

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

HEARING

BEFORE THE

COMMITTEE ON
HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
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THREATS TO THE HOMELAND: EVALUATING THE LANDSCAPE 20 YEARS AFTER 9/11

TUESDAY, SEPTEMBER 21, 2021

U.S. SENATE,
COMMITTEE ON HOMELAND SECURITY
AND GOVERNMENTAL AFFAIRS,
Washington, DC.

The Committee met, pursuant to notice, at 9:30 a.m., via Webex and in room SD-342, Dirksen Senate Office Building, Hon. Gary Peters, Chairman of the Committee, presiding.

Present: Senators Peters, Carper, Hassan, Sinema, Rosen, Padilla, Ossoff, Portman, Johnson, Paul, Lankford, Romney, Scott, and Hawley.

OPENING STATEMENT OF CHAIRMAN PETERS¹

Chairman PETERS. The Committee will come to order.

First I would like to thank to each of our witnesses for being here today as well as your service to our Nation. You have extremely challenging jobs and have shown an unwavering commitment to keeping the American people safe. Every year, this Committee hears from our nation's top national security and law enforcement leaders to examine critical threats to our homeland security.

Our nation recently marked the 20th anniversary of the September 11th (9/11) terrorist attacks, and from the fearless first responders who bravely ran into danger to save others, to families who were torn apart, we will never forget the sacrifice and the sorrow of that tragic day. We must also continue to support our selfless servicemembers who fought in Afghanistan, Iraq, and around the world.

It was out of the ashes of 9/11 that the Department of Homeland Security (DHS) was created, with one primary mission, keeping Americans safe from all threats.

In the 20 years since those horrific attacks, the threats to our nation's safety have become increasingly complex and widespread. We must stay vigilant to the threat posed by foreign terrorism, and we must do more to address the growing and deadly threat posed by domestic terrorists.

Our national security agencies have noted that domestic terrorism driven by white supremacist and anti-government ideologies pose the most lethal violent threat to our nation's safety. In recent years, we have seen the tragic and deadly consequences of this

¹The prepared statement of Senator Peters appear in the Appendix on page 69.

threat, including massacres at houses of worship and the shocking attack on the U.S. Capitol. We must do more to ensure that our counterterrorism resources are being used effectively to address this danger and prevent further violence.

Our nation also continues to experience an increasing number of cyberattacks, which jeopardize sensitive information and have the potential to disrupt our daily lives with just a few clicks of a button. From the SolarWinds and Microsoft Exchange hacks, to the ransomware attacks on the Colonial Pipeline, every sector of our economy and every level of our government are at risk of cyberattacks from foreign adversaries or criminal organizations.

Our financial networks, critical infrastructure, and vital institutions all remain vulnerable to these relentless attacks, and we must ensure that we are taking every possible measure to secure our networks, hold these attackers accountable, and deter future breaches.

Finally, one of the most challenging threats to our homeland security does not come from a foreign nation or criminal group. It does not follow an ideology. Yet year after year, we see the destruction caused by severe storms, hurricanes, wildfires, and other natural disasters. These disasters, driven by worsening climate change, pose an existential threat to our nation and to the entire planet.

The scale and severity of the security threats we are facing today can certainly be daunting, and given the increasing strains placed on the Department of Homeland Security, we must ensure they have the resources and personnel to effectively carry out all of these critical missions.

From securing our borders, including our Southern Border that is currently seeing an unprecedented number of migrants seeking safety and security in the United States, to responding to numerous natural disasters, and taking on the lead role in vetting and resettling Afghan refugees, DHS is playing a vital role in many of the most urgent issues facing our Nation.

DHS personnel, along with our Federal Bureau of Investigation (FBI) and other national security personnel, are on the front lines working to address so many critical situations.

While many of us will never know the names of the thousands of personnel working tirelessly behind the scenes at your agencies to protect our country, we are all counting on you, and I appreciate each of our witnesses for taking the time to join us today.

I look forward to a comprehensive and insightful discussion on how we can best safeguard our Nation.

With that I turn it over to Ranking Member Portman for your opening comments.

OPENING STATEMENT OF SENATOR PORTMAN¹

Senator PORTMAN. Thank you, Mr. Chairman. Thank you for convening this incredibly important annual hearing on threats to the homeland, and thanks to our distinguished witnesses for attending. We look forward to the opportunity to hear from you today. There is a lot to talk about.

¹The prepared statement of Senator Portman appears in the Appendix on page 71.

The theme of the hearing is 20 years after 9/11, so our focus today is the evolution of the threat landscape since the devastating attacks on that fateful day.

In 2001, it was the Taliban provided a safe haven for al-Qaeda in Afghanistan, a safe haven to launch a devastating attack on our homeland, killing nearly 3,000 people.

The United States responded. As our nation became all too aware, we needed to take the fight to the terrorists overseas so that they could not bring their fight here ever again. We needed a new security architecture to keep us safe, which included the creation of the Department of Homeland Security. It also, by the way, was the re-creation of this Committee as the Homeland Security and Governmental Affairs Committee (HSGAC).

To a large degree, you have to say we have been successful. We have not had a mass casualty foreign terrorist attack on American soil during those intervening 20 years. I do not think any of us would have thought that was possible back on 9/11. The reason for that success is not because the terrorists have stopped trying. It is thanks to our armed forces, intelligence community (IC), and law enforcement that we have succeeded in stopping those terrorists.

This hearing is timely. A little more than 20 days ago, the last American troops withdrew hastily from Afghanistan, and the Taliban once again took back the government of Afghanistan. The new Taliban looks very much like the old Taliban, with terrorists on the United Nations Security Council's blacklist in its highest ranks. In fact, the leader of the Haqqani network, a U.S.-designated terrorist organization which maintains close ties to al-Qaeda and cooperates with ISIS-K, was named the acting Interior Minister. This means the Taliban official in charge of combating terrorism is on the FBI's most wanted list.

The Central Intelligence Agency (CIA), and the Defense Intelligence Agency (DIA), already have moved up the timeline of when terror groups operating in Afghanistan are likely to threaten the homeland, from "possibly two years" to within one to two years. The DIA noted that is a conservative estimate. The CIA has already seen potential movement of al-Qaeda into Afghanistan.

The catastrophic way the Biden administration withdrew from Afghanistan, surprising our NATO allies and abandoning our Afghan allies, has left us without eyes and ears on the ground. It also signaled to the world that the United States is an unreliable partner.

The rushed and unplanned nature of the evacuation also resulted in too many left behind, actually some American citizens and green card holders, and many of the Afghans who had stood by us as drivers, interpreters, or who worked for NATO or worked for the United Nations. Because of the chaos at the Karzai airport, it appears that many who did get evacuated and admitted to the United States do not having a record of working with the U.S. Government or our partners and yet are not being subject to normal security screening and vetting procedures.

We have a moral responsibility to welcome the Afghan evacuees who stood by us, and who have had to flee their country because of the feckless actions of the Biden administration. I agree with that. We also, though, have a moral responsibility to do everything

in our power to ensure the safety and security of American citizens and American communities by doing the proper vetting so we are not releasing terrorists or criminals into our ranks.

I am disappointed, as the administration knows, that despite my requests since September 1, the day after the withdrawal, Members of this Committee have yet to receive a classified briefing on vetting procedures, even as we are told that evacuees are being resettled in our States. We cannot do proper oversight without basic information. I realize there was a classified staff briefing yesterday, a few weeks after the request. I was told by the staff that they did not learn anything in addition to what was presented in a non-classified setting.

I repeat my request today, that Members of this Committee be provided a classified briefing as soon as possible.

These recent events have put the heightened foreign terrorist threat top of mind. In fact, the Director of National Intelligence (DNI) has stated that, "terrorists remain interested in using chemical and biological agents in attacks against U.S. interests and possibly the U.S. homeland."

The broader threat landscape, however, has evolved since 9/11. We face an elevated terrorist threat from domestic and homegrown violent extremists (HVE), including lone actors. We have experienced a slew of large-scale cyberattacks from both nation-states and criminals, and increasingly, the line between the two is blurred. Cybercriminals in countries like Russia frequently operate with the tacit blessing of the government, where, at a minimum, officials turn a blind eye to ongoing crimes.

I would say that China continues to create an issue for our homeland by continuing to recruit U.S.-based scientists and researchers to transfer U.S. taxpayer-funded intellectual property for China's economic and military gain.

Further, we cannot ignore the ongoing crisis at the Southern Border. This also affects our homeland. The Biden administration's decision to dismantle the previous administration's border policies with no consideration of the consequences and nothing in its place has resulted in a historic surge of unlawful migrants, unaccompanied children, and deadly narcotics like fentanyl coming into our country. And make no mistake, the Mexican cartels are benefiting from this and gaining strength on both sides of the border.

The trafficking of dangerous drugs across our border has helped fuel an addiction epidemic that has hit communities in my home State of Ohio particularly hard, with overdose deaths increasing over the last year after we had made so much progress in saving lives over the few years before the pandemic. We must redouble our efforts to stop these drugs from flooding our communities. As far as I am concerned, demand reduction remains the key, but the higher volumes reduces the prices of these drugs on the streets, expands the number of drugs available, and causes, therefore, more devastation.

It is clear that the border is a public health and humanitarian crisis, and has been for months, but particularly now. Just look at Del Rio, Texas, where more than 10,000 migrants, mostly Haitians who had been living in Latin America, some for years, have been living in squalor under a bridge. This is not new, by the way. It

is a logical extension of what has been happening on the border since the Biden administration came to office and reversed the policies that were in place, again without putting in place policies to deal with what was totally predictable—a surge.

It is also a national security threat. More than one in four migrants encountered at our border last month were not from Mexico or the three Central American countries sometimes called the Northern Triangle. Twenty-five percent were not from any of those countries. Nearly all of them avoided going to a port of entry (POE) and instead were apprehended by Border Patrol agents.

The Border Patrol has now made more than one million apprehensions of unlawful migrants at our Southern Border since President Biden was inaugurated, and they will tell you a lot of folks got away.

We have a lot to talk about today. We certainly have the right people here to talk about all of these issues, and again, I appreciate you being here, in person, to provide answers to the tough questions I imagine you will get from both sides of the aisle, given all the crises we face, that I mentioned.

I look forward, Mr. Chairman, to a productive conversation about the threats we face and about the actions being taken to prevent them.

Chairman PETERS. Thank you, Ranking Member Portman.

It is the practice of the Homeland Security and Governmental Affairs Committee to swear in witnesses, so if each of you will please stand and raise your right hands.

Do you swear that the testimony you will give before this Committee will be the truth, the whole truth, and nothing but the truth, so help you, God?

Secretary MAYORKAS. I do.

Mr. WRAY. I do.

Ms. ABIZAID. I do.

Chairman PETERS. You may be seated.

Our first witness is Secretary Alejandro Mayorkas, who is the seventh Secretary of the Department of Homeland Security. Previously he served as the Department's Deputy Secretary and as Director of U.S. Citizenship and Immigration Services (USCIS), and began his public service at the Department of Justice (DOJ).

Mr. Secretary, thank you for appearing before this Committee today, and you are recognized for your opening statement.

**TESTIMONY OF THE HONORABLE ALEJANDRO N. MAYORKAS,¹
SECRETARY, U.S. DEPARTMENT OF HOMELAND SECURITY**

Secretary MAYORKAS. Thank you very much, Chairman Peters, Ranking Member Portman, and distinguished members of the 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 (NCTC).

During the past few weeks, I have attended numerous events to remember that tragic assault on our democracy. Each commemoration was a powerful reminder of why we serve, in memory of those

¹The prepared statement of Mr. Mayorkas appears in the Appendix on page 74.

whom we lost and in pursuit of our noble mission to protect the homeland.

Today we face a diverse and evolving threat landscape that includes domestic and international terrorism, malicious cyber activities, an ongoing global pandemic, transnational crime, 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 multilayered security, 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 combating the most significant and persistent terrorism-related threat facing our country today, which stems from both homegrown and domestic violent extremists (DVE) 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 (I&A), launched the Center for Prevention Programs and Partnerships (CP3) 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 designed combating domestic violent extremism as a national priority area in the Federal Emergency Management Agency (FEMA) grant programs, resulting in at least \$77 million being spent on capabilities to detect and protect against these threats in communities nationwide.

At the same time, we are working with our partners in the intelligence community to assess the security and counterterrorism threats that could develop over the coming months and years, including those potentially related to the fall of the government of Afghanistan and the risks associated with the more permissive environments being exploited to plot attacks against the United States.

Second, we continue to combat counterintelligence and malign threats from nation-state adversaries. These adversaries include the People's Republic of China (PRC), which continues to engage in intellectual property theft, the exploitation of vulnerable supply chains, and use of economic coercion to threaten our economic security. During the pandemic, for example, DHS has targeted PRC-based manufacturers to prevent the PRC from exploiting Coronavirus Disease 2019 (COVID-19) to profit from the production of fraudulent personal protective equipment (PPE) and medical supplies that especially endanger our country's frontline workers. DHS has also prevented goods produced by forced labor from entering our markets, and continues to work closely with the Department of State to prevent the PRC's exploitation of our academic system.

Third, 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, partnership with the Department of Justice and other Federal agencies, DHS launched StopRansomware.gov, to help private and public organizations of all sizes combat ransomware and adopt cybersecurity best practices. Our experts at the Cybersecurity and Infrastructure Security Agency (CISA), stood up the Joint Cyber Defense Collaborative (JCDC) to bring together partners from every level of government and the private sector to reduce cyber risks.

To better protect our critical infrastructure, Transportation Security Administration (TSA) recently issued two new security directives after soliciting industry feedback 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 workforce by investing in the development of diverse talent pipelines and building the expertise to keep addressing changing threats. We are also increasing and optimizing grant programs to improve cybersecurity capabilities across every level of government and in local communities.

Fourth, we continue making risk-based investments to keep our borders secure, including from threats posed by transnational criminal organizations (TCOs). 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 multinational cooperation on investigations and prosecutions.

Fifth, DHS continues to support nationwide efforts to combat the ongoing 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 service transportation.

Meanwhile, the U.S. Secret Service (USSS) and U.S. Immigration and Customs Enforcement (ICE) have partnered with other Federal agencies to protect Americans from COVID-19-related fraud and criminal activity, including by preventing more than \$3 billion worth 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 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.

Further, FEMA revised its policies to overcome historical 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, both seen and unseen, and safeguarding our communities. We can execute this critical mission because of our incredible workforce and because of our key partners, the Members of this Committee, our counterparts abroad, the private sector, nongovernmental 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 your continued support, and I look forward to answering your questions.

Chairman PETERS. Thank you, Secretary Mayorkas.

Our next witness is Director Christopher Wray. Director Wray is the eighth Director of the Federal Bureau of Investigation. Previously, Mr. Wray served as Assistant Attorney General (AAG) for the Criminal Division at the Department of Justice. He also served on the President's Corporate Fraud Tax Force and supervised the Enron Task Force, in addition to playing a key role in the national security objectives for the Department.

Director Wray, thank you for appearing before the Committee here today, and you are now recognized for your opening statement.

TESTIMONY OF THE HONORABLE CHRISTOPHER A. WRAY,¹ DIRECTOR, FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE

Mr. WRAY. Thank you and good morning, Chairman Peters, Ranking Member Portman, Members of the Committee. I am honored to be here today to discuss the threats facing our homeland.

A week and a half ago, we marked a somber, really sacred anniversary in this country, 20 years since the September 11th attacks. September 11th reminds us of evil and loss, the nearly 3,000 victims taken from us that day, and their families. But 9/11 also 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.

Two decades later, our response to September 11th and the lessons learned from those attacks drive our approach to combating all the threats Americans face today. It was 9/11, after all, that turned the FBI into an agency focused on disrupting threats, and

¹The prepared statement of Mr. Wray appears in the Appendix on page 85.

taught us how to build deeper, 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 with scores of victims, and that is on top of hundreds of other national security and criminal cyber threats 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 one month.

Protecting our nation's innovation, we are opening a new China counterintelligence investigation every 12 hours.

Every day we receive thousands of tips into our National Threat Operations Center, many of which involve imminent threats to life, requiring swift action.

The list goes on and on. 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 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 attacks do not leave a lot of dots for investigators to connect, and not a lot of time in which to connect them.

We continue to see individuals radicalized here at home by jihadist ideologies espoused by foreign terrorist organizations (FTO) like ISIS and al-Qaeda, what we would call homegrown violent extremists. But we are also countering lone domestic violent extremists, radicalized by personalized grievances, ranging from racial and ethnic bias to anti-government, anti-authority 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 almost certainly continue to change, and to stay in front of it we have 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 the past 16, 18 months or so, we have more than doubled our domestic terrorism caseload, from about 1,000 to around 2,700 investigations, and we have surged personnel to match, more than doubling the number of people working that threat from a year before.

But we are also surging against threats by foreign terrorist organizations, like ISIS, al-Qaeda, and Al-Shabaab. Their operatives continue to look 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 here with me, it represents a danger we focus on every day. And make no mistake—the danger is real. Our

adversaries are committed, and they are hoping to succeed just once, while we are working to bat 1,000.

We are working with our partners to identify and stop would-be attackers before they act. Just within the past couple of years, we have 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 by our adversaries and their next attempts to attack us.

Our workforce 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 say that because over the past year we have seen a sharp and deeply disturbing uptick in violence against the law enforcement community. In the first eight months of this year, 52 law enforcement officers have been feloniously killed on the job. Just to put that in context, that is an officer murdered in this country every five days, and already more than it was in all of 2020.

Of course, that does not even count all those who died in the line of duty facing the other inherent dangers of the job, much less the scores of agents, officers, analysts, and other dedicated professionals who died from COVID-19. We will be forever indebted for their bravery and sacrifice and are bound and determined to honor them all through the way we approach 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.

Chairman PETERS. Thank you, Director Wray.

Our next witness is Director Christine Abizaid. Director Abizaid is the Director of the National Counterterrorism Center. With 14 years of national security experience, she is the eighth Senate-confirmed Director and the first woman to lead the United States counterterrorism enterprise. Formerly she served as Deputy Assistant Secretary of Defense for Afghanistan, Pakistan, and Central Asia, and as Senior Intelligence Analyst for the Defense Intelligence Agency.

Director Abizaid, thank you for appearing before this Committee. You are now recognized for your opening comments.

TESTIMONY OF THE HONORABLE CHRISTINE ABIZAID,¹ DIRECTOR, NATIONAL COUNTERTERRORISM CENTER, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

Ms. ABIZAID. Thank you very much, Chairman Peters, Ranking Member Portman, and the distinguished Members of this Committee. Thank you for the opportunity to appear before you today to discuss global counterterrorism environment and to highlight the tireless work of the NCTC's professionals and the work they do to protect the homeland.

As noted in my statement for the record, 20 years after 9/11 the United States faces a changed threat from foreign terrorist organi-

¹The prepared statement of Ms. Abizaid appears in the Appendix on page 98.

zations. The threat today is less acute to the homeland but it continues to become more ideologically diffuse and geographically diverse.

Even as the United States has ended its longest war, in Afghanistan, and takes on a broader array of national security priorities, NCTC remains committed to our mission to deter and disrupt terrorist efforts to harm the United States, both at home and abroad.

The United States continues to have success in degrading foreign terrorist operations, including their threat to the homeland, though these terrorists have proven adaptive over years of CT pressure.

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. servicemembers and scores of Afghans, illustrates that foreign terrorist groups continue to place a premium on attacks against the United States. ISIS-Khor in Iraq and Syria, in addition to maintaining a strategic interest in conducting attacks in the West, remains committed to its long-term goals of establishing an Islamic caliphate and is fomenting sectarian discord, eroding confidence in governments, and exploiting security gaps to create conditions favorable for seizing territory again after significant losses several years ago.

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 and geopolitical realities. Part of this adaptation has included shifting from its core leadership structure 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 in their probable approval of a 2019 attack in Pensacola, Florida, where a Saudi Air Force office killed three and wounded eight U.S. servicemembers.

Here in the United States, the primary threat in the homeland comes from individuals inspired to violence, either by foreign terrorist groups or other domestic grievances and ideologies. U.S.-based homegrown violent extremists, who are largely inspired by al-Qaeda or ISIS, will likely continue to attempt attacks because their personal and ideological grievances, their attraction to foreign terrorist messaging, and their access to weapons and targets. HVEs, they mobilize without specific direction from foreign terrorist and they act independently and often with few associates, which makes detection and disruption very difficult.

Separately, one of the other most pressing threats to the homeland comes from domestic violent extremists, and in particular, racially or ethnically motivated violent extremists and militia violent extremists, who often mobilize to violence independent from direction of a formal or centralized organization. Since 2015, the threat from these individuals has increased, and since 2018, we saw DVEs pose the most lethal terrorist threat inside the homeland.

We assess that DVEs will continue to pose a heightened threat for years to come, in part because many of the factors that underpin their motivations are likely to endure. Social polarization, negative perceptions about immigration, conspiracy theories promoting violence, distrust of government institutions, and biases against minority groups will likely drive some DVEs to conduct attacks this year.

We also remain vigilant against Iran and its agents and proxies, principally Lebanese Hizballah, and their intent in retaliating in the United States for the January 2020 killing of former Iran's Islamic Revolutionary Guard Corps-Qods Force (IRGC-QF) Commander Qasem Soleimani.

The threat from Iran also faces us overseas, and particularly in Iraq, where Iraqi Shia militant groups pose the most immediate threat to U.S. interests. These militants have conducted an increasing number of indirect fire and unmanned aerial systems (UAS) attacks against U.S. facilities in the past several months, with the objective of expelling U.S. forces from the country.

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

More than 15 years after its establishment, the National Counterterrorism Center is uniquely positioned to lead in this environment, working alongside our partners across the intelligence community, and importantly, the FBI and DHS, as we move into the next phase of our counterterrorism fight. We will continue to discover, analyze, and warn about ongoing and future threats as a part of a broader set of foreign policy challenges that the United States will face in the 21st Century, and we will continue to find innovative ways to synthesize, manage, and exploit our unique access to terrorism data from across a spectrum of sources to identify threats that might otherwise go unnoticed.

We mark the 20th anniversary of 9/11 recognizing the remarkable CT successes of the last two decades, and with deep gratitude, to the military, law enforcement, diplomatic and intelligence professionals who made these successes possible. Working together, we have succeeded in preventing another major 9/11-style attack in the homeland, but we must not be complacent. NCTC and the larger intelligence community and homeland security infrastructure must continue to collaborate and maintain the ability to innovate in an era of rapid technological change, and stay ahead of the next evolution of the terrorist threat.

Thank you again for the opportunity to be here today. I look forward to your questions.

Chairman PETERS. Thank you, Director Abizaid, for your opening comments.

Director Wray, this morning it was reported that the FBI held back the digital key necessary to unlock the computers of hundreds of businesses and organizations that were subjects of a Kaseya cyberattack for almost three weeks. I want to hear why the Bureau would do this. Sharing the key sooner certainly could have potentially avoided millions of dollars in recovery costs, and I under-

stand we need to both support cyberattack victims and bring perpetrators to justice. I understand that dual task that you have. But certainly I think this Committee would like to hear your explanation for the Bureau's actions related to this key.

Mr. WRAY. Thank you, Mr. Chairman. Let me start by saying that, as I am sure you can appreciate, since we are talking about an ongoing investigation, I am somewhat limited in what I can say here. But first let me say that Kaseya, in particular, has been a great help to law enforcement and CISA, and they have joined in our response to the threat, and I will say there is no substitute, as you and I have discussed previously, for private sector partnership in this space, to stop the avalanche of ransomware attacks that we continue to see.

We are constantly using technical information that we obtain through our investigations and pushing it out to enable effective defense, and we do not wait for our investigation to be done to do it. But when it comes to the issue of encryption keys, or decryption keys, there is a lot of testing and validating that is required to make sure that they are going to actually do what they are supposed to do, and there is a lot of engineering that is required to develop a tool that is required, to put the tool to use. Sometimes we have to make calculations about how best to help the most people, because maximizing impact is always the goal.

But whenever we do that, in these joint-enabled sequenced operations, we are doing it in conjunction with other government agencies, CISA and others, we make the decisions as a group, not unilaterally. These are complex, case-specific decisions designed to create maximum impact, and that takes time, in going against adversaries where we have to marshal resources, not just around the country but all over the world.

Chairman PETERS. Director Wray, you mentioned there were other Federal agencies that were consulted. What other Federal agencies were consulted in making this decision.

Mr. WRAY. Again, I want to be careful here in not talking about a specific ongoing investigation, other than to say that when we are working, as a general matter, in joint-sequenced operations designed to maximize impact against an adversary we, of course, work closely with our usual partners—prominent among them is CISA—but also members of the intelligence community and other agencies as well. Then it depends upon the industry whether there might be other agencies involved.

Chairman PETERS. I want to characterize your comments in explaining your actions. Are you saying that the key was not ready for the last three weeks, as was reported?

Mr. WRAY. Again, Mr. Chairman, I certainly understand why the keen interest in the topic, and I am trying to be as responsive as I can because while trying to be sensitive to an ongoing investigation. I am doing my best to try to be responsive and informative while also being careful not to, as Department of Justice policy prohibits me from, discussing an ongoing, specific investigation.

Chairman PETERS. I understand that, Director Wray, but I believe, this Committee certainly deserves and needs a full accounting of FBI cyber activities, including classified activities. I would hope today you could commit to me and to this Committee that you

would provide us with a complete briefing on this operation, but also the broader FBI cybersecurity operations and plans. Would you please commit to the Committee that you would be willing to do that?

Mr. WRAY. I am happy to work with the Committee to see what more information we can provide to be helpful and responsive, and I certainly agree that some of that might be better done in a classified setting. I will have my staff follow up with yours to see what we can do to be more illuminating, recognizing, again, that some of this has to do with a very sensitive, ongoing, very much ongoing investigation.

Chairman PETERS. I would appreciate that.

Secretary Mayorkas, on numerous occasions during this administration as well as the last administration I have asked for additional transparency regarding the ongoing border restrictions between the United States and Canada. I will tell you that my constituents are deeply frustrated by this, particularly given the trade and the relationships that people have across the border. Two of the busiest border crossings in North American are in Michigan, between Michigan and Canada. Those restrictions remain in place for Canadians to come across, who have been fully vaccinated, to enter the United States at land ports of entry (LPOE).

My question to you, Mr. Secretary, will you commit to provide my office and the public with the specific criteria the administration is using to justify ongoing restrictions for fully vaccinated Canadians at land ports of entry?

Secretary MAYORKAS. Mr. Chairman, I most certainly will. I know that you have expressed your concerns directly to me on a number of occasions, and I can assure you that we are reviewing our exercise of the Title 19 authorities to restrict travel through the ports of entry in light of the pandemic. We are very mindful of the economic consequences, and not only the economic consequences but the consequences on family members who have not seen one another for quite some time. I do make that commitment to you.

Chairman PETERS. Could you tell us some of the criteria now?

Secretary MAYORKAS. We are looking primarily, Mr. Chairman, at the public health rationale, the fact that the arc of the Delta variant is not yet where we need it to be. However, the President did make an important announcement yesterday to provide relief to the 212(f) international travel restrictions in early November to vaccinated individuals. That is a first step in our ongoing review of the travel restrictions borne of the pandemic in its current situation here domestically.

Chairman PETERS. So why those but not Canadians?

Secretary MAYORKAS. We are taking it iteratively. We are looking at the situation not only at the ports of entry on our Northern Border but also on our Southern Border. We have heard similar concerns with respect to border communities on the south and the impact, economic and family impact of the restrictions. We are looking at what we can do operationally, and we are moving in a very sequential and controlled manner. I would be happy to provide more information to you after this hearing, Mr. Chairman.

Chairman PETERS. I appreciate it, Mr. Secretary. We will want that information provided as quickly as possible, and we will look forward to meeting with your folks on it.

I need to step aside for an Armed Services Committee meeting. Many of us know what it is like to be double booked. I will pass the gavel to Senator Hassan, who will take the gavel. But before I leave, I recognize Ranking Member Portman for your questions.

Senator PORTMAN. Thank you, Mr. Chairman. We have discussed a broad array of threats already this morning, and I agree with the Chairman on the necessity for us to have the information on the cyber front, which is, of course, something that continues to grow every year in terms of a threat to our homeland. We talked about domestic extremists. Certainly that is a threat, as we have said today.

I want to focus on the enhanced threat that just occurred in the past month, and that is, again, the way we left Afghanistan in a chaotic rushed way, and what we created in the meantime.

Director Abizaid, you said in your testimony this morning the United States has ended its longest war. I suppose that is true. But in a way, we have not, have we? I mean, the war was about terrorism and keeping Afghanistan from being a platform for terrorist attacks against the United States. What we lost a month ago was eyes and ears on the ground and the ability to do just that. We had 2,500 troops there. Prior to the evacuation, we had not had a single casualty, thank God, in 18 months. We had 7,500 NATO troops with us. We had the ability to do what we do not have now.

The best example of that might be what happened, tragically, with the drone attacks. The so-called "over the horizon" alternative that the Biden administration keeps talking about failed miserably, didn't it? Again, not having those eyes and ears on the ground makes it harder for us to protect the homeland. I guess in a way we ended the longest war but in another way we have made things more dangerous.

Let me ask you about that. You talked about the ISIS-K suicide bombing as an example of a threat. That happened during the evacuation. Again, we had not had, thank God, a casualty in 18 months, until we lost those 13 brave soldiers, sailors, and Marines. You also said in your testimony that the terrorist around the world are, "using individuals who have access to the United States to conduct attacks." I look at what is going on with the evacuation and us not knowing who is coming to this country, and that is a statement of fact. We do not know, having tried my darndest to find out from the State Department and the Department of Homeland Security. It is happening so quickly and it was so chaotic, we just do not know.

I would ask you, Director Abizaid, is our homeland more or less safe from attack following the U.S. withdrawal from Afghanistan?

Ms. ABIZAID. Thank you, Senator, for the question. With respect to Afghanistan, as I mentioned, the terrorist groups that we are most concerned about presenting a threat, both in the region but also a future external threat, is, obviously, one, ISIS-K, Isis-Khorasan, and two, al-Qaeda, and al-Qaeda's affiliate there.

Now over the years and sustained CT pressure on both groups, principally al-Qaeda but given ISIS-K's more recent arrival on the

scene, also significant counterterrorism pressure there, has really relegated those two groups to primarily a regional threat.

Now in the wake of our withdrawal, the question is at what point does that regional threat build to a capability and intent that is focused externally and particularly focused on the homeland, and I would say from an intelligence community perspective that is one of our highest priorities, which is to monitor and assess the degree to which those groups actually present an external threat.

Senator PORTMAN. You have done some monitoring and assessment of it already. I mentioned the Defense Intelligence Agency and CIA have adjusted their projections as to their threat to the homeland, and particular al-Qaeda moving back into Afghanistan. So would you say, again, is our homeland safe or less safe?

Ms. ABIZOID. The CIA and DIA assessments that I am aware of are within the range that we had assessed prior to the drawdown, one to three years. I think it is fair to say that—

Senator PORTMAN. They are saying that it is less time now, and they are saying that is a conservative estimate.

Ms. ABIZOID. I think it is fair to assess that it is—the development of those groups' external operations capability, we have to monitor and assess whether that is going to happen faster than we had predicted otherwise.

Senator PORTMAN. I will take that—

Ms. ABIZOID. Afghanistan is a very dynamic environment right now, and—

Senator PORTMAN [continuing]. I will take that as a yes, that we are less safe following the U.S. withdrawal from Afghanistan. I mean, I think it is pretty obviously.

Director Wray, do you have any comments on that? Do you think we are more or less safe following the U.S. withdrawal from Afghanistan?

Mr. WRAY. I think I would share most of Director Abizaid's summary, and, of course, you have cited some of the information you have gotten from our intelligence community partners. Obviously, we are concerned about what the future holds, whether it is the possibility of another safe haven, whether it is the possibility of ISIS-K being able to operate more freely in a less secure environment, whether it is the possibility of events in Afghanistan serving as some kind of catalyst or inspiration for terrorist attacks elsewhere in the region, or potentially with homegrown violent extremists.

Senator PORTMAN. Does it concern you that the Haqqani Network leader, whose name is Haqqani, is now the acting Secretary of the Interior of Afghanistan?

Mr. WRAY. It certainly concerns me.

Senator PORTMAN. He is on your Most Wanted List, is he not?

Mr. WRAY. I believe so.

Senator PORTMAN. Look. The question is what do we do now, and I hope that we have an enhanced response to the enhance threat, and not just the kind of feckless drone strike that we saw, and tragic drone strike that we saw.

With regard to the evacuees, Mr. Secretary, we have not had a chance to talk yet. I know you tried to reach me, and I appreciate that. I do think that we have a real problem here. I mean, the best

numbers we have are that very few of the people who have come over are so-called Special Immigrant Visas (SIVs), meaning the people who actually helped us, who were drivers or interpreters or otherwise assisted the U.S. effort. Secretary Blinken, in his testimony last week, said there are about 20,000 people who had applied for SIV, and 708 of them have come through the evacuation, as far as we know. Those are the best numbers we have.

In fact, when you look at who has come, not only did we leave American citizens behind, and obviously leave a lot of these SIVs behind who, stood by us, but it looks like there are about 6,500 American citizens who came. That is about 11 percent, about 3,500 lawful permanent residents. That is under six percent. There are about 3,000 people with visas, including these SIVs. That is about 5.5 percent. The rest, around 75 percent, of the people who came are called “parolees,” meaning they do not fit in any of those categories. We are pushing very hard to get the information. Again, we are desperate to have a classified briefing to be able to get into that, because apparently you cannot provide it in an open setting, or maybe just do not have the information.

But does that concern you, that three-quarters of the people who we have brought into this country—and, by the way, we have brought about half the people into America, about 60,000, and about 120,000 are still overseas, and we are told that among those people overseas there are even fewer American citizens or permit green card holders, or SIVs. But does it concern you that we do not have in place a way to properly vet and handle these individuals, including allowing those individuals to walk off of military bases if they choose to do so today?

Mr. WRAY. Ranking Member Portman, first of all, as a preliminary matter, I was disappointed to learn of your disappointment with respect to the information that you have received, even in the classified context, and I will—

Senator PORTMAN. We have not had a classified briefing yet.

Mr. WRAY. Yesterday, I understand, the staff—

Senator PORTMAN. The staff had one, and their report to me, at least, was that they did not receive anything new that they had not already received, including in our phone call yesterday, which was not classified.

The point is, we would get whatever you all need to do to get us the information. We do not have the information.

Mr. WRAY. Precisely why I wanted to articulate my apology and make sure that we remedy that situation right away.

Senator PORTMAN. Thank you.

Mr. WRAY. You are entitled to that information.

Senator PORTMAN. Thank you.

Mr. WRAY. We do have a robust screening and vetting process, in addition to expertise both in the transit countries and here domestically, to ensure the safety and security of the American people. Let me say, with respect to the population of individuals who are not American citizens, lawful, permanent residents, or special immigrant visa holders, we also have, in that remaining population, individuals who applied for special immigrant visas but whose applications had not yet been completed at the time of the evacuation. We have individuals who have been employed locally in

Afghanistan by the United States who have assisted us in Afghanistan. We have other individuals who qualify for special immigrant visa status, individual who qualify for P-1 or P-2 classification of refugees. It is a very mixed population, and we screen and vet that remaining group as we screen and vet all.

Senator HASSAN. [Presiding.] Thank you.

Senator PORTMAN. We will have a chance to get into this more later, but there is some discrepancy there, but we look forward to talking more.

Senator HASSAN. Senator, I will note that there is going to be a second round of questions, and we have gone well over here, so I am going to turn to Senator Carper now.

OPENING STATEMENT OF SENATOR CARPER

Senator CARPER. Thanks very much. I am the last Vietnam veteran serving in the U.S. Senate. I remember full well our withdrawal from Vietnam. I remember watching on television as the American helicopters rose from the ground in Saigon, and attached to them, all over those helicopters, were Vietnamese people trying to get out of that country.

I remember watching those helicopters rise into the sky and people fall off of those helicopters to their death. As I watched the withdrawal and the effort to try to get 125,000 people out of Afghanistan a month or so again, I was reminded of what happened in Vietnam, I think in 1974.

I think from the time that Donald Trump—and I am not a real political guy, as my colleagues know—but from the moment he sat down with the Taliban and began a negotiation, cut our presence to 2,500 people, I think the die was well cast. I think the pitch was pretty well telegraphed. I said to myself, this may not end well, and it did not.

I think the question for us now is what do we do now? What do we do now? We are out of Afghanistan. We are trying to make sure that about 125,000 other people, Afghans who helped us, that they have a chance to get out of there and to be resettled here, and I think our challenge is how do we handle the resettlement? How do we handle that? Mr. Secretary, that is a big part of your help, helped by Delaware and Jack Markell, our former Governor, to make it go well.

I think one of the questions for me today is what do we need to be doing, not just in this Committee, and not just in the Senate, but what do we need to be doing as a body writ large to help make sure that the folks that are coming here have a new chance in their lives, have a chance to get settled. A lot of them want to work. We have a lot of employers that are looking for workers. Maybe at the end of the day something good, hopefully, can come out of something very tragic.

I stood on the tarmac with the President, military leadership, my congressional delegation, about a month ago as we received the sacred remains of 12 of our heroes—Navy, Marines, Army—and it was a sad and hard day.

What do we do now, going forward? There is a lot to do. We need to work together to make sure that we learn from what has hap-

pened in the past, we learn from what has happened in the last 20-some years, and go forward.

With that having been said, I want to ask my first question, if I could, to Director Wray. In 2020, the FBI arrested 180 individuals on domestic terrorism-related matters. Of these arrests, 75 percent were identified as white supremacist extremists. For years now we have been hearing about the rising threat of racially motivated attacks, specifically attacks carried out by white supremacists. You may have heard me say before that in order to address a problem we must understand and address the root causes of that problem.

Director Wray and Secretary Mayorkas, why have we seen such a rise in racially and ethnically motivated extremism and violence in this country in recent years, and what is the root cause and how are we tackling it? Mr. Secretary.

Secretary MAYORKAS. Senator Carper, let me, if I may, take a moment to answer a point you made, or respond to a point you made. There is important legislation that is pending that would bestow upon individuals evacuated from Afghanistan the same benefits that refugees receive, and that would assist in their resettlement here in the United States and their integration into our communities. We are extraordinarily proud and inspired by the unity that we see across the country.

We have seen, regrettably, over the last several years, Senator, a rise in the manifestation of hate. We have seen the propagation of false narratives. We have seen an increase in anti-government sentiments. We are very watchful of, and vigilant in response to any signs of connectivity between those ideologies and acts of violence. That is where our focus is.

Senator CARPER. All right. Thank you. Director Wray, please, same question. Root cause—what is it and what are we doing about it?

Mr. WRAY. I think our focus is, of course, on the violence, not on the ideology itself. I would say that one of the things that we have done, about now two years ago, is create a domestic terrorism hate crimes fusion cell, which was designed to bring together both our domestic terrorism experts as well as our hate crimes experts, and try to get ahead of the threat and be more proactive in going against the threat. We are very proud, for example, of the work of that fusion cell in preventing an attempted attack on a synagogue outside of Las Vegas, for example.

