrants have taken their money. They have sold their possessions. They have come up here. Could you describe how your Department in this kind-of all-of-Government approach is working with the State Department and maybe with NGO's in some of the countries of origin to counter this false information or to deal with these people who are preying on folks who just want a better life?

Secretary MAYORKAS. Congresswoman, thank you so much. Your point goes directly to something the Congressman who preceded your question addressed, which is these individuals, vulnerable individuals, are being exploited by smuggling organizations and are receiving false information with respect to the border. We are in collaboration with the Department of State and other agencies within the Government countering that false information, that false messaging both from the United States and in the countries of origin themselves.

You know, this past Sunday I spoke to journalists, Haitian journalists, and the messages that I communicated were blasted throughout social media and in Creole as well as Spanish to make sure that we reach the depth of the desired and needed populations. This is an all-of-Government effort and it is a multilateral effort because we are working with other countries in ensuring that vulnerable populations receive accurate information and do not take the perilous journey north that will not succeed.

Ms. TITUS. Well, I know that we can take advantage of social media. Everybody, even those in the most direst of straits, seems to have a cell phone in which they can read this kind of information. So, I appreciate that you all are working across agencies to get this information out and encourage you to use some of the NGO's in country as well.

My second question has to do with tourism. You know I represent Las Vegas. We are now starting to see foreign tourists come back. This is a large part of our business. Foreign tourists stay longer and they spend more. We saw where this is opening up. The President announced this within the last few days. Can you talk about some of the things that we are kind-of doing in advance to accommodate foreign tourists? We saw the problems after 9/11, but now we have got a little bit more time to get ready and people are anxious to travel. When those borders open up, they are going to come to Las Vegas because where better to go for a holiday after a year of frustration? Would you outline some of those things you are doing for customs and helping with that issue?

Secretary MAYORKAS. So, Congresswoman, thank you very much. The President did, indeed, announce in the last few days the fact that travel restrictions would be lifted with respect to international travel, travel to the United States upon certain conditions. Our Office of Field Operations within Customs and Border Protection located at the airports will be ready to receive and process an in-

creasing number of travelers. We are also working at Transportation Security Administration, TSA, to make the travel from the United States as facile and orderly and secure as possible. We are planning for what we hope to be a resumption of international travel and the influx of tourism, the tourism economy here in the United States.

Ms. TITUS. Well, that is great because we have the philosophy that a person's holiday begins the minute they leave home and that includes all that experience through the airport. We have heard some horror stories about waiting hours on the tarmac or in line to get through customs. So, we want to be ready this time and we appreciate any effort you can make for that. Thank you, Mr. Chairman, I yield back.

Chairman THOMPSON. The gentlelady yields back. Pursuant to today's order, the Chair declares the committee in recess for 5 minutes.

[Recess.]

Chairman THOMPSON. The committee will be in order. The Chair recognizes the gentleman from North Carolina, Mr. Bishop, for 5 minutes.

Mr. BISHOP. Thank you, Mr. Chairman. Secretary, Mayorkas, first I would like to ask you, Congressman Pfluger asked you a moment ago how many suspected terrorists have crossed the border and you said you would be glad to answer in a Classified context. Why can't you answer that question in public?

Secretary MAYORKAS. Congressman, the information is, indeed, Classified and some of it is also Law Enforcement Sensitive. On a more general basis, these are determinations that are made across the agency and I should note, if I may, Congressman, that I believe it was in late July that we provided a briefing to this committee with respect to the requested data. So, it is information that we already have provided.

Mr. BISHOP. Thank you, sir. Let me ask you this. Many have commented and sometimes it devolves into a debate over numbers whether it is a 1.3 million illegal crossings, who is recidivist, and how many really come in, whether it—who has really been released into the country, and, of course, we have now the latest thing with the Haitians in the last week or so, is all this—is all this the plan?

Secretary MAYORKAS. I am not sure I understand your question but let me say the following. The plan that we have is a multipart plan. No. 1, is to address the root causes of irregular migration. No. 2, is to ensure that there are safe, orderly, and humane pathways so people do not have to take the dangerous, perilous journey to make a claim of asylum that our laws that Congress passed are recognized. Third, is to rebuild our asylum system here in the United States. At the same time, Congressman, we do enforce our immigration laws. Those are not only the laws of humanitarian relief, but the laws of accountability for those who seek to enter illegally and do not have a claim for relief under law.

Mr. BISHOP. Thank you, sir. I guess what maybe I am getting at is just that. Now that I look back at some of your testimony when you were before us back in March, you went through something very similar. You talked about your plan to address. You always use the term address migrants at the border. That you said you

were executing on all fronts to address the situation at the border. When you spoke before a Senate Appropriations Committee in May, you said something very similar. We have a three-part plan, or three pillars to our plan. You gave that again, more or less, in—you have done that repeatedly in testimony before Congress that you have a plan under way to address the surge of migrants at the border. That comment was before the Senate Homeland Security Committee just in July, July 27. So, I guess what I want to understand is, are the results that we are seeing, are they the results of your plan? They are the plan results. Is that correct?

Secretary MAYORKAS. Congressman, let me give you a very important example of the execution—

Mr. BISHOP. Before you go off into an example, sir, could you give me a yes or no? Are these the results of your plan?

Secretary MAYORKAS. Congressman, the plan is under way and is being executed. As one of your colleagues mentioned, over the last month, we did see a decrease because we were implementing tools that are part of that plan. Back to my example of a measure that we have taken that is very significant and that quite frankly is unprecedented. What is not unprecedented is recognition of the problem in our asylum system that it takes years and years—

Mr. BISHOP. I am not looking to debate—

Secretary MAYORKAS [continuing]. Between the time of encounter—

Mr. BISHOP [continuing]. Your plan.

Secretary MAYORKAS [continuing]. And the time of ultimate resolution.

Mr. BISHOP. Yes, at this point,—

Secretary MAYORKAS. One of the things that we—

Mr. BISHOP [continuing]. Secretary Mayorkas—

Secretary MAYORKAS [continuing]. Have done—

Mr. BISHOP [continuing]. Let me ask you to sort-of just not just—I am sorry, I just have limited time. I just want, I don't want to get into a sort-of down to the granular level of detail. You have made the point to these committees repeatedly that you have a plan and you are executing the plan. Sometimes I think we are talking past each other. I would just like your confirmation, sir, that the results we are seeing at the border are the results of the execution of your plan. Is that a fair understanding?

Secretary MAYORKAS. No, it is not. It is a mischaracterization. Congressman,—

Mr. BISHOP. Then is your plan failing?

Secretary MAYORKAS [continuing]. As I mentioned—

Mr. BISHOP. Is your plan failing?

Secretary MAYORKAS. No, it is not. As I mentioned, every time I have spoken of my plan and I would welcome the opportunity if not in today's testimony, but separately with you, to actually complete the answer that I was providing earlier because it is—it involves very important information with respect to that plan. The plan takes time and we continue to exercise it thanks to the dedicated men and women of this Department.

Mr. BISHOP. Do the results that you are seeing and their magnitude suggest to you that your plan is wrong? That your plan is ill conceived and is plunging the Nation into a crisis?

Secretary MAYORKAS. No.

Mr. BISHOP. All right. I yield back, Mr. Chairman.

Chairman THOMPSON. The gentleman yields back. The Chair recognizes the gentlelady from New Jersey, Mrs. Watson Coleman, for 5 minutes.

Mrs. WATSON COLEMAN. Thank you, Chairman, for holding this hearing and I want to thank each and every of the witnesses for sharing your perspectives, your work, and your commitment. I am so touched by something that as a child I embraced and believed and that is: Give me your tired, your poor, your huddled masses yearning to breathe free, the wretched refuse of your teeming shore. Send these, the homeless, the tempest-tossed to me. I lift my lamp beside the golden door.

This country's greatness and true genius lies in its diversity and I believe that I am motivated by that. That is American to me. So, the conversations we have with regard to what happens at the border, what happens with refugees trying to get here, what is happening right now on the Southern Border with the Haitian communities, it concerns me tremendously, Mr. Mayorkas, that we would be sending them back to Haiti. Some of them sending them for the first time in over 20 or 30 years. Sending them to a country that has been just ravaged by earthquakes, ravaged by instability in its political and governmental realm, and dangerous with gangs. So, I just need to share that I believe our responsibility is to treat them humanely, to process them in a way that gives them the freedom and the opportunity to live in a healthy environment. Now, that may not just be the United States of America. We need to enlist our friends, our allies all around the world.

Mr. Mayorkas, I just need to say I believe everything you say about your intentions with regard to doing our business humanely and respectfully on the borders and anywhere to keep our homeland free. But the images that I saw with regard to what was happening with our Border Patrol employees whipping, I don't care if it were your belt or your reins or your what, but whipping Haitians is unconscionable, unacceptable, un-American. I know that you are investigating it, but I tell there is under no circumstances that those individuals are to be able to interact with other human beings ever again. They need to be released and they need to be held accountable.

For all three of you, I want to just ask a question which is really maybe a kind-of a bizarre question. Is there a hierarchy of concern with regard to the vulnerability of this country? Is it cybersecurity interfering with our business and our supply lines and the things that we need? Is it foreign attacks coming from places that we know we have had folks attacking us before? Is it domestic terrorism? Is it domestic terrorism that represents ethnic and racial motivation? Is it domestic terrorism that is influenced by foreign terrorists? What are the—is there a hierarchy of concern? I want to hear that yes or no from all three of you. Then I need you to tell me do you have the resources, all of the resources that you need to make us safe, as safe as we could humanly be with the work that is under your jurisdiction?

Secretary MAYORKAS. Congresswoman, maybe I will answer first. We do have priorities, if you will. I think you have accurately iden-

tified many of the priorities that we have in terms of protecting the homeland. I am sure those priorities are echoed by my colleagues in the Federal Bureau of Investigation and the National Counterterrorism Center. I also just want to remark that I well understand and appreciate the pain with which you made your initial remarks, Congresswoman.

Mrs. WATSON COLEMAN. Thank you, sir. Director Wray.

Mr. WRAY. Thank you. I apologize, I missed probably the beginning of the question with the technical hiccup that we had. But picking up on what I think the question was, I would tell you that we have elevated racially and ethically motivated violent extremism to our highest threat priority level commensurate with ISIS and HVEs, Homegrown Violent Extremists. We did that back in June 2019. The fact that we have now 2,700 domestic terrorism investigations accumulated over the last year and a half, should speak volumes.

As far as whether we have sufficient resources, there is, I think, in the budget pending before Congress, a much-needed request for more resources because at the same time that we are having to increase and surge to domestic terrorism, the reality is the homegrown violent extremist threat has not subsided. Now especially in the wake of events in Afghanistan, we need to be even more vigilant about foreign terrorist organizations. Last, I would add a category that hasn't gotten a lot of discussion at today's hearing, but a point that Director Abizaid had made in her opening, which is we can't take our eye off the threat from Iran as well, Hezbollah, Quds Force, et cetera. So, we have a full plate and we need all the help we can get and we appreciate the committee's support.

Mrs. WATSON COLEMAN. Director Abizaid, I want to ask you one question.

Chairman THOMPSON. The gentlelady's time—

Mrs. WATSON COLEMAN. May I just—

Chairman THOMPSON [continuing]. Has expired, but she needs the answer to the other question.

