

DEPARTMENT OF HOMELAND SECURITY
APPROPRIATIONS FOR 2024

HEARINGS
BEFORE A
SUBCOMMITTEE OF THE
COMMITTEE ON APPROPRIATIONS
HOUSE OF REPRESENTATIVES
ONE HUNDRED EIGHTEENTH CONGRESS
FIRST SESSION

SUBCOMMITTEE ON HOMELAND SECURITY

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**DEPARTMENT OF HOMELAND SECURITY
APPROPRIATIONS FOR 2024**

TUESDAY, APRIL 18, 2023.

**FISCAL YEAR 2024 REQUEST FOR THE U.S.
IMMIGRATION AND CUSTOMS ENFORCEMENT AGENCY**

WITNESS

TAE JOHNSON, ACTING DIRECTOR, IMMIGRATION AND CUSTOMS ENFORCEMENT

Mr. JOYCE. The Subcommittee on Homeland Security will come to order.

Today we welcome Acting Director Tae Johnson to discuss the fiscal year 2024 budget request for U.S. Immigration and Customs Enforcement.

Thank you for being here today to discuss your funding needs and critical mission of enforcing our Nation's immigration laws and investigating transnational criminal activity.

Before we discuss your budget request for the upcoming fiscal year, I would like to take a moment to thank the law enforcement and civilian personnel who play an integral part in carrying out ICE's mission.

Enforcement removal officers, homeland security investigators, ICE attorneys, and mission support staff work tirelessly for the American people, despite being told that their agency should be abolished. And I want to express my sincere gratitude for their efforts in upholding the laws of the land and ensuring our national security. Thank you.

It should come as no surprise that I believe the President's budget request falls far short of addressing the immigration crisis facing this country. And while Secretary Mayorkas and the administration won't call it that, it is obvious to the American people that we have an absolute crisis on our hands.

This request willfully underfunds the tools your agency needs to carry out its authority and serve the American people. Decreasing detention capacity in the budget by more than \$550 million and reducing the average daily detained population by 9,000 is, frankly, irresponsible and shortsighted.

This administration may argue that such a reduction is accounted for in the proposed \$4.7 billion contingency slush fund, but we both know that once you take detention beds offline, it is incredibly difficult to regain those losses in a timely manner when they are needed most.

We are starting to see an uptick in migrant encounters as we approach the end of title 42 on May 11. And, unfortunately, given the

failed policies of this administration, we will likely need that capacity.

Earlier this year, ICE admitted that it has a shortfall of \$485 million, nearly a half a billion dollars. The largest shortfall is in custody operations, which provides funding for detention capacity.

If you don't have enough money to manage the current detained docket, why would this administration request a 26 percent reduction in detention capacity?

On top of proposing to reduce detention for migrants who have been convicted of crimes or have removal orders, your request also proposes to reduce the Alternatives to Detention program by approximately 95,000 participants, nearly \$100 million.

Such a reduction, coupled with limited funding for transporting migrants, sends a signal that we are not serious about effectively deterring and removing bad actors, including those who have criminal records and are a public safety risk.

On a more positive note, I am pleased to see resources requested for countering fentanyl, human smuggling, and child exploitation within Homeland Security Investigations, although I question whether such resources are enough to tackle those challenges.

As one of the largest Federal investigative agencies with broad transnational and cross-border authority, HSI proves critical time and time again in disrupting and dismantling criminal organizations and people who attempt to exploit our customs and immigration laws.

Acting Director Johnson, I look forward to working with you, your staff, and the department throughout the fiscal year 2024 process. ICE's mission is an important one, and I am hopeful that we can come together to find the innovative solutions to address the challenges that lie ahead.

Now, before I turn to our witness for his statement, I would like to recognize our ranking member, Mr. Cuellar, for his opening remarks.

Mr. CUELLAR. Thank you, Mr. Chairman. And I would like to join you in welcoming Mr. Tae Johnson, the Acting Director of ICE, who is no stranger to the subcommittee.

Welcome back, sir. And, again, we appreciate your many years of public service and your continued willingness to lead this multifaceted organization.