I will say that a big part of the threat that you are asking about is the social media dimension. Some of these same people before might have been stewing away in the basement or the attic, in one part of the country, and not communication with each other. But today terrorism moves at the speed of social media, and you have the ability of lone actors, disgruntled in one part of the country, to spin up similar, like-minded individuals in other parts of the country, and urge them into action or inspire them into action. I think that is a huge part of the threat that you are asking about.

Senator CARPER. All right. Thank you.

Another question, if I could, with respect to Afghanistan and counterterrorism. This would be for all three witnesses. I would like to start, if I could, with Director Abizaid, please.

The question. As we grapple with the fall of the government of Afghanistan, our focus remains on how to get Americans and our at-risk allies to safety. However, as we know, and as I believe you have mentioned in your testimony, ma'am, terrorist organizations thrive when they can exploit instability and weak government institutions. That said, it is important that we look ahead to our ever-changing landscape in that region, following the Taliban takeover of Afghanistan.

To that end, I would like to ask each of you to take a moment to address the following: How has our threat landscape changed since the U.S. withdrawal from Afghanistan just three weeks ago, and how are your agencies working to address the shifting threat landscape that will undoubtedly continue to evolve?

I have a follow-up, that is the one I would like you to tackle. Please, if you would.

Senator HASSAN. I would ask each of you to try to be relatively brief. There will be a second round of questions.

Senator CARPER. Thank you. Thank you, Madam Chair.

Ms. ABIZAID. Thank you very much. The threat from Afghanistan I think is the top of our priority in terms of understanding what that dynamic landscape is likely to produce in terms of an external threat. We do think that, principally, the operating groups—ISIS-K and al Qaeda—present a significant threat in the region. They are going to have to contend with the new de facto government in Afghanistan, the Taliban, principally ISIS-K. This will be an absolute top priority as we develop our intelligence capabilities, our over-the-horizon capabilities, to make sure that we are monitoring any changes in the threat landscape and able to arm policymakers to address that.

Senator CARPER. Thank you. Thank you very much. Madam Chair, I am going to ask that our other two witnesses respond for the record to that same question. Thanks very much. It is good to see you all. Thank you very much for being here, for your service, and for your leadership of the men and women with whom you serve. Thank you.

Senator HASSAN. I will note in addition to the response for the record I am sure others will be asking you a similar question and you can elaborate on Senator Carper's question.

Senator Johnson.

OPENING STATEMENT OF SENATOR JOHNSON

Senator JOHNSON. Secretary Mayorkas, I am putting up a chart that I have been keeping on apprehensions at the southwest border.¹ Just to give you some quick numbers here, to date, this calendar year, there have been almost 1.3 million apprehensions. We are averaging, over the last two months, 6,700 to 6,800 people per day. That is a large caravan per day being apprehended by Border Patrol. Eight hundred to 1,100 known got-aways, which would equate to somewhere over 300,000 got-aways, known got-aways, for the year.

If you annualize these figures, a couple hundred thousand people per month, we will be up to about 2.1 million apprehensions. Add

¹The chart referenced by Senator Johnson appears in the Appendix on page 109.

the getaways—300,000 to 400,000—and we are up to 2.5 million people.

You have repeatedly stated that our borders are not open; they are closed. Do you honestly believe that our borders are closed?

Secretary MAYORKAS. Senator, I do, and let me speak to that.

Senator JOHNSON. Now let me ask you a couple of questions here. This Committee received—it was dated September 11th, but apparently this letter was not received until Thursday. I did not find out about it until yesterday. I released it to the public immediately—by recently retired U.S. Border Patrol Chief Rodney Scott. In this letter, former Chief Scott states he is sickened by the avoidable and rapid disintegration of what was arguably the most effective border security in our nation’s history, and, of course, the chart shows it.

We had pretty well secured the border. We had stopped the flow of unaccompanied children. We had stopped the flow of family units, because of the migrant protection protocols (MPP), the agreements that President Trump put in place, the building of the wall. We were serious about border security until your administration took office. You stood before this Committee and said that you would enforce the laws. You have not done that.

Let me go on. Chief Scott says, “To think that well-resourced terrorist networks, criminal organizations, and hostile nations are not going to do the same”—in other words, exploit the open border—“is naive.”

Here is what is very troubling. He said, “The Secretary and other political appointees within DHS have provided factually incorrect information to congressional representatives and to the American public.”

Let me ask you, Mr. Secretary, of the 1.3 million people that we have apprehended, how many people have been returned, how many people are being detained, and how many people have been dispersed? I want some numbers here. We have 1.3 million people. How many people have been returned, how many people are being detained, and how many people have been dispersed to all points around America?

Secretary MAYORKAS. Senator, I would be pleased to provide you with that data.

Senator JOHNSON. I want them now. Why don’t you have that information now?

Secretary MAYORKAS. Senator, I do not have that data in front of me.

Senator JOHNSON. Why not? Why don’t you have that basic information?

Secretary MAYORKAS. Senator, I want to be accurate in the information.

Senator JOHNSON. I am looking for ballpark figures. Is it about half? Have we dispersed about half of that? Are we up to about 600,000 people we have dispersed?

Secretary MAYORKAS. Senator, these are the tools that we employ. We use the Title 42 authority, that is the public health authority empowered by the Centers for Disease Control (CDC), to expel individuals in light of the—

Senator JOHNSON. I am hearing that you are not using that to the full extent, and that we have 40, 50 percent of people, even apprehended under Title 42, that are not being returned. Is that accurate?

Secretary MAYORKAS. That is actually inaccurate.

Senator JOHNSON. OK. I you are saying that is inaccurate——

Senator HASSAN. Senator, would you care to let the witness finish an answer?

Senator JOHNSON. I actually want answers to my questions. What is the real figure then?

Secretary MAYORKAS. If I may say, Senator, we use the Title 42 authority, the public health authority, of the Centers for Disease Control to the fullest extent we are able to.

Senator JOHNSON. What is the percent that you are returning under Title 42? It is about 750,000 people apprehended under Title 42. How many of those individuals have been returned, under Title 42?

Secretary MAYORKAS. Senator, I will provide that data to you.

Senator JOHNSON. You are saying that 40 to 50 percent is not accurate. If you know that that is not accurate you must have the real number.

Secretary MAYORKAS. Senator, what I said was not accurate was your assertion that we are not using Title 42 authority to the fullest extent that we can.

Senator JOHNSON. No, that is not what I said at all. I said we are not returning everybody under Title 42.

We are dispersing a number of those individuals.

Secretary MAYORKAS. Senator, we are not doing that, not for reasons of our limitation of use that we impose on ourselves, but rather because certain of our capacity to return people under Title 42 is constrained by the Mexican authority's ability to receive them. This is a matter of bilateral and multilateral relationships. We exercise the Title 42 authority to the fullest extent that we can. We then work with Mexico to assess what its capacity to receive individuals is——

Senator JOHNSON. OK. You are talking about the process. I want numbers. I am going to expect numbers.

By the way, in our last hearing, which you did not stick around for a second round of questions and you did not come in here in person, I sent you questions for the record. I have gotten no response whatsoever. You came before this Committee and you committed to responding to congressional oversight, and you have not done so. According to former Chief Scott, you have provided factually incorrect information to Congress. We are expecting you to up your game as it relates to congressional oversight.

Let me quick switch to Afghanistan. We had a briefing yesterday morning, a telephone briefing, and one of the assertions is that of the 124,000 Afghans that were evacuated out of Afghanistan, the vast majority, are almost all worked for some government agency, the military or whatever.

I asked the question, "How do you know that?" I did not get an answer. I have also talked to the commanding general and the people on the ground at Fort McCoy that have about 13,000 of these Afghans in their custody right now in Tomah, Wisconsin, or Sparta,

Wisconsin. I continue to ask. I understand the screening, that we are screening against the terrorist watch list and the no-fly list, that type of thing. I understand how if, for example, an ISIS fighter or al-Qaeda terrorist, if they just happened to be on one of those watch lists, if we have a match we are going to keep them out of the country.

What are we doing to positively identify people, to connect them to these agencies or the members of the military that they did have a connection with, so that we have positive ID before we disperse? Because let's face it, 124,000 people, we have 700,000 SIVs, we have about 6,000 U.S. citizens. That leaves 117,000 people, we do not know who they are. How do we know who they are, positively, not in terms of derogatory information?

Secretary MAYORKAS. So not only do we vet individuals against our intelligence databases but we also vet them against the Department of Defense databases. We capture their biographic and biometric information in the transit countries before they are allowed to board flights to the United States. We have expert screeners and vetters whom we have deployed to those transit countries, so that they can use their expertise in addition to the information that we have captured, biometrically and biographically, before they board their flights.

Senator JOHNSON. Many do not even have IDs.

Senator HASSAN. The Senator's time has expired. I will now recognize myself for my round of questions.

OPENING STATEMENT OF SENATOR HASSAN

I want to thank the Ranking Member as well as Chair Peters for this hearing. I want to thank the witnesses today not only for being here but for your service to our country, and I hope you will thank all the women and men you work with for their service, as well.

Secretary Mayorkas, I want to start where Senator Peters left off on the issue of the current status of the Northern Border. As you know, I asked you about this in July. You and your staff were part of a Zoom meeting that we had with business leaders in New Hampshire as well as representatives of the Canadian Consul General's office in August. I have to say I was very disappointed with the administration's decision yesterday about the Canadian border.

Right now—I want to be clear—non-vaccinated Canadians who have a negative COVID test can get on a plane and fly to the United States, but vaccinated Canadians—and they have a higher vaccination rate that we cannot cross a point of entry into our country.

One of the things that came up in August, in our meeting, was the Department's obligation to assess the economic impact of border closures on the domestic economy. For States like mine, where tourism is the second-largest sector, I want to understand whether you have provided that analysis to the White House—you said in our meeting that ultimately this is a White House task force decision—because I do not understand the public health rationale here at all for closing the Northern Border to vehicular traffic when it is essentially open to air traffic.

Secretary MAYORKAS. Senator, I know of your disappointment. You have expressed it quite clearly to me. I should say that the de-

cision is an all-of-government decision. The relevant equity holders are involved in the decisionmaking. We are very mindful of the economic impact. We are reviewing both the public health and the family impact consequences of our decision on a daily basis, and we are proceeding iteratively in light of, quite frankly, the arc of the Delta—

Senator HASSAN. I understand that, and I am going to turn to some other questions now. But this is the same response we have gotten for weeks and months, without anybody explaining to use the public health rationale for a decision that is keeping Canadians and Americans from seeing each other, businesses from doing their business with each other, tourists from coming to States like mine.

Nothing like being at National Association for Stock Car Auto Racing (NASCAR) in mid-July in Loudon, New Hampshire, our biggest single event of the year, and realizing that our stands were partly empty because the Canadians who usually visit and enjoy the Magic Mile could not come, even though they had a high vaccination rate and the public health threat was not explained at all, and especially in light of the fact that we were allowing Canadians to fly in, just not drive in.

I will look forward to getting some more detailed response from the administration.

Now I want to turn to both Secretary Mayorkas and Director Wray about the issue of al-Qaeda. Some assessments indicate that al-Qaeda could reconstitute itself and be capable of threatening the U.S. homeland in the next one to two years. What are the FBI and DHS each doing to detect, investigate, and disrupt possible al-Qaeda attacks on the homeland amid assessments of their resurgence?

We will start with you, Director Wray.

Mr. WRAY. I appreciate the question. Certainly as we get to the 20th anniversary here now, it is worth remembering that al-Qaeda has not stopped trying to hit us. For us, if there is good news, the good news is that we are in a fundamentally different posture here in terms of the FBI's stance than we were at the time of 9/11, and that starts with our over 200 joint terrorism task forces, which encompass something like 4,500 different Federal, State, and local partners.

We are aggressively using those task forces all over the country to engage with sources, follow up with ties between subjects that we have under investigation with individuals overseas, working with our foreign partners to put information together. We are putting a heavy focus on community outreach as the evacuees settle here in the United States, to both try to get in front of any radicalization that could occur while they are here, but also to try to open up the lines of communication to make sure that if somebody sees something about someone in those communities that they will say something to us about it.

Senator HASSAN. Thank you. Secretary Mayorkas?

Secretary MAYORKAS. Senator, we continue to screen and vet individuals seeking to arrive in the United States by any means—sea, land, and air. We have not relaxed our vigilance over the years.

We speak very frequently about a rise in prominence of certain types of threats—the domestic violent extremists, the homegrown violent extremist. That does not mean that that rise in prominence suggests that we have taken our eye, our focus, off the prior iteration that is ever present.

Senator HASSAN. Thank you. Another question for you both. Terrorists and criminals are using cryptocurrency to facilitate their activities. Foreign terrorist organizations have used cryptocurrency to directly solicit donations to their organizations and to launder money through the cover of charities to further their goals.

Director Wray and Secretary Mayorkas, are the FBI and DHS tracking the use of cryptocurrencies for the financing of terrorism and other homeland security threats? What are you doing to combat the use of cryptocurrencies for terrorist financing? Director?

Mr. WRAY. You are exactly right—cryptocurrency now being used across a wide range of threats, both the ones you mentioned and others. We are seeing it in everything from buying criminal tools like botnets to laundering proceeds, evading sanctions, as you say, raising money for terrorist operations, darknet marketplaces. Then, of course, all of it boils down to making it harder and harder for us to follow, and then ideally seize the money.

Some of the things that we are doing are we have created a virtual currency evolving threat team at headquarters that has our subject matter experts designed to help with training and investigations in all of our field offices. We have a virtual currency response team to assist with that. We are engaged with academia and the expert community, looking at new tools, technical tools and techniques.

But it is becoming, I think, a phenomenon that permeates pretty much every program we have, and I do not expect that to change. In fact, if anything, I expect it to increase.

Senator HASSAN. Thank you. And just briefly, Secretary Mayorkas.

Secretary MAYORKAS. The Director and I have spoken about this very issue a number of times, Senator. It is a concern of ours, an increasing concern. We, in the Department of Homeland Security, our United States Secret Service conducts investigations alongside with the Federal Bureau of Investigation, and just a few weeks ago I met with Chief Executive Officers (CEOs) of major financial institutions to see what more we can do to address this challenge.

Senator HASSAN. Thank you very much. Senator Lankford.

OPENING STATEMENT OF SENATOR LANKFORD

Senator LANKFORD. Thank you. Thank you all for being here.

Secretary Mayorkas, let me run through some quick numbers of things that are just requests that we have outstanding, trying to be able to get additional information. None of this should be difficult, but we are trying to get our hands around what is happening with the refugees and parolees that are coming from Afghanistan.

So just some quick things that we want to be able to follow up on. I am not expecting an answer right now, but we do need a follow-up on it. We understand from the administration over 100,000 people have been evacuated from Afghanistan. We have heard a second number that 37,500 are actually coming into the United

States and going through process. We do not know the remaining, where they are going, who they are. Are they coming here, or not?

We do not know the breakdown of refugees and parolees. We do not know the breakdown of SIVs and what are called “partial SIV” immigrant visas, or folks that were American citizens and green card holders. There are some very basic pieces of information that we keep trying to be able to get that we cannot get at this point.

We are also trying to get information about for individuals that come into the United States, that go through the vetting process, that fail the vetting process, what will happen to them, or for individuals that come in as parolees but then commit criminal acts, what will happen to those individuals? We already have reports of some of the locations where some Afghan parolees are being held that there have been some sexual assaults that have happened in those locations, and we are trying to get more information about that, and to find out what happens to those individuals and where things go.

None of those should be unrealistic questions. Those all should be data points that should be coming to you, and we want to know if we can get those and how quickly we can get those.

Secretary MAYORKAS. May I share some of that data with you now, Senator?

Senator LANKFORD. Yes.

Secretary MAYORKAS. Over 60,000 individuals actually arrived in the United States, after screening and vetting. There are approximately 12,000 Afghan evacuees located in the transit third countries.

Chairman PETERS [Presiding.] Mr. Secretary, your microphone, I think, is off.

Secretary MAYORKAS. I apologize. Of the over 60,000 individuals who have been brought into the United States—and I will give you approximate figures and I will verify them—approximately 7 percent have been United States citizens, about 6 percent have been lawful permanent residents, approximately 3 percent have been individuals who are in receipt of their special immigrant visas. The balance of that population are individuals whose applications have not yet been processed for approval, who may qualify as SIVs and have not yet applied, who qualified, or would qualify, I should say, as P-1 or P-2 refugees, who have been employed by the United States government in Afghanistan, and are otherwise vulnerable Afghan nationals, such as journalists, human rights advocates, et cetera.

Senator LANKFORD. Right. But those individuals, we need to know how their vetting process is going. This goes back to Senator Johnson’s question earlier. How are we getting a positive ID on who this person is, not just saying they are not on the terrorist watch list so they must be OK. Do we really know this is a journalist? Do we really know—what is the connection point on it?

There is also a very odd request that came in. By the way, thank you for the data on that. We will follow up on the rest. There was an odd request that came in from the Office of Management and Budget (OMB). OMB asked Congress to include in the continuing resolution (CR) that is coming up next week, asked Congress to waive all grounds of inadmissibility for Afghan parolees.

I have to tell you, I was a little astounded when I saw that, to say they would like to include that in there, because the grounds for inadmissibility for Afghan parolees are things like terrorism, association with terrorist organizations, money laundering, human trafficking, drug trafficking, polygamy, prostitution, persecutive religious or individuals based on religious or political opinion, those who have commissioned torture or extrajudicial killings.

I was a little astounded that OMB asked would you waive all these grounds and allow us to be able to move people, regardless of these. Where did that request come from?

Secretary MAYORKAS. There must be a miscommunication, because we actually deny entry, we deny admission to individuals in many of those categories.

Senator LANKFORD. Right, and should.

Secretary MAYORKAS. I will have to drill down on that.

Senator LANKFORD. Yes. This was the request that came from OMB, a request to be able to put it into the continuing resolution so future parolees would not be denied based on these things. I have to tell you, I am a little bit confused by that, and I would tell you, I would adamantly oppose withdrawing any of those, and I would assume you would as well.

Secretary MAYORKAS. There must be some miscommunication there, Senator, and I will look into that immediately.

Senator LANKFORD. OK. Let's follow up on that, to be able to make sure that stays clear, that Congress is not going to give up that restriction for any of those individuals that are coming into the country.

You and I have spoken before—shifting subjects on our Southwest Border, about MPP, that the Federal courts have stepped back in and said to you, you have to reinstate the Trump policy for the Migrant Protection Protocols, and to be able to put those back in place. You told me you were going to deliver to me a timeline and the process of where that was going to go, how you were going to follow the Federal courts to be able to reinstate that policy.

I have not received that document yet. Where is that document and that timeline?

Secretary MAYORKAS. Senator, I owe you that timeline. The difficulty is, of course, that a predicate to the implementation of MPP, as we are required to do, pursuant to court order, is our ongoing negotiations with Mexico. I do owe that to you.

Senator LANKFORD. That would be great. I would like to be able to see that timeline and be able to know what status we have in that.

Last summer you also told me that you were going to get to me by mid-August, during our budget hearing, you were going to get to me by mid-August the ICE enforcement guideline update. That has been a preliminary document that has been sitting out there for a while that you and I have both spoken about.

I do not have that final document yet. You had told me before it would be done by mid-August. Where are we on that?

Secretary MAYORKAS. I expect to publish new guidelines by September 30th. That is my goal.

Senator LANKFORD. Do you expect that recent crossers will still be a priority on that?

Secretary MAYORKAS. I do.

Senator LANKFORD. Where are we on enforcement for recent crossers? We had some information that we got in late last night from the Enforcement Removal Office (ERO), saying that 107,817 individuals have been released into the United States, with different statuses, and that has been changed. That was the notice to report. That has now been changed to different notations on that. But 107,000 of those individuals. We have quite a few of those, tens of thousands, that have now not reported. That would be recent crossings.

One of the questions I am going to have is, are we in pursuit of any of those individuals that did get a notice to report but then have not actually reported? Are those in the priorities, and have we actually picked up any of those folks for detention?

Secretary MAYORKAS. Senator, my understanding is of that figure, approximately 75 percent have indeed reported within the timeframe or within their reporting timeframe. As to those who have failed to report, that would qualify as an enforcement priority of ours.

Senator LANKFORD. The best guess that we have at this point is about 28,963, as of last night, are beyond their reporting timeframe. That is around 29,000 people so far that have not reported, that were given a notice to report, that I want to know where are they and are we actually pursuing those individuals.

Secretary MAYORKAS. Those individuals we do consider to be a priority for enforcement, Senator.

Senator LANKFORD. OK. Thank you. I will wait for a second round.

Chairman PETERS. Thank you, Senator Lankford. Senator Paul, you are recognized for your questions.

OPENING STATEMENT OF SENATOR PAUL

Senator PAUL. Thank you. Director Wray, when Orwell first wrote 1984 people were concerned about that dystopian future, what it might mean, Big Brother invaded our privacy, our homes, our communications. But defenders of privacy took some consolation in the fact that the technology did not exist for two-way TVs, and so much of it seemed so futuristic.

Now U.S. intelligence agencies have the ability to record and listen to every phone call in the world. We have sometimes collected phone calls from an entire country, for an entire month at a time. We even have done it here at home, in America. For years, the National Security Agency (NSA) collected millions of Americans' data without first having an individualized warrant.

James Clapper notoriously lied, as we all know, to Congress about this massive surveillance program. He is now paid to deliver highly partisan rhetoric on a left-wing news outlet. Many in the FBI have been accused of bias. Some have been convicted. Some have been let go—McCabe, Kleinsmith, Peter Strzok, Lisa Page.

It is kind of hard to argue that somehow we can get people in the FBI that are above bias. It seems to be something that goes with the territory. Maybe it was a bad spate of time where we had a whole bunch of them all at once. But it is a problem.

When we investigate a Presidential campaign, I think it is important that we realize the potential for bias that exists in the people bring an investigation forward, but also incredibly important that we should devolve, or at least consider using the Constitution and not using warrants that are used on foreigners.

We have two different standards. We have a constitutional standard, which is typically used for Americans, or we use the Fourth Amendment, and the Fourth Amendment says you have to have probable cause, of a crime.

The Foreign Intelligence Surveillance Act (FISA) court standard is not a Fourth Amendment. It is an extra-constitutional standard. It is less than the Constitution. It is probably cause of being associated with a foreign government. The problem is, is that when we have Presidential candidates they are all going to have foreign policy advisors. Most of them will have longstanding history in either government of some sort. They will have people who do talk to foreigners all of the time.

So you can see how someone with bias—and I think that is what happened during the investigation that turned out to be untrue on the Russia collusion—so we had a massive investigation of a Presidential campaign, and I do not think enough of us have stepped back to say, “My goodness. Should we be using FISA warrants for the foreign intelligence surveillance court? Should we be using that kind of warrant on an American?” particularly an American running for office who has all of these contacts.

Do you think it is appropriate that we use FISA court warrants to investigate Presidential campaigns?

Mr. WRAY. What I do think is appropriate is that we use FISA warrants to investigate counter-intelligence threats to the United States, as long as it is done consistent with the minimization and querying procedures that are carefully approved by—

Senator PAUL. You do not think there was any problem with this investigation with the Crossfire Hurricane? You think it was all completely appropriate, nobody in the chain of command was biased, and it occurred because they were curious? We just indicted one of the Clinton lawyers yesterday for lying to you guys. You guys took it, hook, line, and sinker, and said, “Oh well, we will investigate a major Presidential candidate.” Of course it is a huge problem, and if you do not see that there is a problem, and that we need more controls on this, and that we need to somehow obey the Constitution, I would say the same for President Biden. I would say the same for a President of any party. What a crazy, upturned world.

The bias is there. There is no way to—the reason we have checks and balance with the Judiciary is so we can kind of get over the potential bias that occurs, in the FBI, the CIA, or anywhere else. If you do not have to go to a court, and you go to a court that does not obey the Constitution, that is held in secret, that is not justice, and it is going to be ripe for abuse.

You do not agree with that?

Mr. WRAY. There are parts of what you said that I would like to weigh in on. First, as to what happened in the so-called Crossfire Hurricane matter, I would say to you today, and I have said publicly on a number of occasions, that what that inspector general re-

port describes, by certain FBI personnel, I consider to be unacceptable and unrepresentative of the FBI that I see every day, having joined in 2017, and not something that I think can ever happen again. I want to make sure that you and I are talking not past each other on that.

Senator PAUL. I think——

Mr. WRAY. Second, I have put in place over 40 corrective measures, everything the inspector general has recommended, and then some, to make sure that what happened there does not happen again.

Senator PAUL. I think that is admirable, and I appreciate that point of view. But, when Hamilton wrote that if men were angels, we would not need the Constitution, we still are relying on angels working at the FBI. We are relying on you saying we are going to get a better set of people, we are not going to have that bias anymore. I think that is admirable. That is what I would want in someone being the director.

But what we need is something beyond that, and this is what our Founding Fathers did when they set up the Fourth Amendment, is we had a Constitution, and we had the Fourth Amendment, an incredibly important amendment, and then we had a judicial system. The FISA court does not obey the Fourth Amendment. It has a less-than-constitutional standard. It allows you to have warrants without obeying the Fourth Amendment, and people do not realize this. You use FISA warrants that do not obey the Fourth Amendment. You have a lower standard for going after foreigners.

I am actually OK with that. If you are not a U.S. citizen and you are investigating someone overseas, and you are eavesdropping on them, I am actually fine with the FISA standard. But I am not fine with a FISA standard for Americans, particularly Americans who are running for office, particularly for the person running for the highest office, who is interconnected with all kinds of countries, and always will be. Once you get biased people, once there is not perfection and we get biased people in the FBI, the problem is the system can be abused.

I think the only fix, it is admirable to have some regulations and some checks and balances you put in place, but the only real fix would be we should obey the Constitution. I do not think Americans nor political candidates should be investigated using a foreign intelligence surveillance court.

Mr. WRAY. Thank you, Senator, for your kind words about the corrective measures we have put in place. I would say to you that I believe the FISA court operates within the Constitution, so we might have a difference of opinion on how we characterize it.

I would also say to you that as we sit here, 20 years after 9/11, and as somebody who was in FBI Headquarters on the day of those attacks and saw the immediate aftermath as we started to reverse-engineer what went wrong on 9/11, much has been discussed back in those year about the so-called wall that was built up between law enforcement and intelligence. A lot of the reforms that have occurred, thanks to this Congress, thanks to the courts, thanks to the Executive Branch, to make sure that there is not a wall between the information-sharing that has to occur, has been part of what has kept Americans safe since then.

I would want, of course, to work with you on any ideas that you have, but also to make sure that we do not rebuild the wall that made us all less safe and cost 3,000 innocent lives on the day of those attacks. Thank you.

Senator PAUL. I appreciate your opinion on the FISA court having the same standard as the Constitution. They do not. The Fourth Amendment says you have to have probable cause that someone has committed a crime, or is committing a crime. It is a much different standard. The FISA court standard is probable cause that you have a relationship with a foreign government. It is a much lower standard, much more open to abuse, and you do not have a public court, a public court or judges, which might protect the rights of an individual.

If what happened in Crossfire Hurricane is allowed to stand, and would allow the FBI to do this again, we can see a time when the intelligence agencies can completely take over our political process. It is a very dangerous thing, and I think most people got caught up in the partisanship of the time, whether they liked or disliked President Trump, and instead of really thinking about this, there still is a problem, and to my mind we need to reform the FISA system. We should not use FISA warrants on Americans, and it should be reserved—because it is a lower constitutional standard, it should be reserved for foreigners.

Chairman PETERS. Thank you, Senator Paul. Senator Scott, you are recognized for your questions.

OPENING STATEMENT OF SENATOR SCOTT

Senator SCOTT. I thank each of you for being here.

Secretary Mayorkas, are you responsible for DHS, responsible for vetting all of the Afghan refugees coming in?

Secretary MAYORKAS. I am responsible for the work of the Department, sure.

Senator SCOTT. Let us say since the 1st of August, how many Afghan refugees have been denied entrance into the United States?

Secretary MAYORKAS. I do not have that number at my fingertips. I know it is very *de minimis*. In terms of—

Senator SCOTT. Why would that be?

Secretary MAYORKAS. Because we have not found many people with derogatory information relative to those who qualify for admission to the United States by reason of their status.

Senator SCOTT. The Afghan refugees that have gotten into the United States and our bases, if you found something, what is your process? How could you send them home? What is your process for doing that?

Secretary MAYORKAS. There are a number of options available to us, Senator. No. 1, we can, of course, seek their voluntary return, to a third country. No. 2, we place them, if there is a reason to do so, we would place them in enforcement proceedings and seek their removal immediately.

Senator SCOTT. Do you believe you would be able to send them back to Afghanistan?

Secretary MAYORKAS. Whether it is Afghanistan, that is something under review, but whether it is Afghanistan or another country, we would indeed seek their removal from the United States.

Senator SCOTT. DHS was set up as a result of 9/11, right? We have had significant military presence in Afghanistan for quite a while. That is gone. Now we do not have the same ability to defend the homeland that we did when we had military in Afghanistan. What changes have you made to make sure that DHS is doing its job, to make sure Americans are safe?

Secretary MAYORKAS. Senator, the architecture that has been built over 20 years since 9/11 remains in place and has only strengthened. We have a screening and vetting architecture. We have greater cooperation amongst the Federal agencies in the counterterrorism, intelligence, and law enforcement communities. We remain ever vigilant in that regard.

Senator SCOTT. OK. Do you, and Director Wray, do you agree that the Taliban is a terrorist organization?

Mr. WRAY. I agree that the Taliban is a terrorist organization.

Secretary MAYORKAS. I believe it is identified as such, Senator, sure.

Senator SCOTT. Earlier this month, the Taliban announced the senior leadership. One notable appointment was Sirajuddin Haqqani to be Afghan's interior minister. He is on the FBI's Most Wanted List¹ and designated as a global terrorist due to his role in the January 2008 attack on a hotel in Kabul. He killed six people, including an American citizen.

Director Wray, is there still a \$2 million reward for information leading to the arrest of Haqqani?

Mr. WRAY. To my knowledge he remains on the list and the reward is still out there.

Senator SCOTT. All right. Do each of you agree that it seems to be counterintuitive that it would be against national security interests for somebody like that to be in senior leadership of the Taliban? You all agree with that, right?

Secretary MAYORKAS. Yes.

Mr. WRAY. Yes.

Senator SCOTT. We have had conflicting testimony about how many people are left there. Secretary Blinken said 100 citizens to 200. We have had earlier that it could be as much as 9,000. We do not know exactly what it is.

First off, were the two of you disappointed when our military came home without all of the American citizens?

Secretary MAYORKAS. If I may, Senator, the United States government's enduring commitment is to bring every United States citizen that wants to return to the United States, to bring them home. That is our enduring and continuing commitment.

Senator SCOTT. But were you disappointed that it did not happen before we brought our military home?

Secretary MAYORKAS. Our goal was to return every willing American citizen home, and, of course, we were disappointed if we were not able to accomplish that, but we have not stopped in our efforts.

Senator SCOTT. Director Wray?

Mr. WRAY. Certainly I would be disappointed if we do not do right by all those Afghans who worked so bravely, side by side, with us over the past 20 years, and that is why we are all working

¹The Seeking Information poster appears in the Appendix on page 110.

so hard, as Secretary Mayorkas said, to try to make sure that we get the right people—underline, the right people—out, where they can be brought to safety.

I do want to clarify my answer to an earlier question. I have been handed a note on the Haqqani question, that while the reward is definitely still out there, as I understand it Haqqani may no longer be on the top 10 most wanted terrorists.

Senator SCOTT. But he is still on the list.

Mr. WRAY. But still to have the reward, is still posted.

Senator SCOTT. First off, Director Wray, were you disappointed that we did not get all of our American citizens, let alone all the individuals that helped us. Were you disappointed that those all did not come home before military left?

Mr. WRAY. Obviously we want to make sure that we get all the right people out, including American citizens. I know that everybody worked very hard to move a massive amount of people in a very short period of time, and the FBI was able to play a small part in helping other agencies on that.

Senator SCOTT. What do the two of you believe is going to be our ability to continue to get Americans home, or, on top of that, individuals that have helped us, when you have a terrorist on our FBI Most Wanted List, or maybe not in the top 10 but some number, and he is part of the leadership there. What is our chance that actually this is going to happen, that we are going to get American citizens home, or Afghans that helped us?

Secretary MAYORKAS. We are extraordinarily dedicated to that, and I think Secretary Blinken has spoken powerfully about that, that actions will speak louder than words with respect to the Taliban's willingness to work with us to effect the evacuation of individuals who have worked with us or United States citizens that want to leave Afghanistan. I should say that a number of U.S. citizens are Afghan nationals and have expressed a desire to stay. But our commitment is enduring and unrelenting.

Senator SCOTT. Yes. Secretary Mayorkas, let's go to the border, just for a second, before I finish. After you were nominated we talked. You talked about how you were going to enforce the law. Do you realize, when Senator Johnson was asking you questions you said that you thought the border was secure.

Do you realize that if you talk to a typical American now and you hear the numbers, that over 1 million people have come here illegally this year, we only have a little over 300 million people who live in this country, so 1 out of every 300 people in this country today have come here illegally in eight months, right. Isn't that inconsistent with what you are saying, though?

Secretary MAYORKAS. Senator, I do not believe so. First of all, the number of encounters is not necessarily individual encounters but rather we see some level of recidivism in light of our exercise of the Title 42 expulsion authority under the CDC's legal powers.

We apprehend, expel, and remove a considerable number of people. I know Senator Johnson took me to task for not having the data immediately at my fingertips in this hearing, but in fact I do have some August numbers that I could provide that actually reflect the number of apprehensions, the distinction between total encounters and number of individuals, unique individuals encoun-

tered, the number of individuals expelled under Title 42, and the number of individuals processed for expedited removal under Title 8 of the United States Code. I do have those numbers for August.

Senator SCOTT. So over 200,000 were apprehended, right?

Secretary MAYORKAS. Total encounters in August 2021 was 208,887. Unique encounters, meaning unique individuals, were 156,641.

Chairman PETERS. Thank you, Senator Scott. I remind our members we do have a second round.

Thank you, Senator. Senator Romney, you are recognized for your questions.

OPENING STATEMENT OF SENATOR ROMNEY

Senator ROMNEY. Thank you, Mr. Chairman, and thank you to each of you for the work that you do to help keep our homeland safe.

Director Wray, are the threats from domestic violent extremists rising, and if they are, are they rising based on those that are, if you will, inspired by foreign groups or are they rising from those that are inspired by domestic groups? I do not know if you distinguish it that way, but my impression is that it is substantially increasing but largely domestic, but that may not be the case.

Are the threats greater from these individuals, and by source, domestic or international?

Mr. WRAY. When it comes to sort of homeland-based terrorist threats we have two buckets, really, that we primarily focus on as the highest priority right now. What we call homegrown violent extremists, which is a reference to people here radicalized by foreign terrorist organizations and ideologies, and then domestic violent extremists, who are radicalized more by everything from racial animus all the way over to anti-government, anti-authority.

Senator ROMNEY. Right.

Mr. WRAY. The first bucket, the homegrown violent extremist, has been humming along fairly consistently at about 1,000 investigations, sometimes a little more, sometimes a little less, over the last few years. The domestic violent extremist bucket has been going up quite significantly over the last few years, which is why we are now at 2,700 domestic terrorism investigations when, if you went back two and half years ago, we were probably at more about 1,000. It has been a really significant jump there.

We are concerned that with developments in Afghanistan, among other things, that there will be more inspiration to the first bucket as well. I think we anticipate, unfortunately, growth in both categories as we look ahead over the next couple of years.

Senator ROMNEY. Yes, that is daunting, and we may get a chance to talk about why you might believe that the latter group, the homegrown domestic-inspired violent extremist is rising.

Secretary Mayorkas, I think any unbiased person would say that the Biden administration's border and immigration policies have been nothing short of a monumental disaster, and were there not so many other disasters that the administration is encountering it probably would be, by itself, enough for a government to be hanging on by a thread.

We have had our disagreements in the past about how much of the illegal immigration problem is caused by pull versus push factors and your view that we need to address so-called root causes, which is poverty and corruption in other countries. My view is that we cannot solve the problems of the rest of the world, and, in fact, we cannot solve all of our own problems, let alone for the rest of the world.

But what we can address are the unnecessary pull factors, if you will, the unnecessary features that we have in place that draw people into coming to our country illegally. Let me just discuss, with taxes, if an illegal individual wants to work here and wants to pay U.S. taxes, they are able to do that. Is that right? They are able to do that by getting an identification number. Is that right?

Secretary MAYORKAS. I believe they are, Senator.

Senator ROMNEY. Yes. I think they are called an I-10. They can apply for an I-10. They are able to do so.

Under the administration's Human Infrastructure Bill, their children can also get an I-10, can also get that tax number for the same purpose, or for whatever purpose they might have.

Secretary MAYORKAS. I do not know the answer to your question, Senator.

Senator ROMNEY. The answer is yes, they can. The President's so-called Human Infrastructure Bill also provides \$300 per month for every child who obtains such a number. So under the bill that is being proposed and considered by Congress, we will be paying the illegal immigrant \$300 per month for each and every one of their children that obtain such a number. A family of four who had come here illegally would receive as much as \$1,200 per month in checks from the U.S. Government, of course, well above the wage, the average wage throughout major parts of Latin America.

Do you think that this provision, which would allow the children of those that have come here illegally to receive monthly payments would represent an unfortunate and damaging pull factor that would draw more people into our country illegally?

Secretary MAYORKAS. Senator, I think that speaks to the fact that we have more than 11 million undocumented individuals already present in the United States, a population that has been growing for decades, by reason of a broken immigration system. I do not think it speaks to individuals who have not arrived in the United States.

Senator ROMNEY. Clearly if you can get paid \$300 per child, even though the child is here illegally and you are here illegally, that is going to encourage people to come here. It also is going to represent a major expense for our government to pay the children of those that are here illegally \$300 per month. One, it is expensive, and two, it creates a greater draw to come to the country.

Director, question that I would ask you, and perhaps the others as well, which is it does strike me that three of you all have a very similar responsibility, to protect our homeland from violence and extremists of various kinds. Are the lines of responsibility clear as to who is doing what, or do things fall between the cracks? Is there duplication which is unnecessary? Should we be addressing how we organize this effort? Because I recognize we are asking all three of you very similar questions. You are looking at very similar aspects

of the same challenge we have, which is protecting the homeland. Should we rethink how we do this? Are we duplicating the work, or Director Wray, any one of you could respond to that.

Mr. WRAY. I guess I would speak to it from the perspective of somebody who was heavily involved in this mission on the day of 9/11 and in the first four years afterwards, and then coming back from the private sector now. I think we are well organized against the terrorist threat. We do have, I would view as not overlapping responsibilities but complementary ones.

I do think that one of the real positive developments, learned the hard way from 9/11, is how well we all work together, our folks, in particular, work well with other agencies as well on the terrorist threat, and I think there are valuable lessons to be learned from that. It does not mean that it cannot always be improved. I tend to be dissatisfied by nature. I expect continued improvement, but I think we are on the right track as far as that goes. Lord knows we need it, because the threats, as we discussed, are not getting easier. They are getting harder.

Senator ROMNEY. Thank you, Director. Thank you, Mr. Chairman.