Mrs. WATSON COLEMAN. It is a 10-second question. I am sorry, Chair.

Chairman THOMPSON. The gentlelady has 10 seconds.

Mrs. WATSON COLEMAN. Thank you.

Chairman THOMPSON. The gentlelady has 10 seconds.

Mrs. WATSON COLEMAN. Thank you. Can you tell me what the motivation was for ISIS-K to perpetrate that attack on those leaving? We were evacuating. What was their point? Was their point just to show us that they exist and that they want to be a pain in our behind or what? Thank you, Mr. Chairman, for that consideration.

Chairman THOMPSON. Thirty seconds.

Ms. ABIZAID. Thank you for the question. One, I think ISIS-K targeting our evacuation operations at H. Kya in part because of the notoriety they would receive because of how high-profile it would be. But they also sought to embarrass the Taliban. ISIS-K is very focused on the Taliban and given the Taliban's assertions of its own ability to provide security, they wanted to demonstrate that that was not in fact the case. That is our assessment as it stands now.

Chairman THOMPSON. The gentlelady's time has expired. The Chair recognizes the gentlelady from Iowa for 5 minutes, Mrs. Miller-Meeks.

Mrs. MILLER-MEEKS. Thank you, Mr. Chairman. Mr. Secretary, you testified before this committee back in March. At that time, several Members including myself asked you about COVID-19 testing protocols at the Southern Border. You said, and I quote: We do support the testing of individuals and that in indeed our policy and we have implemented practices to execute on that policy. However, on September 10, the DHS Office of Inspector General came out with a report that stated, CBP does not conduct COVID-19 testing for migrants who enter CBP custody. Indeed, that is what I found at the two trips I made to the border. Instead, CBP relies on local public health systems to test symptomatic individuals. According to CBP officials, as a front-line law enforcement agency, it does not have the necessary resources to conduct such testing.

I don't have to tell you that we are in a pandemic, Mr. Secretary. I believe that testing of people coming across our Southern Border is one of the many keys to controlling the spread of COVID-19. That is why back in March I introduced my first bill, the React Act, to require COVID-19 testing for all migrants. The OIG recommendation coming out of this September 10 report said DHS should reassess its COVID-19 response framework to identify areas for improvement to mitigate the spread of COVID-19. The report went on to say, DHS leadership must commit to strengthening these COVID-19 preventive measures. Without stronger measures in place, DHS is putting its work force, support staff, communities, and migrants at greater risk for contracting the virus. Additionally, with the predictable surge of Haitian migrants from South America, they may bring with them the Lambda variant, which is in South America at this time. These are certainly strong words coming out of the OIG. Additionally, the report makes observations regarding lack of social distancing, lack of mask wearing, and general overcrowding in facilities at the Southern Border, which would all combine to facilitate the spread of COVID-19. Not only COVID-19, I understand there is a measles outbreak at Fort Bliss.

This is a huge problem and one that the committee has been trying to get answers during this entire year. Every time we ask the question, I feel like we get a different response. So, I have got a number of questions and because time is limited, I am going to run through them so that you can answer them. If we are requiring air travelers to have a negative COVID-19 test before entry, why aren't we requiring the same of land travelers? If we are able to test Afghan people for COVID and vaccinate them not only for COVID, but measles, mumps, rubella, and polio, and other age-appropriate vaccinations, which are required by the CDC, why is there a double standard along our Southwest Border? Do you agree with the IG's report? The DHS did concur with two recommendations in that report, I believe. Do you agree that it is your responsibility to ensure that there are strong protocols at the border to mitigate the spread of COVID-19? Do you commit to implementing the IG's recommendations and identify ways to mitigate the spread of COVID-19? Do you commit to report back to this committee

within a month on the progress the Department has made at the border on testing for COVID-19? Thank you.

Secretary MAYORKAS. Congresswoman, may I seek your indulgence to obtain a transcript of all the questions that you have asked and answer them rapidly? I did not catch them all now. I will say, Congresswoman, that I do appreciate your focus on the communicable diseases with respect to migration, whether it is by air or by land, and, in fact, by sea. We have concurred in the Inspector General's recommendations. We have made changes to some of our COVID-19 protocols and I will provide the requested information to you as rapidly as possible.

Mrs. MILLER-MEEKS. Well, Mr. Secretary, I appreciate your respect for the questions I asked, but I have been asking these questions since March and we have seen no policy or protocol changes and yet, we see a totally different response for Afghan refugees coming to this country than we do for those along at our Southern Border. To include which this massive spending bill that is coming out and we are expected to vote on doesn't have adequate resources for CBP to do its job.

So, I thank you so much for your testimony. I expect that we will see changes in protocol and policy and I will reintroduce what legislation I can to force those changes. Thank you so much. Mr. Chair, I yield back my time.

Chairman THOMPSON. The gentlelady yields back. The Chair recognizes the gentlelady from New York, Miss Rice, for 5 minutes. The Chair recognizes the gentlelady from Florida, Mrs. Demings, for 5 minutes.

Mrs. DEMINGS. Thank you so much, Mr. Chairman. Thank you to all three of our witnesses for being here today. Thank you for the job that you do every day to keep us safe. No, you are not perfect as you are frequently reminded. You have big jobs and awesome responsibility. But as Members of Congress, so do we. We are the lawmakers. So, I just would say to you that we all can work a little harder to be better partners and realize that we are all in the same boat, like it or not. That boat, especially with this committee, is to lead in keeping our Nation safe. We are a Nation of laws at the border. We are a Nation of laws on January 6. Those were criminals and not tourists. Doggone it, we are a Nation of laws regarding foreign entities. If we would remember that, I think we all could be better partners and never risk our Nation being attacked by anyone in such a cruel and vicious way. I want to just acknowledge the victims of 9/11 and the brave first responders on that day.

With that, Secretary Mayorkas, as many of my colleagues have noted today, DHS was created in response to 9/11. I remember it well. Over the last several months, we have held, as you are constantly being reminded today, hearings on the mission and structure of the Department and its ability to meet the threats of today and tomorrow. One concern raised on many occasions is that the Department's mission has grown incredibly. Indeed, in just 2021, the Department has led the Federal Government's response to the pandemic, every place, every place, natural disasters all over our Nation, stunning cybersecurity attacks, immigration enforcement, and resettlement of our Afghan allies. This is, of course, because

as one previous witness noted, DHS is an unmatched connector between Federal resources and State and local authorities. Secretary, understanding that information and resource sharing to prevent attacks against our homeland is such an important function of the Department, has the mission of the Department of Homeland Security and the responsibilities of its components, grown too vast for one department, Mr. Secretary?

Secretary MAYORKAS. Congresswoman, I thank you so much for your question. I don't think so. We are fundamentally a department of partnerships. I think we are working now very cohesively across the Department, across our different agencies and offices. I think that we are working more collaboratively and closely with our State, local, Tribal, and territorial partners than ever before.

We have, for example, through the Office of Information—I am sorry—the Office of Intelligence and Analysis, been disseminating critical products in partnership with the Federal Bureau of Investigation to our local first responder community so that they are very equipped and empowered to address the threats that they face in their communities. I know you know this very, very well given your life-long dedication to the law enforcement and public safety mission.

I think we are working very cohesively. We have a lot more to accomplish in that regard and we are very focused on it.

Mrs. DEMINGS. Mr. Secretary, you know information sharing certainly was one of the major focuses or I think recognized vulnerabilities 20 years ago. How would you say as the Department of Homeland Security Secretary we are doing along the local, State, and Federal level with information sharing?

Secretary MAYORKAS. I think, Congresswoman, if you would ask the State, local, Tribal, territorial partners that we have, they would echo my assertion that we are doing better than ever before. We have not only issued an NTAS Bulletin and renewed it several times, we have sent out multiple products in different forms. We are focused on real-time actionable information in the hands of our partners to strengthen our homeland security. I think we are doing better than ever before. We will do better tomorrow than we are today.

Mrs. DEMINGS. Again, to all three of our witnesses, thank you for what you do to keep us safe every day. We are committed to joining you as effective partners in that effort. Mr. Chairman, I yield back.

Chairman THOMPSON. The gentlelady yields back. The Chair recognizes the gentleman from New Jersey, Mr. Van Drew, for 5 minutes.

Mr. VAN DREW. Thank you, Mr. Chairman. Secretary Mayorkas, in your written testimony, you stated that DHS confronts complex challenges including international and domestic terrorism, a global pandemic, malicious cyber activity, organized crime, catastrophic impacts of climate change, among others. I understand that. They all are. I had to notice immediately that you didn't mention the crisis at our Southern Border as a challenge facing the Department. Let me say to you I understand your intentions, but you say that we are doing better today than we were. It seems to be we are doing worse today than we did yesterday. I almost expect us to do even worse tomorrow than we are today. I don't agree with you. I

think there are a lot of people using straight common sense that look at videos, that read reports, that look at information, that have spoken to law enforcement there, and we know that so far in 2021, there is over 1.3 million migrants have been apprehended at the American Southern Border, which is a 386 percent increase from this time last year. Let's call it what it is. This is a disaster.

Additionally, August was the sixth straight month where we had 170,000 encounters at the border. That is unbelievable. It has been reported now and we have seen all the pictures that we have got 9,000 migrants, give or take thousands, that may have entered the United States without being tested for COVID-19, with only being issued a notice to appear at an immigration hearing.

Look what we see under the bridge in Del Rio. People bathing in the water, people obviously lacking hygienic, you know, necessities. People who are sick. People who are involved with drugs. This is all there. This is nothing, you know, I sit back and again, as I said to you last time when we had this, it is like I'm in bizarro world. I see it in front of me. You see it in front of you, but some people pretend not to see it. I don't mean to be disrespectful to you, sir, but sometimes it seems like you don't want to see it.

The reality is we talk about the underlying causes. So, really, let's talk about this. What we are saying is other countries have severe problems with poverty, education, nutrition, a host of areas. We understand that. But it is naive and arrogant of us to believe that we are going to fix all of that and make that all better, which throughout history we haven't even been able to do. Then that is going to stop the big push into the United States of illegal immigration in a timely way. That's nonsensical.

The way that you do this is through the rule of law. The way that you do it is that you have a border. When you have a border, you also have a border fence or a border wall. You have what you need. You have the proper amount of law enforcement to ensure that things don't get out of control. You ensure that you are reducing the amount of drugs that are coming into this country. Don't tell me that we are not getting more drugs because of this, we are. There is so much fentanyl now in our country. The numbers keep going up. It used to be you could kill every man, woman, and child 2 times over, then 3 times over, then 5 times over. I think the latest number is 7 times over, but we really don't know because it is just pouring in. We are using kids as drug mules.

So, we have sick people. We have drug-infested situations. We have a lack of hygiene. We have no rule of law at the border. We do the best we can and certainly our men and women who work down there are. Then you say to me it is better than it was when you were here last time. No, it is not better than it was last time. It is scarier and it is worse than it was last time. Texas can't absorb all these people. American can't absorb all these people. We don't even know if they are healthy. We don't even know what problems we have. We haven't, you know, really haven't really taken enough care with evaluating each individual that is coming over. We just can't—undocumented migration is not appropriate. It is not how we work in America. We should change the immigration laws. I agree with that. But nevertheless, this is absolutely not the answer.