As the Federal agency charged with the enforcement of violations of customs and immigration laws, the breadth of the investigatory and operational work of ICE cast a wide net, including combating Transnational Criminal Organizations, illicit drug trafficking, human trafficking, smuggling networks, and violations of trade and intellectual property.

I look forward to today's discussion of the President's budget request and how this proposal will better enable ICE to fulfill its critical national security mission.

One thing I would like to note is that in your budget justification materials, you don't mention the word "cartel," as my colleagues have pointed out in the previous meeting with the Secretary, but you do reference Transnational Criminal Organizations, which obviously includes cartels.

In fact, your budget materials use the phrase “transnational criminal” over two dozen times. And the budget request includes investments in personnel and technology to crack down on cartels, including \$305 million for the non-intrusive inspections systems in CBP, with a primary focus on fentanyl detection at the ports of entry, and an increase of \$40 million in ICE for tools to assist in combating human smuggling and illicit drug operations.

We certainly want to hear from you about the work that Homeland Security Investigations, HSI, what they are doing to increase the government-wide efforts to combat the opioid epidemic. As you know, it is hitting all American communities, large and small.

As we see from the deaths of these opioids, especially fentanyl, we have had a 7,000-fold increase since 2015. And we will talk about the numbers because, whether it is President Trump, President Obama, President Biden right now, we have seen an increase. It is not anything that just rose in the last 2 years. So, again, it is something that we need to address all together as Americans.

Also, I would like to hear a little bit about the administration’s attempt to balance its request with the detention capacity for high-risk populations to alternatives to detention for low-risk populations.

I am concerned with the administration’s proposal for a border contingency fund that rests on the premise that the Federal Government can immediately contract and execute over a billion dollars to provide resources they need after—after—a predefined level of encounters have been realized at the border.

The reality is, under this new structure, the funding would not be available until well in the execution of the fiscal year. Specifically, for ICE, if enacted, it would reduce the detention bed space by 9,000 spaces and reduce the current number of ATD participants by 189,000.

And, again, reactive strategies that leave our workforce without resources that they need in real time only ensures that we continue to play defense on the one-yard line called the U.S. border itself.

I certainly want to thank, as the chairman said, the men and women of ICE. We certainly want to make sure that we provide them the resources to look at the work that they do.

At the same time, one of the things that we want to do is find that balance between law enforcement at the border, but at the same time respect the rights of the asylum seekers.

In particular, I am sure you are familiar with the L.A. Times reported last week that there are occasions where asylum seekers are wrongfully removed from the U.S. despite having an active appeal pending before an immigration judge or some other status that would make a deportation premature.

So, Director, I know you and I have talked about it, and I look forward to working with you and your interagency partners to ensure that this doesn’t happen. Again, if they are supposed to be here, they are supposed to be here. If they are supposed to be removed, they should be removed. So we need to find that balance.

And, certainly, I want to make sure that at ICE we address issues from meaningful access to counsel, improving contracting at ICE, especially for custody operations, streamlining and automating processes, and certainly want to make sure that you all

work with the Executive Office of Immigration Review to make sure that we are working together to address that issue.

Those are some of the issues that we will be working at, and I look forward to your testimony. And, again, I appreciate your many years of work with us. Thank you.

I yield back.

Mr. JOYCE. Thank you, Mr. Cuellar.

Acting Director Johnson, without objection, your full written testimony will be entered into the record. With that in mind, we would ask you to please summarize your opening statement in 5 minutes. The floor is yours.

Mr. JOHNSON. Chairman Joyce, Ranking Member Cuellar, and distinguished members of the Subcommittee on Homeland Security, good morning, and thank you for the opportunity to speak with you today.

STATEMENT OF TAE JOHNSON

My name is Tae Johnson. I am the Deputy Director and Senior Official Performing the Duties of Director for Immigration and Customs Enforcement, also known as ICE.

The mission of ICE is to promote homeland security and public safety through the broad enforcement of over 400 Federal laws governing border, customs, trade, and immigration.