Chairman PETERS. Thank you, Senator Romney. Senator Ossoff, you are recognized for your questions.

OPENING STATEMENT OF SENATOR OSSOFF

Senator OSSOFF. Thank you, Mr. Chairman. First, Secretary Mayorkas, I want to thank you and your team for responding to the letter, the bipartisan letter that I sent with Senator Scott requesting reforms to FEMA disaster relief practices that were discriminatory against black Americans, especially in the South. I am grateful to you and your team for making those reforms.

I would like to ask you, please, how would you characterize the specific mission of the Office of Intelligence and Analysis, and what differentiates it from the other 17 component agencies in the intelligence community?

Secretary MAYORKAS. If I can, it dovetails with the question that Senator Romney asked. I think we are cooperating more cohesive now than we ever have been before, and I think that to the extent that we sometimes have redundancies, those are intentional redundancies for a belt-and-suspenders approach to our homeland security and our national security.

The Office of Intelligence and Analysis is really an office of partnership. What it does is it gathers information and intelligence from across the threat landscape. What it is uniquely situated to do is to push that information and intelligence out to our State, local, tribal, and territorial (SLTT) partners so that the first responder community is equipped and empowered to address the threat in its communities.

One of the things that the Office of Intelligence and Analysis has become so much better at over the past nine months is, in fact, working with the Federal Bureau of Investigation in the Joint Terrorist Task Force (JTTF) model, and we partner in the dissemination of information bulletins, conference calls, and the like, with local law enforcement.

Senator OSSOFF. Thank you. Director Abizaid, how would you rate the quality of information sharing across the IC's 18 component agencies?

Ms. ABIZAID. I actually think it is very strong, especially when you are talking about counterterrorism intelligence. I think the shift from, in the post-9/11 environment, was the shift to a need-to-share sort of mentality across the intelligence community but also our State and local partners, our lead Federal agencies in the homeland, FBI and DHS as well.

I have been very impressed as I have come back in to lead the center with the degree of information sharing that happens across the intelligence community in classified channels, but I have also been very impressed by the degree to which we work to downgrade as much information as possible and engage directly with State, local, tribal, and territorial elements to make sure that we are getting the threat information to the right individuals so they are then able to take action where they need to.

Senator OSSOFF. Thank you, Director Abizaid. Director Wray, we spoke March 2nd in the Judiciary Committee about the extent of violence in communities across the country, the alarming increase in violent crime, particularly from 2019 to 2020, and also from 2020 until this year. The city of Atlanta, 113 homicides this year. That is a 16 percent increase from last year, a 64 percent increase from 2019. Georgians are deeply concerned by the intensity of violence in our communities.

When we spoke in March, you said you were going to work to refine your assessments of the factors driving this increase in violent crime and violence across the United States. What are your conclusions?

Mr. WRAY. I do think as much as it is a phenomenon in our home State of Georgia, it is also in other parts of the country as well. While there might be variations from city to city, I think there are a number of factors that contribute to it. I think the impact of COVID cannot be underestimated, whether it is trial backlogs, early inmate releases, unemployment, et cetera. You have more juveniles committing violent crime. You have certain prosecution practices and decreased sentences, which put recidivists back out on the street more readily, and that adds to its challenge. You also have the prevalence of firearms, including interstate trafficking, and by that I mean firearms in the hands of those who are legally prohibited from having them.

All of those factors together create a combustible mix. I would add into that a number of police departments are close partners that we work with every day, who have an incredibly challenging job, are experiencing recruiting challenges and attrition, as in early retirement. And that, in turn, adds to it.

You put no one factor by itself but you put all those things together and that is part of why you are seeing, I think, the increase in homicides, but you are also seeing increases in carjackings and other violent crimes, not just in Atlanta, not just in Georgia but in cities all over the country. It is something that I suspect every Member of this Committee hears about from its constituents with increasing frequency, for good reason.

Senator OSSOFF. Thank you, Director Wray.

Mr. Secretary, a couple of questions related to congressional oversight of the Department. I recognize you have a tough job. You and I have spoken, in public and in private, about the importance of responsiveness to the Senate, to this Committee, to the Permanent Subcommittee on Investigations, which I chair, and for which Senator Johnson is the Ranking Member. But a number of requests that we sent to the Department back in July we still have not seen timely production of relevant documents and records. I want to ask why.

I also want to state here publicly, for the record, while we have you, that regardless of the administration's party, the Senate has an obligation to conduct vigorous oversight and to be assertive in using our authorities and prerogatives to secure the information necessary to oversee the Executive Branch's past and current activities, and in my capacity as Chair of the Permanent Subcommittee on Investigations I intend to be assertive in seeking that information.

But could you comment, please, on why these requests, now three months outstanding, remain outstanding?

Secretary MAYORKAS. Senator, your concern is resonant. In fact, we have done an internal review of the pace of our responsiveness and we have implemented new procedures to ensure a greater responsiveness. That is indeed an obligation of ours and a commitment of ours and a commitment of mine personally.

I will say it is quite a daunting challenge. We have over 90 committees of jurisdiction. It is something about which I have spoken with this Committee, both as the Secretary and in my prior service as the Deputy Secretary. It is a daunting number of requests for information and request for production of documents that we receive. Nevertheless, that is a commitment and an obligation of ours, and we will do a better job of fulfilling it.

Senator OSSOFF. But where are those documents requested in July, Mr. Secretary?

Secretary MAYORKAS. I will have to look into that, Senator, and I will do so forthwith.

Senator OSSOFF. Thank you, Mr. Secretary. Thank you, Mr. Chairman.

Chairman PETERS. Thank you, Senator Ossoff.

For the panel, you have been going a long time, and I know that a break is warranted. What I am planning on doing is we have Senator Hawley up, Senator Rosen. That gets us really close to an expected vote, so it will be a good time to take a break at that time. If you could bear with us for at least two more questions, unless someone else shows up, but we will take a break and then have a second round of questions at that time.

Senator Hawley, you are recognized for your questions.

OPENING STATEMENT OF SENATOR HAWLEY

Senator HAWLEY. Thank you very much, Mr. Chairman. Thanks to all of the witnesses for being here.

Secretary Mayorkas, let me start with you. I want to ask you about the continued, uncontrolled illegal immigration in the country, which I think is a very serious threat to the homeland. In July, I asked you about the migrant surge that has been occurring on

your watch and you said this. I am quoting you now. “We have a plan. We are executing the plan. The plan takes time to execute, and we are doing so.”

Now since that time Customs and Border Protection (CBP) has released data that showed two straight months of illegal border encounters above 200,000, which, as you know, has not happened in decades. My question is when is your plan going to work?

Secretary MAYORKAS. In fact, we are implementing the plan, Senator Hawley, and I can walk through some of the measures that we have taken.

Senator HAWLEY. My question is when is it going to work?

Secretary MAYORKAS. It is, in fact, working. We have seen, over the last several weeks, if not the month, a drop in the number of encounters at the United States border. We have been working very closely with Mexico to increase interdictions. We have addressed the issue of recidivism and if, in fact, people have been previously removed we are referring them to criminal prosecution. We have increased lateral flights across the border to facilitate the expulsion of individuals under Title 42.

Senator HAWLEY. I do not mean to interrupt you, Mr. Secretary, but our time is so limited. I want to be sure that I understand—200,000 border encounters over two straight months, a record in decades, for over decades, and you are telling me that this is success. Are you happy with what is happening at the border now? Is this success?

Secretary MAYORKAS. Senator, as I said then and I say now, we have a plan, we are executing on our plan, and we will continue to do so.

Senator HAWLEY. But you testified that it is working. I am trying to understand, is this success? Are you telling me that this is successful, your plan is successful currently?

Secretary MAYORKAS. Senator, we are not finished in the execution of our plan, and I never suggested otherwise. We continue to do the work that we are required to do to secure our border. That is an ongoing process, and indeed we are executing it.

Senator HAWLEY. Are you happy with your progress?

Secretary MAYORKAS. Senator, we need to do better, and we need to do more, and we are committed to doing so, and we are doing so.

Senator HAWLEY. Let me ask you about one of the latest crises that we have seen in Del Rio, thousands of migrants crossing the border illegally. Reporters have captured images of this. Many are now encamped, as you know, on the U.S. side of the border. How many migrants have crossed in the United States in Del Rio over the past week?

Secretary MAYORKAS. Last week I think the high point was 13,000 to 15,000. It is now well below 10,000. We continue to move individuals from Del Rio to other processing centers to facilitate their repatriation.

Senator HAWLEY. And how—

Secretary MAYORKAS. If I may, Senator, we have increased the number of repatriation flight to Haiti and to other third countries. The size of the population in Del Rio, Texas, has diminished considerably.

Let me say two very important things which I observed firsthand in Del Rio, Texas, yesterday. No. 1 is the human tragedy, just the vulnerability of the individuals who are under the bridge in Del Rio. We cannot minimize that is an extraordinarily difficult thing to see. No. 2, I met with quite a number of Border Patrol agents and officers in Del Rio, Texas. I saw them working with members of the Department of Health and Human Services (HHS) to deliver medical attention. I saw them working with the American Red Cross to deliver medical kits.

Senator HAWLEY. Mr. Secretary, we have very limited time. How many are currently, right now, at the encampment?

Secretary MAYORKAS. I would have to check as to today's number. It is below 10,000, is the latest information I have.

Senator HAWLEY. I want to go back to your statement earlier to me that you have a plan and that it is working. Is 13,000 to 15,000 people crossing into the United States just last week, is that working?

Secretary MAYORKAS. Senator, if you take a look at the situation, the discrete situation in Del Rio, Texas, one will view it differently than other challenges along the Southern Border.

Senator HAWLEY. Why?

Secretary MAYORKAS. If I may, Senator, that was a very rapid increase, a really unprecedented increase in the number of individuals, primarily Haitian nationals, crossing in one discrete part of the border. What we did there is we developed a plan, and we are executing on that plan, and therefore—

Senator HAWLEY. Mr. Secretary, this happened on your watch. Listen, here is the problem. Every time before you come before this Committee you always say, "It is going to get better." "Our plan is going to work at some future point." And you also usually say it is really not as bad as it looks. Then every time you leave it gets worse and worse. This is a humanitarian crisis in Del Rio. You can spin it whichever way that you want. But you are quite right—you should not minimize the humanitarian conditions, for which, frankly, you are responsible, you and your administration are responsible. Tens of thousands of people living in conditions that are startling—brought here because of your policies.

Let me give you an example. The Washington Post reported on Sunday that one Haitian woman said that she and her family decided to travel from Chile, where she was residing, to Del Rio, because they heard, and I quote, "President Biden was letting people in." Of course, you have offered this temporary protected status to Haitians illegally residing in the United States, starting in May. Then you halted deportation flights earlier this summer. Don't you think that you bear responsibility for this latest crisis?

Secretary MAYORKAS. Senator, let me speak to a number of the things that you have said. No. 1, temporary protected status was, in fact, extended to Haitian nationals resident in the United States before July 29th. Individuals who arrived after July 29th are not eligible for temporary protected status. That is a provision of the law that we execute, based on the circumstances that are contemplated in the legislation.

Senator HAWLEY. But, Mr. Secretary, my time has almost expired. I just want an answer. Do you bear responsibility for the crisis in Del Rio?

Secretary MAYORKAS. Second, Senator—

Senator HAWLEY. Does that mean you are not going to answer me?

Secretary MAYORKAS. I am answering, if you would give me the opportunity.

Senator HAWLEY. That is yes or a no question. Do you bear responsibility for the crisis in Del Rio? Yes or no.

Secretary MAYORKAS. Senator, the smuggling organizations—

Senator HAWLEY. Yes or no, Mr. Secretary? Do you bear responsibility for the humanitarian crisis in Del Rio? Yes or no.

Secretary MAYORKAS. Senator, it is my responsibility to address the human tragedy in Del Rio, to address that, and we are doing so. That is my responsibility, and we are executing it as the Department of Homeland Security.

Senator HAWLEY. But you do not think you played any role, and your policies have played any role in fostering and fomenting this crisis that has ensnared so many thousands of people?

Secretary MAYORKAS. Senator, what we are learning from our interviews with individuals is they are receiving false information and misinformation from the smuggling organizations that traffic in the exploitation of vulnerable individuals.

Senator HAWLEY. In other words, it someone else's fault. All I can say is, Mr. Secretary, that sooner or later this administration is going to have to take responsibility for the crisis that you have fomented at the border, that gets worse day upon day, and so far every time we hear from you it is somebody else's fault, something is going to happen later. It is quite unbelievable.

Thank you, Mr. Chairman.

Chairman PETERS. Senator Hawley, thank you. Senator Rosen, you are recognized for your questions.

OPENING STATEMENT OF SENATOR ROSEN

Senator ROSEN. Thank you, Chairman Peters, Ranking Member Portman, for holding this very important hearing here today, and I appreciate the difficult service that all of you provide to keep our nation safe. Thank you for being here.

I want to talk a little bit about domestic terrorism. I am going to switch up a little bit. Twenty years after 9/11, we know threats to the homeland, they have only become more diverse, they have become more complex, and the rapidly growing threat, we all know this, domestic violent extremism, as you have testified before, Director Wray, especially in March, that the number of domestic terrorist investigations has doubled since 2017, to 2,000 this year. The Bureau has now elevated the threat of domestic extremism to the same level as posed by ISIS.

Secretary Mayorkas, you recently stated, and I am going to quote, that “domestic violent extremism is the greatest terrorist-related threat we face in our homeland.”

I applaud the administration for releasing the first-ever National Strategy for Countering Domestic Terrorism, which codifies the national strategy that domestic violent extremists, specifically white

supremacist extremists, post the most persistent and lethal threat to the United States.

I have a question, of course, for Director Wray, and you, Mr. Secretary. I will go first. Secretary Mayorkas, could you provide us with an update on the new Center for the Prevention Programs and Partnerships, or as they are calling it, CP3, which helps prevent individuals from radicalizing into domestic violent extremism and interferes when individuals, unfortunately, do so?

Secretary MAYORKAS. Thank you very much, Senator. That office, that Center for Prevention Programs and Partnerships is really executing a different strategy than as previously been undertaken. What we are doing is focused on disseminating information to local communities and empowering and equipping them to address the reasons why people are driven to extreme ideologies and perhaps even acts of violence. We are distributing grant funds as well as information. It is all about empowering and equipping communities to address the situation from the ground up.

Senator ROSEN. Nobody knows their own community better than those that work within it. Thank you.

Director Wray, I want to direct this next question to you. I understand the FBI Counterterrorism Division maintains a section to specifically investigate, of course, domestic terrorism. Are you collecting data specifically on the threat from white supremacists, and second, as part of the National Strategy for Countering Domestic Terrorism, how does the FBI plan to enhance collaborative reporting, that data collection that we need and we can collaborate targeting our efforts with law enforcement partners to prevent radicalization and attacks?

Mr. WRAY. We do collect information very much about—I think the category that you are describing we put in the category of racially and ethnically motivated violent extremism, of which the biggest chunk by far is racial or ethnic motivation favoring white supremacy.

Senator ROSEN. Yes.

Mr. WRAY. We collect information about that threat. We have, as you say, prioritized that threat at a national threat priority level. We have created a domestic terrorism hate crimes fusion cell to bring to bear not just the domestic terrorism expertise but the hate crimes expertise, because often there is some overlap in the criminal activity, and then more importantly, the insights that that gives us to look ahead and around the bend, if you will.

One of the places where that kind of collaboration and synergy is already showing great progress is in your home State, the attempted attack on a synagogue that we were able to, for the first time, prevent, using hate crimes charges, and we hope to do more of that.

I think the big part of the engagement to collaborate on data is going to be through the Joint Terrorism Task Forces, which, of course, are all over the country, of which there are over 200, and that includes Federal, State, and local participants, probably about 4,500 or so bodies all working on those task forces together, able to share classified information, investigative information, and to ensure that we are then able to generate bulletins and things like

that, working collaborative with Secretary Mayorkas' shop in doing so.

Senator ROSEN. I am going to move into cybersecurity, but before I do that do you have the workforce you need, and what are the challenges you have—I guess I could probably address this in every area—hiring, training, and retaining workforce?

Mr. WRAY. I would say a couple of things on that. Certainly the domestic terrorism caseload has exploded, and meanwhile the international terrorism caseload has not subsided, and that is within terrorism. We absolutely need more resources there, and any resources Congress sees fit to send our way, I can assure you they would be quickly put to good use.

There is a piece of good news, which is that at the FBI the last couple of years our recruiting numbers have gone exorbitantly up, contrary to the trend you would see more generally in the country. We tripled the number of people applying to be special agents of the FBI in 1919, 1920, and 1921, compared to what it was before that. The highest it has been in about a decade.

We are not having too many retirements. Our attrition rate is now down to under 1 percent, which is, I would say, pretty good.

But the counterbalancing against that is the unbelievable challenge of all these threats that we are dealing with. There are a lot of people with great ideas and good ideas, but what we should be doing more of, I have not found anybody with much in the way of good ideas about what it is we can suddenly do less of.

Senator ROSEN. Thank you. I want to move quickly, and I know I will probably have to take this answer off the record, by cybersecurity resilience, because the Cyberspace Solarium Commission (CSC) said the U.S. Government still lacks rigorous, codified, and routinely exercised processes for identifying, assessing, and prioritizing critical infrastructure risks across the Federal Government between public and private sectors.

Secretary Mayorkas, what infrastructure sectors do you view as particularly vulnerable that we should be putting some resources into right now?

Secretary MAYORKAS. Senator, thank you so much for your question. We are very focused on the critical infrastructure sectors. As a matter of fact, I think one of the great moves that we made following the Colonial Pipeline cyberattack that really galvanized the public attention was for TSA to issue two sequential security directives after engaging with the pipeline industry, to develop standards of behavior, to increase the cybersecurity of that sector.

I think the Joint Cyber Collaborative that we are employing through CISA, is a very significant step in strengthening critical infrastructure, because it is a public-private partnership. It is not just all of government, but it is all of society.

Senator ROSEN. Thank you. I appreciate that. I see my time is up.

Senator JOHNSON. Mr. Chairman—

Chairman PETERS. Thank you, Senator Rosen.

Senator JOHNSON [continuing]. Before we go to break, I ask consent that we enter recently retired U.S. Border Patrol Chief Rodney Scott's letter into the record.¹

I would also point out that in his letter he describes himself as a law enforcement agent for over 29 years. He served under five different Presidential administrations, and he said he worked diligently securing international borders as a nonpartisan civil servant.

This letter comes from somebody with a great deal of credibility and should be taken very seriously.

But anyway, I ask that it be entered into the record.

Chairman PETERS. Without objection, it will be entered.

We have another Senator that joined us. Senator Sinema is online. This will be the end of the first round. I will recognize Senator Sinema. This will end the first round. It will come to a close and we will take a break at that time and then come back for a second round.

Senator Sinema, you are recognized for your questions.

OPENING STATEMENT OF SENATOR SINEMA

Senator SINEMA. Thank you, Mr. Chairman. Secretary Mayorkas, one of the significant challenges our nation and my State of Arizona face is the ongoing crisis at the Southwest Border. It remains critical for Congress and the administration to work together to secure the border, protect our communities, and ensure migrants are treated fairly and humanely. I appreciate the efforts you have taken to improve DHS operations at the border. As we both know, there is more work to do.

We have seen close to 1.5 million encounters at the border this fiscal year (FY), with over 270,000 of those happening in the Tucson and Yuma Sectors. CBP officials in those sectors consistently talk about the importance of Title 42 authority in managing the situation at the border in those sectors. But recent court decisions could limit the use of Title 42 authority in the future, which would put more pressure on our border workforce and processing capacity.

Additionally, with the severe challenges in the Del Rio Sector, we learned last week that CBP will be transporting 400 migrants each week to Arizona for processing.

What steps does DHS need to take to improve processing capacity and capability at the Southwest Border to manage this ongoing crisis, including the situation we are seeing in Del Rio?

Secretary MAYORKAS. Thank you so much, Senator. We have taken a number of steps, some of which I alluded to earlier in my response to Senator Hawley's question.

We are moving individuals across the Southwest Border to facilitate the expulsions under the Center for Disease Control Title 42 authority. We are using expedited removal under Title 8 as an additional authority. We have begun prosecution of individuals who have prior removal orders and who are recidivists. We are sending flights, repatriation flights into the interior of Mexico to make recidivism more difficult.

¹The letter referenced by Senator Johnson appears in the Appendix on page 111.

We are employing quite a number of measures to increase the number of encounters and also to deter irregular migration, and we are seeing progress in that regard.

Senator SINEMA. Following up specifically on Title 42, obviously court decisions will play a significant role in the future of Title 42. But this authority was always meant to be temporary and will end at some point.

In June, as you know, I led a bipartisan letter that requested a detailed plan for the end of Title 42. I am asking today if you will work with my office to schedule an in-depth briefing for the Committee on your plans to facilitate a smooth and orderly transition for the end of Title 42 when DHS will resume relying only on traditional statutory authorities.

Secretary MAYORKAS. We most certainly will do so, Senator.

Senator SINEMA. Thank you. Now as you are aware, transnational criminal organizations pose a significant threat to our national security by engaging in human trafficking, drug trafficking, and violence at our Southwest Border. They may also be capitalizing on the DHS resource strain that the migrant influx is causing.

So capabilities or technologies does DHS need additional investments in to expand your ability to counter TCO activity?

Secretary MAYORKAS. Thank you very much, Senator, for that question. I will say that we are already taking, and have taken, a number of steps to address the actions of TCOs. We are working increasingly in the task force model, as a force multiplier. We are using technology, air assets, especially our force multipliers and extremely effective tools.

We can use more resources with respect to our air assets, and we have undertaken a number of law enforcement operations to address the activities of these transnational criminal organizations. Operation Sentinel, which addresses their logistical network here in the United States, is but one example.

Senator SINEMA. Thank you. My next question is for Director Wray. The pseudonymity afforded to criminal organizations such as DarkSide that demands ransom payments in cryptocurrency provides significant challenges to Federal law enforcement. How has the FBI changed its response capacity at its field offices to help families, small businesses, and managers of critical infrastructure respond to the rise in ransomware attacks?

Mr. WRAY. I appreciate the question. Certainly ransomware attacks, as Secretary Mayorkas referred to earlier, have gone up, and the total volume of payments have gone up, both quite significantly, and it affects, as you say, Senator, not just large organizations but also small ones.

What the FBI can do and is doing is we have cyber task forces in all 56 field offices, and each of them is designed, in part, to be able to engage quickly with victims, to be able to respond as quickly as possible to help them manage and disrupt and mitigate against the threat.

On the virtual currency side, the cryptocurrency side, we have created subject matter teams, experts at headquarters that both train, so to create more of a force multiplier effect in all of the field offices, but also support investigations, because as you say, fol-

lowing the money in that space is exceptionally challenging and requires new and more creative, innovative tactics, much as we did, for example, in the Colonial Pipeline case, where we were able to not only follow but seize a big chunk of the ransom that was being paid in cryptocurrency before it got to the bad actors.

We want to do more of that, but that case illustrates, in particular, the importance of the private sector, big or small, engaging with the FBI as quickly as possible. Speed really matters in these instances, and when they do engage that quickly there are all kinds of things that we can potentially do to follow the money.

Senator SINEMA. Thank you, Director.

Back to Secretary Mayorkas. The world has changed a great deal since DHS was established in the aftermath of the 9/11 attacks. Today, the Department has a responsibility for a wide swath of disparate missions. You handle counterterrorism, border security, transportation security, disaster response, as well as cybersecurity and critical infrastructure protection.

As new threats confront our country, how is DHS assessing and adjusting its structure to respond to the changing threat landscape, and what changes do you feel are needed in the short term?

Secretary MAYORKAS. One of the things, Senator, that we are focused on is making sure that our more than 22 offices and agencies are working cohesively together to really bring the full force of the Department to bear on any one particular threat stream. I think we have made tremendous advances in that regard.

Fundamentally, I think our greatest tool in combating the threats of whatever nature is really the more than 250,000 men and women who comprise our Department. They are extraordinary, not only in meeting the threat that we confront today but in their readiness to meet the threat that looms.

Senator SINEMA. Thank you, Secretary. Mr. Chair, I know that my time has expired, but I want to note that as we are having our first hearing after the 20th anniversary of the 9/11 attacks, I want to take a moment to express my thanks to all the people who work every day to keep our country safe. As our threats continue to evolve our government must continue to adapt and make changes based on the lessons we have learned since September 11th, and I am grateful for the men and women across our country who are doing just that.

Thank you, Mr. Chairman.

Chairman PETERS. Thank you, Senator Sinema. I know our witnesses, we are thanking you for these answers to all these questions, and it is time for a little bit of a break for you. We have a second round. That concludes the first round. Not every Senator is coming back for a second round, but I know there are a number that have other questions they would like to ask.

I will adjourn now briefly for roughly 10 minutes. There has been a vote called, so I would urge all of our Members please vote early, get back to the Committee hearing room so that we can move this forward.

With that we will adjourn for 10 minutes.

[Recess.]

The Committee comes back into order. We will now begin a second round of questions, same 7-minute time as the first round.

Senator Padilla, before I start the second round, you were not here for the first round and you have not had a chance to ask a question, so you are recognized for your questions.

OPENING STATEMENT OF SENATOR PADILLA

Senator PADILLA. Thank you, Mr. Chair. I appreciate this opportunity, and thank you to the three leaders participating this morning.

I want to touch on an issue that is an ongoing challenge in so many sectors, and that is the power, the danger of misinformation. As we all know, despite the arduous journey from Central America or elsewhere to the United States, migrants continue to make the dangerous trek to the U.S. border in hopes for a better life. Many are fleeing unemployment or natural disasters, maybe corruption in their home countries, violence or other factors, and it certainly makes coming to the United States appealing.

Another factor, however, is misinformation, particularly from smugglers who share messages over a variety of platforms, including, but not limited to, WhatsApp, with the promise of safe passage to the United States for a large sum of money.

Now while most immigrants are being turned away or expelled from the Southern Border because of the CDC's Title 42 rule, misinformation continues to spread. I would love to hear from Secretary Mayorkas about not just the impacts you are observing of misinformation but also what the Department of Homeland Security is doing to combat this misinformation, both at the border, in Central America, or elsewhere.

Secretary MAYORKAS. Senator, thank you very much for your question, because you are focused on a very significant issue. Indeed, the smuggling organizations peddle misinformation and deceive vulnerable individuals and families into believing that the border policies of this administration are different than those that we have in place and that we are executing.

We, of course, disseminate information ourselves, but we are very mindful of the fact that that alone is not enough. We work very closely with the Department of State to have trusted voices in the countries of origin to disseminate accurate information with respect to our policies and practices, and the critical fact that our border is not open.

I think one example of that is this past Sunday. I spoke with journalists who reached the Haitian community, the Haitian diaspora community, and I communicated critically needed messages. They then disseminated that in Creole through their outlets, to reach the diaspora community, and that was propelled further on social media, thanks to the partnership with the Department of State and other partners.

Senator PADILLA. That is great, and I know it will be an ongoing challenge as well. Second, more of a statement than a question but I want to go on record in the following. As most will admit, what is happening at the border is unacceptable, on so many fronts, and I too want to strongly condemn the inhumane treatment of Haitians or anyone else who is fleeing violence or natural disasters and seeking protection in our countries. I have heard your statements, Mr. Secretary, about the need to create safer and more or-

derly pathways of legal migration to the United States so that people do not have to make the dangerous journey to the Southern Border by other means.

I want to make sure I reserve sufficient time for Mr. Secretary. Abizaid. As of September 14th, some 64,000 Afghans have been brought safely into the United States. Many of these individuals were allies of the United States military, have familial ties to the United States, or represent vulnerable populations who are currently being targeted by the Taliban.

I understand that many of my colleagues have raised questions as to whether or not there has been sufficient vetting of these individuals prior to their arrival to the United States, or entry into the United States. In your role as the Director of the National Counterterrorism Center, can you please share with us, or give us a better appreciation and understanding of the vetting process that Afghan refugees, parolees, and evacuees must pass before being allowed to be admitted into the United States.

Ms. ABIZAID. Thank you, Senator, for the question, especially because it gives me the opportunity to really highlight publicly the work that NCTC, but also the entire intelligence community, working in collaboration with our FBI, DHS, and other partners in the agency did to surge resources to make sure that the appropriate screening and vetting of these individuals was undertaken.

Now the intelligence community role and NCTC's role is one part of a system of screening and vetting. It is something that we typically get information from our partners overseas to understand individuals, the information about individuals seeking to come to the United States. We use that information and run it against our IC databases to make sure that if there is any derogatory information that might have bearing on whether that individual should come or not that we bring that to bear as adjudicators decide the status of an individual.

The work that we undertook as part of the Afghan evacuation operation absolutely considered that screening process as part of it, and those screening efforts are ongoing for the population of Afghans that are seeking entry into the United States.

Senator PADILLA. Thank you very much. Thank you, Mr. Chair. Chairman PETERS. Thank you, Senator Padilla.

As we have been discussing throughout this hearing, we have been subjected to consistent cyberattacks, ransomware in particular, and attacks against critical infrastructure. Secretary Mayorkas, in your opening statement you discussed a number of activities that DHS is engaged in, in an attempt to mitigate the impact of these attacks, or prevent these attacks from occurring in the first place. As you know, and I believe you have been briefed, and your staff has been working with Ranking Member Portman and I on legislation to provide the government with incident reporting on cyber incidents, and ransomware attacks in particular, but broadly encompassing all cyberattacks.

Secretary Mayorkas, could you tell this Committee how this kind of authority to collect this information, how will that help you prevent cyberattacks from occurring in the first place and ensure that our critical infrastructure can operate the way it should?

Secretary MAYORKAS. Mr. Chairman and Ranking Member Portman, we are very grateful for this Committee's support of the Cybersecurity and Infrastructure Security Agency. That legislation, which calls for a new reporting regime, will be of tremendous value in elevating the cybersecurity of this country, because it really requires a public-private partnership.

In fact, for example, a company that suffers a cyber incident provides that information to us in the Federal Government, then we can ensure that a replicate of that harm is not suffered elsewhere in the country. If everyone is compelled to provide incident information to us then we learn from one, we learn from two, and collectively then we disseminate to all, and that raises the cyber hygiene of the landscape writ large.

Chairman PETERS. Thank you. Director Wray, I know ransom payment information is of importance to the FBI. Could you tell the Committee how important that is and how this legislation will help you?

Mr. WRAY. Absolutely. I think the key will be to make sure that the information reaches the FBI real time, because as I testified in response to one of the earlier questions, speed, hours matter in this particular arena.

Getting the information from the private sector on a more consistent and timely basis will be critical for us, at the FBI, as well for, I think, five reasons. One, it allows us to better understand the full extent of the threat, of particular intrusion sets nationwide. Second, it enhances our ability to warn about trends, tactics, techniques, procedures in a much more meaningful way. Third, it allows us to provide support for a greater number of victims and collect more evidence, and, therefore, bring more cases. Fourth, it allows us to help connect seemingly unrelated incidents into attribution to a single actor, which is incredibly valuable in its own right to ensure that we are holding them accountable for the full extent of their activity.

But then last but not least, it allows us to follow the money and, in many cases, seize it, and I cannot underscore enough how important that is. Our strategy is to go after the actors, their infrastructure, and their money, and legislation like this would help us do that, as long as we get the information real time.

Chairman PETERS. Thank you. On March 2021, a national intelligence report assessed the domestic violent extremists were, "the most persistent and lethal threat," to the United States. The FBI has found the same, and I helped pass a requirement in the fiscal year 2020 National Defense Authorization Act (NDAA) that required both the FBI and the DHS to report data on this threat.

Yet both of your agencies took close to a year to provide roughly half of the response that we are looking for—a year to provide half—and Director Wray, in the case of the FBI, half would be a very generous assessment of what the FBI provided. It is considerably less than that. If we cannot get that kind of data, it is difficult for us to understand what efforts are being made and how we might be able to support those efforts.

You have reporting requirements, under the law, and I would hope that you would comply on time and in full. Can I get a com-

mitment that we can get the rest of that information that is well over a year past the expected date?

Mr. WRAY. Certainly you can have my commitment that we are going to do better and work with you as quickly as we can to get you the information that we can. Part of the challenge that we are not happy about is, of course, the pandemic hit and many of the people that were involved in pulling together the information were either otherwise occupied with a significant domestic terrorism operation that we had or otherwise sidelined. The other part of it is, as I understand it, a lot of the information may be information that was not collected or kept in a way that the Committee might have been looking for.

So you are absolutely right that we need to do better than we have, and you have my commitment that we will do better than we have. But I understand we have a regular cadence now of engagement with your staff, prioritizing the items that you need soonest, and you have my commitment that we will work with you on that.

Chairman PETERS. I appreciate that, and we will be continuing to reach out to get that to happen.

Experts have assessed that in the last five years, domestic extremist groups have expanded their use of online platforms to recruit, plan, export, and spread violence and terrorize Americans. Last week, I wrote a letter to the heads of Facebook, Twitter, and YouTube seeking information, including their efforts to coordinate with Federal, State, and local governments to detect and to prevent online extremist efforts.

My question to you, Director Wray, is we are less than a year past the violent January 6th attack on the U.S. Capitol and the attempt to disrupt the peaceful transfer of power, which is without question a dark stain on our history, all of which was planned, organized, and spread online. So my question is, what specific steps is the FBI doing now to combat the use of social media to plan domestic terrorist attacks? Have you stepped up your activities, and give us a sense of what you are doing.

Mr. WRAY. Certainly when it comes to social media, when we get tips and leads we are trying to make sure that those are being prioritized and pursued. We are trying to improve our own communications with the social media companies. That partnership, as you and I have discussed before, in the election influence context, has continued to improve, so we are trying to leverage that a little bit.

Among the other things that we are trying to do are build out our human source base better so that we can separate kind of the wheat from the chaff within the social media that we get, because the volume of this stuff is astounding. The last, we are also looking at better use of data analytics, again, to try to see if we can separate the wheat from the chaff within the information that we get.

Certainly when it comes to looking at social media there are longstanding Department of Justice policies, the so-called Attorney General Guidelines and the Domestic Investigations and Operations Guide (DIOG) that have been in place for 15, 16, maybe more years, that kind of govern what we can and cannot do. It is a complicated subject to explain, but we are committed to aggressively acting in this space, just as we are in others.

I would say, of course, I know that DHS also plays a very important role in looking at social media, and we benefit from the partnership with them on that subject. There are things that they can do as part of their mission that we cannot and do not.

Chairman PETERS. Thank you. Ranking Member Portman, you are recognized for your questions.

Senator PORTMAN. Thank you, Mr. Chairman. Let me start by saying that I appreciate what the men and women who work for you do every day. They wake up every morning and try to figure out how to keep our country safe. I think every member of this panel appreciates that and commends them. I do think our policies are making it harder for them, and that is what this is really about today is what can we change, policy-wise, to reduce rather than enhance the threats to our homeland.

As I said earlier, I think it is extraordinary that over these 20 years we have not had any major mass casualty, foreign terrorist event. We certainly have had our share of attacks, but not the kind we saw in 9/11, and that is a tribute to them. But our policies worry me, and I would like to dig a little deeper on a couple of them quickly.

I appreciate what you said on social media, Director Wray, and certainly in the cybersecurity, we look forward to working with you, Mr. Secretary, as you know, on that legislation, to ensure we have incident reporting, and we get a handle on the increasing cyber threat and the ransomware.

But on these two issues we have already about today, one is the Afghan evacuees and the potential problems we may have if we do not have a system in place, a policy in place, that makes the people, again, who work for you, and others able to do their job. I am concerned about it. Second is in regard to immigration.

Getting back to what has been said about those individuals who were evacuated in this hasty and chaotic process, we left people behind. We all know that. We left American citizens behind. But mostly we left behind people who had helped us. But we also had people get on these flights to leave who, as far as we know at this point, had no connection to us, in the sense of helping us or helping our allies.

Secretary Mayorkas, your information is probably different than mine, based on what you have said today. We have pushed and pushed, as you know, and as I said I am very frustrated we cannot get a classified briefing maybe to dig to the bottom of this. But we do not really need, in my view, a classified briefing. We need to know who these folks are.

By the way, it may surprise some of our constituents to find out that when these folks come over—and again, about 60,000 are here, about 120,000 total, 60,000 total overseas—they are permitted to walk. In other words, when they land at Dulles or land in Philadelphia, they are allowed to leave and go into the community. Is that accurate, Mr. Secretary? Just a yes or no, please.

Secretary MAYORKAS. No, that is not entirely accurate, Senator. There are conditions of parole for those who are paroled into the United States that are mandatory.

Senator PORTMAN. But when they land, if they choose not to go to the military base and to walk, they are able to do that.

Secretary MAYORKAS. They must receive, for example, certain immunizations in order to enter the interior of the United States.

Senator PORTMAN. I mean, OK, so they have to get—

Secretary MAYORKAS. But there are mandatory—

Senator PORTMAN. They have to get a shot. That is fine. But they are permitted to come into our country, and, my staff has been out there to see the arrivals. I have a friend who went to meet his interpreter, who he served in Afghanistan, and, they said, “You can take him with you, but if you do, he could lose his benefits.” I understand that. But my point is we do not have a system in place to keep people who want to walk.

Now the other question is, who are these people? As I said, 75 percent of them are not green card holders, are not citizens, they are not SIV holders, they are not even applicants for SIV. You indicated otherwise. We need to get to the bottom of it, because you want to know, I assume, just as we want to know, how we can ensure who these people are. This notion that they have been vetted as we would normally vet, I mean, how can we vet people? Are you going to call the Taliban government and say, “Is this information about this criminal record accurate?” Of course, we cannot.

Normally we would be able to contact the government. Of course, we did not have an embassy because we had evacuated it, so we did not go through the normal screening to, Director Abizaid, your answer earlier, we did not go through the normal screening process that you would for someone applying for a visa. You could not, because we did not have the visa officials in the foreign office there to do it.

I am going to leave that out there, because, I have lots more questions on it and I could push on what we have heard. But let me just say, yesterday, when the State Department was pushed on this and we were asked how many of those parolees applied for SIV or were family members of former employees, the State Department said, “None of us really know.” If that is the answer, fine, but if the answer is, as you said today, Mr. Secretary, they are all accounted for and we know who they are, we would certainly like to know that.

With regard to immigration, this obviously is a huge crisis right now on the border. Again, over 200,000 people last month. Let me hold up these couple of charts, because they are interesting, I think, for a number of reasons. One is with regard to encounters at the border.¹ We have seen this chart. Senator Johnson has a much more colorful, interesting chart.² But this is where we are, and I have condensed it a little bit, just to start in the 2018 time period, this is when President Biden was inaugurated, we see this big increase. So we all know about that.

This is why policies, again, are making the job much harder for the people who you work with to be able to keep an orderly and legal process at the border. This is, obviously, a crisis.

But here is the second one. Maybe keep them together if you can. This is the people who are coming to our border from outside of Mexico, El Salvador, Guatemala, Honduras, the so-called Northern

¹ The chart submitted by Senator Portman appears in the Appendix on page 105.

² The chart submitted by Senator Johnson appears in the Appendix on page 109.