So, I respectfully again, I am trying to be nice, but I am angry, and I am tired. Americans are angry and they are tired. We want to hear real answers. Don't, please don't tell me we are going to make the whole world better in 6 months by addressing climate change and all their social problems that they have and all the military problems that they have. It has always been that people came to America because almost everywhere else is much worse and America is much better. But we have to have control of the situation. This is nonsensical and it is damaging and it is disturbing and it is hurting our people and it is hurting our country and it should be one of our No. 1 priorities. So, tell me, do you really believe that it is better now? Do you personally take any responsibility for this crisis?

Secretary MAYORKAS. Congressman, I think you know you have said quite a number of things. I would really like to speak with you fulsomely about everything you have said. You mentioned something that I think deserves particular emphasis and that is you referenced our broken immigration system and the need to fix it. That has been an enduring problem. The one thing that there is unanimity about is the fact that we have a broken immigration system. It is most unfortunate that we have not fixed it over many, many years. I hope we do because that would be—

Mr. VAN DREW. Mr. Secretary, I understand—

Secretary MAYORKAS [continuing]. The fundamental—

Mr. VAN DREW. Forgive me for interrupting. I agree with you, but right now we have an immediate crisis. We have an immediate situation. So, you know, it is like saying, if a war breaks out, well, we really go to work on human nature and ensure that we work together more as human beings. I agree. But the reality is—

Chairman THOMPSON. The gentleman's time has—

Mr. VAN DREW [continuing]. We have a crisis now.

Chairman THOMPSON [continuing]. Expired. The gentleman's time has expired. The Chair recognizes the gentlelady from California—

Mr. VAN DREW. Thank you.

Chairman THOMPSON [continuing]. Ms. Barragán.

Ms. BARRAGÁN. Thank you, Mr. Chairman. Thank you to our panelists and Mr. Secretary for being with us today. I want to follow up with the Title 42 questions. Everyday hundreds of thousands of people cross the border, whether it is students, whether it is business people, whether it is folks seeing doctors, but hundreds of thousands are crossing the border. Mr. Secretary, what is the difference between those people crossing the border and asylum seekers crossing the border, which we are now citing to Title 42 to deport?

Secretary MAYORKAS. Congresswoman, I am not exactly sure what particular differences you are focused upon, but as you know we are—

Ms. BARRAGÁN. Well, I would—

Secretary MAYORKAS [continuing]. Exercising in between the ports of entry the CDC's public health authority under Title 42.

Ms. BARRAGÁN. OK. So, is there any difference between people that are crossing—the hundreds of people crossing the border every

day, students, business people, and asylum seekers, other than they are just asylum seekers?

Secretary MAYORKAS. I am sorry, Congresswoman, I don't quite understand your question. Yes, I mean, there are many differences between migration, the movement of people through a port of entry and the encountering of an individual in between the ports of entry. There are numerous differences between those two phenomena in a number of respects. Legally, from a public health perspective, a whole host, operationally. I am not just quite sure what you are focused upon. I apologize.

Ms. BARRAGÁN. Well, I focus on the fact that this is a discriminatory policy that it is implemented because people are asylum seekers—because the public health crisis does not discriminate whether you are an asylum seeker or whether you are not an asylum seeker. So, I just think it is a discriminatory practice. I just to continue to encourage the administration to end the use of Title 42 in a day and age where we have vaccines and we have requirements we can put in place for people to get vaccines.

Mr. Secretary, moving on, how does the CB—how does CBP choose which Haitians will be expelled via repatriation flights and which individuals will be processed into the United States?

Secretary MAYORKAS. Congresswoman, our policy is to employ Title 42, the CDC's public health authority, to the fullest extent possible in light of the CDC's public health assessment and the public health imperative. It is a matter of, for example, our operational capacity, the willingness of a partner country and its capacity to receive individuals. There are a host of factors. In addition, there are very limited exceptions to our Title 42 authority. For example, as I think you recognize, we do not enforce it with respect to unaccompanied children. That was a policy that was implemented very early on. There is a convention against torture exception. There are individuals who have severe and acute vulnerabilities that we recognize. I would be pleased to provide more information in that regard.

Ms. BARRAGÁN. Thank you, Mr. Secretary. I would like to talk a little bit now about seaports. Nation-wide, seaports are seeing record high levels of cargo volumes and increases of container ships resulting in port congestion. Ships with containerized cargo are stalled in marine terminals and vessels spend days at anchor waiting to load or unload at port of terminals. In fact, the Port of Long Beach and the Port of Los Angeles in my district this week had 65 ships at anchor waiting to unload cargo. Before the COVID-19 pandemic, it was uncommon for more than one ship to wait to unload. Unfortunately, port congestion is expected to be an ongoing challenge. Can you describe the challenges that port congestion might pose to maritime port security?

Secretary MAYORKAS. So, if I may, Congresswoman, the greatest challenge with respect to port congestion is the obstacle to the very facile movement of goods through those ports and serving the economic engine. This is a consequence as we know all too well of the COVID-19 pandemic. The Office of Field Operations, the United States Coast Guard, all our services are very focused on maritime security on the one hand, and, of course, the facile movement of

lawfully imported goods to the United States. We are very focused on this.

Ms. BARRAGÁN. Mr. Secretary, I have to say I am a little disappointed. The question was very specific about what challenges that congestion might pose to maritime port security. I hope you will follow up given that I represent a port and ports are very important that I get an answer to that specific. I want to know what the security issue is from congestion. What you stated to me was just restating the problem. With that, Mr. Chairman, I yield back.

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

Mr. CLYDE. Thank you, Mr. Chairman. To follow up on Representative Miller-Meeks' line of questioning, these are for Secretary Mayorkas. Mr. Secretary, the last time you testified before the committee, you admitted to this committee that your agency, had released migrants who have tested positive for COVID-19. Since then, multiple reports have indicated that thousands of COVID positive migrants have been released from DHS custody. In addition, the DHS Office of Inspector General released a report highlighting that your Department has failed to take sufficient COVID-19 preventative measures at the border, which puts the DHS work force and communities at unnecessary risk of being exposed to COVID-19. So, to me, it is clear that your Department either does not have a strategy or it is not effectively executing a strategy that will effectively mitigate the risks of COVID-19 at the border. Why is that?

Secretary MAYORKAS. Congressman, we do have a strategy. We concurred in the recommendations of the Inspector General's office. We are implementing those recommendations. We have made changes and I can walk through the processes that we employ currently with respect to the different populations of migrants whom we are encountering at the border.

Mr. CLYDE. OK. Well, then let me ask you this.

Secretary MAYORKAS. With unaccompanied children—

Mr. CLYDE. You say you have a strategy and you are implementing it. When will final implementation of the strategy be complete because—

Secretary MAYORKAS. We—

Mr. CLYDE. Go ahead.

Secretary MAYORKAS. We are working as quickly as possible to implement the recommendations of the Office of Inspector General.

Mr. CLYDE. So,—

Secretary MAYORKAS. Let me give you—

Mr. CLYDE. So,—

Secretary MAYORKAS [continuing]. One example—

Mr. CLYDE [continuing]. What is the time frame? When will it be complete?

Secretary MAYORKAS. I will speak with our chief medical officer and I will report back to you, Congressman.

Mr. CLYDE. So, you don't know.

Secretary MAYORKAS. I will speak with our chief medical officer, Congressman, and I will get—

Mr. CLYDE. OK. OK, so—

Secretary MAYORKAS [continuing]. I will report back to you.

Mr. CLYDE. So, there is a very—it is having a plan and executing the plan, all right? Effectively executing the plan is very different—it is pretty clear to me that the administration is not truly serious in addressing this matter. I would like to remind the Secretary that according to your website, 11,125 CBP employees have tested positive for COVID-19 and 43 CBP agents have died from the virus so far.

So, I would urge my Democrat colleagues to join me in cosponsoring my bill, H.R. 2076, the COVID-19 Border Protection Act. This bill would require DHS in consultation with HHS to develop and submit a comprehensive plan of action to test and quarantine every migrant at the Southern Border and execute on that plan. I would also, Mr. Chairman, I would like to submit for the record, an article dated August 4 that highlights the number of COVID-positive—the number of positive COVID-19 cases. It is titled, “Texas border city says more than 7,000 COVID-positive migrants released since February, 1,500 in the last week alone.” Mr. Chairman, I request unanimous—

Chairman THOMPSON. Without objection.

Mr. CLYDE [continuing]. Consent for that to be added.
[The information follows:]

TEXAS BORDER CITY SAYS MORE THAN 7,000 COVID-POSITIVE MIGRANTS RELEASED
SINCE FEBRUARY, 1,500 IN LAST WEEK

MORE THAN 188,000 MIGRANTS WERE ENCOUNTERED AT THE SOUTHERN BORDER IN
JUNE

By Adam Shaw, Bill Melugin / Fox News, Published August 4

The Texas border city of McAllen says more than 7,000 COVID-positive migrants have been released into the city since February, and more than 1,500 in the past week—the latest example of growing concern about the potential impact of the border crisis on efforts to control COVID-19 in the U.S.

In a statement announcing the building of new temporary shelters to deal with a “rapidly escalating” surge of immigrants being released into the border city, McAllen warned of the release of thousands of migrants with COVID-19.

TEXAS BORDER CITY PUTS UP TEMPORARY SHELTERS TO COPE WITH ‘RAPIDLY
ESCALATING’ MIGRANT SURGE

“Since mid-February of 2021 there have been over 7,000 confirmed COVID-19 positive immigrants released into the city of McAllen by [Customs and Border Protection], including over 1,500 new cases in the past 7 days,” the statement said.

Immigrants released by CBP are dropped off with Catholic Charities and tested for COVID by a third party. If they test positive, they are asked to quarantine and offered a room at a quarantine site.

The stunning numbers come amid increasing concerns from Texas and elsewhere about the potential impact of the massive numbers of migrants coming to the border on the efforts to control the COVID-19 pandemic within the United States.

Sen. Ted Cruz, R-Texas, cited the numbers announced by McAllen as he tore into the Biden administration for its handling of the crisis at the southern border.

“That is unacceptable and they keep doing it,” Cruz said on “America Reports” on Wednesday. “Joe Biden likes to talk about this pandemic, well I’ll tell you what, the election of Joe Biden and Kamala Harris was a super spreader event because their open border is endangering not just the people of Texas but people all across the country.”

There were more than 188,000 migrant encounters in June, and that number is expected to rise above 200,000 in July—the highest number in decades. While single adults and some migrant family units are being expelled by Title 42 public health protections, unaccompanied children and migrant families with young children are being processed and released into the U.S.

BIDEN ADMINISTRATION REPORTEDLY PLANNING TO VACCINATE MIGRANTS AT BORDER
TO PREVENT COVID SPREAD

In June, while there were more than 55,000 family units encountered at the border, less than 9,000 were expelled by Title 42. However, despite pressure from left-wing groups to end Title 42 altogether, the Centers for Disease Control and Prevention (CDC) extended the order this week.

An effort by Texas Gov. Greg Abbott to order law enforcement to pull over vehicles carrying migrants to stop COVID-19 spread was blocked temporarily by a judge on Tuesday in response to a Justice Department lawsuit.

The Biden administration has blamed "root causes" like poverty and violence for the surge, has resumed some limited return flights for those ineligible for asylum and is reportedly planning on vaccinating migrants coming across the border or being deported.