Before I go any further, I would like to thank you for funding recently provided in the fiscal year 2023 omnibus to support our people and our mission, particularly, additional resources at the southwest border for processing, monitoring, medical care, and transportation.

The fiscal year 2023 funding also supported our officers and special agents by enabling ICE to focus on key initiatives, such as executing our Counter Opioid Strategy to combat fentanyl, providing enhancements to our Innovation Lab to include Cross Cyber Technology, and continuing to build on partnerships and task forces related to combating cross-border financial crime.

Critical funding was also provided to expand our litigation teams and continue ICE's information technology data modernization, among others.

Our fiscal year 2024 budget embodies a consistent approach in prioritizing for ICE custody those who posed a significant risk, prioritizing low-risk noncitizens for Alternatives to Detention, and establishing a two-year emergency Southwest Border Contingency Fund to support border operations and provide greater operational flexibility.

The fiscal year 2024 budget requests new positions and funding for staffing enhancements to better manage the non-detained docket, which has grown from 3 million cases in fiscal year 2019 to just over 4.7 million cases at the end of fiscal year 2022, without a commensurate increase in staff.

The fiscal year 2024 budget also requests funding to provide technology investments for credible fear screenings and enhanced access to counsel. It also provides funding for facility costs necessary to accommodate the required staffing growth of our Office of the Principal Legal Advisor litigation teams.

In fiscal year 2022, Homeland Security Investigations, or HSI, made nearly 37,000 criminal arrests, including 5,000 transnational gang arrests, and seized nearly 21,000 pounds of fentanyl.

The fiscal year 2024 budget prioritizes additional resources and personnel to support the DHS-led Monroe Project, which focuses on illicit drug operations along the southwest border, including fentanyl, which killed over 77,000 Americans last year.

The requested funding would also continue development efforts to achieve full operational capability in fiscal year 2028 for the Repository for Analytics in a Virtual Environment, also known as RAVEN, enabling HSI to better identify and address criminal networks involved in transnational organized crime, terrorism, and other criminality, to include online child sexual exploitation and fentanyl distribution.

Finally, the fiscal year 2024 budget would increase HSI's cyber investigations support, continue to support the HSI-led Center for Countering Human Trafficking, and continue HSI's trend of increasing victim assistance for all victims of HSI investigations.

The ICE mission support workforce serves a critical role in ICE's ability to meet our national security, public safety, and border security missions.

Despite the challenges presented by significant workloads demands in supporting a 24/7 law enforcement agency, ICE's mission support workforce continues to operate efficiently and in many cases improve operations to meet the needs of the agency.

The 2024 budget seeks new positions and funding to address capability gaps in the areas of human resources, cybersecurity, asset procurement, and body-worn camera implementation, as well as management leadership and career development among other support programs.

Again, thank you for the opportunity to testify before you today. Thank you for your continued support for the dedicated and hard-working workforce of ICE. I am honored and humbled to represent the more than 20,000 dedicated ICE workforce and proud to serve beside them.

I look forward to your questions.
[The information follows:]



U.S. Immigration and Customs Enforcement

STATEMENT

OF

TAE D. JOHNSON

DEPUTY DIRECTOR AND SENIOR OFFICIAL
PERFORMING THE DUTIES OF THE DIRECTOR

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
DEPARTMENT OF HOMELAND SECURITY

REGARDING A HEARING ON

*“Fiscal Year 2024 Request for the U.S. Immigration and Customs
Enforcement Agency”*

BEFORE THE

U.S. HOUSE OF REPRESENTATIVES
HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON HOMELAND SECURITY

Tuesday, April 18, 2023
2362-A Rayburn House Office Building
10:00 a.m.

Introduction

Chairman Joyce, Ranking Member Cuellar, and distinguished Members of the Subcommittee on Homeland Security.

Thank you for your continued support for the dedicated and hard-working workforce at U.S. Immigration and Customs Enforcement (ICE). Every day, over 20,000 proud professionals promote homeland security and public safety through the broad enforcement of over 400 federal laws governing our border, customs, trade, and immigration. I am proud to serve beside them and thankful for the opportunity to appear before you today.