Triangle. Look at that. That increase is much more dramatic. These are people who come from Latin America, but they also come from Romania. I mean, they are coming from all over the world. We have obviously seen them coming from Haiti. The photos of what is going on there, I mean, look at this chart.¹ I mean, it is obviously a humanitarian crisis. It is really discouraging to see.

But what we are told is very different than what we heard today. We are told by ICE, that only 353 Haitians have been flown back to Haiti, out of the 13,000 to 15,000 that you said were there. Yet you are telling us today, we are taking care of it; the number is well below 10,000. That must mean that they were either removed to Mexico or released. I do not think they were removed to Mexico, because part of the problem with Title 42 in Mexico is not taking people unless they are Spanish-speaking, from Latin America.

Again, we need to have our information clear, and in terms of why they came, I think this idea of a pull factor is very real. You know how I feel about the asylum system. I think it is a pull factor. As I told you, I visited some of these countries in Latin America and Central America recently, and the presidents of these countries say, “We don’t like what you guys are doing because you are pulling our good people away. You are pulling our young people away. We want them to stay here, actually.”

But they are coming to the border not because of disinformation necessarily, as Senator Padilla talked about, and I appreciated his question. But a lot of it is accurate information, because the human smuggler can say to this family, “Give me ten thousand bucks. I will take your kid. I guarantee they can get in. Just say you are seeking asylum.”

With regard to the Haitians, this is what you hear. The mayor of Del Rio, I believe, said this, and others have said it, that Section 8, which is not Section 42, which is being applied to Haitians, and the word got out, and the smugglers heard about it, and they said, “Haitians are getting in under Section 8.” In other words, they are permitted to come into the country—and boom, then they came. Of course.

On Section 42, the Rodney Scott letter,¹ which we got by snail mail so I did not get it until over the weekend, and we have circulated it to all the offices now, and it is part of the record today, he says in October 2020, he was told that 91 percent of total encounters were processed under Title 42, and people were expelled in an average of 90 minutes. He said, “A report I received in August 2021, indicated that nearly 53 percent were granted exemptions from Title 42, with the majority ultimately being released into the United States.”

I understand what you are saying about recidivism, that some of these are people who have been stopped more than once and that is why the numbers are higher. But if it is because of Title 42, then it would have been much more true under the previous administration than this administration, because we have gone from, if these numbers are right, 91 percent were processed under Title 42 and

¹ The chart submitted by Senator Johnson appears in the Appendix on page 109.

¹ The letter submitted by Senator Portman appears in the Appendix on page 111.

expelled in 90 minutes, and 53 percent now are being granted exemptions, at least of August.

Title 42 may be short-lived for reasons that are beyond our control, in the Judicial Branch. I understand that. But then we need an alternative. We have to figure out a way to discourage people from coming to our country by letting them know the border is not open. You cannot come and say that you claim asylum and be able to come in the United States indefinitely. You have to be able to prove that. As you know, Mr. Secretary, it is something you and I have talked about a lot, and I think until we do that and get to that point those Haitians who were told, "Hey, we are applying Title 8, which means you can come into the country," rather than 42, are going to keep coming, and others will keep coming. It is not in anybody's interest.

By the way, this notion that this can all be solved by investing in Latin America, particularly in the Northern Triangle countries—that is our response, and the administration typically is "we are going to invest in the Northern Triangle countries"—I am not against that. We have done a lot of it, \$3.6 billion over the last five years, so another \$4 billion we will see that is not the ultimate answer, I do not think.

But these are all people who came in from outside of Mexico and outside of the Northern Triangle. So are we also going to have a program to stop the push factor in these other countries, including some countries outside of Latin America?

Anyway, my time has expired. I apologize for going over time. But as you know, Secretary, I have a passion about this. I want to get it right, so we have an orderly, lawful process, so the most generous country in the world, in terms of immigration, can continue to be so, and our citizens can support it. But based on a system that actually works—for Latin America, for us, and for the rest of the world.

Thank you, Mr. Chairman.

Chairman PETERS. Thank you, Ranking Member Portman. Senator Carper, you are recognized for your questions.

Senator CARPER. Thanks, Mr. Chairman. Again, our thanks to Secretary Mayorkas, to Director Wray, to Director Abizaid for joining us today, for your testimony, and really for your leadership. You have taken on really tough jobs, and I have a few tough jobs in my life, and they do not begin to compare to what you are doing. I thank you for taking on all these responsibilities, and working with us and others.

I have a question for Secretary Mayorkas, and Director Wray, initially. The question is, Mr. Secretary, in your testimony you discuss how China represents a threat to U.S. economic competitiveness. Senator Portman and I spent a fair amount of time as the leads on the Senate Permanent Subcommittee on Investigations, and we agree with that fully.

In past years, Director Wray has stated that the Bureau views China as one of the greatest threats to our nation due to their counterintelligence and economic espionage interest, as it relates to targeting economic assets and seeking information related to our intellectual property.

As we pivot to our national security posture to address near peer adversaries as opposed to traditional threats and actors, could each of you, Mr. Secretary and Director Wray, could each of you speak to how your agencies are working together, and separately, to combat the threat that China poses to our national interests and overall security?

Mr. Secretary.

Secretary MAYORKAS. Thank you very much, Senator Carper. Let me identify three different lines of effort that we are executing in response to the threat to our economic and, therefore, national security that China poses.

First, of course, we have the infringements and theft of intellectual property, and we are working very closely in response to that with the Federal Bureau of Investigation. Second, in the service of human rights, on the one hand, and a fair marketplace, a competitive marketplace on the other, we are stopping the importation of goods that are produced, in whole or in part, through forced labor. Third, we are addressing pure criminal activity, the theft of property by organizations emanating from the PRC. We are also, of course, addressing the cybersecurity threat that has emanated there and has attacked some of our Federal agencies.

Senator CARPER. OK. Thanks. You can hold it right there, if you will, and let me yield to Director Wray. Thank you, Mr. Secretary.

Mr. WRAY. Thank you, Senator, for the question. As you know, this is something I feel, to use Senator Portman's term, very passionately about, and I think there is no country that presents a greater threat to our innovation, our economic security, and our democratic ideas than the People's Republic of China, which is why we have over 2,000 active investigations tied back to the PRC government across all 56 field offices. That is an almost 1,300 percent increase in economic espionage investigations tied to China from about a decade ago. As I said in my opening, we are opening a new investigation that is tied back to China about every 12 hours, and it covers pretty much every sector of the economy in every State in the Nation.

One of the things that we stood up, now 18 months or so ago, maybe two years ago, was a Counterintelligence Task Force structure modeled after the Joint Terrorism Task Force model that worked so well on the terrorism front. We have a national Counterintelligence Task Force here in the D.C. area and then we have Counterintelligence Task Forces in every field office, and those, in turn, bring on partners from other Federal agencies, in some cases even State and local agencies. And so that is a big part of our effort.

The other thing I would say is it is not just investigations. The reality is we are not going to be able to investigate our way out of this threat. A big part of our field offices' work together with our partners—I have talked a lot, for example, to Secretary Mayorkas about critical infrastructure and that piece of it—is trying to get out to the private sector, out to the academic sector, and tried to help them understand the threat better so that they better harden themselves against the threat.

So those are some of the things that I would mention.

Senator CARPER. That is good. That is encouraging.

Mr. Secretary, as you mentioned in your testimony, the Department of Homeland Security's Center for Prevention, Programs, and Partnerships aims to expand the Department's ability to prevent terrorism and targeted violence through the development of local prevention frameworks. The CP3 office has been rebranded multiple times, as you know, in the past. In fact, it used to be called the Office for Community Partnerships. In previous Congresses I have introduced legislation, bipartisan legislation actually, to codify this office in order for there to be consistent leadership and resources for it.

Is CP3, or a similar office, taking on the rise of domestic terrorism, something that Congress should work now to codify, and what benefits would that provide to the Department and to efforts to combat domestic terrorism, given it is one of the top threats facing our homeland? Go right ahead.

Secretary MAYORKAS. Senator, I am very grateful for your support of the office and for the Department as a whole. This office is centered on empowering and equipping neighborhoods, communities across the country, to address the threat of domestic violent extremism, homegrown violent extremism from the ground up.

We dedicated, for the first time, a minimum of \$77 million in FEMA grant funds dedicated to this growing threat. I very much look forward to working with you to see how legislation can best strengthen that office. We think it is a critical component of our homeland security enterprise.

Senator CARPER. Thank you for that encouraging response.

A question, if I can, for Director Abizaid. Is there a question that you have not been asked? Is there a question that you have not been asked as you prepared for this hearing that you wish you had been asked? For the next minute just tell us what that question is and give us an answer. Thank you.

Ms. ABIZAID. Generally I have been advised that the fewer questions, the better. I would say that in general, the global terrorism landscape remains a top priority, for us as a government and for the National Counterterrorism Center, which was purpose built, in the wake of 9/11, to connect the dots related to the terrorist threat overseas, related to how it may present itself in the domestic context. We have worked very hard over the last 14 years of our existence to make sure that we are fulfilling that role appropriately.

I have been really proud, coming on board at the National Counterterrorism Center, to see not just the work of NCTC but to see the work that we are doing across the intelligence community and across the CT community to stay vigilant against the threat, however it may evolve. We have to be very serious in understanding that it will, in fact, evolve again, and vigilance is required.

Senator CARPER. Thank you for that question and for the answer. To all of you here today thank you for your leadership. It is great to see you, and we are grateful for your leadership. Thank you so much.

Chairman PETERS. Thank you, Senator Carper. Senator Johnson, you are recognized for your questions.

Senator JOHNSON. Director Wray, have you read the Michael Sussmann indictment?

Mr. WRAY. I have had a chance to glance at it but I have not had time yet to read through it.

Senator JOHNSON. I would suggest you and everybody else read that because it really does lay out exactly what happened to create this political turmoil for two, three, or four years, really, during the Trump administration. It lays out how the Hillary Clinton campaign paid for, through Michael Sussmann, completely false allegations that Trump was cooperating with the Alfa-Bank. Planted that story, had an audience with James Baker, FBI, so that the FBI would open up an investigation so that they could report that news. Same exactly dynamic in terms of the false Steele dossier that also contained Russian disinformation, which the FBI knew about, certainly no later than January 2017.

You worked at the Justice Department, as did Michael Sussmann. Did you know Michael Sussman?

Mr. WRAY. To my knowledge, I have never met the man.

Senator JOHNSON. But did you know him by reputation?

Mr. WRAY. Not particularly, no.

Senator JOHNSON. Do you think James Baker knew Michael Sussmann?

Mr. WRAY. I really cannot speak to whom James Baker knew or—

Senator JOHNSON. Do you think it is credible that James Baker, James Comey, Andrew McCabe Peter Strzok, or Lisa Page, these individuals had no idea who Michael Sussmann was and who his clients might be?

Mr. WRAY. Senator, I certainly understand why you are asking the question—

Senator JOHNSON. Good.

Mr. WRAY [continuing]. But if I could just finish, given that this is an ongoing criminal case, being brought by the special counsel with whom we are actively cooperating—

Senator JOHNSON. OK.

Mr. WRAY [continuing]. I want to make sure I—

Senator JOHNSON. That is fine. I will not get an answer. But let me make the final point here. Either the FBI was completely clueless or corrupt, that they did not check into whether Michael Sussmann might have been working for the Hillary Clinton campaign before they opened up the investigation to leak to the press, which put this nation through three, four years of political turmoil. There needs to be political accountability, and I hope John Durham has a whole lot more that he is going to be revealing, because I got virtually nothing out of you, based on subpoenas.

I mean, it was interesting listening to your exchange with Senator Paul. You said it was unacceptable what happened. That is good. I am glad to hear that. But you were confirmed in August 2017. In February 2018, the Senate Intel Committee was briefed by Bill Priestap, and the bottom line of that is Bill Priestap, of the FBI, continued to say the Steele dossier was credible, even though the FBI knew, in January 2017, that it contained Russian disinformation.

Now that was under your watch. Do you have an explanation on that?

Mr. WRAY. Senator, as I said, we had been working very closely with Special Counsel Durham, and I want to be careful not to start—

Senator JOHNSON. OK.

Mr. WRAY [continuing]. Talking about things that may be—

Senator JOHNSON. OK. That is fine. So another non-response.

In February 2020, senior Democrats produced a false intelligence product, had it classified, leaked it to the press, accusing Senator Grassley and I of soliciting Russian disinformation, disseminating it. Completely false. But I cannot tell you how many news stories were written about that.

Fast forward to August 2020. By the way, I held a hearing on Russian disinformation as part of my Foreign Relations Committee responsibilities in 2015. I am well aware of the problem of Russian disinformation. I did not need a briefing that the FBI requested to give me. I did not ask for this briefing in August 2020. When I went into the briefing there was absolutely no relevant information. It was a completely B.S. hearing. I asked the briefers, “Who directed you to give me that briefing?” and all they could say was, “Well, it was interagency.” Well, you know, there are people in the interagencies.

I wrote a letter immediately asking, first of all, what was the backup material for the briefing. I asked who directed it. I knew it was a setup. I knew it would be used just like the false intel product was used previously. I was not happy. Then, of course, lo and behold, in late April, early May, it was leaked. That briefing was leaked to The Washington Post, again, accusing me of disseminating Russian disinformation. Nothing could be further from the truth. It is false.

I have a number of questions which remain unanswered. I sent you a similar letter. What backed up the August briefing? Who directed that briefing? To this day I have gotten no response. By the way, Senator Grassley, former president pro tem of the Senate, former Chairman of the Senate Judiciary Committee, is asking the same questions. Why is it that we cannot meet with you? Why is it that you will not provide us that basic information of who directed a briefing to two U.S. Senator, that was then leaked, for political purposes, used against us, false? Why won't you answer that very basic question?

Mr. WRAY. Senator, I want to be a little bit careful of what I can say in public about—

Senator JOHNSON. I can imagine you want to be careful. Yes. Go ahead.

Mr. WRAY. I want to be a little bit careful of what I can say in this kind of setting, without getting into specifics. I understand this is an important topic to you. Before we deliver a defensive briefing, like the one that you are describing here, we follow a standard, defined process that involves interagency discussion, deliberative process, to figure out whether a defensive briefing is even warranted.

Just to take a step back, though, because it is important, the entire purpose of defensive briefings to an individual is designed—

Senator JOHNSON. Mr. Wray, listen. You are describing a process, and I understand the process. Great. The process obviously broke

down. There are all kinds of processes, putting in safeguards in the FISA court, that were obviously violated in that corrupt investigation.

Again, I am asking a simple question—why won't you tell me in detail who was engaged in that process? I am asking you to provide that answer. I am asking you to give me a briefing, meet with me and Senator Grassley. We deserve to know the answers. Quite honestly, the American people deserve to know the answers.

Secretary Mayorkas, real quick, in my 30 seconds left, you said you have gotten some numbers on the border. Are you willing to finally share them, like, for example, like out of the 1.3 million people that have been apprehended—again, I get the complications. There have been multiple arrests of the same individual. Fine. The relevant piece of information would be how many people have you dispersed in America, out of those 1.3 million people? How many people have been released into the interior, either with a notice to appear or even worse, a notice to report? Again, you have to live in a fantasy world to think that they are going to report. But go ahead. How many people have been released?

Secretary MAYORKAS. Senator, I apologize. I do not have that data. I was reciting the data of encounters, apprehensions, use of Title 42, and use of Title 8 expedited removal. I will provide the data you have requested. I do not have it at my disposal.

Senator JOHNSON. OK. I will be expecting that information very soon. OK? Thank you.

Chairman PETERS. Thank you, Senator Johnson. Senator Lankford, you are recognized for your questions.

Senator LANKFORD. Mr. Chairman, thank you very much. Secretary Mayorkas, you have tens of thousands of people right now that are coming at the border. You have tens of thousands of people that are underneath bridges, as we have seen under several of the international bridges at this point, and in the process of actually moving some of those folks out of the country. What is the process for actually relocating individuals that are Title 42 authority out of that area, under those bridges? You have started that process with the Haitians, but walk me through, quickly, the process, because I have multiple other questions.

Secretary MAYORKAS. Yes. What we do is we look at where our capacity is at other processing centers, and those goes to an apparent miscommunication I have had with Ranking Member Portman, for which I apologize. What we do is we look at processing capacity. We then move the individuals from Del Rio, as needed, to ensure safety and security. We move them to the other processing centers so that they may be repatriated to Haiti or other countries from those various processing centers. We are increasing the frequency and number of the repatriation flights each day.

Senator LANKFORD. OK. Do you expect to be able to move all of those individuals out in the next, how many days?

Secretary MAYORKAS. Our goal is to do so within the next 10 days or 9 days. We expect to see dramatic results in the next 48 to 96 hours, and we will have a far better sense in the next two days.

Senator LANKFORD. What do you anticipate is coming at you, as far as additional numbers, because obviously this number grew ex-

ceptionally quickly, of Haitians and of others from all over the world coming?

Secretary MAYORKAS. We are watching that, Senator Lankford, very carefully. I do want to note that some individuals turned back yesterday by reason of our measures, which I have described in this hearing. We are hoping that what we are doing now serves as a deterrent, because it backs up the words that we have spoken since the very outset, that irregular migration is not the way to enter the United States. It will not work, it is dangerous, and it creates a humanitarian challenge.

Senator LANKFORD. It does, and that was actually the ongoing statement of the Trump administration over and over again, why they put the MPP in process to discourage people from coming, doing the exact same thing that you are doing, trying to be able to get them back to their home country, apply from there.

There is this false belief that I hear from some that if you are going to apply for asylum it seems to be America is the only place in the world to apply for asylum for. So we have people from all over the world that are making their ways, paying cartels to be able to come through Mexico, to be able to come to the United States. People have this perception that, OK, well they are coming here because of economic reasons, of asylum, of disaster, whatever it may be.

But that is not the true definition of asylum. Asylum is you go to the next safe place that you can go, not travel through 14 different countries to be able to get to a spot you want to go to. There is a way to do regular immigration where we have 1 million people a year that would be able to go through that process, and that is what we would encourage individuals to do.

Mr. Wray, let me ping a question to you, that you and I have not spoken about before but it is exceptionally important to me. There has been a tremendous number of individuals that are dealing drugs that have a dramatic effect on my State as they do on your home State. Much of that is coming across our Southwest Border. We are very aware of that. But some of that is actually being run by criminal operations inside our prisons.

One of the pushes that I have had for a while has been the issue of cellphones inside of prisons, because we see it in both State prisons and in Federal prisons, where we have drug cartels being literally run out of the prison still. It is one thing for a victim of crime to be able to end up and to be exposed to crimes. It is another thing to realize the person that perpetrated that is still operating their gang.

What can we do to actually facilitate getting cellphones out of prisons, and what kind of cooperation do we need with other agencies to clear that?

Mr. WRAY. I think we have reasonably good work on that being done with Federal prisons, in the Federal Bureau of Prisons (BOP), for example. But as you say, with State prisons it is more of a range, depending on their resources.

If it is all right I would like to sort of take a little bit of time to think about that—

Senator LANKFORD. Yes, let's do.

Mr. WRAY [continuing]. And maybe get back to you.

Senator LANKFORD. Let us keep going in that conversation. I have had this conversation with the Federal Communications Commission (FCC) and with some other folks. There are some regulatory issues that need to be done. There is some cooperation that needs to be there with multiple agencies. I would love to be able to maintain that conversation because it is a big issue. When you are a victim of a rape and your rapist actually contacts you by cellphone from their prison, that has to be resolved. If you are a victim of drug crime and you are still dealing with that in the days ahead.

On the cellphone issue—and this is a different cellphone issue on this—Secretary Mayorkas, I understand that you have moved over the tracking of individuals crossing our border from an ankle monitor and are experimenting with giving individuals a cellphone, and they have to be able to check in on that cellphone once or twice a day, that the notice to report plus, apparently, is the term that is being used—I am not familiar with this process—in trying to be able to figure out what is being done with that cellphone and what is happening if individuals do not check in, if they are given a cellphone paid for by the American public to be able to track them. Is there a tracking device all the time? Are we able to track their location constantly? If they do not check in are we going to be able to pick those up?

Secretary MAYORKAS. Senator, if they do not check in we make a determination based on the facts, whether or not they need to be the subject of a priority enforcement action for evading law enforcement and not honoring their obligations as a condition of their release on alternatives to detention.

One of the things that we are looking at is assessing the efficacy of the phones and determining whether, in fact, they are a valuable enforcement tool. We are collecting data on that, and I would look forward to providing it to you.

Senator LANKFORD. How many people are in that process right now? Do you know what the size of that pilot is?

Secretary MAYORKAS. I do not, Senator. We will get that to you.

Senator LANKFORD. But these are all recent crossers that are getting this, correct?

Secretary MAYORKAS. Yes, they are.

Senator LANKFORD. I would assume they would all follow under that priority of if they are a recent crosser and they are not checking in, then they would fall underneath that priority of we need to go scoop them up and find out why they are not checking in.

Secretary MAYORKAS. Individuals who do not fulfill their responsibilities to appear and report are considered a border security enforcement priority.

Senator LANKFORD. OK. That goes back to one of my questions before about trying to get a good ballpark figure of how many people that fit into that priority group are actually having enforcement on them currently.

I understand there is a new process on prosecutorial discretion that is being used by some of the attorneys to actually go before the court. Once folks have actually been obtained and go before the court, then attorneys for DHS and ICE are coming and saying,

“Allow us prosecutorial discretion to be able to release this individual.” Is that a new process or is that something that is ongoing?

Secretary MAYORKAS. Prosecutorial discretion is something that has been—

Senator LANKFORD. That is around for a long time. I am talking about actually going to the court and requesting it.

Secretary MAYORKAS. I believe that has been longstanding.

Senator LANKFORD. OK. We will follow up and get additional details on this, because it is my understanding there has been—I have received some recent information about 6,234 cases that have been dismissed, and in the process of those cases, ones that are actually in the process, and some of them included some folks with a criminal record as well. We are trying to get additional information.

Secretary MAYORKAS. I look forward to providing that to you. I know that the Office of Legal Counsel within Immigration and Customs Enforcement has promulgated new guidelines for its attorneys, and if you do not have those guidelines we would be pleased to share them with you.

Senator LANKFORD. That would be helpful. This goes back to the ICE guidelines before on detention, that we are trying to get clarity on it, that we had talked about needing it by August. You had said I would have it by August, and I do not have it. What are we doing on enforcement inside of the country? What are we doing on prosecutorial enforcement?

This goes back to the deterrence issues. If individuals are able to get into the country and they do not have any consequences on them, they will continue to be able to come, whether they come across the border with a child so they can work their way through or whether they will find other avenues to be able to get in. If there is not enforcement it will continue to accelerate.

Chairman PETERS. Thank you, Senator Lankford. Senator Rosen, you are recognized for your questions.

Senator ROSEN. Thank you, Chairman Peters. I appreciate the second round. I appreciate our witnesses staying around. It is really important.

I actually want to build on Chairman Peters, some of his earlier questioning on our digital spaces, our online. We know that digital spaces are just fueling the rise of domestic terrorism. You know, extremists, they try to exploit the Internet to recruit, to franchise, and, of course, unfortunately, to plot attacks.

Secretary Mayorkas and Director Wray, to both of you, how can Congress better empower Federal law enforcement officials to combat online hate before it escalates into any real-world violence, how do you work with the digital platforms, and what kind of support can we provide you with, whether it is through this Committee or other committees of jurisdiction to help you do this job?

Secretary Mayorkas, you can go first.

Secretary MAYORKAS. Thank you very much, Senator Rosen. I have heard Director Wray speak very compellingly about two forces on the domestic landscape that are really converging to create the increase that we have observed over the last few years.

No. 1 is the fact that we are speaking very often of lone actors or loosely affiliated groups of individuals, not the traditional orga-

nized structures. No. 2 is, as he referenced earlier in this year, the fact that social media has a terrain that can so easily propagate misinformation, false information, and allow communications to occur among loosely affiliated individuals.

I would like to give some thought to, and speak with our partners, Director Wray, Director Abizaid, with respect to what legislation might be useful in this space. But we are working together in an all-of-government effort to address this increased threat.

Senator ROSEN. Thank you. I appreciate that because I want to give you the tools you really need to protect us, and that is terrific.

Director Wray, do you have some additional information you would like to add about how you think we might help you in this space?

Mr. WRAY. Without weighing in on a specific legislative proposal, what I would say, and I have spoken about this many times, I cannot overstate the impact of default encryption and the role it is playing, including in terrorism. What I mean by that is more and more the information that is going to allow us to, as I said to, I think, Chairman Peters earlier in an exchange, separate the wheat from the chaff in terms of social media, is being able to, with lawful process, that is appropriate court warrants, get access to those communications where the most meaningful discussion of the violence is occurring.

More and more, technology is moving in a direction where no matter how bulletproof the affidavit in support of the warrant, no matter how ironclad the independent judicial approval, and no matter how horrific the criminal activity that is being investigated, we will be blind to it. I think that is something that is worthy of Congress' attention.

Senator ROSEN. Thank you. I look forward to having some more conversations with you offline about that.

I want to move over and talk a little bit about the nonprofit security grants. I know we have talked about these before, and, of course, the alarming rise in anti-Semitism. Again, we are talking about our domestic violent extremists here. Despite the alarming rise, the nonprofit security grants have fulfilled less than half of the applications it received for grants this year, far outstripping the \$180 million that Congress provided through regular appropriations for fiscal year 2021.

Mr. Secretary, given the growing need for the Nonprofit Security Grant Program (NSGP), again we talked earlier about the communities understanding how to best protect themselves from any attacks or any vulnerabilities that they have, how does DHS—we have not given you enough resources—how can you fill this gap, and what else do you need from us?

Secretary MAYORKAS. Thank you very much, Senator. I am engaged with the faith-based community on this very issue. We are extensively so. I am taking a look at our grant programs writ large, across the board, not only the nonprofit security grants but the Urban Area Security Initiative (UASI) Grant Program, some of its components and the like, to see how those dollars can meet the threats to ensure that any gaps are closed.

I would like to circle back with you on what we find and what other support we need. I am very appreciative.

Senator ROSEN. No, and I want to really circle back on the UASI and talking about those formulas, as I spoke about earlier, with critical infrastructure. We have to think about how our UASI grants are funded, as well as the nonprofit security grants, because we have critical infrastructure in many places and we want to be sure that those formulas reflect the broad spectrum of threats that we may see now, especially on the cyber front and other ways.

I really appreciate, again, all of you being here. I look forward to having some more conversations and putting forth some meaningful legislation out of this Committee, as well as other. Thank you, Mr. Chairman.

Chairman PETERS. Thank you, Senator Rosen.

Before Ranking Member Portman and I make some brief closing remarks, Secretary Mayorkas, I would like to ask you about some very concerning images that were released yesterday, that appeared to show Border Patrol agents whipping Haitian migrants. These acts certainly are intolerable and a complete diversion from your agency's mission. My question to you is, can you explain to the Committee what you will be doing to address what Americans saw when looking at those images?

Secretary MAYORKAS. I am very pleased you asked that question. It has been uppermost in my mind since I first saw the image late yesterday, Mr. Chairman.

We commenced an investigation at my direction immediately, the Office of Professional Responsibility (OPR) within the Department of Homeland Security's U.S. Customs and Border Protection, No. 1. No. 2, we alerted the inspector general of the incidents. No. 3, I directed that the Office of Professional Responsibility be present on-site, in Del Rio, 24/7, to ensure that the conduct of our personnel adheres to our policies, to our training, and to our values.

I was horrified to see the images, and we look forward to learning the facts that are deduced from the investigation, and we will take actions that those facts compel. We do not tolerate any mistreatment or abuse of a migrant, period.

I also want to say, and I think it is very important to say, that I saw two other powerful things yesterday, when I was there, under the bridge, in Del Rio. No. 1, I saw the acute vulnerability of the Haitian population, the predominantly Haitian population, and I cannot overstate how difficult that is to see. We are speaking about vulnerable individuals in tragic circumstances.

I also saw the extraordinary work of U.S. Customs and Border Protection, not only the United States Border Patrol but its Office of Field Operations, as well as other agencies within the Department of Homeland Security, that have been surged to Del Rio to address the situation, in partnership with State and local law enforcement personnel, as well as the forces in civil society.

We saw the American Red Cross. We saw World Central Kitchen providing food and supplies to these individuals. It is an all-of-government and all-of-local-society effort there, and I want to say that the actions that we saw, the images that we saw, do not speak of the incredible men and women of U.S. Customs and Border Protection or of the Department of Homeland Security as an institution.

Chairman PETERS. Thank you for those comments.

Ranking Member Portman, do you have some closing remarks?

Senator PORTMAN. Thank you, Mr. Chairman. I really appreciate all the time today. This was a long session, and as predicted at the start, there were going to be some challenging questions. That is because we are facing so many threats, and at least on my behalf I will say that I think we need some policy changes to be able, again, to let the men and women who are working for you, who are so committed to their task, to do their job more effectively.

We talked about the foreign terrorist threat, we talked about al-Qaeda and ISIS, and we talked about the way we withdrew having enhanced that threat, at least in my view, and the need for us to have better eyes and ears on the region. As we saw with the drone attack, we are in a challenging situation now.

We talked about cyber threats. We talked about the ransomware issue, the need for reporting legislation, which I hope we can get done soon, on a bipartisan basis. We talked about border security, illegal immigration, and illegal drugs coming in, fentanyl particularly. We talked about the fact that what we have been doing has not worked, and particularly with this dramatic humanitarian crisis with the Haitians coming. I mean, what we are doing is not working.

Again, it is not that the smugglers are providing disinformation to these poor families, not just in Latin America now but around the world. It is the fact that they are providing accurate information, that if you come to the border, particularly with a child, you can come in. That is, unfortunately, the result of a policy that we have put in place that makes it a draw. Unless you are a single man coming to the border, you probably are being told the right thing, which is the United States is a place where people want to come and live and work, and we should be doing it in a legal and orderly way.

Mr. Secretary, I know you and I have a lot more to talk about in that area, but I would hope that today, with everything going on, you talked about just surging Border Patrol to Del Rio to help. Where did they come from? They came from shutting down checkpoints all over the Southwest. I mean, is that smart?

You talked about the fact that there is so much focus there. We shut down the bridge there, in Del Rio. Commercial traffic ended, the economic impact on that community. Obviously, what we are doing is not working.

On domestic terrorism we talked about the huge challenge of social media, the need for us to enhance the nonprofit security grant program and other ways to deal with the very real threat of domestic terrorism. Secretary Wray, you talked about how it has grown. Then on the Afghan evacuees, we have a difference of opinion about the facts, and we need to know what the facts are, and we need to be sure that we are doing what I believe is our moral responsibility of taking care of people who helped us, particularly given the way in which we left, which left a lot of people in a very vulnerable situation, but also be sure we knew who they are, and be sure that we are not putting ourselves in a position where, as Director Abizaid said early in her testimony, foreign terrorists are looking for ways to get people into our country. That is something we, of course, all want to avoid and not take risks on.

We look forward to our classified briefing on that, if that is what is necessary to get the information. If it does not have to be classified, that is fine for us too. We want to get the information to be able to ensure that we are doing our proper oversight.

Again, thank you all for being here today and thanks to the people you represent here today for what they do every day to help keep our country safe. Thank you, Mr. Chairman.

Chairman PETERS. Thank you, Ranking Member Portman.

Director Wray, I want to go back to the first line of questioning and the question that I asked you. I certainly understand and respect that Kaseya is an ongoing investigation, but the FBI's actions here may have cost millions of dollars and possibly even more than that. The FBI, in my mind, is going to need to explain this action. We need to know who signed off on it, who was aware, and whether the cost to the bottom line of American families and businesses was considered in that decision process. We also need to know what operational benefits the FBI believed it would gain by withholding this information and if you were actually successful.

These are some of the questions that come to mind immediately, and, I had to comment immediately because we got this information not from the FBI but we received this information by reading The Washington Post. We would hope that we would get information of this critical nature in a direct manner, not through reading it in a secondary source.

Perhaps most importantly, we need to know if the FBI has done this before, and if it is occurring in other cases. I would expect a classified briefing that is substantive, not just canned responses.

Director Wray, you know this Committee is also working on cybersecurity legislation, and I certainly plan to work and make sure the FBI is transparent so that we can effectively carry out our legislative and oversight duties. Certainly I appreciate your commitment today in Committee, to briefing the Committee, and I look forward to getting that scheduled as soon as practical.

In closing, to join Senator Portman and all my colleagues in thanking the witnesses for being here today. We all recognize that you have extremely busy schedules, and we are grateful that you took the time to be here and to answer some tough questions on the tough problems that we are facing as a country.

The Committee is working to address many of the issues that were discussed today. I look forward to continuing our conversation about cyberattacks and what tools and information the Federal Government needs to better prevent breaches and attacks, at our hearing coming up in a couple of days, on Thursday.

Senator Portman and I have been working on legislation related to reporting cybersecurity breaches and ransomware payments, and I look forward to introducing and moving that legislation very soon.

The Committee will be continuing our oversight of security and border security personnel practices at both the Northern and the Southern Borders. In the coming days, the Committee will receive a classified member briefing on the multiagency efforts to screen and resettle Afghan refugees.

While we have spent several productive hours during this hearing examining our nation's greatest security threats, there is still much more work to do for this Committee to continue conducting

the oversight that we are required to do in ensuring that our national security agencies are effectively focused on all of their critical missions. I look forward to continuing to work productively with my colleagues on the Committee to ensure that we are doing everything, absolutely everything in our power to safeguard American communities.

With that, the record for this hearing will remain open for 15 days, until 5 p.m. on October 6, 2021, for the submission of statements and questions for the record. The hearing is now adjourned.

[Whereupon, at 1:20 p.m., the hearing was adjourned.]

A P P E N D I X

**Chairman Peters Opening Statement As Prepared for Delivery
Full Committee Hearing: Threats to the Homeland: Evaluating the Landscape 20 Years
After 9/11
September 21, 2021**

Thank you to each of our witnesses for being here today and for your service to our nation. You have extremely challenging jobs and have shown an unwavering commitment to keeping the American people safe.

Every year, this Committee hears from our nation's top national security and law enforcement leaders to examine critical threats to our homeland security.

Our nation recently marked the 20th anniversary of the September 11th terrorist attacks. From the fearless first responders who bravely ran into danger to save others, to families who were torn apart, we must never forget the sacrifice and sorrow of that tragic day. We must also continue to support our selfless servicemembers who fought in Afghanistan, Iraq, and around the world.

It was out of the ashes of 9/11 that the Department of Homeland Security was created, with one primary mission, keeping Americans safe from all threats.

In the 20 years since those horrific attacks, the threats to our nation's safety have become increasingly complex and widespread.

We must stay vigilant to the threat posed by foreign terrorism, and we must do more to address the growing and deadly threat posed by domestic terrorists.

Our national security agencies have noted that domestic terrorism driven by white supremacist and anti-government ideologies poses the most lethal kinetic threat to our nation's safety.

In recent years, we have seen the tragic and deadly consequences of this threat, including massacres at houses of worship, and the shocking attack on the U.S. Capitol. We must do more to ensure that our counterterrorism resources are being used effectively to address this danger and prevent further violence.

Our nation also continues to experience an increasing number of cyber-attacks – which jeopardize sensitive information, and have the potential to disrupt our daily lives with just a few clicks of a button.

From the SolarWinds and Microsoft Exchange hacks, to the ransomware attack on the Colonial Pipeline, every sector of our economy and every level of our government are at risk of cyber-attacks from foreign adversaries or criminal organizations.

Our financial networks, critical infrastructure, and vital institutions all remain vulnerable to these relentless attacks, and we must ensure we are taking every possible measure to secure our networks, hold these attackers accountable, and deter future breaches.

Finally, one of the most challenging threats to our homeland security does not come from a foreign nation or criminal group. It does not follow an ideology.

Yet year after year, we see the destruction caused by severe storms, hurricanes, wildfires and other natural disasters. These disasters, driven by worsening climate change, pose an existential threat to our nation – and to our entire planet.

The scale and severity of the security threats we are facing today can be daunting, and given the increasing strains placed on the Department of Homeland Security, we must ensure they have the resources and personnel to effectively carry out all of their critical missions.

From securing our borders, including our Southern Border that is currently seeing an unprecedented number of migrants seeking safety and security in the United States, to responding to numerous natural disasters, and taking on the lead role in vetting and resettling Afghan refugees, DHS is playing a vital role in many of the most urgent issues facing our nation.

DHS personnel, along with our FBI and other national security personnel, are on the frontlines working to address so many critical situations.

While many of us will never know the names of the thousands of personnel working tirelessly behind the scenes at your agencies to protect our country, we are all counting on you, and I appreciate each of our witnesses for taking the time to join us today.

I look forward to a comprehensive and insightful discussion on how we can best safeguard our nation.

Opening Statement
Ranking Member Rob Portman
U.S. SENATE COMMITTEE ON HOMELAND SECURITY
& GOVERNMENTAL AFFAIRS

“THREATS TO THE HOMELAND: EVALUATING THE LANDSCAPE 20 YEARS AFTER 9/11”
SEPTEMBER 21, 2021

Thank you, Mr. Chairman, for holding this hearing. And thank you to our witnesses for attending.

We are here today, twenty years after the devastating attack of 9/11, to examine the evolution of the threat landscape since that fateful day.

In 2001, the Taliban provided a safe haven for al Qaeda in Afghanistan to launch a devastating attack on our homeland, killing 2,977 people.

The United States responded.

As our nation became all too aware, we needed to take the fight to the terrorists overseas so they could not bring their fight here ever again.

And we needed a new security architecture to keep us safe – which included the creation of the Department of Homeland Security and the recreation of this Committee as the Homeland Security and Governmental Affairs Committee.

To a large degree, we have been successful. We have not had a mass casualty foreign terrorist attack on American soil in 20 years.

The reason for that success is not because the terrorists have stopped trying. It is thanks to our armed forces, intelligence community, and law enforcement that we have succeeded in stopping them.

This hearing is timely. A little more than 20 days ago, the last American troops withdrew hastily from Afghanistan and the Taliban took back the government of Afghanistan.

The new Taliban looks very much like the old Taliban, with terrorists on the UN Security Council’s blacklist in its highest ranks. In fact, the leader of the Haqqani network, a US-designated terrorist organization which maintains close ties to Al Qaeda and cooperates with ISIS-K, was named the acting Interior Minister. That means the Taliban official in charge of combating terrorism is on the FBI’s most wanted list.

The CIA and the DIA already have moved up the timeline of when terror groups operating in Afghanistan could threaten the homeland from “possibly two years” to within one to two years. The DIA noted that is a conservative estimate. The CIA has already seen potential movement of al Qaeda into Afghanistan.

The catastrophic way the Biden administration withdrew from Afghanistan, surprising out NATO allies, abandoning our Afghan allies, has left us without eyes and ears on the ground. It also signaled to the world we are an unreliable partner.

The rushed and unplanned nature of the evacuation also resulted in too many left behind – some American citizens and green card holders – and many of the Afghans who had stood by us as drivers, interpreters, or NATO or UN workers. And because of the chaos at the Karzai airport, it appears that many who did get evacuated and admitted to the United States do not have a record of working with the U.S. government or our partners and are not being subject to normal security screening and vetting procedures.