But as new restrictions pop up across the country, particularly in response to the rise of the delta variant, and the numbers of migrants encountered at the border keeps spiking, Republicans are likely to keep putting pressure on the Biden administration over the contrast between its COVID-19 efforts and its border policy.

Florida Gov. Ron DeSantis on Wednesday cited the border as he responded to what he saw as Biden "singling out" Florida.

"Why don't you do your job? Why don't you get this border secure? And until you do that, I don't want to hear a blip about COVID from you," the Republican Governor said.

Secretary MAYORKAS. May I say something, Congressman, because you touch upon a very important subject that we have focused upon? That is the health and well-being of our work force. We launched Operation Vaccinate our Workforce to make sure that vaccinations are accessible to our front-line personnel. That yielded—

Mr. CLYDE. OK.

Secretary MAYORKAS [continuing]. A tremendous increase in the percentage of our work force that was, indeed, vaccinated.

Mr. CLYDE. OK, well—

Secretary MAYORKAS. The President—

Mr. CLYDE [continuing]. Thank you.

Secretary MAYORKAS [continuing]. Of the United States mandated—

Mr. CLYDE. Thank you. I appreciate that information. So, let me ask you this. How long will it take you to fully implement the MPP, Migrant Protection Protocol program? Can you give me a time frame on that?

Secretary MAYORKAS. I cannot because we are reliant on our partner, Mexico, to implement that program. That is a bilateral agreement. We are working with Mexico to implement that program.

Mr. CLYDE. So, until—

Secretary MAYORKAS. Now, if I may—

Mr. CLYDE. So, what I am gathering then is that you have no idea when that program will be fully implemented.

Secretary MAYORKAS. Congressman, let me be unequivocally clear—

Mr. CLYDE. No, no,—

Secretary MAYORKAS [continuing]. On this,—

Mr. CLYDE [continuing]. No, just tell me yes or no, you do or not?

Secretary MAYORKAS. We are seeking to implement that program and working to implement it in—

Mr. CLYDE. OK, thank you.

Secretary MAYORKAS [continuing]. Good faith—

Mr. CLYDE. Then I am reclaiming—

Secretary MAYORKAS [continuing]. As we are required to do so, sir.

Mr. CLYDE. I am reclaiming my time. I have a question for Director Wray and Director Abizaid. Do we know the identity of the Kabul airport bomber? Do we have any information that this person was previously incarcerated at Bagram Air Base? If I could get each one of you, Director Wray and Director Abizaid, to comment on that, please.

Mr. WRAY. I know we have identified certain individuals who we believe to be associated with the bombing. I am not sure as I sit here right now, whether that is information that is sufficiently developed to be able to share in a public hearing. So, let me see if there is more information we can supply to you as a follow-up because it may require a Classified setting. Then the second part is there may be an on-going investigation that might be impacted. So, let me look into that and we will circle back to you.

Mr. CLYDE. OK. Director Abizaid.

Ms. ABIZAID. Yes, I would associate myself with Director Wray's comments. We do have an assessment along those lines. The ability to share in this forum is something that I don't have information, but I absolutely will follow up and work with our colleagues in the FBI to provide the information whether in a Classified setting or if it is de-Classified after this hearing.

Mr. CLYDE. OK. Thank you very much. I appreciate your commitment in that.

Chairman THOMPSON. The gentleman's time has expired. The Chair recognizes the gentlelady from Florida, Mrs. Cammack, for 5 minutes.

Mrs. CAMMACK. Well, thank you, Mr. Chairman and thank you to our witnesses for appearing before us here today. My colleagues have discussed a number of U.S. National security concerns and I share those same concerns. There is no doubt that our homeland faces more threats than in any time since 9/11. The list of threats is long and far-reaching. But today, I would like to focus on the crisis on our Southwest Border.

Now, Secretary Mayorkas, seeing as how this is our third time meeting to discuss this issue, I would like you to answer my questions with a simple yes or no as to not waste time. I would also caution you to refrain from making promises about providing us Members of Congress with additional information in a timely manner because we have just recently received information from a March 17 hearing. In fact, I received the answers to that March 17 hearing on August 24, 161 days after we requested that information. You can imagine how frustrating that probably is as a Member of Congress tasked with oversight of the Executive branch.

So, with that in mind, I would like to jump right into a series of questions. Can you please provide me with the name of the individual who suspended, made the decision to suspend flights to Haiti the first week of September?

Secretary MAYORKAS. Congresswoman, that was a collective decision.

Mrs. CAMMACK. By whom?

Secretary MAYORKAS. It was a temporary, if I may say not canceled, but postponed temporarily, the flights. Those were few—

Mrs. CAMMACK. Did you make the recommendation?

Secretary MAYORKAS [continuing]. And those were—I am sorry. Those were few in number.

Mrs. CAMMACK. Did you, yourself, make the recommendation to suspend the flights?

Secretary MAYORKAS. It is my responsibility as the Secretary of Homeland Security. I own that.

Mrs. CAMMACK. So, yes, OK. Thank you. Yes or no, you have committed to briefing my colleagues in a Classified setting on a number of known terrorists that have crossed into the United States or attempted to. Now, I think we can all agree that terrorists on the known watch list crossing into the United States is an immediate threat. So, will you commit to that briefing for this committee before the end of this month?

Secretary MAYORKAS. Congresswoman, we will provide another briefing to this committee. I understand that we provided that briefing previously in July. If I may say—

Mrs. CAMMACK. By the end of this month?

Secretary MAYORKAS. I will not myself be able to do that, but I am sure my team would be, Congresswoman. May I say something with respect to—

Mrs. CAMMACK. Actually, I have a very limited amount of time, so I need to get through this because there is just a litany of issues. Now, how many DHS personnel, including CBP and USBP personnel have been pulled from their duties related to the Southwest Border in order to manage the processing of Afghans into the United States?

Secretary MAYORKAS. So, we I believe that over 20 individuals from the United States Border Patrol have been directed to the transit countries to assist.

Mrs. CAMMACK. OK.

Secretary MAYORKAS. I can get you a complete breakdown of the population of DHS personnel—

Mrs. CAMMACK. OK.

Secretary MAYORKAS [continuing]. That have been dedicated to the screening and vetting of Afghan nationals before they arrive here in the United States.

Mrs. CAMMACK. I appreciate that. With regard to the agents that have been pulled off the line to process and essentially babysit, can you give me a percentage of how many of your agents are now engaging in that activity?

Secretary MAYORKAS. Oh, I disagree with that characterization, Congresswoman.

Mrs. CAMMACK. I didn't ask if you disagreed. I asked for the percentage of how many, given a percentage of your agents have been pulled off of their primary law enforcement duties.

Secretary MAYORKAS. Congresswoman, I just disagree with the question. I am sorry you are assuming thoughts. We have multiple areas of responsibility—

Mrs. CAMMACK. Secretary Mayorkas, I am going to have to reclaim my time. I can answer that question for you. In one of your busiest sectors, the RGD sector, 75 percent of your Border Patrol agents have been pulled off the line to babysit and process. That is a disgrace.

I also want to make mention that as we are sitting here, several of your agents are watching this hearing, hearing your commentary. You were exceptionally quick to judge one of your own agents and the mounted patrol, yet you have given zero time to the number of suicides and agents who have passed away because of contact and contracting COVID with their day-to-day operations. That, to me, is shameful.

Now, I want to go to my colleague Representative Pfluger's comments. He asked you if you thought that the border was secure. In your own words, you stated that the border is no less secure than the previous administration. Mr. Guest previously provided data earlier in the hearing that your agency shows that it is, in fact, a historic level. We have 308,000 "gotaways"—75 percent of your agents are processing and babysitting in one of your busiest sectors. We have a record number of retirements. Historic level of narcotics that have come across the border and you still stand by your statement, yes or no, that the border is secure?

Secretary MAYORKAS. Yes. If I may, your initial assertion, Congresswoman, was profoundly offensive and wrong.

Mrs. CAMMACK. Well, this is now the second time that you have—or basically called me disrespectful. I believe in our first meeting you did. But I would just—

Chairman THOMPSON. The gentlelady's time has expired.

Mrs. CAMMACK. Thank you, Mr. Chairman.

Chairman THOMPSON. The Chair recognizes the gentleman from Michigan, Mr. Meijer, for 5 minutes.

Mr. MEIJER. Thank you, Mr. Chairman, and thank you, Secretary Mayorkas, for being here today. Mrs. Cammack touched upon something that I just want to ask briefly about, follow-up to information. Representative Correa and I sent a letter to DHS addressed to you on September 16. So, this is from both the Chairman of Homeland Security Subcommittee on Oversight, Management, and Accountability, Mr. Correa, and also myself as Ranking Member, asking for specific information on how many of the Afghan evacuees that we have brought to the United States right now, how many of them are special immigrant visa holders or dependents? How many are permanent residents or dependents? American citizens or dependents? ANSF personnel who assisted in the evacuation or dependents? The local embassy staff at Kabul or dependents? How many are other Afghans? Because I know we have seen some figures floating around that suggest that over 85 percent of those who were evacuated were neither SIVs, American citizens, or permanent residents. Obviously, it is a very fluid picture. Are you prepared to answer the questions we posed in that letter? Are you prepared to answer that today, Mr. Secretary?

Secretary MAYORKAS. Yes, if I may, I will provide the answer in percentage form, Congressman. So, we have admitted into the United States over 60,000 Afghan nationals. Approximately 7 percent of that population are United States citizens. Approximately 6 percent are lawful permanent residents. Approximately 3 percent are special immigrant visa holders. The balance is a combination, if I may, Congressman, a combination of special immigrant visa applicants whose applications have not been finalized for approval, locally-employed staff, individuals who would qualify under, for ex-

ample, P-1, P-2 refugee status. Then other vulnerable Afghans as you have identified, journalists, human rights activists, et cetera.

Mr. MEIJER. If we could get—I appreciate the specificity in the 7 percent, 6 percent, 3 percent. Is my understanding that those numbers also accompany the dependents of the principal holder?

Secretary MAYORKAS. Yes, Congressman, and we do not have a breakdown of the balance of that population, if you will. We do not yet have that breakdown, that data.

Mr. MEIJER. If you could get that to us by October 1 as requested in the letter, that would be really appreciated, Mr. Secretary. Also touching on the border real quickly, I mean, looking at the numbers we have, you are no longer—the administration's line is no longer that this is seasonal, you know, increases, right? I mean, we are—we are at structurally different numbers coming across, correct?

Secretary MAYORKAS. Yes, sir.

Mr. MEIJER. OK. Is that something that you are satisfied by? Is this a tolerable situation? I was appreciative of the emotion and enthusiasm you talked about the investigation you will be doing into the photos that we saw. Will there be an appropriate attempt to try to close the border or to try to reduce that flow or get us down from, again, I mean, just incredibly high numbers? I am looking at the fiscal year southwest land border encounters by month, I mean, it was that ramp up in February and it has just stayed above that, you know, 175 level consistently. Are we doing anything to try to get that number back down to try to really control the border?

Secretary MAYORKAS. We most certainly are, Congressman. We are doing a number of different things to address irregular migration and the number of individuals who are traveling north to our Southern Border ill-advisedly, perilously, and unsuccessfully. We are doing a number of things and I have spoken about this with respect to the root causes, the safe, orderly, and humane pathways, rebuilding processes here in the United States.