We appreciate the funding recently enacted in the Fiscal Year (FY) 2023 Omnibus to support our people and mission, particularly additional resources at the Southwest Border (SWB) to provide noncitizen processing, monitoring, medical care, services, and transportation. The FY 2023 funding supported our officers and agents by enabling ICE to focus on key initiatives such as executing our Counter Opioid Strategy to combat fentanyl, providing enhancements to our Innovation Lab to include Cross Cyber Technology, and continuing to build partnerships and task forces related to combatting cross-border financial crimes while continuing our victim-centered approach to our investigations. Critical funding was also provided to expand our litigation teams and continue ICE's information technology data modernization, among others. Under this Administration, ICE has focused its resources on ensuring a safe, humane, and orderly immigration system, including focusing our enforcement resources on those who pose threats to national security, preserving national security and public safety, and promoting lawful immigration. ICE personnel work tirelessly to accomplish our broad mission whether providing a safe and secure environment for those in our custody, disrupting illicit drug and human trafficking activities, or representing the government in immigration court hearings.

I look forward to discussing the state of ICE operations, the continued impacts of working in the COVID-19 environment, and our efforts to remain nimble and forward-leaning amidst shifting dynamics, including the planned sunset of Title 42. I also look forward to highlighting our continued efforts to ensure we make the most efficient and effective use of the resources provided by Congress to carry out our vital homeland security mission. We continue to place an emphasis, and have shown measured improvement, on providing timely and accurate information and data to ensure Congress can exercise its oversight function.

Enforcement and Removal Operations (ERO)

ICE is committed to enforcing U.S. immigration laws humanely, effectively, and with professionalism. Our FY 2024 Budget Request reflects budgetary priorities consistent with the Administration's focus on ensuring a safe, humane, and orderly immigration system. The FY 2024 Budget represents a consistent approach by the Administration in prioritizing for ICE custody those noncitizens who pose significant risk, prioritizing low-risk noncitizens for Alternatives to Detention (ATD) monitoring programs, and establishing a two-year emergency Southwest Border Contingency Fund to support border operations and provide additional operational flexibilities.

The FY 2024 Budget Submission includes a \$97 million reduction to reduce the ATD average daily participant level to 104,236. ATD is a humane, less costly, and effective means of providing supervision of participants while they go through the immigration court process. This budget also requests detention bed funding for an adult average daily population of 25,000 – mirroring our FY 2023 Budget request.

ICE's ATD program has been in place since 2004 and uses technology, case management, and other tools to manage participants' compliance with release conditions while they are on ICE's non-detained docket. ICE uses three types of technology to monitor noncitizens on the ATD program. The first is Voice ID telephonic reporting, which uses a participant's voice to create a biometric voiceprint during the enrollment process. ICE also uses GPS technology to monitor a participant's location and movement through an ankle bracelet and SmartLINK devices, which enable participant monitoring via smartphone or tablet using biometric comparison to establish identity. Later this month, ICE also plans to begin a limited technology demonstration of a wrist-worn GPS monitor, adding an additional option to our ATD technology suite. Contract-based case managers also assist ATD participants in meeting important immigration obligations by providing recurring court appointment reminders, assisting with obtaining travel documents, and if required, arranging for departure from the United States. This assistance may also include referrals for in-community services, such as, health services, transportation, treatment for substance use disorders, food, clothing, and shelter.

The FY 2024 Budget also requests 45 new positions and \$10.8 million for staffing enhancements to better manage the non-detained docket. This will improve the officer-to-docket workload ratio, particularly given the non-detained docket has grown from 3 million cases in FY 2019 to over 4.7 million at the end of FY 2022 without a commensurate increase in personnel levels. These additional personnel will allow for more effective management of workload and resources.

The FY 2024 Budget also requests \$5 million to provide technology investments for credible fear screenings, supplementing access to counsel, and enhancing visitation options for detained noncitizens. These enhancements are vital to enforcing immigration laws and ensuring due process. Improving video conferencing capabilities will allow U.S. Citizenship and Immigration Services asylum officers flexibility when conducting credible fear or reasonable fear interviews with detained noncitizens.