We have a moral responsibility to welcome the Afghan evacuees who have had to flee their country because of the feckless actions of the Biden administration. We also have a moral responsibility to do everything in our power to ensure the safety and security of American citizens by not releasing terrorists and criminals into our communities.

I find it extraordinary that, despite my requests since September 1 – the day after the withdrawal, members of this Committee have yet to receive a classified briefing on vetting procedures even as we are told that evacuees are being resettled in our states.

Recent events have put the heightened foreign terrorist threat top of mind. In fact, the Director of National Intelligence stated that “terrorists remain interested in using chemical and biological agents in attacks against US interests and possibly the US homeland.”

The broader threat landscape, however, has evolved since 9/11.

We face an elevated terrorist threat from domestic and homegrown violent extremists, including lone actors.

We have experienced a slew of large-scale cyberattacks from both nation-states and criminals. Increasingly, the line between the two is blurred. Cybercriminals in countries like Russia frequently operate with the tacit blessing of the government, where, at a minimum, officials turn a blind eye to ongoing crimes.

And China continues to recruit U.S.-based scientists and researchers to transfer U.S. taxpayer-funded intellectual property for China's economic and military gain.

Furthermore, we cannot ignore the ongoing crisis at our southern border.

The Biden administration's decision to dismantle the previous administration's border policies with no consideration of the consequences has resulted in a historic surge of unlawful migrants, unaccompanied children, and deadly narcotics like fentanyl into our country. And make no mistake, the Mexican cartels are benefitting from this and gaining strength on both sides of the border.

The trafficking of dangerous drugs across our border has fueled an addiction epidemic that has hit communities in my home state of Ohio particularly hard with overdose deaths increasing over the last year after we had made so much progress in saving lives—we must redouble our efforts to stop these drugs from coming into our country.

It is clear that the border is a public health and humanitarian crisis.

Just look at Del Rio, Texas where more than 10,000 migrants, mostly Haitians who had been living in Latin America for years, have been living in squalor under a bridge.

It is also a national security threat. More than one in four migrants encountered at our border last month were not from Mexico or the Northern Triangle, a percentage that continues to increase. Nearly all of them avoided going to a port of entry and instead were apprehended by Border Patrol agents.

The Border Patrol has now made more than one million apprehensions of unlawful migrants at our southern border since President Biden was inaugurated.

So, we have a lot to talk about today. We have the right people here to talk about all of these issues, and I appreciate you being here—in person—to provide answers to the tough questions you will get from both sides of the aisle.

I look forward to a productive conversation about the current threats to our homeland and the actions being taken to prevent them.



TESTIMONY OF

Alejandro N. Mayorkas
Secretary
U.S. Department of Homeland Security

BEFORE

Committee on Homeland Security and Governmental Affairs
United States Senate

ON

“Threats to the Homeland: Evaluating the Landscape 20 Years After 9/11”

September 21, 2021
Washington, DC

Chairman Peters, Ranking Member Portman, 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 11th 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 homegrown 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 online platforms; and,
- (3) establish partnerships with nongovernmental organizations (NGOs), including academia, and private sector entities, including technology and social media companies.

The National Strategy recognizes that online 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 three 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 online 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-Qa'ida, the Islamic State of Iraq and ash-Sham, and other terrorist groups continue operating worldwide, 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 Cyberspace 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 cyberspace.

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, healthcare 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 nine 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](https://www.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 ongoing cybersecurity threats to our critical infrastructure, TSA issued two 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 cybercrime 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 cybercrime 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, Russia, 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 three 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 ongoing 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 opportunities 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 longstanding 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 cybercrime.

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 four states for Hurricane Ida and two 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 nationwide 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.



Department of Justice

STATEMENT OF

CHRISTOPHER A. WRAY
DIRECTOR
FEDERAL BUREAU OF INVESTIGATION

BEFORE THE
COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
U.S. SENATE

AT A HEARING ENTITLED
"WORLDWIDE THREATS"

PRESENTED
SEPTEMBER 21, 2021

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Good morning, Chairman Peters, Ranking Member Portman, 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 11th attacks.

September 11th 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 two 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 two 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 two 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 11th, 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 12th, 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 firsthand 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. And 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 6th 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 6th 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 online 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 three of the four 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 witnessed on January 6th 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-Qa’ida 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-Qa’ida, 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-Qa'ida 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-Qa'ida 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-Qa'ida 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 Hizballah, Iran's primary strategic partner, has sent operatives to build terrorist infrastructures worldwide. Hizballah also continues to conduct intelligence collection, financial activities, and procurement efforts worldwide to support its terrorist capabilities. FBI arrests in recent years of alleged Iranian and Hizballah operatives in the United States suggest the Government of Iran and Hizballah each seek to establish infrastructure here, potentially for the purpose of conducting operational or contingency planning. IRGC-QF Commander Esmail Ghani and Hizballah 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 worldwide 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 U.S. and worldwide.

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 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 four 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 cybercriminal 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% increase in the number of ransomware incidents reported to the FBI's Internet Crime Complaint Center and a 225% 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 cybercriminals 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 enforcement 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 worldwide 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 U.S. running Microsoft Exchange Server software. The P.R.C. propped open backdoors 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 cybercriminals’ 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 dialogue. 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 worldwide.

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 midterm 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 "backdoor," 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 "backdoor" 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-online 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 three U.S. sailors and severely wounded eight other Americans, deceased terrorist Mohammed Saeed Al-Shamrani communicated undetected with overseas al-Qa'ida 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 6th 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 Peters, Ranking Member Portman, and Members of the Committee, thank you for the opportunity to testify today. I am happy to answer any questions you might have.

**Hearing before the U.S. Senate Committee
on Homeland Security and Governmental Affairs**

“Threats to the Homeland: Evaluating the Landscape 20 Years After 9/11”

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Office of the Director of National Intelligence

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Thank you, Chairman Peters, Ranking Member Portman, 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 two 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 U.S. 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 twenty 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 U.S. 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 homegrown violent extremists (HVEs) inspired by groups like al-Qa’ida 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 ongoing 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-Qa’ida 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-Qa’ida and its affiliates remain intent on using individuals with access to the United States to conduct attacks,

as demonstrated by al-Qa'ida in the Arabian Peninsula's probable approval of the 2019 Pensacola, Florida, attack where a Saudi Air Force officer killed three and wounded eight 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 six possible attacks by individuals inspired or enabled by an FTO in the United States, and two 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 US citizens and Iranians, have been arrested or indicted in the past five years for seeking to build operational capability against US-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 multifaceted 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-Qa'ida 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-Qa'ida 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-Qa'ida 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 ongoing 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 two years.

Al-Qa'ida

Meanwhile, al-Qa'ida 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 two years, al-Qa'ida has endured a number of senior leadership losses—including its deputy amir and the heads of three 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-Qa'ida in the Arabian Peninsula—is intent on conducting operations in the West and against U.S. and allied interests regionally. In June, al-Qa'ida 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-Qa'ida 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 three 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-Qa'ida 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 U.S. 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-Qa'ida 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-Qa'ida released a video of group leader Ayman al-Zawahiri praising the Pensacola attacker and claiming that the US withdrawal from Afghanistan proved that the U.S. 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

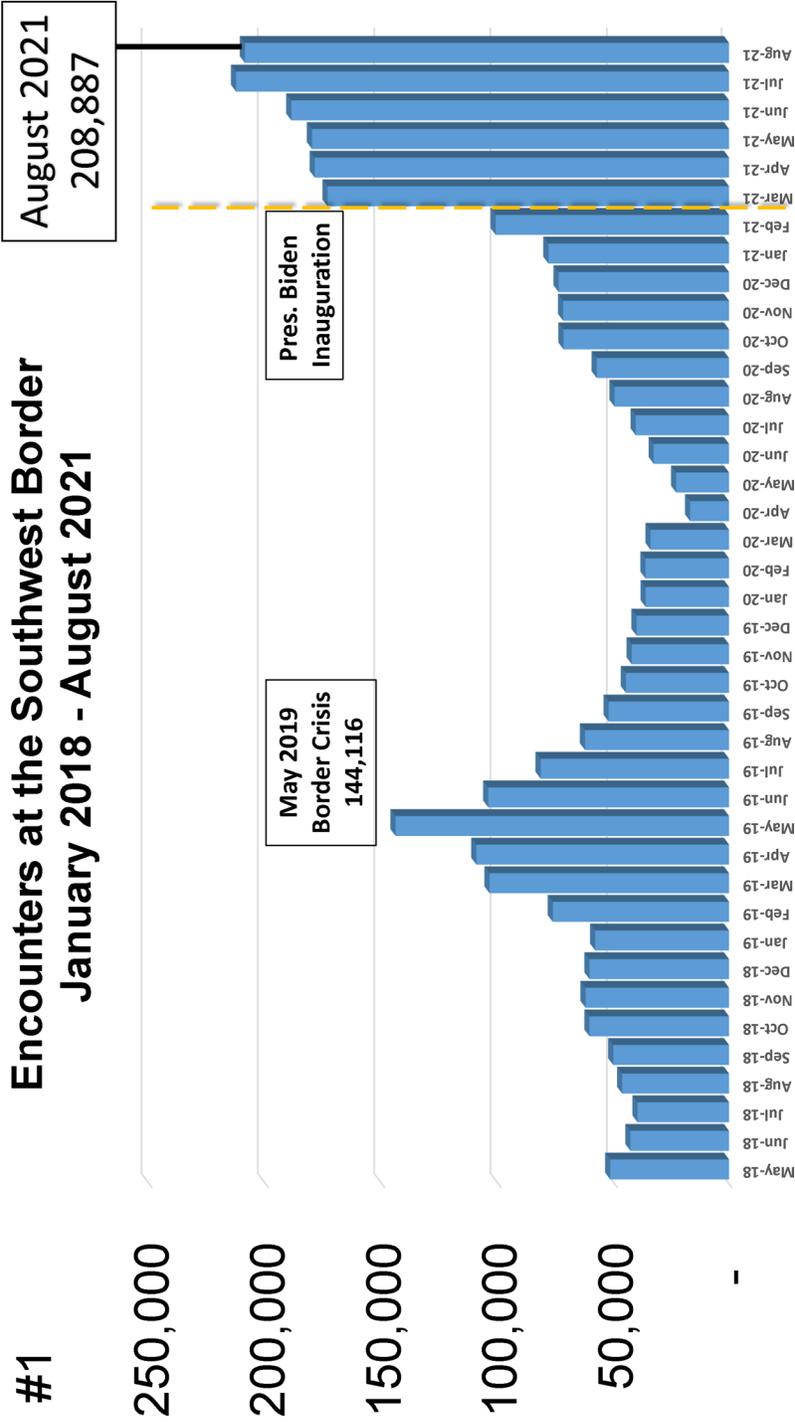
increasing number of indirect fire and, in the past several months, unmanned aerial systems attacks against U.S. facilities with the objective of expelling U.S. forces from the country. In Yemen, Iran has maintained its years-long effort to support Huthi attacks against Saudi Arabia and other targets 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 two 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.

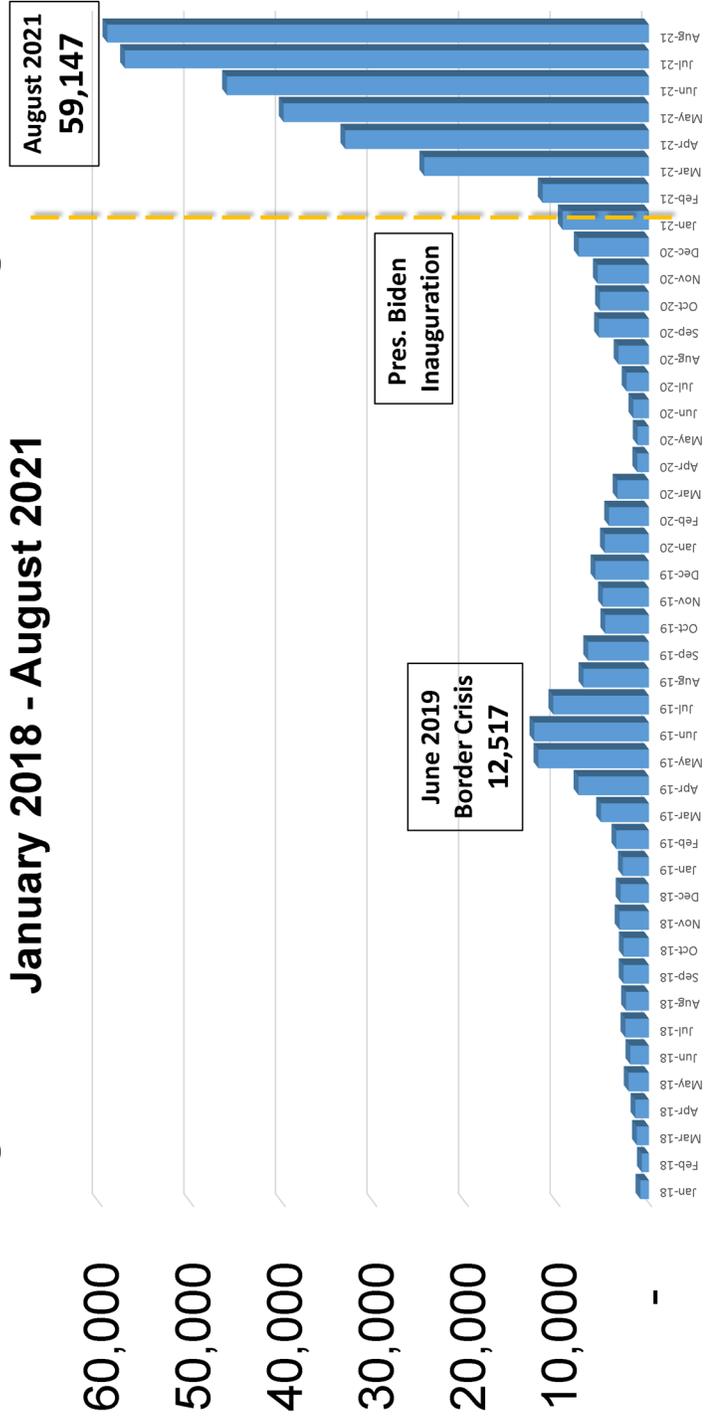
However, we must not become complacent; the terrorist threat and national security landscape have evolved, and the CT enterprise must evolve as well. NCTC will continue its mission to prevent, detect, and deter threats to the United States and its interests, just as those who founded the Center intended. 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.



Southwest Border Apprehensions Migrants from outside Mexico / Northern Triangle January 2018 - August 2021

#2

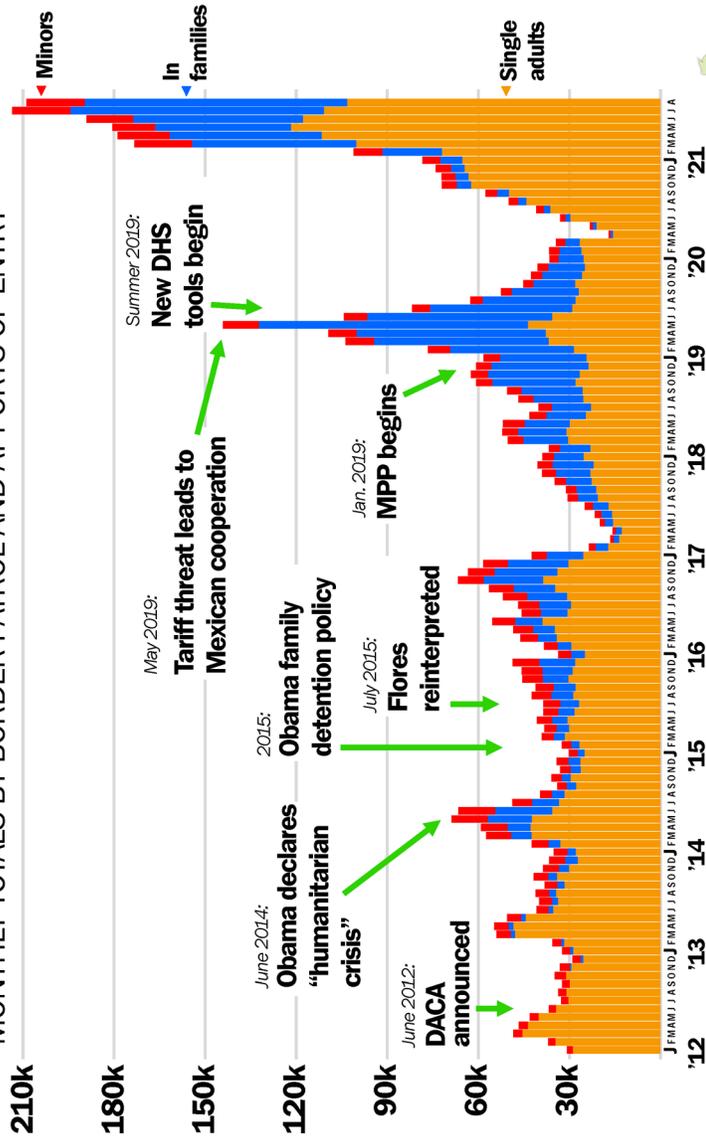






SW BORDER APPREHENSIONS

MONTHLY TOTALS BY BORDER PATROL AND AT PORTS OF ENTRY



Customs and Border Protection. 2012 figures combine single adults and families.





SEEKING INFORMATION

SIRAJUDDIN HAQQANI



DESCRIPTION

Aliases: Siraj, Khalifa, Mohammad Siraj, Sarajadin, Cirodjiddin, Seraj, Arkani, Khalifa (Boss) Shahib, Halifa, Ahmed Zia, Sirajuddin Jallaloudine Haqqani, Siraj Haqqani, Serajuddin Haqqani, Siraj Haqqani, Saraj Haqqani	
Date(s) of Birth Used: Circa 1973 - 1980	Place of Birth: Afghanistan/Pakistan
Hair: Black	Eyes: Brown or Black
Height: 5'7"	Weight: 150 pounds
Build: Medium	Complexion: Light with wrinkles
Sex: Male	Citizenship: Unknown
Languages: Arabic	Scars and Marks: None known

REWARD

The Rewards For Justice Program, United States Department of State, is offering a reward of up to \$10 million for information leading directly to the arrest of Sirajuddin Haqqani.

REMARKS

Haqqani is thought to stay in Pakistan, specifically the Miram Shah, North Waziristan, Pakistan, area. He is reportedly a senior leader of the Haqqani network, and maintains close ties to the Taliban and al Qaeda. Haqqani is a specially designated global terrorist.

DETAILS

Sirajuddin Haqqani is wanted for questioning in connection with the January 2008 attack on a hotel in Kabul, Afghanistan, that killed six people, including an American citizen. He is believed to have coordinated and participated in cross-border attacks against United States and coalition forces in Afghanistan. Haqqani also allegedly was involved in the planning of the assassination attempt on Afghan President Hamid Karzai in 2008.

SHOULD BE CONSIDERED ARMED AND DANGEROUS

If you have any information concerning this person, please contact your local FBI office or the nearest American Embassy or Consulate.

Field Office: Washington D.C.

Rodney S. Scott
Chief, U.S. Border Patrol- Retired
P.O. Box 180632
Coronado, CA 92178

September 11, 2021

The Honorable Charles Schumer
Senate Majority Leader
United States Senate
Washington, DC 20510

The Honorable Mitch McConnell
Senate Minority Leader
United States Senate
Washington, DC 20510

The Honorable Gary Peters
Committee on Homeland Security &
Governmental Affairs, Chairman

The Honorable Rob Portman
Committee on Homeland Security &
Governmental Affairs, Ranking Member

Dear Majority Leader Schumer, Minority Leader McConnell, Senator Peters, and Senator Portman,

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 policy makers 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 1000 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 0800hrs on 08/01/21, there were over 18,000 aliens in USBP custody which equated to more than three times USBP's capacity of 5118. 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 1100 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 voluntary 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% of total encounters by USBP were processed under T-42 and expelled in an average of 90 minutes. A report I received on August 1, 2021, indicated that nearly 53% were being granted exemptions from T-42 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 U.S. under T42 authority can be accomplished in approximately ten minutes while avoiding congregate settings where COVID-19 exposure would be increased. Consequently, processing an individual under Title 8 (T-8), to include a Notice to Appear (NTA) takes approximately two 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 T-42, 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 T-8 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 seven 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

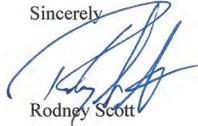
to reduce manpower requirements was unfathomable to the current leadership. I believe this equates to waste, fraud, and abuse.

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

A handwritten signature in blue ink, appearing to read "Rodney Scott", written over a light blue circular stamp.

Rodney Scott

Retired – Chief U.S. Border Patrol

Honor First!

**Post-Hearing Questions for the Record
Submitted to Secretary Alejandro Mayorkas
From Senator Gary Peters**

“Threats to the Homeland: Evaluating the Landscape 20 Years After 9/11”

October 5, 2021

Question#:	1
Topic:	Combatting Domestic Terrorism
Hearing:	Threats to the Homeland: Evaluating the Landscape 20 Years After 9/11
Primary:	The Honorable Gary C. Peters
Committee:	HOMELAND SECURITY (SENATE)

Question: You testified that "U.S.-based lone actors and small groups, including [homegrown violent extremists (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."

What root causes has DHS identified to explain the increase in domestic terrorism, specifically related to domestic violent extremism?

How has DHS changed its approach to combatting domestic terrorism in response to the evolving threat?

What more does DHS need to do to combat this evolving threat?

Response: U.S.-based lone actors and small groups, including homegrown violent extremists (HVEs) and Domestic Violent Extremists (DVE) who are inspired by a broad range of ideological motivations, pose the most significant and persistent terrorism-related threat to our country. Countering DVE is vital to preserving civil rights and civil liberties and can be accomplished while protecting the rights of all persons and communities. 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, those mobilized by racial or ethnic beliefs will remain one of the most significant terrorist threats to the Homeland through 2022. Racially or ethnically motivated violent extremists, including white supremacist violent extremists, will likely remain the most lethal DVE threat 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, which typically target law enforcement, elected officials, and government personnel and facilities. DVEs pose not just a threat to life and property, but a threat to the

Question#:	1
Topic:	Combatting Domestic Terrorism
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ability of persons in the U.S. to safely exercise their civil rights and civil liberties, especially for religious, ethnic, and racial minority communities.

Although there is no one path to radicalizing to violent extremism, there are risk factors and protective factors that may contribute to whether someone radicalizes to violence. Risk factors are not themselves indicative of whether an individual radicalizes to violence. They may offer opportunities to identify that an individual might benefit from community and other support to prevent an individual from ever radicalizing to violence. Further, some individuals with risk factors may never radicalize to violence, and some individuals with no risk factors may, nonetheless, radicalize to violence.

There are several causes for the increase in domestic terrorism. The COVID-19 pandemic, creates a unique environment that could contribute to some individuals' mobilization to targeted violence or radicalization to terrorism. Covid-related isolation and interruption of normal life patterns are not indicators of potential radicalization to violence, but they are common social factors that violent extremists could exploit. For example, COVID-19 mitigation measures, including social distancing and vaccination have been exploited by violent extremists in order to radicalize or incite socially isolated or politically frustrated individuals to violence. Similarly, violent extremists have also exploited work disruptions, including unexpected unemployment and layoffs to radicalize others to violence. Threat actors and domestic violent extremists have used false narratives online to radicalize individuals to violent extremism. Those radicalized to violence, fueled by personal motivations and violent extremist ideological beliefs, continue to derive inspiration from and obtain operational guidance through information shared in certain online communities.

In June 2021, the White House released the first-ever National Strategy for Countering Domestic Terrorism to address the most significant terrorism-related threat the country faces today. The National Strategy recognizes that domestic terrorism is not a new threat in the United States. It has, over the centuries, taken many American lives, especially in communities deliberately and viciously targeted on the basis of hatred and bigotry.

The U.S. Department of Homeland Security (DHS) also conducted the Counterterrorism and Targeted Violence (CTTV) Review to address this evolving threat. The Review identified opportunities across DHS regarding our capabilities in prevention, detection, disruption, and mitigation missions against all forms of foreign and domestic terrorism and targeted violence, consistent with privacy protections, civil rights and civil liberties, and legal requirements. The Review looked across all of the Department's Components and offices, to include those with traditional counterterrorism (CT) missions, as well as those focused on preventing targeted violence. The resulting feedback identified specific opportunities for DHS improvement and

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emphasis; these opportunities were also examined in accordance with the priorities set forth in the National Strategy for Countering Domestic Terrorism.

Consistent with this renewed focus on domestic terrorism, the Department established the Center for Prevention Programs and Partnerships (CP3). DHS, through CP3, has adopted a public health approach to prevent targeted violence and terrorism and provides support to develop local community frameworks for prevention. CP3 supports stakeholders through a whole-of-society approach and the provision of financial, educational, and technical assistance to state and local partners to help them establish and expand prevention programs to reduce the number of people susceptible to radicalization to violence, while also helping those who may be radicalizing to violence to disengage before violence occurs. DHS seeks to expand its current cadre of Regional Prevention Coordinators (RPCs) to provide support for these local prevention programs across the county.

DHS also works with partners across the homeland security enterprise to support efforts to combat threats from lone actors and small groups by providing grant funding and other resources (e.g., intelligence reporting, training and education, technical assistance) to state, local, tribal, and territorial governments; universities; and nonprofits to prevent and protect against this dynamic threat. For example, in Fiscal Year (FY) 2021, DHS is requiring that Homeland Security Grant Program recipients spend a minimum of 7.5 percent of their total State Homeland Security Program and Urban Area Security Initiative allocations to address DVE. This will total a \$77 million investment in countering the DVE threat over the next three years of performance on the FY 2021 awards. Additionally, DHS recently awarded \$20 million to 37 recipients under the FY 2021 Targeted Violence and Terrorism Prevention (TVTP) Grant Program.

In FY 2022, DHS is seeking additional participation from underserved communities, specifically nonprofits and local government agencies from small and mid-sized communities, to apply for projects under the TVTP Grant Program.

DHS also continues to assess that U.S. strategic nation-state adversaries, DVEs, and homegrown violent extremists are increasingly spreading disinformation narratives. They do this to sow divisions in U.S. civil society, foment political instability, interfere in U.S. democratic elections, and/or provoke individuals or groups to carry out targeted violence. DHS continues to address all facets of this problem, by looking specifically at enhancing intelligence sharing capabilities, standardizing and coordinating DVE-related datasets as appropriate, and leveraging whole of government approaches to more effectively address these threats in an increasingly complex threat landscape.

To address these threats, DHS will continue to:

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- Enhance efforts focused on the prevention of terrorism and targeted violence, including the identification and mitigation of violence through community-based prevention programs and enhancement of public awareness;
- Expand intelligence analysis, production, and sharing to inform our stakeholders, including violent extremist narratives shared via social media and other online platforms; and,
- Prioritize partnerships with the federal interagency, as well as SLTT and non-governmental partners—including academia, faith-based organizations, and technology and social media companies—to support efforts to identify and combat violent extremism

Question#:	2
Topic:	Social Media Monitoring
Hearing:	Threats to the Homeland: Evaluating the Landscape 20 Years After 9/11
Primary:	The Honorable Gary C. Peters
Committee:	HOMELAND SECURITY (SENATE)

Question: You testified that "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 online platforms. This year, I&A also established a dedicated domestic terrorism branch that is leading our efforts to combat this threat."

How has DHS adapted its efforts to address the changing nature of the domestic terrorism threat created by the expanded use of social media for recruiting, planning, and other purposes related to domestic terrorism and domestic violent extremism?

How are social media companies (including Facebook, Twitter, TikTok, and YouTube) cooperating with DHS on your efforts to detect and prevent domestic terrorism threats on social media?

Response: DHS has led a variety of engagements with social media companies to improve our collective understanding of the threat environment and trends that DHS and the social media companies are observing in the DVE landscape. This has included briefings by DHS on trends we have seen utilized by actors within the DVE space on how they use open social media platforms to encourage like-minded individuals to conduct attacks; provide guidance on potential tactics and targets; and attempt to recruit like-minded individuals to engage in conversations on more secure, encrypted platforms to avoid law enforcement scrutiny.

The DHS Office of Intelligence and Analysis (I&A) is also initiating a pilot program to create a forum for analytic exchanges with private sector social media companies and DHS analysts. This pilot will facilitate the sharing of homeland security threat-related information to identify emerging threats to the homeland. Initially, the pilot will identify best practices and lessons learned, focusing on trends in online radicalization to violence, with the goal of producing and sharing comprehensive, timely intelligence for the larger community of private sector owners and operators, DHS, and other federal, state, and local government agencies.

In Fall 2022, I&A plans to host a virtual analytic seminar on social media and open source for state and local intelligence partners which will examine current practices and techniques for using social media and opensource information in analytic and investigative activities. The seminar will also examine privacy and legal considerations for accessing and using social media and open-source information, as well as best practices for using this information in analytic products. Further, I&A is working with the DHS Privacy Office, CRCL, and DOJ's Criminal Intelligence Coordinating Council (CICC) to develop a training video focused on P/CRCL

Question#:	2
Topic:	Social Media Monitoring
Hearing:	Threats to the Homeland: Evaluating the Landscape 20 Years After 9/11
Primary:	The Honorable Gary C. Peters
Committee:	HOMELAND SECURITY (SENATE)

protections for state and local law enforcement analysts responsible for social media research and open source intelligence, and informational resources for supervisors and executives.

Separately, DHS has identified opportunities to maximize the use of resources to maintain effective situational awareness and conduct trend analysis of homeland security threats online to identify threats related to the DHS mission. Moving forward DHS is leveraging its existing programs, such as our DHS Science and Technology Directorate (S&T) funded relationship with the University of Nebraska Omaha's National Counterterrorism Innovation, Technology, and Education Center, and other information sources that independently assist our analytic workforce with increased awareness of these resources. These initiatives will be explored with the assistance of our oversight offices, including the Office for Civil Rights and Civil Liberties, the DHS Privacy Office, and the Office of the General Counsel, to ensure that any activities in this space are conducted in a manner that is consistent with law and our values, and fully protect the Constitutional rights of Americans.

Question#:	3
Topic:	CP3
Hearing:	Threats to the Homeland: Evaluating the Landscape 20 Years After 9/11
Primary:	The Honorable Gary C. Peters
Committee:	HOMELAND SECURITY (SENATE)

Question: You testified that the Center for Prevention Programs and Partnerships (CP3) is "focused on disseminating information to local communities and empowering and equipping them to the reasons why people are driven to extreme ideologies and perhaps even acts of violence." How is DHS evaluating the effectiveness of CP3, including through what metrics, and what has DHS determined regarding the effectiveness of CP3 thus far?

Response: CP3 was created in May 2021 and is still in the process of staffing and building its programs. While a comprehensive evaluation program with identified metrics is not yet in place, CP3 has begun discussions with DHS S&T on the most effective methods to evaluate CP3 programs. We continue to work with our S&T partners to determine when an evaluation of these activities would be most appropriate. S&T is an invaluable partner to CP3, as their research and evaluation methods draw upon evidence-based practices and are informed by subject matter experts and scientists from a wide array of disciplines, enabling CP3 to use the most current tools and tactics for evaluation and assessment.

However, CP3 has incorporated evaluations into the TVTP grants program. In collaboration with S&T, CP3 is undertaking an evaluation of FY 2016 grants to identify which (if any) of those programs are still operating and what (if any) impact they have had on their respective local communities. CP3 also continues to work with S&T on implementation evaluations of the FY 2020 and FY 2021 TVTP grantees. Combined, these evaluations will help determine which activities help: (1) reduce incidents of radicalization to violence, and (2) off-ramp individuals who have radicalized to violence. Evaluations from the TVTP grants program will help drive CP3's sharing of "best practices" to communities.

Question#:	4
Topic:	Continuity of the Economy
Hearing:	Threats to the Homeland: Evaluating the Landscape 20 Years After 9/11
Primary:	The Honorable Gary C. Peters
Committee:	HOMELAND SECURITY (SENATE)

Question: Our adversaries understand that America's greatest strengths are our innovation, our ingenuity, and our prosperity - all of which reside in the private sector. Meanwhile, public U.S. intelligence assessments have repeatedly warned that Russia and China, and even Iran and North Korea, can disrupt U.S. critical infrastructure. Therefore, we must have plans in place to not only defend our systems, but to recover quickly should our adversaries launch widespread, disruptive, or destructive attacks. Section 9603 of the Fiscal Year 2021 National Defense Authorization Act requires a Continuity of the Economy planning effort to ensure that we can rapidly recover and restart the economy after a major disruption.

What is DHS's role in the Continuity of the Economy planning effort?

How has DHS budgeted for Continuity of the Economy efforts in Fiscal Year 2022?

Response: DHS is actively engaged with federal agency partners on how the Department can best support the Continuity of Economy effort. At present, the Department does not have any identified funding in the FY 2022 budget to support this planning effort.

Question#:	5
Topic:	COVID Related Fraud
Hearing:	Threats to the Homeland: Evaluating the Landscape 20 Years After 9/11
Primary:	The Honorable Gary C. Peters
Committee:	HOMELAND SECURITY (SENATE)

Question: You testified that, through interagency partnerships, DHS prevented "more than \$3 billion worth of much-needed COVID-19 relief from fraudulently ending up in the pockets of criminals."

What types of COVID-19 related fraud did DHS and its components successfully deter? What challenges did DHS encounter in its efforts?

Response: U.S. Immigration and Customs Enforcement's (ICE) Homeland Security Investigations (HSI) and U.S. Secret Service (USSS) identified, deterred, and prevented a range of COVID-19-related fraud schemes.

HSI successfully identified and prevented the illegal importation and sale of counterfeit, fraudulent, or substandard personal protective equipment (PPE), medical items, and vaccines. In addition, HSI has and continues to investigate Coronavirus Aid, Relief, and Economic Security (CARES) Act or Paycheck Protection Program (PPP) financial fraud schemes and take down websites defrauding consumers by purporting to sell vaccines and therapeutics. HSI's efforts have been comprehensive and robust. These efforts have held criminal actors accountable for preying on the public health needs and financial hardships brought on by the COVID-19 pandemic and have helped protect the health and lives of Americans.

The USSS prioritized its efforts to deter and prevent fraud following the passage of the CARES Act, working in partnership with federal, state, and local government entities as well as private sector partners. In April 2020, USSS mobilized their over 160 offices and Cyber Fraud Task Forces to focus on preventing COVID-19 relief fraud. In May 2020, USSS partnered with Department of Labor Office of Inspector General (OIG), to publish the first advisory on this subject that brings us here today, unemployment insurance fraud. The Advisory, sent to nearly 30,000 financial institutions outlined the scheme identifying fraud indicators and asking the financial sector to partner with us to safeguard suspected fraudulently obtained unemployment benefits. USSS continues to work closely with the U.S. Small Business Administration (SBA) and the U.S. Department of Labor Office of Inspector General (OIG), on investigating SBA loan fraud and the associated organized criminal groups and money mule networks. As of 2 March 2022, USSS has initiated over 900 pandemic-related criminal investigations and prevented approximately \$4.2 billion in fraud losses.

Challenges

Challenges Related to Scams

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Throughout the COVID-19 pandemic, criminals have continued to create and execute financial fraud schemes. As COVID-19 vaccines have rolled out, these schemes have increased in type and frequency, and aim to defraud the American public.

Initially, criminals offered “vaccines” for sale online, typically stealing Personally Identifiable Information (PII) and banking information of victims who sought security from the pandemic. While this scheme continues, it will most likely reduce as vaccines continue to become more widely available.

Another scheme is the Post-Vaccine Survey, in which victims are asked to participate in a survey regarding their vaccine experience and promised a prize at the conclusion of the survey. Victims of the scam are prompted to provide their credit card and/or banking information under the guise of shipping and handling fees. DHS, working in conjunction with, the FBI, the Food and Drug Administration (FDA), the Federal Trade Commission, the Department of Health and Human Service’s (HHS) OIG, and the United States Postal Inspection Service, produced a public service announcement in English and Spanish to inform people that this is a scam, affirming that pharmaceutical companies do not seek or ask for personal financial information.

Soon after the public service announcement, criminals began the “poor-quality vaccine” scam. In this fraud scheme, victims received a letter purporting to be from the Centers for Disease Control and Prevention alerting them that they mistakenly received a poor-quality vaccine. The victims are then prompted to schedule and pay for a new vaccine appointment. Again, the intent of the scam is to steal the victim’s PII and/or banking information.

Challenges Related to Vaccines and Vials

Ensuring that used vials, labels, and packaging do not end up in the hands of counterfeiters—particularly as vaccination operations expand to pharmacies and other venues—poses a large challenge. Guidance was issued to distribution sites on how to handle empty vials; however, this was only guidance, and there is a heightened concern regarding whether the destruction of these items is being addressed. HSI has encountered used vials for sale on e-commerce websites. The e-commerce websites have been extremely quick to take these sales down and are proactively scanning for similar sales. HSI works with cooperative e-commerce sites and initiates investigative activity aimed at mitigating the risk posed by vials ending up in the hands of counterfeiters.

Challenges Related to Criminal Investigations

The COVID-19 pandemic highlighted vulnerabilities in U.S. Government trademark protections that are exploited by illicit actors. These vulnerabilities have made it harder to conduct criminal

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investigations into the theft of intellectual property. The National Intellectual Property Rights Coordination Center conducted outreach to impacted government agencies, to encourage them to mitigate these vulnerabilities.

A persistent challenge for HSI's cybercrime investigations is the lack of specific administrative subpoena authority for computer intrusion investigations under the Computer Fraud and Abuse Act (18 U.S.C. § 1030). This obliges HSI to use other subpoena authorities less tailored to cybercrime investigations and, where feasible, to seek a court order to delay notification of a subpoena to the target customer. Absent a court order, companies vary greatly with respect to how long they will voluntarily delay notification, which increases the risk a target will be alerted to the investigation. The authority to issue cybercrime-specific subpoenas and to require a company to delay notifying its customer of a subpoena would enhance the effectiveness of HSI's investigations.

Finally, cyber criminals have been known to use otherwise legal high-end encryption, bulletproof hosting, cryptocurrency, and foreign based infrastructure to facilitate their operations. Cyber criminals use international cryptocurrency exchangers that do not have to comply with U.S. law enforcement's legal processes due to their foreign location or the lack of legal oversight from their host country. Cyber criminals can also choose to use otherwise legal cryptocurrency that is difficult or even impossible to trace. HSI would be more successful at identifying illicit proceeds gained by cyber criminals if there were more tools available to trace cryptocurrency. HSI would also be able to seize more illicit proceeds if there was greater worldwide regulation of foreign-based cryptocurrency exchangers. Finally, HSI would be able to seize and dismantle infrastructure used for cyberattacks if there was more cooperation from privacy-based web hosting providers.

Challenges Related to Public Awareness

Individuals receiving and sending proceeds of fraud schemes from their financial accounts has presented substantial challenges. The USSS has created a public message campaign on this ("Don't Be A Mule") and is working closely with financial institutions and interagency partners to address this issue. Many money mules are unwitting of their involvement in a criminal scheme—often having been socially engineered in a romance scam or online job opportunity scam. More could be done to increase public awareness, detection, and reporting on this issue.

Question: What percentage of the \$3 billion of deterred COVID-19 related fraud stemmed from fraudulent PPE and medical products?