Mr. MEIJER. Has any of that had an demonstrable—

Secretary MAYORKAS. Humanitarian—

Mr. MEIJER [continuing]. Impact on being able to reduce those numbers, sir?

Secretary MAYORKAS. Well, we actually have recently seen a reduction in numbers. We hope that trend continues. We are employing tools and we are also fundamentally hopeful that the broken immigration system will be fixed through legislation.

Mr. MEIJER. Just, I think, that reduction was from July was 213,000, August was 208,000. So, still quadruple what it was in prior years. But, I guess, a reduction of, you know, a few percent is something. Thank you, Mr. Chairman, I yield back.

Chairman THOMPSON. The gentleman yields back. The Chair recognizes the gentleman from New Jersey, Mr. Gottheimer, for 5 minutes.

Mr. GOTTHEIMER. Thank you. Thank you, Chairman Thompson and Ranking Member Katko for holding this important hearing. Thank you, Mr. Secretary and Director Wray and Director Abizaid. Welcome so much. Thank you for your service. I really look forward to our work together to help protect our great country.

As we sit here today 20 years after 9/11, it is clear that we face a much different threat landscape today than the one that presented itself two decades ago. We have seen the rise of a diffuse domestic and home-grown terrorist movement, especially White supremacists and other racially or ethnically motivated violent extremists. As of last year, the FBI had more than 1,000 pending domestic terrorism investigations in all 50 States across 56 field offices. Earlier this year in recognition of these threats, the Department of Homeland Security, FBI, and the National Counterterrorism Center, agencies our witnesses today represent, were each charged with fulfilling specific goals under the first-ever National Strategy for Countering Domestic Terrorism.

Given these pending threats, it is critical that Congress enacts reforms to prevent the rising threat of domestic terrorism. Mr. Secretary, in July, this committee approved my bill, the Darren Drake Act. It is named in memory of a resident from my district, Darren Drake, of New Milford, a victim of October 2017 New York City Westside Highway terrorist truck attack. The bipartisan bill would direct the Secretary of Homeland Security to develop and disseminate best practices for rental companies and dealers to report suspicious behavior to law enforcement agencies at the point-of-sale of rental vehicles to prevent and mitigate acts of terrorism using motor vehicles. Mr. Secretary, how will these provisions help protect communities, in your opinion, from future terrorist attacks and what other reforms are most needed to prevent domestic terror incidents like those we have seen in recent years?

Secretary MAYORKAS. Congressman, your bill is—your bill is extremely important because it speaks of a fundamental need. Not only the dissemination of information to State, local, Tribal, territorial law enforcement, but the dissemination to the private sector and in the sharing of best practices. We are working to implement that very thoroughly. I think it is a very important measure and we have designed the Center for Prevention programs and partnership precisely to accomplish that mission to equip and empower all of society to work within the communities to address this increased threat.

Mr. GOTTHEIMER. Thank you so much. I really appreciate that. Dr. Abizaid, in February along with Representatives Brian Fitzpatrick, Andre Carson, and Chris Smith, I introduced the bipartisan Saracini Enhanced Aviation Act of 2021 to require the installation of secondary cockpit barriers on all commercial passenger aircraft to prevent terrorist attacks similar to 9/11. The bill mandates the installation of inexpensive lightweight wire-mesh gates between the passenger cabin and cockpit door blocking access to flight decks whenever the cockpit door is open during flight on all existing aircrafts. Director, looking back on the 20 years since 9/11, how can we prevent measures like this one help—and further protect American citizens? In your view, what more is needed?

Ms. ABIZAID. Thank you very much for the question. In general, the threats to aviation security are from foreign terrorist organizations in particular, remain of concern even here 20 years later. The enhancements that have happened in the intervening time have certainly protected us and the establishment of organizations like TSA, like DHS, like NCTC, have all contributed to that. That said,

every additional step that would further improve security, is something that we think will deter terrorist capability with regard to aviation security or other tactics they may use or other tactics they may use, and so, we appreciate the effort that you have gone through to do that.

Mr. GOTTHEIMER. Director, do you think we need that secondary barrier on all planes, not just the new commercial ones, but existing flights?

Ms. ABIZAID. I am not intimately familiar with the legislation or specifically, the assessment that would lead us to say that that is absolutely necessary. I would just say as a general matter, it sounds reasonable. I am happy to look at it and run it against what we know of terrorist tactics and capabilities and come back to you on that.

Mr. GOTTHEIMER. Thanks. It was in the—it is the only recommendation of the 9/11 Commission Report that has yet to be implemented. It is right now we use drink carts on many planes and the flight attendants have to stand there. When the cockpit door is open there has been several—there has been plenty of research at the FAA on this and other areas about the threat to our cockpits and to our airplanes about this. So, yes, I would love to follow up with you on this because I think it is critically important based on the research and the evidence and the 9/11 Commission Report that we get this done. There is absolutely no reason why we would leave this vulnerability open. Thank you. I yield back.

Chairman THOMPSON. The gentleman yields back. The Chair recognizes the gentleman from Kansas, Mr. LaTurner, for 5 minutes. The gentleman needs to unmute himself. I think we are having some technical difficulties with you. We are still not able to hear you, Mr. LaTurner. Stand by, we are trying to correct it.

Mr. LATURNER. Can you hear me now, Mr. Chairman?

Chairman THOMPSON. Yes, I can. Go ahead.

Mr. LATURNER. Mr. Chairman? OK.

Chairman THOMPSON. You are on. Go ahead.

Mr. LATURNER. Secretary Mayorkas, as has been cited throughout this hearing today, Customs and Border Patrol has encountered 208,887 migrants on the Southwest Border this past August. A 317 percent increase compared to the prior year. CBP is currently encountering over 5,000 more individuals per day than in August 2020. We have seen 6 straight months with over 170,000 encounters. Your Inspector General also just released a report highlighting the fact that your agency has failed to ensure sufficient COVID-preventative measures at the border. After nearly 3 decades of service at CBP, former Border Chief Rodney Scott stated that DHS is seeing terrorists cross our border “at a level we have never seen before.” This is absolutely unacceptable. This disaster must be addressed immediately. What specifically are you doing at DHS to ensure that our borders are secure and that Americans are kept safe amidst all of this chaos?

Secretary MAYORKAS. If I may, Congressman, I can spell out quite a number of measures that we are taking. Let me focus, if I may, on August the number of encounters that you identify are—does not reflect the number of individuals encountered, as we do have a level of recidivism there. You cited 208,000 figure. In fact,

the unique encounters, the number of different individuals encountered in August was 156,641. So, we have taken a number of measures, enforcement measures.

For example, we have increased the number of lateral flights from one area of the border to another and then we have the removal flights leave from that second processing area into the interior of Mexico to make recidivism more difficult and to ease the processing line and facilitate it. That is one example of a measure that we have taken. We have, in fact, instituted a policy to criminally prosecute recidivists, individuals who have been removed previously. We are working with the Northern Triangle countries to receive more individuals more rapidly so that we can effect removals more. Those are some examples of the measures that we are taking from an enforcement perspective.

We also have an obligation, albeit in a COVID-19 environment, because we are employing the CDC's Title 42 public health authority, we do have an obligation to enforce all laws that is also not only the laws of accountability, but the laws of humanitarian relief. Those are equally on the books as well. Many of the individuals whom we encounter claim asylum and have a right to have those asylum claims heard as our laws provide.

Mr. LATURNER. Thank you, Mr. Secretary. Could you provide—what percentage of migrants have been processed through Title 42 as opposed to Title 8?

Secretary MAYORKAS. So, let's take a look, if I may, Congressman, at the August numbers. So, of the numbers that I have indicated, the 93,414 have been processed for expulsion under Title 42 and 115,473 have been processed for expulsion under Title 8.

Mr. LATURNER. Thank you very much, Mr. Secretary. I yield back.

Chairman THOMPSON. The gentleman yields back. The Secretary has reiterated during this hearing his willingness to provide requested updates to Members in an appropriate setting. We will work and coordinate that with the Secretary and if at all possible, Mr. Director, we might try to get you there too given some of the information you were not able to provide at this hearing so that the Members can have as full a view of what the landscape looks like in a Classified and un-Classified setting. We will try to work everybody as well as our third witness who perhaps can help us on the international front to tie some of the areas together too. For sure, we will get FBI and DHS and obviously, if we need to include others, we will.

I thank the witnesses for their testimony and Members for their questions. The Members of the committee may have additional questions for the witnesses and we ask you to respond expeditiously in writing to those questions.

Without objection I also include in the record a letter from the Jewish Federations on the subject of today's hearing.

[The information follows:]

LETTER FROM THE JEWISH FEDERATIONS OF NORTH AMERICA

September 20, 2021.

The Honorable BENNIE THOMPSON,
*Chairman, Committee on Homeland Security, U.S. House of Representatives, Wash-
 ington, DC 20515.*

The Honorable JOHN KATKO,
*Ranking Member, Committee on Homeland Security, U.S. House of Representatives,
 Washington, DC 20515.*

DEAR CHAIRMAN THOMPSON AND RANKING MEMBER KATKO: The Jewish Federa-
 tions of North America commends you for holding a timely hearing on Worldwide
 Threats to the Homeland: 20 Years After 9/11.

In the 20 years since the 9/11 attacks, the charitable sector, and the Jewish com-
 munity in particular, has been a high-value target of violent extremists and the
 threats have metastasized from foreign terrorist organizations and home-grown vio-
 lent extremists to include domestic violent extremists, and especially racially or eth-
 nically motivated violent extremists, such as white supremacists. While these bad
 actors may have divergent ideological underpinnings, they share a common thread
 that unites them—their hatred for the Jewish people. And as the threat actors and
 their motivations have expanded, so have their targets within the charitable sector.

We have witnessed terrorists and violent extremists target African-American pa-
 rishioners engaged in religious worship (mass shooting) and Somali immigrants at-
 tending their community mosque (bombing), as well as Jewish congregants partici-
 pating in Chanukah holiday celebrations (machete attack).¹ As the threats have
 morphed and grown, we are tremendously grateful for the strong bi-partisan re-
 sponse from the House Homeland Security Committee to grow and expand the reach
 of the Nonprofit Security Grant Program (NSGP) and to advance other best prac-
 tices and resources to secure the charitable sector and houses of worship.

Three years ago, with your support, Congress broadened eligibility to the NSGP
 program from approximately 30 high-risk urban areas to communities throughout
 the United States, large and small. Last year, through your leadership, Congress
 passed a 5-year authorization of the NSGP program, elevating its stature as a
 meaningful part of the preparedness grant programs. This year, also with your sup-
 port, the program doubled in funding to \$180 million.

In only a few years, NSGP has grown into the third-largest program in FEMA's
 grant programs portfolio in terms of volume and work, behind only the Urban Area
 Security Initiative and the Homeland Security Grant Program. And we believe that
 further growth in the program is both justified and inevitable. It is justified because
 only a very small portion of faith-based and nonprofit organizations have partici-
 pated in the program to date (about 6,500 over the past 17 years), even as the chari-
 table sector, made up of nearly 1.7 million houses of worship and charitable institu-
 tions, faces a heightened and more expansive threat environment. It is inevitable
 because the more the charitable sector becomes aware of the NSGP funding oppor-
 tunity and current barriers to the program are addressed, participation rates will
 certainly increase as they have over the last 7 consecutive fiscal years.²

However, there are a number of challenges nonprofits face to accessing vital secu-
 rity resources, including NSGP. First, neither the Federal Emergency Management
 Agency (FEMA) nor the State Administrative Agencies (SAAs) receive any specific
 resources to manage and administer the NSGP program, which has grown exponen-
 tially in recent funding cycles. Despite rapid growth in the program, the admin-
 istering bodies have not been provided the needed resources to support stakeholder
 outreach and technical assistance or to conduct fulsome application review and vet-
 ting processes.