Homeland Security Investigations

Homeland Security Investigations (HSI) is the principal investigative component of the Department of Homeland Security (DHS) responsible for investigating, disrupting, and dismantling transnational criminal organizations (TCOs) and terrorist networks that threaten or exploit the financial, international trade, and travel systems. HSI's workforce comprises more than 10,000 employees, including special agents, criminal analysts, and mission support personnel assigned to 237 offices across the United States and more than 90 locations in 56 countries around the world. HSI's international presence represents DHS's largest investigative law enforcement presence abroad and one of the largest international footprints in U.S. law enforcement.

HSI has legal authority to conduct federal criminal investigations into the illegal cross-border movement of people, goods, money, technology, and other contraband into, out of, and throughout the United States. HSI uses these authorities to investigate a range of transnational crime and violations of customs and immigration laws, including money laundering; financial fraud and scams; cybercrime; export control and evasion; intellectual property theft and trade fraud; narcotics smuggling; transnational gang activity; online child sexual exploitation and abuse; human smuggling; human trafficking; illegal exports of controlled technology and weapons; identity and benefit fraud; human rights violations and war crimes; and terrorism.

In collaboration with its partners in the United States and abroad, HSI special agents gather evidence used to identify and build criminal cases against TCOs; terrorist networks and facilitators; and other criminal elements that threaten the homeland. HSI works with prosecutors to criminally indict and arrest violators; execute criminal search warrants; seize criminally derived money and assets; and take other actions designed to disrupt and dismantle criminal organizations operating around the world. These efforts protect U.S. national, border, and economic security, and ensure the safety of the public and our communities.

Many of HSI's approximately 7,100 special agents are assigned to 237 field offices across the nation and HSI effectively leverages more than 4,000 task force officers with federal, state, tribal, and local partners as a force multiplier to accomplish its mission. HSI's international program combats illegal and illicit activities closest to the source with a variety of partners, many of which operate at embassies, consulates, and Department of Defense combatant commands around the globe. For example, HSI deploys agents to diplomatic posts worldwide to conduct law enforcement visa security activities and provide training to Department of State Consular Affairs officers regarding threats, trends and other topics affecting visa adjudication.

HSI continues to prioritize the investigation, disruption, and dismantlement of TCOs that illicitly introduce fentanyl, heroin, and other dangerous opioids into the United States and gravely impact the health of our citizens and the safety of our communities. HSI's multi-pronged approach entails working with foreign partners to prevent opioids and other dangerous drugs from degrading our cities and towns; combating the illicit importation and distribution of opioids and opioid precursors through international mail facilities, express consignment centers, and maritime conveyances; exploiting cutting-edge technology to deter TCOs operating in the cyber realm; attacking the illicit use of financial systems and virtual currencies; and leveraging critical partnerships with state, local, tribal, and federal law enforcement. Contained within HSI's layered technology solutions for combating transnational criminal organizations responsible for trafficking chemicals utilized in the illicit manufacturing of fentanyl and synthetic drugs, is a maritime domain awareness tool. This tool has been utilized successfully intercepting over 247,000 kilograms of pre-cursor and pre-precursor chemicals used in manufacturing these deadly drugs. The DHS Joint Requirements Council has recognized HSI as the leading DHS component for the deployment of this tool and HSI is in the process of deploying this technology to other DHS components with maritime authorities. This tool contains access to unclassified satellite imagery that has been successfully deployed in seizing embargoed oil and assets of Russian oligarchs throughout the world. In FY 2022, HSI made nearly 36,700 criminal arrests including nearly 4,780 transnational gang criminal arrests, of which approximately 660 were members of MS-13; and seized 20,981 pounds of fentanyl.