Response: USSS has prevented over \$4.2 billion in fraud losses primarily achieved through freezing and recovering fraudulent payments related pandemic unemployment assistance, the SB

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Paycheck Protection Program, and Economic Injury Disaster Loans. Fraud losses prevented related to the interdiction and seizure of fraudulent PPE, unapproved COVID-19 test kits, unapproved therapeutics and related items would be in addition. Additional losses have been prevented related to non-delivery fraud schemes, such as the attempt to defraud the Australian government of over \$317 million.¹

Question: Describe the specific actions DHS, its components, and other federal agencies took to combat fraudulent PPE from entering the US market?

Response: HSI launched Operation Stolen Promise (OSP) in April 2020 to protect the Homeland from the increasing and evolving threat posed by COVID-19-related fraud and criminal activity. Since OSP's inception, HSI has capitalized upon its unique and expansive federal criminal investigative authorities, its strong intelligence analysis capabilities and resources, its expansive domestic and international footprint, and its robust law enforcement and private sector partnerships to lead the government's investigative response to pandemic-related crime.

OSP was established as a multi-pronged strategic action plan designed to protect the Homeland from bad actors who criminally exploit the COVID-19 pandemic. The plan is built around four central pillars, each of which represent a core element of the HSI approach to address this issue: partnership, investigation, disruption, and education.

As part of OSP, HSI special agents conducted investigations nationwide, seized millions of dollars in illicit proceeds, made multiple arrests, and shut down numerous fraudulent websites. HSI continues to work alongside U.S. Customs and Border Protection (CBP) to seize shipments of mislabeled, fraudulent, unauthorized, or prohibited COVID-19 test kits, treatment kits, homeopathic remedies, purported anti-viral products, and PPE.

CBP created an interactive online portal (imports.cbp.gov) via Salesforce to triage inquiries and provide up-to-date guidance from CBP with links to guidance from the FDA and other government agencies related to the importation of PPE and other importations critical to the COVID-19 response. These knowledge articles have been accessed over 33,000 times.

The Pharmaceuticals, Health, and Chemicals Center of Excellence and Expertise (PHC Center) Advanced Targeting Unit (ATU) created and monitors several targeting rules for counterfeit/unapproved COVID-19-related products. Through the PHC Center's Partnership Division, the team developed strong relationships with industry partners involved in the development of the vaccines, possible remedies, and the detection of counterfeits. PHC CEE

¹Department of Justice, "Local man sentenced for \$317 million N95 mask scam" (16 February 2022). Available at: <https://www.justice.gov/usao-sdtx/pr/local-man-sentenced-317-million-n95-mask-scam>

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collaborated with several pharmaceutical companies who manufacture COVID-19-related products, including vaccines, treatments, and test kits. Information on the products, packaging, manufacture, and shipping information was reported DHS-wide in 13 Information Bulletins. Eight of these reports were shared with other federal agencies, as well as with state and local agencies via the Homeland Security Information Network.

After discussion among several offices within CBP, the Office of Field Operations, in consultation with the Office of Trade (OT), decided to create a cargo focused team under the leadership of the PHC Center. The COVID-19 Cargo Resolution Team (CCRT) has responded to over 3,100 inquiries from first time importers and the general trade. The CCRT worked closely with HHS, Department of Defense (DOD), Federal Emergency Management Agency (FEMA), and CBP to ensure the swift review and release of shipments under FEMA's Project Airbridge and Operation Warp Speed with HHS and DOD. The CCRT also coordinated with FEMA and the Department of State through the International Assistance System to facilitate the importations of accepted offers of assistance from foreign countries under the Stafford Act. The CCRT provided guidance and prioritized the release of these shipments at the ports. CBP's National Targeting Center (NTC) continues to apply a layered approach to identify and interdict potential violative shipments of counterfeit, prohibited, or other illicit products. This includes continued coordination and cooperation with HSI as well as the FDA Office of Criminal Investigations (OCI). As of March 17, 2022, NTC is supporting 34 active criminal investigations (HSI, FDA, USSS, FBI).

CBP continues to identify and seize a large number of counterfeit, unapproved, or otherwise substandard COVID-19 products that threaten the health and safety of American consumers. CBP has interdicted and seized a variety of pandemic-related goods, including COVID-19 test kits, shut out lanyards, PPE, face masks, and unauthorized medicines and treatments. Criminal organizations are attempting to exploit the limited supply of, and increased demand for, some pharmaceuticals, PPE, and other medical goods required to respond to the COVID-19 pandemic.

To combat these criminal activities, CBP is targeting imports and exports that may contain counterfeit or illicit goods. The products in targeted shipments often include false or misleading claims, lack required warnings, or lack proper approvals.

CBP OT has proactively developed intelligence on COVID-19 seizure trends, sharing information across CBP, the U.S. Government, and with foreign counterparts. CBP OT has participated in two iterations of the World Customs Organization's Operation STOP, which aims to share COVID-19-related seizure information across member states.

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HSI is also works closely with law enforcement and private sector partners to identify and investigate financial fraud schemes. While individuals and criminal organizations attempt to profit from the COVID-19 pandemic through fundraising for fraudulent charities, medical scams, and online sales of counterfeit medicines and medical supplies, HSI works diligently to stop them. In the cyber realm, HSI continues to deploy its robust capabilities and expertise to target and take down online platforms and dark web sites that enable the sale and distribution of illicit materials related to COVID-19, facilitate financial crime, and victimize the American people.

Seizure Statistics:

- 3,131 COVID-19-related seizures;
- 362 criminal arrests;
- Over \$54.7 million illicit proceeds seized; and
- Over \$38.1 million CARES Act fraud seizures.

Question: Please provide the total amounts of PPE seized by DHS each week from February 2020 through May 31, 2020.

Response: Please see the requested information below.

HSI Seizures

- April 9, 2020 – the first HSI seizure of PPE related to COVID-19 occurred on April 9, 2020. During this week, HSI seized 133 virus shut out lanyards and 6,257 masks.
- April 11 through April 17, 2020 – HSI seized 18,746 masks, 8 packages of wipes, 4,142 gowns, 281,479 surgical face masks, 22,400 shoe covers, 21,850 medical gloves, and 65 medical goggles.
- April 18 through April 24, 2020 – HSI seized 12 virus shut out lanyards, 242,000 N95 masks, 11,000,020 3-ply masks, 901 protective suits, and 14 face coverings.
- April 25 through May 1, 2020 – HSI seized 21,400 KN95 masks and 9,950 masks.
- May 2 through May 8, 2020 – HSI seized 796 virus block out lanyards, 69 face coverings, 78,177 KN95 masks, 650 N95 masks, and 15,346 masks.
- May 9 through May 15, 2020 – HSI seized 10 face coverings, 6,802 virus block out lanyards, 5,310 N95 masks, 14,200 KN95 masks, and 800 clear face shields.
- May 16 through May 22, 2020 – HSI seized 3 N95 masks, 28,128 KN95 masks, 5,260 masks, and 600 face shields.

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- May 23 through May 29, 2020 – HSI seized 3,168 KN95 masks and 2,400 disposable face masks.

CBP Seizures March 2020

Product	Seizures	Quantity
Covid-19 Test Kits	73	9,917
Antibody Test Kits	5	480
Masks	4	450
Chloroquine	2	300
Hydroxychloroquine	0	0
Azithromycin	2	118
Lianhua Qingwen	2	26
Respirator/Ventilator	0	0
Hand Sanitizers	2	507
Virus Shut-Out Lanyards	11	804

CBP Seizures April 2020

Product	Seizures	Quantity
Covid-19 Test Kits	162	91,288
Antibody Test Kits	12	1,746
Masks	32	11,804,104
Chloroquine	50	8,233
Hydroxychloroquine	31	3,090
Azithromycin	34	2,150

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Lianhua Qingwen	33	14,649
Respirator/Ventilator	3	3,550
Hand Sanitizers	5	447
Virus Shut-Out Lanyards	58	1,611

CBP Seizures May 2020

Product	Seizures	Quantity
Covid-19 Test Kits	41	8,858
Antibody Test Kits	5	2,080
Masks	39	188,612
Chloroquine	10	2,820
Hydroxychloroquine	30	2,284
Azithromycin	34	1,780
Lianhua Qingwen	56	63,459
Respirator/Ventilator	1	18
Hand Sanitizers	10	4,713
Virus Shut-Out Lanyards	19	99

Question: Did US Secret Service and ICE work with FEMA's contracting office and the Supply Chain Task Force to identify potential fraudulent vendors?

Response: HSI and USSS did not participate specifically on the Supply Chain Task Force but did participate on numerous COVID-19-related working groups of which the Federal Emergency Management Agency and other agencies were in attendance, including ones where supply chain security was a priority topic. These working groups were hosted by the DOJ's Consumer Protection Branch, and Criminal Division, and the DHS Chief Medical Officer.

Question#:	6
Topic:	Ransomware Attacks
Hearing:	Threats to the Homeland: Evaluating the Landscape 20 Years After 9/11
Primary:	The Honorable Gary C. Peters
Committee:	HOMELAND SECURITY (SENATE)

Question: You testified regarding the significant increase in ransomware attacks over the past couple years. Of the attacks reported to DHS and/or FBI from January 2018 through September 2021, please provide: 1) the date of the attack; 2) the type of ransomware used in the attack; 3) the type and size the of victim (e.g. hospital, state/local government, etc.); 4) whether the victim implemented NIST's cybersecurity framework; 5) the type and amount of the cryptocurrency payment (e.g. bitcoin, monero, etc.) if the victim paid the ransom; 6) the name and location of the exchange used to pay the ransom; and 7) whether the victim was involved in other ransomware attacks.

Response: Please see the attached Excel file which contains ransomware information the Cybersecurity and Infrastructure Security Agency (CISA) has received between January 2018 and September 2021. CISA does not track all of the information requested; therefore we have included only information that we do track and which is responsive to the request.

Note: There are no legislative authorities/requirements forcing impacted entities to share ransomware event details with CISA.

**Post-Hearing Questions for the Record
Submitted to Secretary Alejandro Mayorkas
From Senator Maggie Hassan**

“Threats to the Homeland: Evaluating the Landscape 20 Years After 9/11”

October 5, 2021

Question#:	7
Topic:	Disrupting Terrorist Incidents
Hearing:	Threats to the Homeland: Evaluating the Landscape 20 Years After 9/11
Primary:	The Honorable Margaret Wood Hassan
Committee:	HOMELAND SECURITY (SENATE)

Question: Secretary Mayorkas, how does the acceleration of radicalization and mobilization to violence impact DHS' capacity to disrupt potential terrorist incidents?

Response: The Department's methods and approaches continue to evolve along with the changing nature of the threat. For example, the COVID-19 environment has dramatically increased the amount of time spent online, and the online environment has proven to decrease the period of time it takes for an individual to mobilize to violence. As a result, the Department remains committed to maintaining engagement with the tech sector to develop appropriate solutions and responses.

Understanding potential indicators of mobilization to violence is a difficult task. Family members, peers, and community members are often best positioned to witness warning signs of radicalization and mobilization to violence. These “bystanders” are typically the first to detect hints that an individual may be considering violent action in the Homeland or overseas. With an increased acceleration time to violence, it is important that bystanders are able to recognize these indicators of mobilization to violence and know who in their communities they can contact seek help. In order to help with this process, the Department, in partnership with NCTC and the FBI, published its U.S. Violent Extremist Mobilization Indicators (2021) Edition, which was update to the 2019 Homegrown Violent Extremists Mobilization Indicators. This update now also includes mobilization indicators for domestic violent extremists.

DHS also continues to support communities in developing earlier prevention and intervention capabilities. CP3's RPCs are stationed across the country to assist local stakeholders to establish and expand local prevention frameworks. Effective local prevention frameworks connect all segments of society and include: public awareness of the threat and of the process of radicalization to violence and its indicators, and how to enhance the protective factors that serve as the earliest prevention against this process; community engagement that convenes the broadest set of local stakeholders to sustain trusted partnerships and effective communication;

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multidisciplinary threat assessment and management teams that and can intervene during any stage of the radicalization to or mobilization to violence process; and finally, a network of local support services that can help individuals before it becomes a law enforcement matter.

Threat assessment and management teams are an effective proactive and protective approach designed to prevent, not predict, an act of targeted violence and terrorism. These multidisciplinary teams provide an alternative to law enforcement investigation and prosecution for bystanders who are actively seeking help for an individual who is radicalizing to violence or mobilizing to violence.

**Post-Hearing Questions for the Record
Submitted to Secretary Alejandro Mayorkas
From Senator Kyrsten Sinema**

“Threats to the Homeland: Evaluating the Landscape 20 Years After 9/11”

October 5, 2021

Question#:	8
Topic:	TCO Tactics
Hearing:	Threats to the Homeland: Evaluating the Landscape 20 Years After 9/11
Primary:	The Honorable Kyrsten Sinema
Committee:	HOMELAND SECURITY (SENATE)

Question: The situation with regard to the Haitian refugees arriving at the Del Rio Sector has been an unexpected mass migration event that completely overwhelmed a single location on the Southwest border.

Have transnational criminal organizations ever used such tactics to distract CBP from other areas to undertake illegal activities at other points along the border?

Response: Yes, Transnational Criminal Organizations (TCOs) have used and will likely continue to use tactics to distract CBP from other areas to undertake illegal activities at other points along the U.S. Southwest Border (SWB). A prime example of this tactic is when human smugglers send large migrant groups, composed of 100 more individuals, to attempt to illegally enter the United States between the ports of entry along the SWB. Human smugglers strategically choose the time and location for these large group crossings to disrupt U.S. border security efforts, create a diversion for the smuggling of narcotics, or allow migrants seeking to evade capture an opportunity to enter the United States.

Question#:	9
Topic:	Lessons Learned
Hearing:	Threats to the Homeland: Evaluating the Landscape 20 Years After 9/11
Primary:	The Honorable Kyrsten Sinema
Committee:	HOMELAND SECURITY (SENATE)

Question: What lessons learned from this situation, in terms of processing of the Haitians and/or responding to spread of information on social media, will DHS incorporate into future planning to manage spikes in numbers of arrivals on the border?

Response: While each migration surge presents its own unique challenges, CBP continually works to identify best practices to manage each instance more effectively. In its response in Del Rio last fall, CBP learned that transferring certain migrants to less-impacted sectors and leveraging the assistance of additional personnel from other DHS components and inter-agency partners, helped improve processing, security, and humanitarian concerns. Additionally, early engagement with foreign governments prior to the arrival of caravans at our border can help prevent or minimize the impact and can significantly shorten the duration of potential large migration events. DHS continues to work with foreign governments through established diplomatic relationships, which is critical to our ability to gain their support in mitigating and preparing for migrant surges.

Question#:	10
Topic:	Balancing Challenges
Hearing:	Threats to the Homeland: Evaluating the Landscape 20 Years After 9/11
Primary:	The Honorable Kyrsten Sinema
Committee:	HOMELAND SECURITY (SENATE)

Question: One challenge our nation faces is successfully vetting the numerous Afghan refugees who have arrived in the U.S. and continue to arrive from overseas. While we all want to help our friends and allies, we also need to be sure that people coming to the U.S. are properly vetted and that there is a plan and resources for their resettlement. At the same time, we face significant backlogs and challenges with our asylum system from migrants arriving at the Southwest border.

What steps do Congress and the Administration need to take to ensure our nation can successfully balance the vetting and welcoming of Afghan refugees with the ongoing crisis at the Southwest border and be successful at both challenges?

Response: The breadth of the DHS mission requires the Department to undertake many different duties at the same time, such as screening air passengers, facilitating trade and travel, responding to natural disasters, interdicting narcotics and irregular migrants arriving by sea, securing federal buildings, and carrying out our protective mission. In both instances referenced in the question, DHS has marshaled interagency support to address the challenges at hand and has cultivated myriad non-governmental relationships. Operation Allies Welcome, which coordinates the implementation of a broad range of services to support Afghans as they safely resettle in the United States, is headed by a Senior Response Official, who reports directly to the Secretary of Homeland Security and who leads the Unified Coordination Group of interagency partners supporting the effort. Irregular migration flows encountered at the SWB are managed through significant interagency partnership with DHS components in addition to the HHS Office of Refugee Resettlement (ORR) and DOJ Executive Office for Immigration Review. DHS also relies heavily on collaboration with non-governmental organizations and state and local governments to receive migrants after U.S. Government processing.

Question#:	11
Topic:	Cross-Agency Collaboration
Hearing:	Threats to the Homeland: Evaluating the Landscape 20 Years After 9/11
Primary:	The Honorable Kyrsten Sinema
Committee:	HOMELAND SECURITY (SENATE)

Question: A recurrent message during the hearing has been the critical nature of partnerships within the federal government as well as with state, local, and tribal governments and private industry. We need a whole-of-society approach to the threats confronting our country.

From your perspective, when looking across the threat landscape, are there one or two examples of very effective cross-agency and/or public private partnerships that can serve as models for other areas where better collaboration is needed? Where are those areas that need improvements and are there actions Congress can take to help?

Response: The following provides examples of the DHS Office of Intelligence and Analysis (I&A) programs, as well as the Office for Bombing Prevention's (OBP) Bomb Making Materials Awareness Program (BMAP) and partnerships that demonstrate repeatable and sustainable public/private partnership approaches to managing and responding to threats.

National Threat Evaluation and Reporting Program

Through the DHS Office of Intelligence and Analysis, National Threat Evaluation and Reporting (NTER) Program, we are assisting our federal, state, local, tribal and territorial homeland security partners with resources and training that build on the success of the Nationwide Suspicious Activity Reporting Initiative to adjust to the changing threat landscape. NTER's efforts are filling a national gap using behavioral threat assessment as a best practice for violence prevention by creating a framework that can be adapted across sectors and jurisdictions to encourage information sharing and provide resources to assist in mitigating threats.

NTER's Master Trainer Program (MTP) certifies federal, state, local, tribal, and territorial homeland security partners in behavioral threat assessment techniques and best practices to assist in preventing acts of targeted violence, regardless of motive. Using NTER-provided resources, certified Master Trainers can teach NTER's curriculum to partners in their areas of responsibility to standardize the threat assessment and management language, process, and tools—creating a common operating picture. This curriculum focuses on how to identify threatening or concerning behavior, risk factors, warning signs, and stressors, and how to assess that information through a multidisciplinary threat assessment team, with the goal of moving an individual off the pathway to violence. This program creates a national network of certified Master Trainers, dispersed across the country, working in violence prevention programs across all levels of government.

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Since its inception last year, the MTP has approximately 70 candidates from different sectors of government such as insider threat, workplace violence prevention, law enforcement, and school safety, progressing towards certification. The NTER Program is working closely with specific states to fill a gap in violence prevention resources. Several states are planning to utilize this program and the DHS I&A curriculum to educate and train the community using a behavioral approach to violence prevention. This is a collaborative effort in combating targeted violence from all parts of society.

Private Sector Engagement

I&A also, drives continual information sharing opportunities for private sector stakeholders through a number of engagement programs including the Corporate Security Symposia (CSS) and Virtual Corporate Security Engagement Series (CSES).

The CSS are a series of daylong conferences held around the country to enable bi-directional information sharing between public and private sector partners regarding some of the most challenging issues our nation faces today. At these events, partners exchange information on current and emerging security threats relevant to their regions, and focus on how to best leverage corporate security efforts and analytic capabilities to address issues such as: cyber security, infrastructure protection, global intelligence, communications, border security, and insider threats.

The CSES are two-hour virtual engagements that are regionally focused and enable information exchange between public and private sector partners on the security landscape of the evolving digital business environment. The CSES focus on critical national security topics such as: Cyber Threat and Mitigation, Response to Insider Threats, Global Pandemic Updates, and Terrorism. These information sharing sessions reflect the most pressing global security challenges, while also addressing the current needs of local markets and providing ample scope for in-depth and engaging discussions.

Since 2011, I&A has offered 58 CSS and CSES events throughout the country and reached over **18,000** participants from both the public and private sectors.

BMAP Operation Flashpoint

Violent extremists representing various ideologies can build improvised explosive devices (IEDs) from common household items using instructions found on the internet. Bad actors can easily purchase enough of certain chemicals and other materials that are readily available in

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stores to build home-made bombs. Programs that encourage voluntary reporting of suspicious activity can help avert future incidents involving such IEDs.

The BMAP promotes awareness of chemicals that can be dangerous as well as bomb-making materials, and encourages reporting suspicious activity to prevent intentional acts of terror using these common goods founds in stores. In June 2019, CISA and the FBI signed a memorandum of understanding to “promote voluntary reporting of suspicious activity through outreach and awareness programs to private sector and public safety stakeholders in order to prevent acquisition of Explosive Precursor Chemicals for nefarious use.”

CISA and the FBI are now leading an initiative called “Operation Flashpoint” to build awareness in communities across the U.S. to prevent bomb attacks. Operation Flashpoint seeks to both reduce the threat of IED attacks from violent extremists and others by helping businesses to detect the illegitimate acquisition, theft, or diversion of dangerous chemicals, and by encouraging retailers to report suspicious activity.

Question#:	12
Topic:	Immediate Collaboration
Hearing:	Threats to the Homeland: Evaluating the Landscape 20 Years After 9/11
Primary:	The Honorable Kyrsten Sinema
Committee:	HOMELAND SECURITY (SENATE)

Question: We have been hearing concerns from business owners who see the value in working with the federal government when there is a cyberattack, but are also concerned about overly burdensome requirements placed on them to coordinate across multiple government agencies when they need to be responding to an attack.

Should there be one central government point of contact or one reporting mechanism for these businesses that will automatically kick off immediate coordination amongst all key federal agencies that also relieves some of the reporting requirements on businesses? What actions does Congress need to take to address this?

Response: Under the Homeland Security Act of 2002, as amended, CISA serves as a Federal civilian interface for the multi-directional and cross-sector sharing of information related to cybersecurity for federal and non-federal entities, and also leads national cybersecurity asset response activities for the federal government. CISA's lead role for asset response is further delineated by Presidential Policy Directive 41 on United States Cyber Incident Coordination. In the asset response role, CISA is uniquely focused on sharing information quickly with government and private sector partners to understand the extent of the incident and recommend actions that strengthen cybersecurity resilience.

When CISA does not receive information in a timely manner, it is delayed in conducting urgent analysis and sharing information to protect other potential victims. Absent a mandate to report cyber incidents to a centralized body charged with coordinating the response and disseminating information about the attack, the government and its partners will continue to be burdened by the vagaries of the existing structure and struggle to execute a unified and timely response. As the Agency charged with leading efforts to protect the federal civilian government agency networks, and the national coordinator for critical infrastructure security and resilience, reporting should come to CISA to in turn share information effectively with all relevant partners.

To that end, cyber incident reporting should be timely, broad based, and not limited by type or sector, with a rulemaking process to set reporting thresholds and standards for covered entities, which should include critical infrastructure owners and operators, federal agencies, and government contractors. It should also provide clear and compelling enforcement mechanisms that ensure compliance.

**Post-Hearing Questions for the Record
Submitted to Secretary Alejandro Mayorkas
From Senator Rick Scott**

“Threats to the Homeland: Evaluating the Landscape 20 Years After 9/11”

October 5, 2021

Question#:	13
Topic:	Haitian Surge
Hearing:	Threats to the Homeland: Evaluating the Landscape 20 Years After 9/11
Primary:	The Honorable Rick Scott
Committee:	HOMELAND SECURITY (SENATE)

Question: August is the second month in a row with more than 200,000 migrant encounters at our Southern border. This has caused another crisis in Del Rio, Texas, where reports indicate that, as of Saturday afternoon, the number of illegal border crossers stood at 14,748, and more continue to arrive each day.

How has this happened? Is DHS following and enforcing all laws to push back on this surge of illegal migrants lured here by President Biden's policies of open borders and amnesty?

Response: DHS is committed to and continues to enforce and uphold the immigration laws of our nation. There are a number of socioeconomic and environmental drivers that influence migration, including but not limited to: individualized violence, persecution, and political unrest as well as pervasive food insecurity, climate change and natural disasters in many sending countries. There are also factors that draw migration to the United States, including the possibility of reunification with family members already present in the United States and increased economic and educational opportunities in the United States, as well as including through misinformation spread by criminal and smuggling networks regarding migrants' ability to enter or remain in the United States. Additionally, TCOs have significant impact on the security and humanitarian situation along the southern side of the U.S.-Mexico border, exerting control over who and what passes through their respective sections of the border. Many individuals seeking to cross into the United States are routed to areas that will benefit the TCO, either for the individual's ease and success of crossing into the United States or to simply serve as a distraction to U.S. Border Patrol (USBP) and local law enforcement officials while the TCO circumvents law enforcement and engages in the smuggling of more lucrative cargo or people into the United States.

CBP works with international, state, and local partners to exercise legal authorities granted by Congress. CBP's border security efforts are layered and include multiple levels of rigorous

Question#:	13
Topic:	Haitian Surge
Hearing:	Threats to the Homeland: Evaluating the Landscape 20 Years After 9/11
Primary:	The Honorable Rick Scott
Committee:	HOMELAND SECURITY (SENATE)

screening that allow the agency to detect and prevent people who pose national security or public safety risks from entering the United States.

Question#:	14
Topic:	Intelligence
Hearing:	Threats to the Homeland: Evaluating the Landscape 20 Years After 9/11
Primary:	The Honorable Rick Scott
Committee:	HOMELAND SECURITY (SENATE)

Question: Did DHS have prior knowledge or intelligence that this surge was coming?

Response: The CBP Office of Intelligence has conducted analysis on the increased flows of Haitian nationals transiting Mexico towards the SWB since early in FY 2021 and more specifically, on the increased flows of Haitian nationals into Ciudad Acuña, just south of Del Rio. CBP continues to collaborate with the Government of Mexico to analyze these flows and enhance our tools of cooperation. As it relates specifically to the recent group in Del Rio, CBP had been following multiple streams of reporting that align with the general time frames of arrivals to Ciudad Acuña of Haitian nationals; however, there were no indications of a large surge of thousands of migrants heading to the SWB at one time.

Migrants and migrant smuggling organizations utilize a variety of techniques to organize and travel through Mexico, to include secure communication platforms and social media chat platforms, which further hinder CBP's insight into specific movements of migrant populations. CBP receives daily reporting on overall migrant population numbers in Mexico, but the ease of access to available commercial aviation and commercial bus transportation often allows migrants to transit through Mexico quickly, limiting CBP's ability to provide early warning of potential migrant surges such as the one that occurred in Del Rio in September.

Question#:	15
Topic:	Cartels Dictating
Hearing:	Threats to the Homeland: Evaluating the Landscape 20 Years After 9/11
Primary:	The Honorable Rick Scott
Committee:	HOMELAND SECURITY (SENATE)

Question: There are reports that DHS has shut down five Border Patrol checkpoints in Del Rio and all six of the Laredo Sector checkpoints. By dismantling this second tier of defense against the smuggling of criminal aliens and drugs how are the cartels NOT dictating DHS's law enforcement operations by simply flooding our border with illegal immigrants?

Response: Laredo Sector checkpoints were shut down for 12 hours to facilitate processing and transport of undocumented migrants from Del Rio, Texas. Checkpoints in Del Rio were shut down for approximately seven days to focus local resource efforts on the mass migration event. All checkpoints resumed normal operating hours following those temporary closures.

Question#:	16
Topic:	Migrant Children
Hearing:	Threats to the Homeland: Evaluating the Landscape 20 Years After 9/11
Primary:	The Honorable Rick Scott
Committee:	HOMELAND SECURITY (SENATE)

Question: How many migrant children that have been apprehended at the U.S. Southern border have been trafficked by the cartel?

Response: CBP complies with the requirements of the Trafficking Victims Protection Reauthorization Act of 2008 and prioritizes the health, safety, and welfare of all children in CBP custody. All unaccompanied children are processed as expeditiously as possible and, in general, are transferred to the custody of the HHS ORR for care and appropriate placement. In September 2019, CBP implemented a revised screening form (CBP Form 93) to screen unaccompanied children for, among other things, trafficking concerns. USBP identified approximately 1,600 unaccompanied children apprehended on the SWB in FY 2021 as being a victim of a severe form of trafficking by use of the CBP Form 93.

If CBP suspects or confirms that an unaccompanied child is a victim or likely victim of trafficking, CBP refers the case to ICE HSI.

Question#:	17
Topic:	Money Made
Hearing:	Threats to the Homeland: Evaluating the Landscape 20 Years After 9/11
Primary:	The Honorable Rick Scott
Committee:	HOMELAND SECURITY (SENATE)

Question: How much money has the cartel made from our border crisis in human trafficking and human smuggling since January of this year?

Response: DHS cannot provide an accurate estimate on profits generated by cartels from human smuggling and human trafficking activities. Drug trafficking organizations (DTOs) generate revenue from fees charged to human smuggling organizations to access territories or smuggling routes under their purview. The smuggling fees collected by TCOs involved in human smuggling can vary from \$500 to \$100,000 per individual depending on the country of origin, mode of transportation, manner of entry, and whether genuine/counterfeit identity documents are required. TCOs may then pay a portion of those fees to DTOs to allow them to operate in or through certain geographic areas. According to a study conducted by Rand Corporation in 2017, DTOs generate approximately \$30 million to \$180 million from human smuggling fees. Additionally, human trafficking does not always involve crossing an international border so it is difficult to estimate revenue generated by DTOs from the illicit activity.

Post-Hearing Questions for the Record
Submitted to the Honorable Alejandro Mayorkas
From Senator Rob Portman

“Threats to the Homeland: Evaluating the Landscape 20 Years After 9/11”
September 21, 2021

Question: We still do not have a straight answer from the Administration for the total number of evacuees from Afghanistan and their immigration status. At the September 20th Committee briefing, Bob Fenton, who leads the resettlement effort, was unable to provide numbers for each status of Afghan evacuees. He then admitted that we paroled tens of thousands of Afghans into the United States but are only figuring out their status afterwards, including how many parolees are family members of visa holders versus other Afghans who made it onto the planes. Despite repeated attempts asking for data weeks after the evacuation, the administration either does not know or has not shared this information with Congress.

How many total people were evacuated from Afghanistan by the U.S. since August 14, 2021?

Of that total, at the time of their evacuation, how many were:

U.S. citizens?

U.S. legal permanent residents (LPRs)?

Afghan nationals?

Special Immigrant Visa holders (SIVs)?

In the process of applying for SIVs?

Employees of a U.S. Government agency?

Employees of a U.S. funded partner organization?

How many of these evacuees do not fall under any of the above categories, and what is the total number for each of the categories and citizenships by which you are classifying them?

Response: DHS would refer to you its report, “Department of Homeland Security Operation Allies Welcome Afghan Evacuee Report,” submitted to Congress on January 28, 2022. An update was submitted on April 21, 2022.

Question#:	2
Topic:	Coordinating Efforts
Hearing:	Threats to the Homeland: Evaluating the Landscape 20 Years After 9/11
Primary:	The Honorable Rob Portman
Committee:	HOMELAND SECURITY (SENATE)

Question: What is your process for coordinating with nongovernmental efforts to continue evacuating and resettling individuals beyond August 31?

Response: Resettlement of individuals arriving to the United States is a shared interagency responsibility and public-private partnership. Generally, refugees who are resettled in the United States receive initial reception and placement support through a nationwide network of non-governmental resettlement agencies with DOS support. The U.S. Department of Health and Human Services (HHS) Office of Refugee Resettlement (ORR) administers several programs to support refugee resettlement and integration beyond this initial reception, with federal funding made available to non-governmental organizations and through state and local government.

Afghans arriving in the United States as parolees, through the end of Fiscal Year (FY) 2022, can access these same DOS and HHS-supported benefits along with case management and support from resettlement agencies. DHS, designated as the federal lead agency for the domestic resettlement of Afghans, coordinates with a broad range of nongovernmental actors through an interagency Unified Coordination Group (UCG) that maximizes existing agency programs and partnerships, like those DOS has with resettlement agencies. Given the scale and pace of Afghan arrivals during and following the evacuation, DHS and the UCG cultivated new partnerships and collaborative efforts to augment the roles and capacities of traditional resettlement networks. These efforts – such as those supporting domestic safe havens, leveraging housing and employment partnerships, and launching new mechanisms like sponsor circles--have involved multiple agency partners and been critical to enable the scale of resettlement to progress following years when refugee programs had been dismantled due to so few refugees being admitted. The outpouring of nongovernmental support for Afghan allies has been critical to supplement traditional resettlement efforts at this important time, and has enabled federal partners to continue pressing on further efforts to facilitate travel for individuals bound for the United States.

Question#:	3
Topic:	Child Brides
Hearing:	Threats to the Homeland: Evaluating the Landscape 20 Years After 9/11
Primary:	The Honorable Rob Portman
Committee:	HOMELAND SECURITY (SENATE)

Question: There are reports that U.S. officials have identified "numerous instances" of Afghan girls-"child brides"-having been presented as the wives of much older men . How many such instances have been reported, and how is this being addressed?

Response: No specific instances of this practice have been encountered by CBP during the inspection process.

Question#:	4
Topic:	Processing Evacuees
Hearing:	Threats to the Homeland: Evaluating the Landscape 20 Years After 9/11
Primary:	The Honorable Rob Portman
Committee:	HOMELAND SECURITY (SENATE)

Question: During a September 8, 2021 visit to the Dulles International Airport and Dulles Expo Center, HSGAC staff were told that there were no interviews of the Afghan evacuees at the airport or expo center that were designed to detect protection concerns including child brides, human trafficking, and other abuses.

What process, if any, has been set up at the military bases holding Afghan evacuees to interview and screen the evacuees for these protection concerns?

Response: The U.S. Government stopped operations at the last domestic safe haven—a commercial facility—in September 2022 because new arrivals are now traveling directly to their new communities with a durable immigration status and a safe haven is no longer required.

While at the safe havens, all guests were interviewed by multiple components throughout the lifecycle of the resettlement process, which include U.S. Citizenship and Immigration Services (USCIS), ORR, International Rescue Committee (IRC), and the International Organization for Migration.

The IRC, the primary non-governmental organization located at safe havens, provided outreach to evacuees and staff to identify and report such incidents. Finally, DHS facilitated classes on U.S. laws and reporting processes with the U.S. Department of Defense (DoD) to facilitate the reporting of abuse and other criminal acts to the appropriate law enforcement officials.

As of September 22, 2021, a process had not been established to interview and screen for these protection concerns. Protection concerns are dealt with as disclosures arise during intake, and departure counseling. As a result of these cases that arise, the IRC has delivered training to its staff on how to identify protection risks and how to make safe and appropriate referrals to IRC Protection Advisors. The Protection Advisors will then either provide support in the moment, where possible and appropriate, or refer the case according to the on base referral pathway. Further, we encourage psychoeducation and delivery of protection resources to promote safe self-reporting.

Additionally, the UCG stood up a Gender and Vulnerable Populations Protection Advisory Group (GVPP) to evaluate and address protection issues across the safe havens and advise the UCG on the best means to ensure effective and consistent protections for vulnerable populations. The Advisory Group is co-chaired by representatives from DHS and HHS with members from across the interagency including DOS, the U.S. Agency for International Development, and DoD.

Question#:	4
Topic:	Processing Evacuees
Hearing:	Threats to the Homeland: Evaluating the Landscape 20 Years After 9/11
Primary:	The Honorable Rob Portman
Committee:	HOMELAND SECURITY (SENATE)

We are further working toward establishing a national Protection Standard Operating Procedure as well as local protection working groups that can promote coordinated social services and foster greater communication between guests and safe haven personnel regarding protection issues. These protection working groups will focus on protections involving the following issues:

- gender-based violence;
- abuse and neglect of children and vulnerable adults;
- human trafficking;
- assistance for persons with disabilities, older persons, and others at risk; and
- behavioral health crises.

In addition, the GVPP reviewed local SOPs on protection issues developed by a number of the individual safe havens to ensure consistency. As of November 22, 2021, IRC deployed Protection Advisors at every safe haven to perform duties such as: 1) map surrounding social service providers and community organizations with experience in responding to intimate partner violence, abuse of children, human trafficking of children and adults, abuse of vulnerable adults, safety and accessibility, and mental health needs, to identify options for service provision on base; 2) support service providers to tailor and adapt their approaches for delivery at safe havens, which includes thinking through how to make services safely accessible and culturally appropriate for women, adolescent girls, children and LGBTQI+ individuals; and 3) facilitate the establishment of functional response and referral protocols, ensuring all key base personnel and volunteers understand their role within the system, and how to make safe, appropriate referrals when Afghan guests disclose violence and need support.

Question: Has this process been used for every evacuee? If not, how many evacuees have been released into the U.S. without interviewing and screening for protection concerns?

Response: These processes, in varying forms, were utilized at each safe haven throughout the entirety of the process in an effort to reach all guests.

Question: How many Afghan evacuees have been rescued from being trafficked, a child bride, or otherwise abused since being paroled into the U.S.?

Response: There have been two instances where Afghan evacuees have been identified as being in one of these particularly vulnerable situations and provided assistance.

Question#:	5
Topic:	Walked-out
Hearing:	Threats to the Homeland: Evaluating the Landscape 20 Years After 9/11
Primary:	The Honorable Rob Portman
Committee:	HOMELAND SECURITY (SENATE)

Question: How many parolees to-date have walked-out of the processing facilities at Dulles and Philadelphia, or walked-off one of the military bases?

Response: After receiving parole, Afghan evacuees could voluntarily and lawfully depart ports of entry or safe havens without receiving the resettlement assistance services available to them. Each independent departure case would have cleared the U.S. Government's established multi-layered process to screen, vet, and inspect evacuees, as well as received advise on their conditions of parole. As of September 21, 2021, 350 parolees had departed from either the Dulles or Philadelphia processing facility without going to a military base for further processing, and 545 parolees had independently departed a military base. Many of these departures were family members of American citizens or Lawful Permanent Residents.

Question: How is the Department tracking these individuals?

Response: In order to track individuals who independently departed from safe havens, the Department stood up a task force led by ICE ERO. Their mission is to verify or encourage compliance with the conditions of their parole through phone calls, home visits, and office visits.

Question#:	6
Topic:	Assets Diverted
Hearing:	Threats to the Homeland: Evaluating the Landscape 20 Years After 9/11
Primary:	The Honorable Rob Portman
Committee:	HOMELAND SECURITY (SENATE)

Question: How many people and what assets have been diverted from the southern border in order to process the screening of Afghan evacuees? How will this impact the ongoing southern border crisis?

Response: CBP deployed approximately 200 personnel to assist with operations at the overseas lily pad locations and at both Dulles and Philadelphia International Airports.

Due to the impacts on travel patterns from the coronavirus, CBP Office of Field Operations (OFO) drew from ports with lower workloads, mitigating the impact to trade and travel operations. No CBPOs were drawn from the southern border. The U.S. Border Patrol (USBP) deployed 15 Border Patrol Agents from the southern border in support of OAW.

The deployment of USBP personnel from the southern border will have limited to no impact on operations along the southern border.

Question#:	7
Topic:	Deviation from SOPs
Hearing:	Threats to the Homeland: Evaluating the Landscape 20 Years After 9/11
Primary:	The Honorable Rob Portman
Committee:	HOMELAND SECURITY (SENATE)

Question: For each of your agencies, has there been any deviation from the standard screening and vetting process for those evacuated by the U.S. from Afghanistan at any point since August 14, 2021?