To ensure the integrity of the program, including the quality of program oversight
 and technical assistance to its stakeholders, we recommend providing FEMA Grant
 Programs Directorate (GPD) and the SAAs with additional and specified resources
 to address their management and administrative costs.

Second, with respect to stakeholders navigating the application process, one of the
 greatest challenges to accessing, understanding, and successfully applying for the
 NSGP funding opportunity is the archaic and static Excel-based application form
 and format FEMA's GPD is required to use. Presently, navigating the current proc-

¹ House Appropriations Subcommittee on Commerce, Justice, Science, "Violent Extremism and
 Domestic Terrorism in America: The Role and Response of DOJ," April 29, 2021; Link: [https://
 appropriations.house.gov/events/hearings/violent-extremism-and-domestic-terrorism-in-america-
 the-role-and-response-of-doj](https://appropriations.house.gov/events/hearings/violent-extremism-and-domestic-terrorism-in-america-the-role-and-response-of-doj).

² Ibid.

ess is overly complex, inconsistent, and faulty. Many stakeholders' technical assistance questions pertain to glitches in the application.

Information important to the SAAs and GPD review process are not permitted to be asked. An efficient and streamlined web-based format is long overdue that would infuse equity and a level playing field for all stakeholders and continuity and relevance in the review process. For this to happen, FEMA GPD requires authority (a waiver to the Paperwork Reduction Act of 1995) to update the content and format of the application.

The Paperwork Reduction Act (PRA) governs how Federal agencies collect information from the public. Its purpose, in significant part, is to "Ensure the greatest possible public benefit from and maximize the utility of information created, collected, maintained, used, shared, and disseminated by or for the Federal Government" and to "improve the quality and use of Federal information to strengthen decision making, accountability, and openness in Government and society."³ The current NSGP application is not meeting these central purposes of the PRA. A waiver to the PRA would fast track a several years-long approval process to secure needed changes to reduce barriers to successfully applying for and administering the NSGP application process.

To hasten new technology capabilities and a redesign of the NSGP application content and format, we recommend providing FEMA's GPD with the necessary expedited waiver authority.

Third, as the interest in the NSGP program has increased, the limitation on available resources remains a challenge. The number of applications submitted by the State Administrative Agencies to FEMA grew from 963 in fiscal year 2018 to more than 3,300 this year (fiscal year 2021). The program in fiscal year 2018 funded about 54 percent of the applicants reviewed by FEMA (up from an average of about 36 percent between fiscal year 2007 and fiscal year 2017). Yet even with a threefold increase in funding in fiscal year 2021, only about 45 percent of the applicants reviewed by FEMA were approved. In fact, a total of 3,361 applicants submitted project requests totaling \$399,763,916, more than twice the \$180 million in available funds appropriated by Congress.⁴

To meet the demands of the charitable sector on the NSGP program, we recommend doubling the current appropriation of \$180 million to \$360 million in fiscal year 2022, and for Congress to stabilize the annual NSGP funding level in line with the elevated threat level.

Fourth, we have witnessed threats and attacks against faith-based and communal institutions that have occurred in communities with populations as large as 2.5 million and as small as 600.

While current threat assessments warn of the increased opportunity for violence against faith-based and communal institutions they do not pinpoint credible or imminent threats. This is common because law enforcement and counterterrorism agencies are hard pressed to deter, detect, and disrupt violent extremists before they attack. What is clear is that this is a threat of Nation-wide proportions affecting urban, suburban, and rural communities, and no one can predict where the next attack will occur.

When the NSGP program was first created in fiscal year 2004, the country lacked coordinated, centralized programs to promote and ensure at-risk nonprofit institutions meaningfully participated in and benefited from Federal, State, or local homeland security efforts. Despite legitimate and growing nonprofit threats and concerns, the charitable sector lacked a seat at the table to effectively compete for planning, training, target hardening, and other Federal preparedness resources. The charitable sector lacked a reliable and broad conduit to the Nation's law enforcement and counterterrorism establishments, Federal, State, and local.

In its 17 years, the NSGP program has made critical inroads for a small percentage of the Nation's houses of worship and charitable institutions. Unfortunately, today's threat environment provides a compelling public interest in furthering protections against attacks that would disrupt the vital health, human, social, cultural, religious, and other humanitarian services and practices the charitable sector provides, and which threaten the lives and well-being of millions of Americans who operate, utilize, live, and work in proximity to them.

To meet this task, we recommended the Department of Homeland Security designate the charitable sector as an addition to the Nation's critical infrastructure sectors whose assets, systems, and networks are considered so vital to the United

³ US Office of Personnel Management, "Paperwork Reduction Act Guide Version 2.0," April 27, 2011; Link: <https://www.opm.gov/about-us/open-government/digital-government-strategy/fitara/paperwork-reduction-act-guide.pdf>.

⁴ DHS/FEMA/Grant Programs Directorate.

States that their incapacitation or destruction would have a debilitating effect on National security, economic security, public health, or public safety.⁵ As DHS's Cybersecurity and Infrastructure Security Agency describes, "these partnerships create an environment to share critical threat information, risk mitigation, and other vital information and resources."⁶ The charitable sector should also be afforded the full extent of these partnerships.

On the 20th anniversary of 9/11, there is much to consider about the world-wide threats to the homeland, including those pertaining to the charitable sector. For these reasons, we respectfully urge you to call on Homeland Security Secretary Mayorkas, Federal Bureau of Investigation Director Wray, and National Counterterrorism Center Director Abizaid to address the safety and security issues of the charitable sector in their testimony, including responding to the concerns and recommendations outlined in this letter.

Thank you for your consideration.

Sincerely,

ROBERT B. GOLDBERG,

Senior Director, Legislative Affairs, The Jewish Federations of North America.

REPORT FROM THE JEWISH FEDERATIONS OF NORTH AMERICA

NONPROFIT SECURITY GRANT PROGRAM.—THREAT INCIDENT REPORT: SEPTEMBER 1, 2021 TO PRESENT

Prepared By: Rob Goldberg, Senior Director, Legislative Affairs, Rob.goldberg@JFNA.org

RECENT RISK REPORTS AND ASSESSMENTS OF NATIONAL SIGNIFICANCE/CHRONOLOGY OF THREAT INCIDENTS REPORTED

Union Vale, New York, September 20, 2021 (Jerusalem Post/New York State Police/Mid Hudson News).—An off-duty New York City police officer has been arrested after he allegedly broke into Camp Young Judea on the second day of Rosh Hashanah, September 8. Matthew McGrath, 37, was arrested and charged with felony burglary and criminal mischief after he allegedly smashed windows, destroyed the camp director's residence, and extensively damaged the property.

San Diego, California, September 17, 2021 (DoJ/US Attorney's Office for the Southern District of California).—John T. Earnest of Rancho Penasquitos pleaded guilty in Federal court today to a 113-count hate crimes indictment, admitting that he set fire to an Escondido mosque and opened fire in a Poway synagogue because he wanted to kill Muslims and Jews. The religiously and racially motivated attacks resulted in the murder of 1 person and the attempted murders of 53 others. According to the plea agreement and other court documents, after several weeks of planning, Earnest drove to the Chabad of Poway synagogue, where members of the congregation were gathered for religious worship. Earnest entered the building armed with a Smith and Wesson M&P 15 assault rifle that was fully loaded with a 10-round magazine. He wore a chest rig which contained 5 additional magazines, each loaded with 10 rounds of ammunition. Earnest opened fire, killing 1 person (Lori Gilbert Kaye) and injuring 3 other members of the congregation, including a then-8-year-old child. After Earnest emptied his initial magazine, several congregants rushed at Earnest. Earnest fled in his car and, shortly after, called 9-1-1 and confessed that he had "just shot up a synagogue." Earnest was apprehended by local law enforcement who found the rifle and additional ammunition in his car. Investigators found a manifesto written by Earnest and posted on the internet shortly before the attack. In the manifesto, Earnest made many anti-Semitic and anti-Muslim statements, including "I can only kill so many Jews" and "I only wish I killed more." Earnest wrote that he was inspired by the Tree of Life synagogue shooting in Pittsburgh, Pennsylvania, and the shootings at two mosques in New Zealand. Earnest also admitted that he attempted to set fire to the Dar-ul-Arqam mosque in Escondido, California because of his hatred of Muslims and the religious character of the building. Seven missionaries were asleep in the mosque at the time of the attack, but no one was injured.

⁵ Government Accountability Office Report, "Critical Infrastructure Protection: Progress Coordinating Government and Private Sector Efforts Varies by Sectors," October 16, 2006 (GAO-07-39); Link: <https://www.govinfo.gov/content/pkg/GAOREPORTS-GAO-07-39/html/GAOREPORTS-GAO-07-39.htm>.

⁶ Cybersecurity and Infrastructures Security Agency; Link: <https://www.cisa.gov/critical-infrastructure-sector-partnerships>.

Pittsburgh, Pennsylvania, September 16, 2021 (DoJ/US Attorney's Office for the Western District of Pennsylvania).—Mustafa Mousab Alowemer, 23, of Pittsburgh pleaded guilty to one count of attempting to provide material support to ISIS in relation to his plan to attack a church. According to court documents, Alowemer plotted to bomb a church located on the north side of Pittsburgh using an explosive device. His stated motivation to conduct such an attack was to support the cause of ISIS and to inspire other ISIS supporters in the United States to join together and commit similar acts in the name of ISIS. Alowemer also targeted the church to “take revenge for our [ISIS] brothers in Nigeria.” Alowemer was aware that numerous people in the proximity of the church could be killed by the explosion. In his planning, Alowemer purchased several items, including nails and acetone (nail polish remover) with the belief that they were necessary to assemble a destructive device and with the intention they be used to construct the explosives that would be detonated in the vicinity of the church. He also printed Google satellite maps, which included hand-written markings identifying the church and routes of arrival and escape. Alowemer also wrote and provided a 10-point handwritten plan outlining details related to his plot to personally deliver explosives in a backpack.

Nation-wide, September 16, 2021 (Department of Homeland Security¹).—The Department of Homeland Security assesses that some individuals involved in or opposed to the “Justice for J6” rally planned for 18 September at Union Square in Washington, DC may seek to engage in violence. In early September, social media users discussed using the rally to target local Jewish institutions and “liberal churches,” while law enforcement is distracted that day.