The FY 2024 Budget prioritizes an additional 4 personnel (1 law enforcement officer (LEO) and 3 non-LEOs), and a total of \$40 million to support Monroe Project operations along the SWB to combat illicit drug operations, to include fentanyl, of which \$20.4 million is requested for Procurement, Construction, and Improvements (PC&I) funding. The Monroe Project is a recent DHS-wide effort aimed at targeting the criminal organizations responsible for distributing the illicit fentanyl that killed more than 77,000 Americans last year. A key component of the Monroe Project is the consolidation of information to enable better data driven decision making. The Repository for Analytics in a Virtualized Environment (RAVEN) is the DHS asset designated to consolidate this information and illuminate these criminal networks. This funding also supports capacity enhancement for HSI Mexico and their Transnational Criminal Investigative Unit, which is a critical component in the DHS strategy to disrupt and dismantle TCOs specializing in the production and distribution of fentanyl.

The FY 2024 Budget supports a \$15 million increase in PC&I funding for RAVEN to continue development efforts and achieve Full Operation Capability on schedule for FY 2028. This funding will be focused on building the platform to facilitate and sustain constant evolution. The new capabilities will allow HSI to better identify and address criminal networks involved in transnational organized crime, terrorism, and other crimes to include online child sexual exploitation and fentanyl distribution. This investment will be the foundation on which all future investments will be built upon.

The FY 2024 Budget also prioritizes an additional 35 personnel (15 LEOs and 10 non-LEOs) to increase HSI's capability to investigate international and domestic child sexual exploitation and abuse. HSI Child Exploitation Investigations Unit (CEIU) will utilize these resources to develop additional specialized sections within CEIU to focus on new and emerging threats, as well as the development of an online undercover program to ensure that HSI is utilizing all tools available to combat child sexual exploitation and abuse around the globe. The mission of the CEIU is to investigate producers and distributors of child sexual abuse material, as well as individuals who travel abroad for the purpose of engaging in the sexual abuse of minors, also known as transnational child sexual offenders. CEIU employs the latest technology to collect evidence and track the activities of individuals and organized groups who sexually exploit children using the open internet, DarkNet, chat rooms, peer-to-peer trading, and other app-based platforms.

Cybercrime continues to be a growing threat to our economy and our homeland. The FY 2024 Budget continues to sustain 12 personnel (4 LEOs and 8 non-LEOs) to combat significant cyber threats as mandated on the agency. This funding augments HSI cyber investigations support, including the enhancement of covert computer networks, applications, and tools to assist in the detection, disruption, investigation, and prosecution of individuals and transnational criminal organizations that exploit the internet to facilitate their criminal activities.

In 2020, DHS established the HSI-led Center for Countering Human Trafficking (CCHT) as a whole-of-DHS approach to countering human trafficking and the importation of goods produced with forced labor. The mission of the CCHT is to advance counter human trafficking law enforcement operations, protect victims, and enhance prevention efforts by aligning DHS' capabilities and expertise. The CCHT is a DHS-wide effort comprised of 16 supporting offices and components coordinating with federal, state, and local partners and non-governmental organizations to effectively respond to human trafficking threats domestically and

internationally. Through the FY 2023 Budget, the CCHT received an enhancement of 38 additional positions (27 LEOs and 11 non-LEOs) and \$15.5 million to establish a dedicated budget and further strengthen the program. The FY 2024 Budget continues to enhance the establishment of the CCHT adding 6 positions (2 LEOs and 4 non-LEOs) and \$2 million that support the CCHT and transfers seven existing positions (non-LEOs) and \$2.5M from DHS to establish a dedicated budget for the Blue Campaign within the CCHT. With the increased funding and additional personnel dedicated to the Center, we will advance our work to identify and support victims, conduct operations that hold the traffickers accountable, and strengthen our partnerships with non-governmental organizations. We are grateful to Congressional leadership and our partners for recognizing the value of the CCHT.

The FY 2024 Budget supports a decrease of 17 personnel (4 LEOs and 13 non-LEOs) for HSI Intellectual Property Rights Center efforts to combat wildlife trafficking and counterfeiting within the Department of Defense and U.S. Government supply chains. The budget also supports a decrease of Operations & Support funding for prior year enhancements for RAVEN and certified undercover operations. HSI will use available funding and year-of-execution flexibilities to meet the anticipated wildlife trafficking case demands.