Please list any Afghanistan governmental information, databases, or expertise that each of your agencies have used for screening and vetting prior to the fall of the Afghan government that are no longer available due to the takeover of the Taliban?

Response: The U.S. government worked around the clock to conduct the screening and vetting of vulnerable Afghans prior to their arrival in the United States pursuant to OAW, consistent with the dual goals of protecting national security and providing protection for vulnerable Afghans.

The screening and vetting process involves biometric and biographic screenings conducted by intelligence, law enforcement, and counterterrorism professionals from the DHS and DoD, as well as the U.S. Department of Justice's (DOJ) Federal Bureau of Investigation (FBI), National Counterterrorism Center (NCTC), and additional Intelligence Community (IC) partners.

Question#:	8
Topic:	Vetting of Afghans
Hearing:	Threats to the Homeland: Evaluating the Landscape 20 Years After 9/11
Primary:	The Honorable Rob Portman
Committee:	HOMELAND SECURITY (SENATE)

Question: Under normal circumstances, Afghan nationals who wish to travel to the U.S. are required to go through at least 10 separate screening and vetting steps at the U.S. embassy with U.S. officials including social media checks and in-person interviews informed by biographic screening. Since many, if not all, of these steps were not taken for Afghan evacuees who are only eligible for humanitarian parole, what specific steps have you taken or plan to take to compensate for this lack of thorough and complete screening and vetting of evacuees paroled into the U.S.?

Response: The U.S. government worked around the clock to conduct the screening and vetting of vulnerable Afghans prior to their arrival in the United States pursuant to OAW, consistent with the dual goals of protecting national security and providing protection for vulnerable Afghans.

The screening and vetting process involves biometric and biographic screenings conducted by intelligence, law enforcement, and counterterrorism professionals from DHS and DoD, as well as the FBI, NCTC, and additional IC partners.

To ensure all persons entering the United States do not pose a national security risk, CBP ensures all travelers undergo a rigorous screening process which includes vetting biometric and biographic information through several databases in coordination with other government agencies.

Additionally, all individuals at ports of entry undergo a complete inspection to determine admissibility prior to their entry into the U.S.

Question#:	9
Topic:	Flown to U.S.
Hearing:	Threats to the Homeland: Evaluating the Landscape 20 Years After 9/11
Primary:	The Honorable Rob Portman
Committee:	HOMELAND SECURITY (SENATE)

Question: We know from your testimony that the lily pad locations overseas are a key transit point for conducting screening of Afghan evacuees. However, in the early days of the evacuation before the lily pad locations were set up overseas that some evacuees were flown to the United States without transiting these lily pad locations. What screening and vetting was done for this population since we did not yet have the lily pad locations established?

How many of such evacuees came to the U.S.?

When did they arrive?

Was their flight(s) commercial or privately chartered and by whom?

What is their immigration status?

Where are they currently located?

Response: During the evacuation, all Afghans who departed Afghanistan during the evacuation underwent screening and vetting at overseas locations before entering the United States. The screening and vetting process involves biometric and biographic screenings conducted by intelligence, law enforcement, and counterterrorism professionals from DHS and DoD, as well as the FBI, NCTC, and additional IC partners. To ensure all persons entering the United States do not pose a national security risk, CBP ensures all travelers undergo a rigorous screening process which includes vetting biometrics and biographic through several databases in coordination with other government agencies. Additionally, all passengers at ports of entry undergo a complete inspection to determine admissibility prior to their entry into the U.S.

Prior to the evacuation, beginning July 29, 2021, the Department of State relocated 1,982 Afghans directly to the United States on charter flights under Operation Allies Refuge. These Afghans were either (1) Special Immigrant Visa (SIV) holders or (2) SIV applicants who completed the final steps of the SIV application process at Fort Lee in Virginia. All travelers on these charter flights were cleared through the SIV program's screening and vetting process prior to departure from Afghanistan. Upon arriving at the port of entry, they underwent a complete inspection to determine admissibility prior to their entry into the U.S. We defer to the Department of State for further questions on Operation Allies Refuge.

Question#:	10
Topic:	In-Person Interviews
Hearing:	Threats to the Homeland: Evaluating the Landscape 20 Years After 9/11
Primary:	The Honorable Rob Portman
Committee:	HOMELAND SECURITY (SENATE)

Question: Other than standard questioning at the ports of entry by the Customs and Border Protection agents that all travelers to the U.S. undergo, how many Afghan evacuees who otherwise pass the security screens will have an in-person interview with a trained U.S. government official similar to the in-person interview conducted by US Citizenship and Immigration Services regarding potential refugees?

How many Fraud Detection and National Security Directorate officers are being used to vet Afghan evacuees?

Response: Some evacuees were returning U.S. citizens or lawful permanent residents, refugees, or holders of immigrant visas whose visa was issued only after being interviewed overseas by a Department of State consular officer. As of September 2021, approximately 15 percent of the evacuees who have arrived in the United States are in one of these categories. For these evacuees, there is no immigration processing need for another in-person interview with USCIS unless or until filing an application for naturalization for those who are not U.S. citizens.

For the remaining evacuees, many appear to be eligible for SIVs because they were employed by or on behalf of the U.S. government in Afghanistan, often taking significant risks to support our military and civilian personnel in Afghanistan, or our coalition forces, or are a family member of someone who did. Some are SIV applicants who were already in the SIV pipeline prior to arrival. After having their Special Immigrant status recognized through the approval of a special immigrant petition by USCIS, they may seek adjustment of status in the United States to lawful permanent resident status. Once the adjustment applications are filed by the SIV-eligible Afghan evacuees, required security and background checks are completed and the applications are forwarded to the appropriate USCIS field office for adjudication. Evacuees who are eligible for immigrant petitions based on family relationship or employment would have their adjustment of status applications adjudicated in a similar manner. Similar to other adjustment of status applicants, Afghan evacuees who are applying for adjustment of status may be interviewed by a USCIS officer as part of the adjustment of status adjudication process.

Afghan evacuees who were paroled into the U.S. and who are not eligible to file for adjustment of status will likely need to file for asylum in the United States in order to seek permanent status. Once they submit their asylum applications, they will require an in-person interview by a USCIS officer to complete their application. Additional security and background checks are initiated upon receipt of the asylum application and are completed before the granting of asylum, if eligible.

Question#:	10
Topic:	In-Person Interviews
Hearing:	Threats to the Homeland: Evaluating the Landscape 20 Years After 9/11
Primary:	The Honorable Rob Portman
Committee:	HOMELAND SECURITY (SENATE)

USCIS deployed personnel, including Fraud Detection and National Security Directorate (FDNS) personnel, to all OAW safe havens in support of a memorandum of agreement with ICE to conduct the additional capture of data from certain Afghan evacuees. That staff deployment included 19 FDNS personnel. Additional FDNS personnel participated in the initial USCIS operation on bases, which included the capture of biometrics and the processing of applications for employment authorization. More specifically, FDNS personnel operating remotely were involved in the review and clearance of any information that arose during the screening and vetting conducted during the work authorization applications filed by the Afghan evacuees.

Question#:	11
Topic:	Afghan Criminal Records
Hearing:	Threats to the Homeland: Evaluating the Landscape 20 Years After 9/11
Primary:	The Honorable Rob Portman
Committee:	HOMELAND SECURITY (SENATE)

Question: It is reported that an Afghan evacuee who, in 2010, was convicted of felony rape in Idaho but deported to Afghanistan in 2017 was allowed on a flight to Dulles International Airport on August 27, 2021 where he was then arrested.

How many evacuees with criminal records made it to the U.S.?

For each incident, please provide an explanation for why your agency failed to detect such criminal records given your assurances of thorough screening and vetting for all evacuees.

Response: Afghan evacuees are subject to a rigorous and multi-layered screening and vetting process that begins overseas before individuals are permitted to board a plane to the United States and then continues upon entry to the United States. This includes national security and criminal records checks by intelligence, law enforcement, and counterterrorism professionals from the DoD, DHS, FBI, NCTC, and other IC partners. This criminal information is not in an automated system to pull the requested data. CBP would need to manually review all the records and it would take several months to fulfill this request.

Question#:	12
Topic:	Coordinating with Agencies
Hearing:	Threats to the Homeland: Evaluating the Landscape 20 Years After 9/11
Primary:	The Honorable Rob Portman
Committee:	HOMELAND SECURITY (SENATE)

Question: Are your organizations coordinating with Department of Defense, Department of State, or U.S. Agency for International Development personnel to confirm information regarding evacuees to determine whether they are a known threat or have falsified information to DHS regarding prior work or alliance with U.S. agencies in Afghanistan?

Response: CBP has been coordinating screening and vetting with all agencies involved with OAW, such as DOS, DoD, FBI, NCTC, and other intelligence community partners.

Question#:	13
Topic:	No Record
Hearing:	Threats to the Homeland: Evaluating the Landscape 20 Years After 9/11
Primary:	The Honorable Rob Portman
Committee:	HOMELAND SECURITY (SENATE)

Question: How many evacuees did not have a record in any database used by your agency at the time of their screening?

Response: Afghan evacuees are subject to a rigorous and multi-layered screening and vetting process that begins overseas before individuals are permitted to board a plane to the United States and then continues upon entry to the United States. This includes national security and criminal records checks by intelligence, law enforcement, and counterterrorism professionals from the DoD, DHS, FBI, NCTC, and other IC partners.

The databases used for security screening and vetting include information that is not derogatory in nature and can be a range of identifying, amplifying, or otherwise supportive information, which helps assess risk. Upon arrival at a U.S. port of entry CBPOs inspect and record the arrival and processing for each evacuee.

Question#:	14
Topic:	Databases
Hearing:	Threats to the Homeland: Evaluating the Landscape 20 Years After 9/11
Primary:	The Honorable Rob Portman
Committee:	HOMELAND SECURITY (SENATE)

Question: Does the screening carried out by your agency include databases of known partners and allies who have worked for the U.S. government or a partnering organization funded by the U.S. government?

Response: Afghan evacuees are subject to a rigorous and multi-layered screening and vetting process that begins overseas before individuals are permitted to board a plane to the United States and then continues upon entry to the United States. This includes national security and criminal records checks by intelligence, law enforcement, and counterterrorism professionals from the DoD, DHS, FBI, NCTC, and other IC partners.

Question#:	15
Topic:	UAC's at the Border
Hearing:	Threats to the Homeland: Evaluating the Landscape 20 Years After 9/11
Primary:	The Honorable Rob Portman
Committee:	HOMELAND SECURITY (SENATE)

Question: Last month more than 18,000 unaccompanied children arrived at our southern border, more than 600 per day. Since President Biden took office, more than 110,000 unaccompanied children have arrived alone at our border. In fact, the number of unaccompanied children has only continued to climb since March and April of this year. Earlier this month Axios reported that the U.S. government could not contact a third of the unaccompanied migrant children that HHS released to sponsors. I understand that DHS does not decide who is allowed to sponsor unaccompanied children, but our wide-open border is incentivizing the migration of these children and massively increasing the risk of children being trafficked or forced into child labor. It has been eight months and the unaccompanied children crisis has only gotten worse. When will we see a reduction of unaccompanied children at the border?

Response: Migrant encounters, including encounters of unaccompanied children, have been rising since April 2020 due to several factors, including ongoing violence, lifting of COVID-19 travel restrictions, natural disasters, and poor economic conditions in migrants' home countries. To address this issue, USBP operated five soft-sided facilities and continues to work with federal agencies and non-governmental organizations to expedite processing and, in the case of UCs, ensure their quick transfer to the U.S. Department of Health and Human Services (HHS), which is the agency responsible for their care and custody.

Question#:	16
Topic:	Expedited Removal
Hearing:	Threats to the Homeland: Evaluating the Landscape 20 Years After 9/11
Primary:	The Honorable Rob Portman
Committee:	HOMELAND SECURITY (SENATE)

Question: During the week of September 13th, more than 10,000 migrants, many of whom are Haitian nationals according to DHS, arrived in a matter of days to the small town of Del Rio Texas and were gathered in squalid conditions under a highway overpass in triple digit heat. We understand that DHS is taking actions to move these migrants away from the Del Rio area and that a number of them are being flown to Haiti. How many migrants from Del Rio are being placed in expedited removal and given a notice to appear or notice to report to ICE at a future date?

Response: In September 2021, CBP encountered 15,951 Haitian nationals in the Del Rio Sector. As of October 14, 2021, none of these Haitians had been placed in expedited removal, but 6,215 were expelled under Title 42. Additionally, 2,884 were transferred to the custody of ICE-ERO; and 6,371 were released under a Notice to Appear (NTA)/Order of Recognizance, Notice to Report (NTR), or were paroled with enrollment on an Alternative to Detention (ATD) program.

Question#:	17
Topic:	Surge Resources
Hearing:	Threats to the Homeland: Evaluating the Landscape 20 Years After 9/11
Primary:	The Honorable Rob Portman
Committee:	HOMELAND SECURITY (SENATE)

Question: DHS has had to surge resources including hundreds of law enforcement personnel to Del Rio, Texas. This follows DHS having to surge resources to lily pad locations overseas and safe-haven military bases here in the United States. From where are these resources coming and what impact is this having on law enforcement, border security, and trade and travel?

Response: USBP detailed 395 agents to address the surge at the Del Rio International Bridge in September 2021. Agents were detailed from the following Sectors: Laredo, Tucson, Big Bend, San Diego, El Centro, Grand Forks, Blaine, and Houlton.

Over the course of that week CBP surged over 300 CBP Officers from northern border, air, and sea ports of entry to the Del Rio Sector to improve security, increase processing capability, and provide medical assistance. Additionally, OFO supported the DHS Volunteer Force program with 12 non-uniformed volunteers to Del Rio. This resulted in a comprehensive response that encompassed not only federal agencies across all of DHS but also many state/local agencies.

Question#:	18
Topic:	Southwest Border Encounters
Hearing:	Threats to the Homeland: Evaluating the Landscape 20 Years After 9/11
Primary:	The Honorable Rob Portman
Committee:	HOMELAND SECURITY (SENATE)

Question: Customs and Border Protection provides monthly updates for the nationality of migrants encountered at the southwest border of the United States. However, this information is limited to a select few countries. Only 20 countries are provided in this publication with a large catch-all category for "other" nations. In contrast, the annual report on immigration statistics provides information regarding border apprehensions for over 160 countries including special interest and threat countries.

Provide the monthly information for FY2021 year to date as well as an explanation of the reason for excluding this information in the monthly release.

Response: The top 20 countries account for 99.5 percent of all encounters; the remaining 143 countries are not statistically significant. Please see attachment for full list of nationalities.

Question#:	19
Topic:	TSDB Apprehensions
Hearing:	Threats to the Homeland: Evaluating the Landscape 20 Years After 9/11
Primary:	The Honorable Rob Portman
Committee:	HOMELAND SECURITY (SENATE)

Question: Provide the number of individuals, by fiscal year, with Terrorist Screening Database Alerts that Border Patrol has apprehended this fiscal year and the three previous fiscal years. For each case, provide the method of encounter/apprehension and the immigration status at the time of the encounter.

Response: The Terrorist Screening Dataset (TSDS) – also known as the “watchlist” – is the U.S. government’s database that contains sensitive information on terrorist identities. The “watchlist” originated as the consolidated terrorist watchlist to house information on known or suspected terrorists (KSTs) but also includes additional individuals with a potential nexus to terrorism who may be deemed inadmissible to the United States, such as known affiliates of KSTs. Encounters of watchlisted individuals at our borders are very uncommon, underscoring the critical work CBP Agents and Officers carry out every day on the frontlines. DHS works tirelessly to secure our borders through a combination of highly trained personnel, ground and aerial monitoring systems, and robust intelligence and information sharing networks.

TSDS watchlisted non-citizens encountered by the CBP Office of Field Operations at land ports of entry prior to entry into the United States may be denied admission to our country upon presentation, barring justification for their arrest under CBP policy. TSDS watchlisted individuals encountered by the U.S. Border Patrol (USBP) after entering the country without inspection may be detained and removed, to the extent possible under CBP policy, or turned over to another government agency for subsequent detention or law enforcement action, as appropriate. Given the significant passage of time since the hearing and the receipt of this question, CBP offers the following link to the CBP Website that provides a summary of USBP encounters of non-U.S. citizens with records within the TSDS at the time of their encounter between U.S. ports of entry. This link also provides similar data for encounters at ports of entry by northern and southern borders

<https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics>.

These statistics are updated monthly.

Question#:	20
Topic:	Title 42 Expulsion
Hearing:	Threats to the Homeland: Evaluating the Landscape 20 Years After 9/11
Primary:	The Honorable Rob Portman
Committee:	HOMELAND SECURITY (SENATE)

Question: The Border Patrol has now had over one million apprehensions of unlawful migrants at our southern border in the seven months since President Biden was inaugurated.

Please provide the following information for February 1, 2021 to September 30, 2021.

Number of Border Patrol apprehensions resulting in a Title 42 expulsion

Number of individuals granted exemptions to a Title 42 expulsion.

Response: USBP had 1,374,548 encounters on the Southwest Border from February 2021 through September 2021, of which 792,817 resulted in an expulsion under the Title 42 public health order and 581,731 resulted in processing under Title 8. For future reference, these numbers are published on the CBP website each month.

Question#:	21
Topic:	UAC's Apprehended
Hearing:	Threats to the Homeland: Evaluating the Landscape 20 Years After 9/11
Primary:	The Honorable Rob Portman
Committee:	HOMELAND SECURITY (SENATE)

Question: The Border Patrol has now had over one million apprehensions of unlawful migrants at our southern border in the seven months since President Biden was inaugurated.

Please provide the following information for February 1, 2021 to September 30, 2021.

Number of Border Patrol apprehensions of unaccompanied children,

Response: Between February 1 and September 30, 2021, USBP apprehended 125,123 unaccompanied children between ports of entry.

	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21
USBP Southwest Border Unaccompanied Children Apprehensions	9,259	18,715	16,899	13,878	15,022	18,681	18,490	14,179

Question#:	22
Topic:	Family Members Apprehended
Hearing:	Threats to the Homeland: Evaluating the Landscape 20 Years After 9/11
Primary:	The Honorable Rob Portman
Committee:	HOMELAND SECURITY (SENATE)

Question: The Border Patrol has now had over one million apprehensions of unlawful migrants at our southern border in the seven months since President Biden was inaugurated.

Please provide the following information for February 1, 2021 to September 30, 2021.

Number of Border Patrol apprehensions of family members processed, given a notice-to-appear, and released on their own recognizance.

Number of Border Patrol apprehensions of family members processed, given a notice-to-report, and released on their own recognizance.

Number of Border Patrol apprehensions of family members expelled under Title 42.

Response: Please see attached Outcomes Report.

Question#:	23
Topic:	NTA's and NTR's Issued
Hearing:	Threats to the Homeland: Evaluating the Landscape 20 Years After 9/11
Primary:	The Honorable Rob Portman
Committee:	HOMELAND SECURITY (SENATE)

Question: The Border Patrol has now had over one million apprehensions of unlawful migrants at our southern border in the seven months since President Biden was inaugurated.

Please provide the following information for February 1, 2021 to September 30, 2021.

Total number of migrants given either a notice-to-appear or notice-to-report who have checked in with the Department of Homeland Security within the specified time frame.

Total number of migrants given either a notice-to-appear or notice-to-report who have not checked in or contacted the Department of Homeland Security within the specified time frame.

Response: USBP has various pathways to process noncitizens unlawfully present in the U.S. In certain instances, USBP released individuals from custody with an NTR and instructed them to report to the ICE field office nearest to their destination within 60 days. This NTR processing pathway was phased out by USBP in favor of processing family units for parole under section 212(d)(5) of the Immigration and Nationality Act, on a case-by-case basis, and turning them over to ERO to have the head of household placed on ATD. These migrants are instructed to report to the ICE field office nearest to their destination within 15 or 60 days.

Migrants released by USBP with NTAs issued are not required to check in with ICE ERO since the NTA is a charging document that requires the noncitizen to appear before an immigration judge. at certain intervals as defined by the reporting conditions outlined on their Order of Release on Recognizance, Form I-220A. On the other hand, check-ins are a part of compliance with conditions on release imposed on individuals that were processed under an NTR or enrolled in the ATD program.

From March 21 through September 30, 2021, the total population of noncitizens released by CBP through Prosecutorial Discretion (PD) – with an NTR or Parole+ATD processing - was 126,968. Please see a detailed breakout in the below table.

Total PD Releases Population	126,968
PD Releases with ICE check-in	69,098 (54.42 percent of total population)
<i>Within timeframe</i>	52,438
<i>Check-in was late</i>	16,660
PD Releases with no ICE check-in	57,870 (45.58 percent of total population)
<i>Within timeframe</i>	6,924
<i>Beyond timeframe (late)</i>	50,946

Question#:	23
Topic:	NTA's and NTR's Issued
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*Note due to how PD data is reported, data reflects the check-in status as of 11/07/2021 of noncitizens released under Prosecutorial Discretion between 03/21/2021 and 09/30/2021. ERO notes that the agency began tracking this data on March 21, 2021.

Additionally, from March 21 through September 30, 2021, there were 18,708 NTAs issued by ICE and CBP.

Question#:	24
Topic:	FISA Effectiveness
Hearing:	Threats to the Homeland: Evaluating the Landscape 20 Years After 9/11
Primary:	The Honorable Rob Portman
Committee:	HOMELAND SECURITY (SENATE)

Question: Cyber threat actors constantly target the federal government. Despite this, federal agencies consistently do not meet baseline requirements to secure their networks. Last month, Chairman Peters and I published a report detailing the cybersecurity weaknesses of eight key federal agencies. As we've seen through the SolarWinds attack in particular, this lack of security can have devastating consequences.

Do you think current statutory requirements-particularly the Federal Information Security Modernization Act, or FISMA-produce effective policies for improving federal cybersecurity?

What changes need to be made to FISMA to improve federal cybersecurity?

Response: The Federal Information Security Management Act (FISMA) was a great step forward when it first passed in 2002, as it recognized the importance of information security, and defined roles and responsibilities within the Federal Government. However, the rapid evolution of both technology and vulnerabilities are outstripping a policy-to-implementation process that was last updated in 2014 with the passage of FISMA. Disparities in senior leadership engagement and cyber expertise across the federal civilian executive branch, resource constraints, and a complex policy and governance environment impair risk management efforts. These hurdles are even more challenging with the networks supporting federal agencies being difficult to defend due to design, age, and insufficient investment.

In this operating environment, the legal framework governing management of Federal information security must enable all of government to seek effective, efficient, and coordinated solutions. While FISMA reflects the roles and responsibilities of the last two decades, it has not fully enabled the necessary levels of oversight, accountability, and performance. Clearly, the status quo is not acceptable and DHS welcomes efforts by the Congress to modernize FISMA to address the dynamic and challenging cyber landscape.

DHS looks forward to working with Congress to modernize FISMA.

Question#:	25
Topic:	Fentanyl Surge
Hearing:	Threats to the Homeland: Evaluating the Landscape 20 Years After 9/11
Primary:	The Honorable Rob Portman
Committee:	HOMELAND SECURITY (SENATE)

Question: Fentanyl is killing Ohioans and folks all across America and Mexico has become a primary fentanyl source.

In your view, do we have an effective strategy to address the increased production and trafficking of synthetic opioids - particularly fentanyl - through and from Mexico?

What else should we be doing?

What investments are being made by DHS to address the surge in illicit fentanyl and other drugs?

Do you have the tools that you need?

Response: DHS leads U.S. Government efforts to interdict illicit opioids and their analogues at or before reaching U.S. borders, and is actively engaged with international partners, with a particular focus on the People's Republic of China (PRC) and Mexico. CBP utilizes a layered strategy that incorporates a broad range of tools and capabilities essential to the detection and interdiction of drugs and other contraband smuggled into the United States, including illicit opioids.

CBP developed and implemented the CBP Strategy to Combat Opioids in 2018 to address the Nation's growing opioid epidemic. In 2020, CBP, like the rest of the country, felt the impact of COVID-19. Constraints associated with the COVID-19 pandemic including daily travel restrictions, U.S. border closings, closure of nonessential businesses, and broad shelter-in-place orders temporarily posed new challenges to criminal organizations and their movement of drugs throughout the United States during the first half of 2020. By the summer, opioid seizures returned to pre-COVID levels, but with evidence that transnational criminal organizations were changing their tactics and with indications that Mexico was becoming a primary source of fentanyl and its analogues. Previously, the PRC was the country of origin for the production of illicit fentanyl. In FY 2021, fentanyl-seizure rates increased to historic levels, particularly along the Southwest Border, even with non-essential travel restrictions.

This layered approach includes domestic and international partnerships. DHS and its components engage with foreign partners in Mexico to increase efforts to counter fentanyl production and trafficking. CBP leverages various cutting-edge technologies to aid agents and officers with detection, tracking, identification, and handling of dangerous substances. We leverage biometrics technologies to alert agents and officers to known smugglers. CBP also has

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a robust intelligence network capable of identifying and addressing current and emerging threats and disseminating real-time actionable intelligence.

CBP leverages a multitude of tools, data and partnerships both public and private to counter the flow of synthetic opioids into the United States. While considerable progress has been made in recent years given the almost complete shift from the PRC to a Mexico-based threat, the flow of all narcotics coming through the Southwest Border continues to present challenges. Significant investments in infrastructure, technology, and personnel have garnered and will continue to garner success. CBP's National Targeting Center utilizes a whole of government approach and is heavily focused on increasing partnering and information sharing to advance efforts in this mission space.

The actions required to address ever-changing threats against our Nation are being carried out by our workforce daily. CBP is constantly evaluating emerging technologies, law enforcement practices, and trends to stay ahead of criminal organizations. CBP is an adaptable, resilient workforce that rises to any challenge.

CBP's Strategy to Combat Opioids continues with the end state goals to enhance collaboration and information-sharing to combat illicit opioids, produce actionable intelligence on illicit opioids, target the opioid supply chain, and protect CBP personnel from exposure to opioids. CBP's partnerships with other agencies strengthen our ability to address the threat that fentanyl poses to the American people.

Through partnerships with federal, state, local and tribal law enforcement agencies, CBP has developed a robust collaborative network to target transnational criminal networks (TCNs) that are responsible for the smuggling of methamphetamines and other narcotics along the Southwest Border. Task force officers are embedded within organizations and leverage those available resources to illuminate and target TCNs. Furthermore, confidential human source teams provide actionable intelligence, which is related to the TCNs within joint operational areas.

CBP is making critical infrastructure and technology investments at its international mail processing locations to combat the smuggling of fentanyl and other synthetic narcotics through the international mail environment. CBP is working to procure new and advanced mail sorting technology for deployment to its international mail processing locations, this equipment is expected to be fully integrated with third party Non-Intrusive Inspection (NII) equipment. CBP has recently procured new computed tomography scanners that provide a high-quality three-dimensional image.

Technology investments are a critical component of CBP's comprehensive approach to border security. The agency is modernizing NII scanning operations by moving towards scanning

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vehicles pre- or post-primary inspection. At land ports of entry where this operational concept can be employed, CBP stands to decrease the average NII Imaging processing time by greater than 50 percent (from 8 minutes to 4 minutes or less), which will allow for increased scanning of vehicles, thereby increasing the probability of interdiction of narcotics and other illicit materials. To the extent possible, CBP is looking to increase vehicle scanning to 100 percent at locations where drive-through operations are deemed feasible.

Congress's investment in NII, specifically the FY 2019 Procurement Construction and Improvement appropriations, is projected to greatly increase these scanning rates post full deployment of the technology. In FY 2021, CBP awarded contracts valued at more than \$431 million for 88 Low Energy Portals and 35 Multi-Energy Portals to scan Passenger Occupied Vehicles (POV) and Commercially Occupied Vehicles (COV) respectively. Post full deployment of all the systems, CBP anticipates POV scanning rates will increase from 1 percent to approximately 40 percent scanning on the Southwest Border, and COV scanning rates will increase from 15-17 percent to more than 90 percent on the SWB.

Additionally, CBP has significantly increased the deployment of chemical handheld analyzer capabilities and presumptive testing equipment across all environments. Since 2018, CBP has deployed over 500 devices at and between ports of entry (POEs). We are also assessing standoff detection at range technology to identify anomalies on pedestrians as they cross entry points.

Between the ports, USBP also utilizes Predictive Intelligence and Targeting Teams to analyze travel patterns that are consistent with those associated with narcotic and bulk cash smuggling. During this process, the USBP identifies anomalies and patterns, which are divergent from normative travel behaviors. Once targets have been identified and de-conflicted, USBP will deploy highway interdiction teams and leverage relationships with State and local law enforcement partners to conduct enforcement operations along routes of ingress and egress. Post seizure analysis is performed after any seizure, which provides valuable information on the TCNs that can be used for follow-on investigative work and prosecution.

CBP officers and support personnel work to facilitate legitimate trade and travel while simultaneously preventing the entry of illicit goods and narcotics and inadmissible persons. It is imperative that sufficient personnel be present at all POEs to adequately staff inspection lanes for passenger processing and operate all technologies that inspect for and interdict illegal drugs, including opioids and fentanyl.

Utilizing CBP staffing models, including the Workload Staffing Model for CBP Officers, the Mission and Operational Support Resource Allocation Model for mission support, technicians, and fines, penalties and forfeitures staff and the Agriculture Staffing Model for Agriculture Specialists to drive decisions around resource allocation for additional CBP staff would alleviate

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the need to temporarily assign officers to other ports or regions and would enhance CBP's counter narcotic mission.

CBP would also benefit from continuing the investment in technology at our POEs. Additional investments in technology and additional staff will allow CBP to process the increasing volumes of passenger and cargo we see at our POEs.

Additionally, CBP collects vast amounts of data through various means and platforms. However, CBP lacks the capacity to analyze and exploit this raw data. The process of analyzing and exploiting data can include integrating, evaluating, and interpreting, often leading to additional research development. Integrating data from all these sources of information is time consuming. Identifying a method to integrate data from other systems (Federal/state agency, open source intelligence) would greatly enhance the intelligence cycle process.

Question#:	26
Topic:	TCO Threat
Hearing:	Threats to the Homeland: Evaluating the Landscape 20 Years After 9/11
Primary:	The Honorable Rob Portman
Committee:	HOMELAND SECURITY (SENATE)

Question: The illicit drug business - and other criminal activities of the trafficking organizations - creates a path of destruction killing our citizens and feeding profits into the pockets of the transnational criminal organizations who sow violence, corruption and dislocation in Mexico.

From a DHS perspective, what more do we need to do to address the threat posed by these TCOs?

Response: At all levels, DHS seeks to address the threat transnational criminal organizations (TCOs) pose to the American public through continued engagement with the Government of Mexico (GoM). Currently, ICE Homeland Security Investigations (HSI) anticipates expanding the number of members assigned to the HSI Transnational Criminal Investigative Unit (TCIU). HSI's TCIU program consists of vetted officials from the Mexican Attorney General's Office (Fiscalia General de la Republica [FGR]) that work closely with HSI carrying out joint investigations and enforcement operations against TCOs operating in Mexico. HSI Mexico City is currently identifying additional FGR officials, increasing the TCIU footprint, and therefore leveraging its investigative capabilities through joint operations along the U.S. and Mexican border.

Additionally, the HSI-led Border Enforcement Security Task Force (BEST) has been an important vehicle in carrying out HSI's comprehensive, multi-layered strategy to combat TCOs involved in human smuggling and trafficking, and the smuggling of drugs and currency through long-established networks and smuggling routes.

The success of BEST is contingent on the strength of its task force model and the participation of multiple agencies in the effort to combat TCOs. The participation of state and local task force officers is of primary importance in this respect. The Jaime Zapata BEST Act of 2012 gives DHS the ability to provide financial assistance to state and local law enforcement agencies to participate in BEST task forces.

Question: How is your agency working with its Mexican counterparts to address this issue?

Response: HSI uses its TCIUs to identify and target criminal enterprises that pose a significant threat to public safety and to the national security of the United States. TCIUs are multi-disciplinary units comprised of vetted foreign law enforcement personnel to ensure that shared information and operational activities are not compromised. TCIUs provide operational support to HSI personnel stationed overseas who do not possess local law enforcement authority. HSI relies on TCIUs to conduct operations and investigations in compliance with host country laws, agreements, treaties, and U.S. mission policies.

Question#:	26
Topic:	TCO Threat
Hearing:	Threats to the Homeland: Evaluating the Landscape 20 Years After 9/11
Primary:	The Honorable Rob Portman
Committee:	HOMELAND SECURITY (SENATE)

HSI currently deploys an operational TCIU with the GoM, which is comprised of 32 investigators from the FGR. The TCIU has successfully carried out multiple enforcement operations against TCOs resulting in the significant seizure of fentanyl precursor chemicals, munitions, and arrests and extradition of TCOs members.

Question: How do you assess their commitment to this joint effort?

Response: DHS continues to work closely with the GoM to dismantle TCOs that pose threats to our shared security. DHS and its components, including CBP, HSI, and USCG, cooperate with the GoM at both an operational and strategic level to eliminate the sources of the TCOs' illicit profits, including narcotics trafficking, migrant smuggling, and human trafficking. At the upcoming 2022 High-Level Security Dialogue, the Governments of Mexico and the United States will discuss progress to jointly address this shared threat.

Question#:	27
Topic:	Firearm and Ammunition Smuggling
Hearing:	Threats to the Homeland: Evaluating the Landscape 20 Years After 9/11
Primary:	The Honorable Rob Portman
Committee:	HOMELAND SECURITY (SENATE)

Question: Is DHS increasing its efforts for screening of outbound traffic at the southwest border to improve detection of illegal firearms and ammunition smuggling?

Response: In 2019, Operation Without a Trace was briefed to the U.S. Council on Transnational Organized Crime and is a unified DHS effort to fight the illegal trafficking of firearms and ammunition from the United States into Mexico. HSI, and CBP have partnered with the DOJ's Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) to disrupt and dismantle illegal firearms trafficking networks.

CBP is prioritizing outbound interdiction efforts to combat the trafficking of arms into Mexico from the United States. Since October 2019, OFO has conducted over 18,634 outbound operations along the Southwest Border resulting in seizures of \$31,208,880 in illicit currency; 325 long arms; 954 handguns; 7,667 firearm parts/accessories; and 426,134 rounds of ammunition. CBP's outbound firearms seizures increased by 222 percent between FYs 2019 and 2021.

Further CBP partners with ICE and the ATF, to address and target firearms trafficking across the Southwest Border by sharing information and intelligence to disrupt the organizations engaged in smuggling firearms.

Question#:	28
Topic:	Southbound Movement
Hearing:	Threats to the Homeland: Evaluating the Landscape 20 Years After 9/11
Primary:	The Honorable Rob Portman
Committee:	HOMELAND SECURITY (SENATE)

Question: Given the Mexican Government's increased focus on illicit firearms trafficking, how is DHS working with Mexican law enforcement at the border to improve disruption of firearm trafficking? In your view, is Mexico doing enough to enforce its own border when it comes to southbound movement?

Response: DHS continues to engage with the GoM to advance efforts to combat firearms smuggling from the U.S. into Mexico. CBP officials collaborate with local GoM counterparts to share information related to trafficking of firearms, ammunition, and illicit currency interceptions. Further, CBP and the GoM conduct joint southbound operations to disrupt firearms trafficking.

Question#:	29
Topic:	Nonprofit Security Grant Program
Hearing:	Threats to the Homeland: Evaluating the Landscape 20 Years After 9/11
Primary:	The Honorable Rob Portman
Committee:	HOMELAND SECURITY (SENATE)

Question: I am a strong supporter of the Nonprofit Security Grant Program which helps protect houses of worship and community groups from attacks, but I'm concerned that most of the grant applications are concentrated in a few states and among a few types of communities. How can the Department ensure greater utilization of these grants across all states and communities at risk?

Response: There are two funding sources available under the Nonprofit Security Grant Program (NSGP): NSGP-State (NSGP-S), and NSGP-Urban Area (NSGP-UA). Eligibility under NSGP-UA, by statute, is limited to nonprofit organizations within one of the high-risk urban areas receiving funding under the Urban Area Security Initiative (UASI). Historically, those high-risk urban areas are within 22 states. However, under NSGP-S, nonprofit organizations in all 56 states and territories are eligible to apply, through their State Administrative Agency, for funding consideration.

For FY 2021 NSGP application cycle, the Federal Emergency Management Agency (FEMA) made a concerted effort to reach out to different and diverse nonprofit communities throughout the nation to amplify awareness of the program, both through FEMA-hosted events and through external events hosted by other nonprofit associations and liaisons. As part of that effort, FEMA's Grant Programs Directorate held 18 virtual events between February and May 2021 and reached more than 5,110 individual participants representing an estimated 2,400 organizations. 90 percent of the individuals attending those events provided very positive feedback, confirming that the events were timely, informative, and relevant.

As a result of these efforts, FY 2021 NSGP funding was awarded to at least one nonprofit organization within 30 of the 31 urban areas that applied, and at least one nonprofit organization in 53 states and territories that applied. Funding was awarded to nonprofit organizations with several different types of affiliation, including Jewish, Christian, African American, Islamic, Hindu, Asian and Pacific Islander, Sikh, Buddhist, Latino, and refugee services.

However, FEMA recognizes that more can be done to reach additional communities to ensure that a greater and more diverse number of organizations benefit from this funding. FEMA is working with our Federal and nonfederal partners on expanding and identifying new opportunities for outreach and engagement, to existing and new communities and organizations. FEMA plans to increase its outreach efforts in advance of the FY 2022 application cycle by offering NSGP informational webinars starting in October 2021 that will focus on lessons learned from the FY 2021 NSGP grant cycle, steps nonprofit organizations can take to prepare for the FY 2022 NSGP grant cycle, and guiding nonprofit organizations through the basics of completing a vulnerably self-assessment, which is required as part of the application process.

Question#:	30
Topic:	Countering Terrorist Threats
Hearing:	Threats to the Homeland: Evaluating the Landscape 20 Years After 9/11
Primary:	The Honorable Rob Portman
Committee:	HOMELAND SECURITY (SENATE)

Question: In recent years, the line between international and domestic terrorism has blurred, as many terrorist threats transcend borders. How important is it for the federal government to take a holistic approach in countering the terrorist threat? What are the potential risks of prioritizing response to one, international or domestic, over the other?

Response: DHS addresses all threat sources to the homeland based on their potential to cause mass casualties and the likelihood that the threats could become operational. The Department does this through careful analysis of its intelligence and through its partnerships with other departments, agencies, the Intelligence Community, state, local, territorial, and tribal law enforcement, the private sector, and foreign partners.

Question#:	31
Topic:	Online Platforms
Hearing:	Threats to the Homeland: Evaluating the Landscape 20 Years After 9/11
Primary:	The Honorable Rob Portman
Committee:	HOMELAND SECURITY (SENATE)

Question: Terrorists and violent extremists exploit online platforms in many ways, including to spread propaganda, communicate with fellow members of their organization, and finance violent plots or recruitment efforts, to name a few.

Do you believe that the federal government should have more authorities to combat online exploitation by terrorists and violent extremists? If so, what do you suggest Congress, the private sector, and other stakeholders should do?