Hagen, Germany, September 16, 2021 (13 ABC WHAM/Associated Press/Der Spiegel news magazine/DPA news agency).—German security officials detained 4 people in connection with a suspected plan to attack a synagogue in the western city of Hagen. The detentions took place on Yom Kippur, the holiest day in Judaism, and 2 years after a deadly attack targeting a synagogue in the German city of Halle the Yom Kippur holiday. (In the Halle attack, an armed right-wing extremist tried, but failed, to force his way into the synagogue with 52 worshippers inside. When the door held, he shot dead 2 people nearby and injured 2 others as he fled.) According to news reports, a foreign intelligence service tipped off German security officials about the threat based on an on-line chat where one of the suspects discussed planning an attack with explosives on a Hagen synagogue. The interior minister of the state of North Rhine-Westphalia, where Hagen is located, confirmed that there was an attack threat. Dozens of police officers secured the building and a service planned to mark Yom Kippur, the holiest Jewish holiday, was canceled at short notice.

Toledo, Ohio, September 13, 2021 (Department of Justice/Office of Public Affairs).—Damon M. Joseph, aka Abdullah Ali Yusuf, 23, of Holland, Ohio, was sentenced to 20 years in prison for attempting to provide material support to the Islamic State of Iraq and al-Sham (ISIS) and for planning to attack 2 synagogues in the Toledo area. According to Acting Assistant Attorney General Mark J. Lesko of the Justice Department's National Security Division, “Inspired by ISIS, Damon Joseph planned to conduct a deadly terrorist attack at a synagogue in Ohio. He hoped to cause mass casualties by selecting a time when numerous innocent victims would be present.” According to the Department of Justice release, Joseph attempted to support ISIS through violent attacks on Jewish congregants, including children, and any first responders who sought to protect and assist them. According to statements Joseph made to undercover FBI personnel, he wanted to use AR 15s, AK 47, Glock handguns and ammunition to inflict mass casualties, he specifically wanted to kill a rabbi, and wanted to conduct the attack on the Jewish sabbath so that more people would be present.

Minneapolis-St. Paul, Minnesota, September 13, 2021 (JTA).—Two separate threat incidents proximate to the Jewish high holy days have led to increased security measures and communal disruptions. Beth El Synagogue in St. Louis Park (Minneapolis) closed its doors and moved Shabbat services on-line after the regional offices of ADL Midwest in Chicago notified the congregation of a “a specific threat of violence” it received against the synagogue via its on-line incidence-report system. Specific details of the threat are not being released, with authorities citing an ongoing investigation. This synagogue threat occurred one day after 32 headstones were knocked down at the Chesed Shei Emes cemetery in St. Paul. As the high holy days continue, area synagogues and Jewish organizations are increasing security at their institutions in light of the threat.

¹ DHS Office of Intelligence and Analysis, Intelligence in Brief, “Prospects for Violence at ‘Justice for J6’ Rally in Washington, DC,” 16 September 2021 (IA-54468-21)

Bloomington, Minnesota, September 13, 2021 (DoJ/U.S. Attorney's Office for the District of Minnesota).—Emily Claire Hari, 50, f/k/a Michael Hari, was sentenced to 53 years in prison for the August 5, 2017, bombing of the Dar al-Farooq (DAF) Islamic Center. Hari was convicted by a Federal jury on all 5 counts of the indictment, including intentionally defacing, damaging, and destroying religious property because of the religious character of that property; intentionally obstructing, and attempting to obstruct, by force and the threat of force, the free exercise of religious beliefs; conspiracy to commit Federal felonies by means of fire and explosives; carrying and using a destructive device during and in relation to crimes of violence; and possession of an unregistered destructive device. As proven at trial, during the summer of 2017, Hari established a terrorist militia group called “The White Rabbits” in Clarence, Illinois. Hari recruited co-defendants Michael McWhorter and Joe Morris to join the militia, which Hari outfitted with paramilitary equipment and assault rifles. On August 4 and 5, 2017, Hari, McWhorter, and Morris drove in a rented pickup truck from Illinois to Bloomington, Minnesota, to bomb the DAF Islamic Center, using a 20-pound black powder pipe bomb together with a plastic container filled with a mixture of diesel fuel and gasoline. When the pipe bomb exploded, the blast caused extensive damage to the Imam’s office. It also ignited the gasoline and diesel mixture, causing extensive fire and smoke damage. At the time of the bombing, several worshipers were gathered in the mosque for morning prayers. Hari targeted DAF specifically to terrorize Muslims into believing they are not welcome in the United States and should leave the country. In handing down a 53-year sentence, United States District Judge Donovan W. Frank described the attack orchestrated by Hari as a highly sophisticated and premeditated act of domestic terrorism.

Buxton, Maine/Nation-wide, September 13, 2021 (Bangor Daily News).—Brian Dennison, 24, allegedly threatened in his Twitter feed “to kill Jews with my AR-15” during the High Holy Days, has been charged in Federal court in Portland with transmitting threatening interstate communication. He also said he was building a pipe bomb, according to documents filed in U.S. District Court in Portland. Dennison posted the threat on September 8, the second day of Rosh Hashanah, the Jewish New Year. According to Dennison’s parents, their son owns “a few pistols and rifles, including an AR-15-style rifle.” They also said that Dennison “had been obsessed with Jews for about 3 years, and that he believed Jews were responsible for all of his problems,” and that “They said they had many concerning conversations with Brian regarding Jews,” according to a court affidavit.

Framingham, Massachusetts, September 9, 2021 (MetroWest Daily News).—Two hand-sized swastikas were found carved into a wooden sign at the Temple Beth Shalom synagogue in the midst of the high holiday season. The Jewish New Year, Rosh Hashanah, began on September 8.

Nation-wide, September 7, 2021 (Department of Homeland Security²).—The relocation of Afghan nationals to the United States likely exacerbates Domestic Violent Extremist grievances associated with Muslim communities and could lead some to commit violence. Some Racially or Ethnically Motivated Violent Extremist-White Supremacists are posting content blaming the Jewish community for the relocation of Afghan nationals. A suspected RMVE-WS has called for an arson attack on a Jacksonville, Florida-based nonprofit organization involved in Afghan resettlement, according to non-Government organization reporting.

Germany, September 3, 2021 (The Allgemeiner).—Germany’s president Frank-Walter Steinmeier delivered a Rosh Hashanah (Jewish New Year) message to Germany’s Jewish community filled with concern for the community’s safety and security. Steinmeier remarked that 2 years after the Halle atrocity, “Jews in Germany continue to be ridiculed, belittled, violently attacked.” On October 9, 2019, neo-Nazi Stephan Balliet drove to the Halle synagogue as more than 50 worshipers inside the sanctuary held services to mark Yom Kippur, the holiest day in the Jewish calendar. Balliet was equipped with eight firearms, several explosive devices, a helmet, and a protective vest for the attack. After failing to break through the synagogue’s locked entrance despite exploding a grenade, Balliet shot dead a 40-year-old female passerby. After additional violent attempts to force his way inside the temple, Balliet drove to a Muslim-owned restaurant and shot dead a 20-year-old man he believed to be a Muslim. According to German Federal Government figures released in February, at least 2,275 crimes with an anti-Semitic background were logged over a 12-month period ending in January 2021. Steinmeier asserted that anti-Semitic conspiracy theories fueled by the COVID-19 pandemic were gaining momentum. “It

²DHS Office of Intelligence and Analysis, Intelligence in Focus, “Possible Domestic Violent Extremist Responses to the Relocation of Afghan Nationals to the United States,” 7 September 2021 (IA-51281-21).

pains me and makes me angry that anti-Semitic hatred and anti-Jewish agitation are showing themselves so openly—in Germany, of all places,” the president said.

Nation-wide, September 2, 2021 (CTV News Canada/CNN).—As the United States-backed Government in Afghanistan fell to the Taliban and U.S. troops raced to leave the country, White supremacist extremists expressed admiration for what the Taliban accomplished, a worrying development for U.S. officials who have been grappling with the threat of domestic violent extremism. Several concerning trends have emerged in recent weeks on on-line platforms commonly used by White supremacist and other domestic violent extremist groups, including “framing the activities of the Taliban as a success,” and a model for those who believe in the need for a civil war in the United States, according to the head of the Department of Homeland Security’s Office of Intelligence and Analysis, John Cohen. Cohen expressed concerns that these narratives may incite violent activities directed at immigrant communities and certain faith communities. Neo-Nazi and violent accelerationists—who hope to provoke what they see as an inevitable race war, which would lead to a Whites-only state—in North America and Europe are praising the Taliban for its anti-Semitism, homophobia, and severe restrictions on women’s freedom, the SITE Intelligence Group found. For example, a quote taken from the Proud Boy to Fascist Pipeline Telegram channel, said: “These farmers and minimally trained men fought to take back their nation back from globohomo. They took back their government, installed their national religion as law, and executed dissenters . . . If White men in the west had the same courage as the Taliban, we would not be ruled by Jews currently,” SITE found.

Nation-wide, September 1, 2021 (NTIC Homeland Security Intelligence Digest—September 10, 2021/San Diego Law Enforcement Coordination Center Intelligence Bulletin (21-18)).—A review of 17 disrupted domestic violent extremist (DVE) plots in the United States from June 2016 through July 2021 found that DVEs interested in plotting violent action using IEDs are more likely to construct simple devices from readily available supplies, rather than seeking to purchase a fully-built device. The cases reviewed included many targeting faith-based communities: Mosque (Garden City, Kansas—October 2016); Religious Facilities (Oklee, Minnesota—October 2017); Muslim Community (Islamberg, New York—January 2019); Synagogue and Mosque (Brownsville, Texas—June 2019); Synagogue (Las Vegas, Nevada—August 2019); Synagogue (Pueblo, Colorado—November 2019); and Jewish Populations (Campbell, California—July 2021). Outlook: DVEs will likely continue to attempt to acquire commercially available explosive precursors and seek to build simple IEDs.

Chairman THOMPSON. The Chair reminds that the committee’s record will remain open for 10 business days. Without objection, the committee stands adjourned.

[Whereupon, at 12:27 p.m., the committee was adjourned.]

APPENDIX

QUESTIONS FROM HON. ELAINE LURIA FOR HON. ALEJANDRO N. MAYORKAS

Question 1. Secretary Mayorkas, can you speak to climate change as a threat multiplier? Is this crisis contributing to the other threats you highlighted in your written testimony such as terrorism, economic security, immigration, and transnational organized crime?

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

Question 2. Secretary Mayorkas, our Nation has more than 300 land, air, and sea-ports of entry that require the screening of foreign visitors and cargo. Can you provide an update on the on-going threats facing those ports of entry? What are the challenges that your department, and more specifically Customs and Border Protection, continue to face, and what efforts have you taken to mitigate those challenges?

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

Question 3. For all three witnesses, from an information-gathering and -sharing standpoint, what blind spots or challenges are you continuing to experience in addressing the threat from domestic violent extremists? Are there authorities or other areas that this committee should be looking at to address those blind spots?

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

QUESTIONS FROM HON. CLAY HIGGINS FOR HON. ALEJANDRO N. MAYORKAS

Question 1. Secretary Mayorkas, last month you were recorded saying, “if our borders are the first line of defense, we’re going to lose and this is unsustainable,” as well as “We can’t continue like this, our people in the field can’t continue and our system isn’t built for it” and the current border situation “cannot continue.”

With a simple YES or NO, do you still believe that the situation at the Southern Border is unsustainable and cannot continue?

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

Question 2. Did you advise President Biden that the border situation is unsustainable and cannot continue?

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

Question 3. Given that the border is still open, is the President ignoring your advice?

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

Question 4. Why has the administration not acted to secure the border?