The HSI Victim Assistance Program (VAP) was established within HSI for the purpose of assisting victims identified in HSI criminal investigations in accordance with the Victims' Rights and Restitution Act (VRRRA), 34 U.S.C. § 20141, and the Crime Victims' Rights Act (CVRA), 18 U.S.C. § 3771. HSI investigates a wide range of federal crimes affecting victims, including but not limited to human trafficking, child sexual exploitation, financial scams, white collar crime, human rights violations, and financial crimes and female genital mutilation. The VAP is an integral resource to HSI investigations and is committed to informing victims of the rights and services accorded to them by law. Using a victim-centered, trauma-informed, and culturally sensitive approach, and treating victims with dignity and respect, VAP provides services to victims and conducts forensic interviews of victims in support of HSI criminal investigations. Fundamental to VAP's mission is providing victims with information and referrals for victim services, and restoring victims' well-being, all of which contribute to empowering them and facilitating their ability to become an effective witness and participate in the criminal justice process. VAP personnel work in close collaboration with HSI special agents to integrate victim assistance into HSI criminal investigations and to facilitate HSI's commitment of providing victims with the information and services to which they are accorded under law.

The FY 2024 Budget annualizes the cost of the 59 positions for the VAP provided in FY 2023. These resources are paramount to continue HSI's trend of increasing victim assistance to all identified victims of HSI investigations. Victim assistance increased by 46% in FY 2022 from FY 2020 and forensic interviews increased by 79% in FY 2022 from FY 2020.

Financial crimes crosscut every programmatic area that HSI investigates. HSI will continue to utilize cutting edge technology and investigative techniques to infiltrate, investigate and dismantle criminal organizations that exploit the United States and worldwide financial systems. HSI targets illicit proceeds of crime and the financial networks and third-party facilitators that conceal and launder illegal proceeds. To accomplish our goals in combatting financial crime, we will utilize multiple approaches. HSI maintains strong public and private partnerships and works through these partnerships to increase real time sharing of data, typologies, and indicators of criminal activity with financial institutions. HSI will continue to

focus on high impact financial investigations targeting priority money laundering threats, while disrupting and dismantling the criminal exploitation of traditional financial systems and decentralized financial systems that criminally exploit virtual assets on the blockchain.

Office of the Principal Legal Advisor

The Office of the Principal Legal Advisor (OPLA) is comprised of attorneys who represent DHS in bond and removal proceedings before the Department of Justice's Executive Office for Immigration Review (EOIR). Attorneys also provide legal advice to ICE personnel on a range of matters, including on criminal, administrative, and civil customs and immigration laws and authorities.

OPLA implemented updated prosecutorial discretion (PD) guidance to promote efficient docket management in partnership with EOIR. As part of this implementation, in FY 2022 OPLA attorneys reviewed and made a decision on more than 361,540 requests for PD in the form of dismissal or administrative closure of removal proceedings. OPLA exercised PD by agreeing to dismissal or administrative closure in approximately 91,938 cases by the end of FY 2022. OPLA attorneys represented DHS in more than 840,718 removal hearings and were able to support the completion of nearly 250,000 cases over FY 2022.

Despite these significant accomplishments, OPLA litigation teams have a growing non-detained docket of over 3.6 million cases. From FY 2018 through FY 2022, EOIR received an increase of 250 new Immigration Judge teams (six positions per team for 1,500 total positions) compared to OPLA's 389 total position increase. We are appreciative of the support shown by the Committee with the 341 new attorney and support positions appropriated in FY 2023. We have previously shared with you the staffing growth disparities of OPLA litigation teams as EOIR received new Immigration Judge positions. The FY 2023 enhancements accompanied by these additional personnel will ensure ICE is represented in the new courtrooms EOIR is adding. The FY 2024 Budget seeks \$7.9 million for facility costs necessary to accommodate required staffing growth.