How can we strike the balance between preventing the use of the internet for terrorist activities, while protecting Constitutional rights and civil liberties?

Response: The proliferation of violent extremists' communications and violent extremist content on social media and other internet platforms is one of the most critical challenges that the Department faces in successfully mitigating the threats posed by some Domestic Violent Extremists (DVEs). It is equally important that any departmental activities that implicate the free speech or associations of the American people be conducted in a manner that protects their constitutional rights, accords with other legal requirements, and protects individuals' privacy, civil rights, and civil liberties. The Department is committed to better ensuring that its open-source collection capabilities are properly coordinated—including with the Department's Office of the General Counsel, Privacy Office, and Office for Civil Rights and Civil Liberties, as appropriate—to reflect this balance, avoid duplication of effort, and leverage technological advancements in a responsible manner. The Department welcomes further engagement with your office on ideas to support these efforts. We do not seek any specific additional authorities at this time.

Question#:	32
Topic:	Inspiration from the Taliban
Hearing:	Threats to the Homeland: Evaluating the Landscape 20 Years After 9/11
Primary:	The Honorable Rob Portman
Committee:	HOMELAND SECURITY (SENATE)

Question: According to a September 1 CNN article, DHS has uncovered online trends in which domestic violent extremist groups have labeled the Taliban's takeover of Afghanistan as a success.

Understanding the propensity of domestic violent extremists to copy tactics from terrorist and insurgency groups, what are the implications of domestic violent extremist groups specifically drawing inspiration and/or call to action from the Taliban?

Will this require new or different responses?

Response: The Department constantly assesses how events at home and abroad might influence or catalyze domestic violent extremism. In the case of the Taliban's takeover of Afghanistan, we observed some suspected DVEs celebrating the Taliban's perceived success. Within DVE narratives, this highlights an enduring nature of the DVE threat – that success in launching attacks or, in the case of Afghanistan, a perception of victory over the United States—is consistent with some anti-government or racially and ethnically motivated violent extremists to engage in direct conflict with, and triumph against, US Government entities. While we have not observed any DVE plotting that directly cites Afghanistan, anti-government narratives are ones we have consistently seen proliferate over the past several years. DHS is continuing to maintain situational awareness of these events and the impact that it might have on security in the Homeland. DHS has released several National Terrorism Advisory System Bulletins and Joint Intelligence Bulletins communicating the Department's concerns of this and other overseas events possibly inspiring DVEs. DHS will continue to update its messaging and other relevant prevention, protection and counterterrorism responses should any new threat information indicate that the events in Afghanistan are encouraging DVEs into action.

Question#:	33
Topic:	COVID Misinformation Campaigns
Hearing:	Threats to the Homeland: Evaluating the Landscape 20 Years After 9/11
Primary:	The Honorable Rob Portman
Committee:	HOMELAND SECURITY (SENATE)

Question: In August of this year, DHS issued a bulletin highlighting efforts by our adversaries to sow discord in the United States. According to the bulletin, "Russian, Chinese, and Iranian government-linked media outlets have repeatedly amplified conspiracy theories concerning the origins of COVID-19 and effectiveness of vaccines." What is your assessment of whether Nation-state adversaries are still conducting misinformation campaigns related to COVID-19?

Response: Russian, Chinese, and Iranian state and affiliated media routinely attempt to exacerbate the effect of contentious issues and conspiracy theories spreading in the United States related to COVID-19, probably to encourage U.S. socio-political divisions and meet their specific policy goals.

Russia has consistently encouraged the spread of narratives on controversies surrounding mask and vaccine mandates and lockdowns in the United States, as well as misinformation on the origin of COVID and efficacy of U.S. vaccines compared to Russian vaccines.

Since the outbreak of COVID-19, and to present day, Chinese state and affiliated media have consistently pushed conspiracy theories concerning the origin of the virus to deflect responsibility for the pandemic and to block international investigations, claiming, for example, that the virus may have originated at the United States Army Medical Research Institute of Infectious Diseases at Fort Detrick, MD. Chinese state media also has periodically encouraged the spread of media stories concerning the purported correlation between COVID conspiracies and a rise in violence in the Homeland targeting persons of Asian American, Hawaiian, and Pacific Islander descent, probably to highlight U.S. discord, disparage U.S. societal claims of tolerance and diversity, and deflect from U.S. and international criticisms of Beijing's crackdowns on protest activity in the Chinese mainland.

Iranian state and affiliated media have typically and consistently employed misinformation, disinformation, and malinformation in attempts to critique U.S. government competence in comparison to Tehran's, and sow discord in the interest of focusing U.S. efforts within the Homeland, such as by decrying Washington's response to the resurgent COVID-19 delta and omicron variants. Iran, as with China, has also amplified narratives linking COVID to purported U.S. bioweapons labs overseas, although we do not assess that this "bandwagon effect" on Russian, Chinese, and Iranian messaging is necessarily deliberately coordinated and are vigilant for indications of any such planned cooperation.

Question#:	34
Topic:	COVID Related Fraud
Hearing:	Threats to the Homeland: Evaluating the Landscape 20 Years After 9/11
Primary:	The Honorable Rob Portman
Committee:	HOMELAND SECURITY (SENATE)

Question: What steps is DHS taking to address COVID-19 related fraud and criminal activity, particularly the counterfeit vaccination cards and vaccines?

Response: During the start of the COVID-19 pandemic, HSI learned that criminals around the world were actively seeking ways to exploit and profit from the pandemic. These individuals and organizations quickly took advantage of opportunities to defraud the general public. Thus, HSI had to adapt just as quickly.

In early April 2020, HSI launched Operation Stolen Promise to combat these increasing and evolving threats. Operation Stolen Promise combines HSI's expertise in global trade investigations, financial fraud, and cyber investigations, along with our private and public partnerships, with the goals of disrupting and dismantling criminal activity, and strengthening global supply-chain security. Apart from intellectual property rights infringement, HSI understands that COVID-19-related crimes are financial in nature as monetary gain is the primary driver of criminal activity. The majority of the financial fraud schemes and crimes have occurred in the cyber environment.

Operation Stolen Promise is based on four pillars:

- Establish public and private sector cybersecurity partnerships on combatting COVID-19 schemes.
- Develop actionable investigative and intelligence leads.
- Disrupt and dismantle fraud schemes, take down illicit websites and other online marketplaces, and seize counterfeit or illicit pharmaceuticals and medical devices.
- Launch a robust public awareness campaign.

As numerous state and local authorities, along with private businesses, began implementing proof of vaccination policies and practices, the U.S. has seen a notable increase in the importation of counterfeit COVID-19 vaccination cards. In coordination with United States Attorney's Offices throughout the nation, HSI has successfully initiated criminal investigations, conducted controlled deliveries, and carried out numerous enforcement actions.

	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	FY21
AFGHANISTAN		1	1	3	7			3		13	1	7	36
ALBANIA				1		1		2	1	2	1	1	9
ANDORRA													1
ANGOLA	9	11	11	13	8	9	15		12	18	26	69	201
ANGUILLA					1		1						2
ANTIGUA AND BARBUDA	1										1		2
ARGENTINA	4	6	2	8	3	6	6	16	10	20	21	37	139
ARMENIA	2	1	13	45	41	19	45	97	19	58	252	208	800
AUSTRALIA		1		1	2	1			1	2	1	1	10
AZERBAIJAN							3	1	1	10	6	10	30
BAHAMAS							1				1	2	4
BANGLADESH	12	18	31	56	65	87	87	114	157	110	104	130	971
BELARUS	3	2	4	6	7	23	21	20	50	65	98	123	422
BELGIUM							1	1					2
BELIZE	2	3	6	1	10	22	33	23	35	51	52	53	291
BENIN				3	1	1	3	1	1	4	2	2	17
BOLIVIA	2	2	1	1	1	7	6	12	48	23	32	40	175
BOVAIRE							1						1
BRAZIL	163	229	291	308	991	3,995	8,750	7,374	6,566	8,643	9,100	10,471	56,881
BULGARIA	1								1		1		3
BURKINA FASO	2	2		1	4	12	36	10	13	7	4	25	116
BURUNDI				1			1						3
CAMEROON	14	5	3	13	4	18	37	16	26	26	39	59	260
CANADA	2	1	1	3	3	6	6	14	9	15	10	6	76
R/CAPE VERDE												1	1
CENTRAL AFRICAN REPUBLIC									3		1	2	6
CHAD							1			1		5	7
CHILE	78	14	28	246	98	372	129	412	619	644	997	2,832	6,469
CHINA	13	10	15	17	13	24	21	37	90	75	49	86	450
COCOS ISLANDS												1	1
COLOMBIA	26	69	73	69	76	179	260	408	481	751	1,562	2,248	6,202
COSTA RICA	4	8	9	14	10	37	47	67	43	45	59	54	397
CUBA	1,679	1,590	2,067	1,899	3,848	5,700	3,288	2,664	3,072	3,559	4,496	4,812	38,674



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, DC 20530

The Honorable Gary C. Peters
Chairman
Committee on Homeland Security and
Governmental Affairs
United States Senate
Washington, DC 20510

Dear Chairman Peters:

Please find enclosed responses to questions arising from the appearance of FBI Director Christopher Wray before the Committee on September 21, 2021, at a hearing entitled "Threats to the Homeland: Evaluating the Landscape 20 Years After 9/11."

We hope this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter. The Office of Management and Budget has advised us that there is no objection to submission of this letter from the perspective of the Administration's program.

Sincerely,

Digitally
Signed by
SARA ZDEB
SARA
Date:
2023.04.04
09:38:46
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ZDEB

Sara Zdeb
Deputy Assistant Attorney General

Enclosure

cc:

The Honorable Rand Paul
Ranking Member
Committee on Homeland Security and
Governmental Affairs
United States Senate
Washington, DC 20510

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(U) RESPONSES OF
CHRISTOPHER WRAY
DIRECTOR
FEDERAL BUREAU OF INVESTIGATION

TO QUESTIONS FOR THE RECORD
ARISING FROM A SEPTEMBER 21, 2021, HEARING

BEFORE THE
COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

ENTITLED
"THREATS TO THE HOMELAND:
EVALUATING THE LANDSCAPE 20 YEARS AFTER 9/11"

(U) Questions from Chairman Senator Portman

(U) Afghanistan Evacuee Questions

(U) 1. For each of your agencies, has there been any deviation from the standard screening and vetting process for those evacuated by the U.S. from Afghanistan at any point since August 14, 2021?

(U) a. Please list any Afghanistan governmental information, databases, or expertise that each of your agencies have used for screening and vetting prior to the fall of the Afghan government that are no longer available due to the takeover of the Taliban?

(U) Response: On August 23, 2021, the FBI established a National Crisis Coordination Center ("NC3") command post in support of the FBI's international and domestic response to the evolving situation in Afghanistan. The command post was comprised of FBI Divisions, the Department, and U.S. Intelligence Community partners. The established command post has helped ensure consistency in meeting vetting needs.

(U) 2. Under normal circumstances, Afghan nationals who wish to travel to the U.S. are required to go through at least 10 separate screening and vetting steps at the U.S. embassy with U.S. officials including social media checks and in-person interviews informed by biographic screening. Since many, if not all, of these steps were not taken for Afghan evacuees who are only eligible for humanitarian parole,

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what specific steps have you taken or plan to take to compensate for this lack of thorough and complete screening and vetting of evacuees paroled into the U.S.?

(U) Response: The FBI closely works with its partners to assist in the resettlement program for Afghan nationals. The FBI continues to maintain information and intelligence exchanges with State and local partners as the process continues, and the FBI anticipates continuing that work as Afghans continue to be settled into communities. FBI resources supporting the effort have included —

- The Enterprise Vetting Center (EVC) and other FBI Divisions have checked databases;
- The FBI deployed agents overseas to assist in conducting interviews;
- The FBI strategically located agents at certain airports and ports of entry;
- FBI field offices have worked with military bases housing evacuees;
- The FBI has helped with biometrics and interviews, including providing mobile biometric devices for fingerprinting evacuees; and
- The FBI has collected tips from the public through our 1-800 number and electronic tips website.

(U) After biometric and biographic information is collected from the Afghans seeking entry into the United States, the FBI checks that information against its holdings to identify national security and public safety concerns.

(U) Vetting results have then been shared with interagency partners. In instances where derogatory information is identified, and where warranted, the FBI conducts further investigation.

(U) 3. We know from your testimony that the lily pad locations overseas are a key transit point for conducting screening of Afghan evacuees. However, in the early days of the evacuation before the lily pad locations were set up overseas that some evacuees were flown to the United States without transiting these lily pad locations. What screening and vetting was done for this population since we did not yet have the lily pad locations established?

(U) a. How many of such evacuees came to the U.S.?

(U) b. When did they arrive?

(U) c. Was their flight(s) commercial or privately chartered and by whom?

(U) d. What is their immigration status?

(U) e. Where are they currently located?

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(U) Response: The FBI respectfully defers to DHS regarding this response.

(U) 4. Other than standard questioning at the ports of entry by the Customs and Border Protection agents that all travelers to the U.S. undergo, how many Afghan evacuees who otherwise pass the security screens will have an in-person interview with a trained U.S. government official similar to the in-person interview conducted by US Citizenship and Immigration Services regarding potential refugees?

(U) a. How many Fraud Detection and National Security Directorate officers are being used to vet Afghan evacuees?

(U) Response: The FBI respectfully defers to DHS regarding this response.

(U) 5. It is reported that an Afghan evacuee who, in 2010, was convicted of felony rape in Idaho but deported to Afghanistan in 2017 was allowed on a flight to Dulles International Airport on August 27, 2021 where he was then arrested.¹

(U) a. How many evacuees with criminal records made it to the U.S.?

(U) b. For each incident, please provide an explanation for why your agency failed to detect such criminal records given your assurances of thorough screening and vetting for all evacuees.

(U) Response: Pursuant to longstanding Department and FBI policy and practice, and mindful that this is an unclassified response regarding an open hearing, the FBI is not able to provide additional information regarding any specific evacuees at this time.

(U) 6. Are your organizations coordinating with Department of Defense, Department of State, or U.S. Agency for International Development personnel to confirm information regarding evacuees to determine whether they are a known threat or have falsified information to DHS regarding prior work or alliance with U.S. agencies in Afghanistan?

(U) Response: Mindful that this is an unclassified response regarding an open hearing, the FBI respectfully defers to DHS regarding this response.

(U) ¹Sganga, Nicole, *Afghan convicted of rape in U.S. was able to catch evacuation flight from Afghanistan*, CBS News (Sept. 7, 2021) - <https://www.cbsnews.com/news/ghader-heydari-afghan-convicted-rape-evacuated-us/>

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(U) 7. How many evacuees did not have a record in any database used by your agency at the time of their screening?

(U) a. Does the screening carried out by your agency include databases of known partners and allies who have worked for the U.S. government or a partnering organization funded by the U.S. government?

(U//FOUO) Response: [REDACTED]

(U) Firearms Smuggling at the Border

(U) 8. According to the Mexican government, an estimated 200,000 U.S. sourced firearms are trafficked into Mexico each year. Between 70percent and 90percent of firearms found at crime scenes in Mexico are traced back to the United States. On August 4, the Mexican government sued American gun-makers and distributors in the U.S. federal court for damages caused by illicit firearms. How is the FBI addressing the Mexican cartel recruiting effort inside U.S. prisons and gangs for straw purchases of guns and ammunition to support firearms trafficking that arm Mexican TCOs?

(U) Response: Transnational Criminal Organizations engage in a myriad of criminal activity including, but not limited to, drug trafficking, money laundering, homicide, extortion, kidnapping, human smuggling/human trafficking, and public corruption. To combat violent crime, the FBI works with transnational anti-gang task forces, Safe Streets Task Forces, and Department of Homeland Security (“DHS”) Operations Components.

(U) Each year, tens of millions present at ports of entries and some enter the U.S. illegally. The FBI works closely with Customs and Border Protection (“CBP”) and other partners regarding migrants who pose a possible national security concern through our Legal Attachés (“Legats”) and Foreign Threat Tracking Task Force. In particular, Legat Mexico City and FBI border offices routinely collaborate with CBP on tracking migrant travel throughout Mexico. Legat Mexico City has several embedded analysts who focus on persons of national security concern transiting to and throughout Mexico.

(U) The FBI leads and participates in several initiatives, including: the Transnational Organized Crime – Global Section; Joint Task Force Talon; Western Hemisphere Transnational Organized Crime Task Forces and Organized Crime Drug Enforcement Task Force (“OCDEF”) Strike Forces; Joint Interagency Task Force – South; and the OCONUS Confidential Human Source Recruitment Initiative. In addition, the High Intensity Drug Traffic Area Task Force Groups are also a critical component against drug trafficking along the border and within the borders. The FBI also works closely with our DHS partners to investigate border corruption. Finally, the FBI

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leads a National Border Corruption Task Force between the agencies at FBI Headquarters and across many Field Offices.

(U) Secretary Mayorkas

(U) 9. Is DHS increasing its efforts for screening of outbound traffic at the southwest border to improve detection of illegal firearms and ammunition smuggling?

(U) Response: The FBI respectfully defers to DHS regarding its efforts.

(U) 10. Given the Mexican Government's increased focus on illicit firearms trafficking, how is DHS working with Mexican law enforcement at the border to improve disruption of firearm trafficking? In your view, is Mexico doing enough to enforce its own border when it comes to southbound movement?

(U) Response: The FBI respectfully defers to DHS regarding its efforts.

(U) Domestic Terrorism

(U) 11. In recent years, the line between international and domestic terrorism has blurred, as many terrorist threats transcend borders. How important is it for the federal government to take a holistic approach in countering the terrorist threat? What are the potential risks of prioritizing response to one, international or domestic, over the other?

(U) Response: The FBI has recognized a transnational connection within the domestic terrorism ("DT") threat, especially in online spaces. It is important to note that most of these international connections are among racially/ethnically motivated violent extremists ("RMVEs") whose shared grievances against minority populations transcend national borders. The FBI assesses RMVEs communicate with and inspire one another by sharing messaging, branding, and reinforcing their commitment to their cause. While there have been a small number of U.S.-based Domestic Violent Extremists ("DVEs") who have traveled overseas, the FBI has assessed that most linkages between U.S.-based violent extremists and their overseas counterparts are primarily for rhetorical support, not operational guidance or direction.

(U) 12. Terrorists and violent extremists exploit online platforms in many ways, including to spread propaganda, communicate with fellow members of their organization, and finance violent plots or recruitment efforts, to name a few.

(U) a. Do you believe that the federal government should have more authorities to combat online exploitation by terrorists and violent extremists? If so, what

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do you suggest Congress, the private sector, and other stakeholders should do?

(U) b. How can we strike the balance between preventing the use of the internet for terrorist activities, while protecting Constitutional rights and civil liberties?

(U) Response: Successfully finding plots where violent rhetoric or hate speech online has turned to planning, requires social media companies to be vigilant in identifying and warning the FBI of probable threats. The FBI routinely engages with the technology sector to educate them on the threats we face, and many companies proactively identify threats and notify the FBI. The FBI does not, however, engage in investigative activity solely on the basis of protected speech. The FBI may notify social media providers of activity on their platforms that the FBI has become aware of in the course of an FBI investigation; whether the content is taken down generally depends on the provider's enforcement of the platform's terms of use.

(U) The FBI also needs technology companies to comply with lawful court orders to provide electronic evidence related to who the posters (suspected plotters) are and what they are planning. Like international terrorists have long done, domestic violent extremists are taking advantage of end-to-end encrypted communication.

(U) 13. According to the FBI and DHS Strategic Intelligence Assessment and Data on Domestic Terrorism, released this past May, the Federal government uses five threat categories for understanding ideological themes of domestic violent extremism. The categories, based on my understanding, are reflective of the number of open investigations.

(U) a. Can you provide an update on this past year's open investigations and any new threat category trends the FBI is seeing?

(U) Response: Importantly, we direct your attention to the October 2022 publication of the FBI and DHS Strategic Intelligence Assessment and Data on Domestic Terrorism covering data for calendar years 2020 and 2021 available on the FBI's website at <https://www.fbi.gov/file-repository/fbi-dhs-domestic-terrorism-strategic-report-2022.pdf/view>. The FBI currently has approximately 2,700 ongoing DT investigations. Regardless of case totals, the FBI continually challenges, reviews, and evaluates intelligence to ensure we are appropriately identifying and categorizing the national threat picture. This annual threat review process is based on analysis of a threat's impact and mitigation efforts. Therefore, the FBI's threat categories evolve with the threat picture when necessary. The FBI assesses the greatest terrorism threat facing our Homeland is that posed by lone actors or small cells, who typically radicalize online, and look to use easily accessible weapons to attack soft targets. We see this threat within both Homegrown Violent Extremists ("HVEs"), who are inspired primarily by foreign terrorist groups, and Domestic Violent Extremists ("DVEs"). We want to continue to assure Congress and the

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American people that the FBI focuses its efforts on all threats of terrorism and continues to shift resources to remain commensurate with the evolving threat.

(U) b. Do you believe that the threat categories are reflective of the true domestic terrorist threat we face in the United States?

(U) Response: As previously stated, the FBI annually reviews all of our threats to ensure we are aligning our resources appropriately to the highest priority threats facing the Homeland. The threat review process is a joint effort between FBI Headquarters and Field Office intelligence and operational experts.

(U) COVID-19 Pandemic

(U) 14. In August of this year, DHS issued a bulletin highlighting efforts by our adversaries to sow discord in the United States. According to the bulletin, “Russian, Chinese, and Iranian government-linked media outlets have repeatedly amplified conspiracy theories concerning the origins of COVID-19 and effectiveness of vaccines.” What is your assessment of whether Nation-state adversaries are still conducting misinformation campaigns related to COVID-19?

(U) Response: Nation-state adversaries continue to amplify narratives in an attempt to sow division within the United States. We continue to note nation-state amplification of disinformation and misinformation regarding the origins of COVID-19 and the effectiveness of vaccines. The FBI also has seen state and non-state cyber actors exploit the COVID-19 pandemic through malicious activities targeting public and private sector institutions worldwide, as well as the general public. These actors’ goals include obtaining intelligence, stealing intellectual property, and exploiting vulnerable individuals for personal profit. The FBI continues to work with our partners to share threat information and is actively engaged with pharmaceutical companies, universities, and researchers to help them protect their systems from compromise.

(U) 15. The FBI and DHS have led the effort to address the many fraud schemes which seek to exploit the global COVID-19 pandemic, including a high volume of counterfeit COVID-19 vaccination cards and reports of false COVID-19 vaccines. Last year the FBI established a COVID-19 Working Group to combat the increase in criminal activity during this crisis. Can you provide us with an update on their progress?

(U) Response: The FBI has been communicating and collaborating with federal partners on COVID-19 fraud through the FBI’s COVID-19 Fraud Working Group and existing relationships. The FBI’s Health Care Fraud Unit continues to work closely with the Department of Justice’s

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("Department's") Fraud Section in addressing COVID-19 related health care fraud and general health care fraud through the establishment of the FBI Health Care Fraud National Response Team ("HCFNRT"). The HCFNRT is a specialized team comprised of experienced Special Agents, Intelligence Analysts, and other professional staff members from FBI Field Offices throughout the country that is charged with investigating, or assisting in the investigation of, complex criminal health care fraud cases throughout the country. HCFNRT works in coordination with the Department's health care fraud trial attorneys serving on the Department's National Rapid Response Strike Force. This partnership yields a specialized team of investigators and prosecutors capable of travelling anywhere in the country on short notice to assist in the investigation and prosecution of complex health care fraud matters. The FBI and HSI continue to collaborate at the Intellectual Property Rights Center ("IPR Center") on emerging and ongoing COVID-19 related matters. The FBI and HSI maintain regular contact with the IPR Center's private-sector partners to combat online instances of fake vaccine card purchases and sales and work diligently to thwart the importation of fake vaccine cards into the United States. The FBI and HSI also coordinate closely with its partners to identify and disrupt efforts to distribute counterfeit COVID-19 vaccines.

(U) From March 2020 through October 2021, the FBI executed approximately 514 arrests, obtained 213 convictions, received approximately \$142 million in asset seizures, and over \$37 million in restitution related to COVID-19 fraud. As of October 27, 2021, the FBI had 1,845 active COVID-19 Fraud Investigations (Unemployment Insurance ("UI") Fraud, Paycheck Protection Program ("PPP") Fraud, and Economic Injury Disaster ("EIDL") Fraud). With regard to COVID-19 health care related fraud, on April 20, 2022, the Department announced the largest coordinated law enforcement action to combat health care fraud related to COVID-19. The coordinated effort involved the prosecution of 21 defendants in nine federal districts for over \$149 million in COVID-19-related false billings to federal programs and theft from federally-funded pandemic assistance programs. The announcement built on the success of the May 2021 COVID-19 Enforcement Action and involved the prosecution of various COVID-19 health care fraud schemes, including those involving counterfeit COVID-19 vaccination record cards.

(U) The FBI's Criminal Investigative Division, Financial Crimes Section, and the HCFU, in coordination with the Department of Health and Human Services – Office of Inspector General ("HHS-OIG") and the U.S. Department of Justice, Fraud Section, Health Care Fraud Unit ("DOJ HCFU"), have undertaken several steps to address counterfeit COVID-19 vaccination cards. Specifically, FBI HCFU worked with HHS-OIG and DOJ HCFU to prepare and disseminate written guidance to assist the FBI and HHS-OIG field offices in addressing reports of vaccine card fraud, including initiating investigations when appropriate. The guidance included a list of factors that could indicate the presence of fraud in violation of Federal law, as well as a list of factors, the presence of which, may suggest State or local prosecution would be more appropriate. The guidance also included a list of the specific Federal statutes the Department could consider in prosecuting vaccine card fraud, as well as scenarios to demonstrate the potential application of each statute. To assist the public in identifying vaccine card fraud, the FBI worked with HHS-OIG to prepare a public service announcement ("PSA") containing potential indicators of vaccine card fraud, as well as guidance on how to report it. Discussion of the best way to address vaccine card fraud and other COVID-19-related fraud matters continued

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during the monthly COVID-19 Health Care Fraud Working Group calls held among various components within the FBI and with our partners. The FBI also has been involved in the prosecution of numerous cases involving fake vaccination cards, as well as the prosecution of a number of defendants in a case prosecuted by the National Rapid Response Strike Force and the U.S. Attorney's Office for the Northern District of California in connection with the administration of fake homeopathic vaccinations for COVID-19.

Questions from Senator Peters

(U) 16. You testified that since spring 2020, FBI has "more than doubled our domestic terrorism caseload from about 1,000 to around 2,700 investigations."

(U) a. Please provide the number of investigations (both for Homegrown Violent Extremists and Domestic Violent Extremists) that have been opened and closed each year over the last 5 years.

(U//FOUO) Response: [REDACTED]

(U) b. What information has the FBI identified to explain the increase in domestic terrorism, specifically related to domestic violent extremism?

(U//FOUO) Response: [REDACTED]

(U//FOUO) [REDACTED]

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[REDACTED]

(U) c. What changes has the FBI made in its operational and investigative activities in response to the evolving domestic terrorism threat?

(U) Response: As an organization, the FBI continually adapts and heavily relies on the strength of our federal, State, local, Tribal, territorial, private-sector, and international partnerships to combat all terrorist threats to the U.S. and our interests around the world. 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 any violent extremist who desires to harm Americans and U.S. interests. The FBI will continue to share intelligence and encourage the sharing of information among our numerous partners via our Joint Terrorism Task Forces and fusion centers across the country, and our legal attaché offices around the world. The FBI further increased Field Office and Headquarters efforts against the evolving domestic terrorist threat by temporarily surging investigative and intelligence personnel.

(U) d. What have been the outcomes of that increased caseload, in either arrests, prosecutions, or other metrics?

(U) Response: The FBI works diligently to be ahead of the threat by appropriately allocating our investigative resources. This typically means the FBI must surge resources to combat priority threats at any given time. Due to the increased caseload brought by the DT threat, the FBI was able to effectively arrest over 800 DT subjects in FY 2021. The FBI would defer to the Department for data regarding prosecutions. The tremendous effort of our personnel to understand, analyze, and disrupt DVEs demonstrates the FBI's determination to combat all threats facing the Homeland.

(U) e. Has the FBI identified any need for additional areas of expertise, support, or other resources in response to the increased caseload of domestic terrorism since spring 2020?

(U) Response: Yes. In response to the increased threat, the FBI requested additional resources in its FY 2022 Request to Congress. This budget included a request for an additional 179 positions and \$45 million. The resources included in the request would increase the FBI's ability to effectively manage and combat domestic terrorism threats, including investigations, targeting, threat analysis, and source reporting; enable the FBI to effectively address emerging requirements associated with the National Security Threat Program to maintain public safety; facilitate the development of technical tools to address DVE threats to national and public safety; and expand the infrastructure within the U.S. Intelligence Community's cloud architecture to address intelligence gaps and provide a common operating picture of how DVE threats converge.

[REDACTED]

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(U) 17. You testified that the “FBI has surged resources to our domestic terrorism investigations in the last year, increasing personnel by 260 percent,” identified as one factor in the rise in the domestic terrorism threat that, “today terrorism moves at the speed of social media” and stated that as a result, the FBI is “trying to improve our own communications with the social media companies.”

(U) a. How does the role of social media change the nature of the threat from domestic terrorism, and how has FBI adapted its practices accordingly?

(U) Response: Today, terrorism moves at the speed of social media and the FBI has remained vigilant in improving our efforts and communication with social media companies to foster stronger relationships. Social media changes the nature of the threat from DVEs because it allows for broader communication through both social media platforms and messaging applications. However, it is important to remember the FBI does not police the internet for hateful speech or rhetoric, but rather engages when the extremist rhetoric presents a threat of force or violence.

(U) b. How are social media companies (including Facebook, Twitter, YouTube, and TikTok) cooperating with FBI on your efforts to detect and prevent domestic terrorism threats on social media? What actions are FBI agents taking to proactively examine open source information related to law enforcement investigations and how are agents protecting against violation of individuals’ civil liberties as part of any investigations that utilize this information.

(U) Response: The amount of information on the Internet is immense and taxes our limited available resources to analyze the increasing number of online applications and platforms, which are increasingly encrypted and often foreign-based. The volume of data online proliferated by the growth in communications platforms requires increased resources.

(U) As stated above, for the FBI to succeed in finding plots where violent rhetoric or hate speech online has turned to planning, we need social media companies to be identifying and warning the FBI of probable threats. The FBI routinely engages with the technology sector to educate them on the threats we face, and many companies are proactively identifying threats and notifying us. The FBI does not, however, engage in investigative actively solely on the basis of protected speech.

(U) 19. You testified that FBI is “looking at better use of data analytics” to more effectively analyze social media for domestic terrorism threats. Please provide more specifics on how FBI is planning to improve its data analytics, including staffing and resources, regarding social media.

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(U) Response: As the persistent international terrorism (“IT”) and DT threats continue to evolve, added resources would always help the FBI to counter threats. With additional resources, the FBI could invest in better data analytics, more computer scientists, and more agents. These added resources would allow the FBI to increase its data capabilities and enhance the FBI’s response to these threats, without losing focus on other threats—including counterintelligence, cyber, and criminal threats—which have also grown or remained constant.

- (U) 20. You testified regarding the significant increase in ransomware attacks over the past couple years. Of the attacks reported to DHS and/or FBI from January 2018 through September 2021, please provide: 1) the date of the attack; 2) the type of ransomware used in the attack; 3) the type and size of the victim (e.g. hospital, state/local government, etc.); 4) whether the victim implemented NIST’s cybersecurity framework; 5) the type and amount of the cryptocurrency payment (e.g. bitcoin, monero, etc.) if the victim paid the ransom; 6) the name and location of the exchange used to pay the ransom; and 7) whether the victim was involved in other ransomware attacks.

(U) Response: In May 2000, the FBI’s Internet Crime Complaint Center (“IC3”) was established as a center to receive complaints of internet crime. IC3’s mission is to provide the public with a reliable and convenient means to submit information to the FBI concerning suspected internet-facilitated criminal activity, and to develop effective alliances with industry partners. Information is analyzed and disseminated for investigative and intelligence purposes for law enforcement, and for public awareness.

(U) To promote public awareness, the IC3 releases annual reports to aggregate and highlight data provided by the general public. The quality of the data is directly attributed to the information ingested via the public interface, www.ic3.gov. The IC3 attempts to standardize the data by categorizing each complaint based on the information provided. IC3 staff analyze the data to identify trends in Internet-facilitated crimes and what those trends may represent in the coming year.

(U) The IC3 does not release information about specific complaints and/or the resolution of those complaints. From January 1, 2021, to September 30, 2021, the IC3 received 2,770 complaints identified as ransomware with adjusted losses of more than \$30.3 million. Please refer to www.ic3.gov for the 2018, 2019, and 2020 IC3 annual reports, which include aggregated information on ransomware (in total or by State) reported through that portal. For instance, according to the reports:

- (U) • In 2020, the IC3 received 2,474 complaints identified as ransomware with adjusted losses of more than \$29.1 million.
- (U) • In 2019, the IC3 received 2,047 complaints identified as ransomware with adjusted losses of more than \$8.9 million.

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- (U) • In 2018, the IC3 received 1,493 complaints identified as ransomware with adjusted losses of more than \$3.6 million.

(U) Unfortunately, most cyber incidents are not reported to the U.S. Government, either through IC3 or otherwise. This may be driven by any number of concerns, but it presents a major challenge in America's response to the cyber threat. As a consequence, this provides a permissive environment for malicious cyber actors to erode critical economic and national security functions and deprives officials of timely access to evidence that could prove critical to identifying and prosecuting offenders. Law enforcement cannot effectively warn, disrupt, prosecute, or take any other action without fully understanding the threat environment, which requires cooperation from victims. Moreover, it impedes U.S. government efforts to provide the earliest possible warning of new attack vectors and trends to the rest of the community of interest, including critical infrastructure entities, so that they can take appropriate action to defend themselves. The FBI will continue to work with the Department of Homeland Security and the Cybersecurity and Infrastructure Security Agency to ensure that the Cyber Incident Reporting for Critical Infrastructure Act is implemented to provide law enforcement with the timely initial information it needs to inform threat response efforts.

(U) Questions from Senator Hassan

- (U) 21. Director Wray, how does the acceleration of radicalization and mobilization to violence impact the FBI's capacity to disrupt potential terrorist incidents?

(U) Response: Social media has increased the speed, dissemination, efficiency, and accessibility of both international and domestic violent extremist content, while facilitating greater decentralized connectivity among extremist supporters. Violent extremists are increasingly using social media for the distribution of propaganda, recruitment, target selection, and incitement to violence. The FBI works with law enforcement and intelligence partners at home and overseas to combat terrorist activity facilitated by the Internet. Most importantly, the FBI does not monitor activity on social networking sites without proper predication granted through lawful investigative authorities from the *Attorney General Guidelines* and the *Domestic Investigations and Operations Guide*, and the issuance of legal process when lawfully required. In an effort to combat the persistent terrorism threat, the FBI continues to engage with our private and tech sector partners to ensure there is an understanding of the DT threat, and we encourage them to advise us when extremist rhetoric on their services or platforms crosses over from First Amendment protected behavior to violent criminal activity.

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**Post-Hearing Questions for the Record
Submitted to Hon. Christine Abizaid
From Senator Maggie Hassan**

“Threats to the Homeland, Evaluating the Landscape Twenty Years After 9/11”

September 21, 2021

1. I have heard for some time now that there is growing concern in the intelligence community about the speed with which individuals can become radicalized and mobilized to violence. Do you have concerns about the speed of that radicalization and mobilization? And if so, what kind of adjustments does the intelligence community need to make to be effective?

The responses from Director Abizaid are classified and are available to appropriate individuals in the Office of Senate Security as document number OSS-2022-0910, Copy 001.

**Post-Hearing Questions for the Record
Submitted to the Honorable Christine Abizaid
From Senator Rob Portman
“Threats to the Homeland: Evaluating the Landscape 20 Years After 9/11”
September 21, 2021**

Afghanistan Evacuee Questions

1. For each of your agencies, has there been any deviation from the standard screening and vetting process for those evacuated by the U.S. from Afghanistan at any point since August 14, 2021?
 - a. Please list any Afghanistan governmental information, databases, or expertise that each of your agencies have used for screening and vetting prior to the fall of the Afghan government that are no longer available due to the takeover of the Taliban?
2. Under normal circumstances, Afghan nationals who wish to travel to the U.S. are required to go through at least 10 separate screening and vetting steps at the U.S. embassy with U.S. officials including social media checks and in-person interviews informed by biographic screening. Since many, if not all, of these steps were not taken for Afghan evacuees who are only eligible for humanitarian parole, what specific steps have you taken or plan to take to compensate for this lack of thorough and complete screening and vetting of evacuees paroled into the U.S.?
3. We know from your testimony that the lily pad locations overseas are a key transit point for conducting screening of Afghan evacuees. However, in the early days of the evacuation before the lily pad locations were set up overseas that some evacuees were flown to the United States without transiting these lily pad locations. What screening and vetting was done for this population since we did not yet have the lily pad locations established?
 2.
 - a. How many of such evacuees came to the U.S.?
 - b. When did they arrive?
 - c. Was their flight(s) commercial or privately chartered and by whom?
 - d. What is their immigration status?
 - e. Where are they currently located?
 4. Other than standard questioning at the ports of entry by the Customs and Border Protection agents that all travelers to the U.S. undergo, how many Afghan evacuees who otherwise pass the security screens will have an in-person interview with a trained U.S. government official similar to the in-person interview conducted by US Citizenship and

Immigration Services regarding potential refugees?

- a. How many Fraud Detection and National Security Directorate officers are being used to vet Afghan evacuees?
5. It is reported that an Afghan evacuee who, in 2010, was convicted of felony rape in Idaho but deported to Afghanistan in 2017 was allowed on a flight to Dulles International Airport on August 27, 2021 where he was then arrested.¹
- a. How many evacuees with criminal records made it to the U.S.?
 - b. For each incident, please provide an explanation for why your agency failed to detect such criminal records given your assurances of thorough screening and vetting for all evacuees.
6. Are your organizations coordinating with Department of Defense, Department of State, or U.S. Agency for International Development personnel to confirm information regarding evacuees to determine whether they are a known threat or have falsified information to DHS regarding prior work or alliance with U.S. agencies in Afghanistan?
7. How many evacuees did not have a record in any database used by your agency at the time of their screening?
- a. Does the screening carried out by your agency include databases of known partners and allies who have worked for the U.S. government or a partnering organization funded by the U.S. government?

Domestic Terrorism

8. In recent years, the line between international and domestic terrorism has blurred, as many terrorist threats transcend borders. How important is it for the federal government to take a holistic approach in countering the terrorist threat? What are the potential risks of prioritizing response to one, international or domestic, over the other?

The responses from Director Abizaid are classified and are available to appropriate individuals in the Office of Senate Security as document number OSS-2022-0910, Copy 001.

¹ Sganga, Nicole, *Afghan convicted of rape in U.S. was able to catch evacuation flight from Afghanistan*, CBS News (Sept. 7, 2021) - <https://www.cbsnews.com/news/ghader-heydari-afghan-convicted-rape-evacuated-us/>