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

Question 5. Do you plan on requesting additional resources in today’s hearing to counter this surge in illegal crossings?

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

Question 6. Does the current crisis at the Southern Border, along with the deterioration of U.S. intel assets in the Middle East as a result of the botched withdrawal from Afghanistan cause additional concerns for DHS, similar to those expressed by the Pentagon?

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

Question 7. What incentive does the Biden administration have to keep the border open even though, according to you, its unsustainable?

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

QUESTIONS FROM HON. MICHAEL GUEST FOR HON. ALEJANDRO N. MAYORKAS

Question 1. Secretary Mayorkas, according to a letter from recently-departed chief of the U.S. Border Patrol Rodney Scott, you have chosen to ignore the recommendations of career Government leadership despite your own admission that you agree with them.

In August, you admitted to a group of border agents in a closed-door meeting, “if our borders are the first line of defense, we’re going to lose and this is

unsustainable” and that the current border situation “cannot continue.” The above statements are gravely concerning and indicate that you know there is an issue but are unwilling to take the necessary steps to fix it.

Do you still believe the above statements that you made to a group of Border Patrol agents?

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

Question 2. Have you agreed with career Government leadership on proven programs and consequences to help secure our border but not acted on them? If so, why?

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

QUESTIONS FROM HON. MARIANNETTE MILLER-MEEKS FOR HON. ALEJANDRO N. MAYORKAS

Question 1. If we’re requiring air travelers to have a negative COVID test before entry, why aren’t we requiring the same of land travelers?

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

Question 2. If we are able to test Afghan Paroles for COVID and vaccinate them for not only COVID, but Measles, Mumps, Rubella, and Polio, and any other age-appropriate vaccinations are required by the CDC, why is there a double standard along our Southwest Border?

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

Question 3. Do you agree with the IGs report entitled “DHS Needs to Enhance Its COVID-19 Response at the Southwest Border”?

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

Question 4. Do you agree that it is your responsibility to ensure that there are strong protocols in place at the border to mitigate the spread of COVID-19?

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

Question 5. Do you commit to implementing the IGs recommendation and identify ways to mitigate the spread of COVID-19?

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

Question 6. Do you commit to report back to this committee within a month on progress the Department has made at the border regarding COVID?

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

QUESTIONS FROM HON. CARLOS GIMENEZ FOR HON. ALEJANDRO N. MAYORKAS

Question 1. What is the number of illegal migrants that have been encountered along the U.S. border since Jan 20, 2021?

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

Question 2. What is the number of illegal migrants that have been detained attempting to cross the U.S. border since Jan 20, 2021?

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

Question 3. What is the number of illegal migrants that have been released into the United States since Jan 20, 2021?

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

QUESTIONS FROM HON. PETER MELJER FOR HON. ALEJANDRO N. MAYORKAS

Question 1. Can you commit to responding to the letter that Representative Correa and I sent to you on September 16, 2021, with the requested information regarding Operation Allies Welcome, by the requested deadline of October 1, 2021?

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

Question 2. One of the main questions we have asked about the Afghan resettlement efforts, and that we have yet to receive a sufficient answer from the administration on, is a breakdown of evacuees coming to the United States by status (SIV holders, SIV applicants, P1/P2 applicants, other at-risk Afghans, dependents of all categories of individuals, etc.).

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

Question 3. Why has it taken so long to get an answer on this?

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

Question 4. At what stage of the resettlement process is an individual’s status determined?

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

Question 5. If individuals are going through screening and vetting procedures prior to coming to the United States, shouldn’t we at least have a breakdown by status for individuals that have already entered the United States?

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

Question 6. With DHS as the Federal Government's lead on Operation Allies Welcome, does DHS have any role in continuing evacuation operations out of Afghanistan? Or does this remain solely under the State Department's jurisdiction?

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

Question 7. Amid surges of migrants at different locations along the Southwest Border, in addition to DHS personnel being reassigned to assist with the Operation Allies Welcome resettlement effort for Afghan evacuees coming to the United States, it would be helpful to get some clarity on how DHS is currently allocating its resources.

Where did the DHS personnel that were surged to Del Rio come from? Where did the DHS personnel reassigned to Operation Allies Welcome come from?

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

Question 9. Do these locations that personnel were reassigned away from now lack sufficient resources to conduct their homeland security missions?

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

Question 10. Do Northern Border States like Michigan now have less CBP personnel than usual?

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

Question 11. Does DHS need more resources overall to conduct its mission?

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

Question 12. The administration appears to have been surprised by the speed with which large groups of migrants recently arrived at the Southern Border, specifically in the Del Rio sector, and there is reporting that other large groups in Central and South America may also be heading toward the U.S. border soon.

Is this lack of preparation the result of an intelligence issue?

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

Question 13. How does DHS and the broader U.S. intelligence community engage in and gather intelligence in the region?

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

Question 14. How would each of you characterize intelligence coordination and visibility in Central and South America compared to other regions around the world?

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

Question 15. Secretary Mayorkas has cited misinformation as the reason for why these groups are now attempting to come to the United States.

What groups are responsible for this misinformation?

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

Question 16. What is the administration doing to combat these misinformation campaigns?

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

QUESTIONS FROM HON. AUGUST PFLUGER FOR HON. ALEJANDRO N. MAYORKAS

Question 1. Last month the U.S. Government evacuated approximately 124,000 people from Afghanistan. There are reports that this included several thousand U.S. citizens and approximately 705 SIV holders.

We have continuously requested a breakdown of the remainder of these evacuees and have received no official report. Could you please provide a breakdown on who these non-citizen non-SIV evacuees—approximately 120,000 individuals—are?

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

Question 2. How many of these individuals do you expect to be eligible for P-1 or P-2 visas?

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

Question 3. How many of these individuals will not be eligible for SIV, P-1, or P-2 visas?

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

Question 4. Will you commit to providing information regarding these individuals' visa status and other pertinent information concerning their movement, vetting, and resettlement on a monthly basis, comparable to the border numbers?

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

Question 5. Understanding that we were aiming to evacuate approximately 20,000 SIVs and their families, and hearing the reports that we only evacuated approximately 705, are you concerned about the fact that we have left behind tens of thousands of young men who are uniquely positioned for combat, have first-hand experience with the U.S. military, and who are currently becoming angered and resentful of the United States because they feel abandoned by the U.S. Government?

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

Question 6. Do you believe this may provide a ripe recruitment pool for extremist groups?

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

Question 7. Do you see this as a National security threat?

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

Question 8. Please explain how you have and continue to process, including with biometrics and biographical, the tens of thousands of people who had no visa, and in most cases had not even filed for one, but who were relocated to the United States.

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

Question 9. Could you provide an exact number of those relocated to the United States who still had their visas in process and the number of those who had not even filed for a visa?

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

Question 10. Please provide a breakdown of the Afghan evacuees according to location.

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

Question 11. How many Afghans are currently in third-party "lily pad" countries?

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

Question 12. How many are currently at military bases within the interior?

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

Question 13. How many Afghan citizens have you paroled into the United States?

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

Question 14. How many individuals present on the TSDB, No-Fly List, or other watch lists have been transported by the United States out of Afghanistan?

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

Question 15. How many, if any, have been transported into the United States?

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

Question 16. Where have these individuals been apprehended?

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

Question 17. What is being done with them once apprehended?

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

Question 18. How many DHS personnel, including CBP and USBP personnel, have been pulled from duties related to the Southwest Border in order to help manage the processing of Afghans into the United States?

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

QUESTIONS FROM HON. ELAINE LURIA FOR CHRISTOPHER A. WRAY

Question 1. Director Wray, you have previously noted the criminal code includes a definition of domestic terrorism (18 U.S.C. § 2331(5)) and that there is no Federal domestic terrorism statute. Do you feel, given the events of January 6, and the heightened threat from domestic violent extremists, that such a statute is warranted? If so, why? If not, why not?

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

Question 2. Director Wray, in your testimony to this committee last year, you mentioned end-to-end encryption as a technological challenge that is significantly impacting your law enforcement efforts. Can you update us on that as well other technological challenges you and other domestic law enforcement agencies are running into? What tools do you need to meet these challenges?

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

Question 3. For all three witnesses, from an information-gathering and -sharing standpoint, what blind spots or challenges are you continuing to experience in addressing the threat from domestic violent extremists? Are there authorities or other areas that this committee should be looking at to address those blind spots?

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

QUESTION FROM HON. DIANA HARSHBARGER FOR CHRISTOPHER A. WRAY

Question. Could you please provide an update on the people who have been arrested in relation to the January 6 incident at the U.S. Capitol including where and how they are being held?

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

QUESTIONS FROM HON. PETER MEIJER FOR CHRISTOPHER A. WRAY

Question 1. At what stage of the vetting and screening process that Afghan evacuees are undergoing do your agencies get involved?

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

Question 2. What kind of security checks do each of your agencies conduct?

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

Question 3. During these stages of vetting, are you aware of an individual's immigration or refugee status?

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

Question 4. The administration appears to have been surprised by the speed with which large groups of migrants recently arrived at the Southern Border, specifically in the Del Rio sector, and there is reporting that other large groups in Central and South America may also be heading toward the U.S. border soon.

Is this lack of preparation the result of an intelligence issue?

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

Question 5. How does DHS and the broader U.S. intelligence community engage in and gather intelligence in the region?

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

Question 6. How would each of you characterize intelligence coordination and visibility in Central and South America compared to other regions around the world?

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

Question 7. Secretary Mayorkas has cited misinformation as the reason for why these groups are now attempting to come to the United States.

What groups are responsible for this misinformation?

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

Question 8. What is the administration doing to combat these misinformation campaigns?

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

QUESTIONS FROM HON. ELAINE LURIA FOR CHRISTINE ABIZAIID

Question 1. Director Abizaid, you mentioned in your written testimony that racially or ethnically motivated violent extremists, who promote the superiority of the White race, have the most persistent and concerning transnational connections because individuals with similar ideological beliefs exist outside the United States. Countries such as Australia, Germany, Norway, and the United Kingdom who consider racially or ethnically motivated violent extremists, to be the fastest-growing terrorist threat they face. Can you expand on these connections and what if any additional connections are you seeing between these extremists and organized criminal groups, cyber groups, etc.?

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

Question 2. For all three witnesses, from an information-gathering and -sharing standpoint, what blind spots or challenges are you continuing to experience in addressing the threat from domestic violent extremists? Are there authorities or other areas that this committee should be looking at to address those blind spots?

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

QUESTIONS FROM HON. PETER MELJER FOR CHRISTINE ABIZAIID

Question 1. Without U.S. personnel on the ground in Afghanistan, everyone's expectation is that conducting counterterrorism operations will be more difficult than it was before.

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

Question 2. What are the obstacles to intelligence gathering and sharing that the intelligence community is anticipating, or already experiencing, in the region?

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

Question 3. How does NCTC intend to overcome those obstacles?

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

Question 4. In light of the August 29 drone strike that killed 10 innocent civilians in Afghanistan, many Americans are concerned that the administration's "over-the-horizon" capabilities are not enough on their own to obtain good intelligence to combat terrorism.

How specifically do you define "over-the-horizon" capabilities?

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

Question 5. What would you say to Americans who are concerned about this strategy's effectiveness going forward?

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

Question 6. At what stage of the vetting and screening process that Afghan evacuees are undergoing do your agencies get involved?

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

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