Mission Support

ICE's mission support workforce serves a critical role in ICE's ability to meet the national security and public safety missions. These dedicated professionals address ICE's myriad operational needs, including hiring, finance, information technology, acquisition and procurement, policy and strategic planning, and tactical, leadership and career development training.

This budget request includes an increase of 76 positions and \$13.4 million to plan and implement ICE policies and provide management support across the enterprise. The requested positions will enable the ICE Enterprise Services (within the Management & Administration Directorate) and Executive Leadership to address staffing deficiencies in several key business lines to support the significant growth in ICE mission operations and staffing. While ICE law enforcement and attorney personnel have seen increased resources to accommodate mission requirements, Mission Support staffing has not kept pace.

The Office of Human Capital requires much needed staffing enhancements, and the request seeks to address this by adding 37 new positions for \$5.1 million. The agency has seen

an increase in personnel resources to support legal operational requirements without any commensurate growth for human capital to support the hiring and maintenance of the workforce.

The Office of Asset and Facilities Management administers and maintains the ICE motor vehicle fleet program. The requested \$2 million will allow ICE to procure and refresh approximately 40 law enforcement vehicles in most critical need.

Requested resources will also enable the ICE Office of Firearms and Tactical Programs (OFTP) to continue the phased implementation and management of body-worn cameras (BWC) across the agency. The budget realigns \$12 million from the Office of the Chief Information Officer to OFTP and requests additional \$3 million, which will support \$4.4 million in payroll, \$10.6 million in general expense funds, and help expand their warehouse by 1,600 square feet for storage space to house BWC equipment.

Executive Order 14028, Improving the Nation's Cybersecurity, outlined requirements in Section 8 for logging, log retention, and log management, with a focus on ensuring centralized access and visibility for the highest-level enterprise security operations center of each agency. The event security logging increase of \$500,000 will allow ICE to fully implement security logging, accommodating the 45% increase in data log storage, transitioning to user and entity behavior analytics as well as providing for the needed hardware, software, and out-year support.

Conclusion

Thank you again for inviting me to testify today. I am honored and humbled to represent the more than 20,000 dedicated ICE employees. I look forward to your questions.

Mr. JOYCE. Thank you, sir.

We will now begin with the questions. I will recognize myself to start.

Mr. JOHNSON, as I mentioned in my opening statement, I am concerned with your fiscal 2024 request reduction of approximately \$560 million in ICE's base budget to decrease detention bed capacity from an average daily population of 34,000 to 25,000. I firmly believe that an average daily population of 34,000 is already insufficient, and this request simply exacerbates the enforcement challenges that already exist.

Yes or no, Mr. JOHNSON, do you believe that detention is a deterrent to illegal immigration.

Mr. JOHNSON. I think it can be, yes.

Mr. JOYCE. Then why is the administration requesting fewer beds?

Mr. JOHNSON. So the 25,000, as I understand it, that is in our base budget, and the additional 9,000 beds would be immediately available as part of this contingency plan.

When I became aware that there was this possibility that we might have to take beds offline come October 1 and then there would be some expectation of like quickly bringing beds on, I was assured that as long as we are hitting a certain threshold on September 30, that that funding would be immediately made available to ICE.

So unless something has changed, it is my understanding that we will not have to take beds offline only to have to bring them back on.

Mr. JOYCE. How many beds are currently inaccessible due to COVID protocols, litigation, cohorting, et cetera? How much have we paid for beds since the beginning of fiscal year 2023 that we aren't able to use due to these aforementioned reasons?

Mr. JOHNSON. We are using about 73 percent of our capacity right now, and this is largely, as you described, due to COVID and some of the safeguards put in place by the CDC.

We are hopeful that on May 11, when the title 42 emergency declaration is over, that there will be new CDC guidance that gives us greater flexibility to use more of the beds that we are paying for at our facilities.

Mr. JOYCE. Will you commit then to no longer taking beds offline due to COVID reasons after the public health emergency ends on May 11?

Mr. JOHNSON. I will commit to following whatever the CDC guidance is as it relates to detaining individuals in congregate settings. If CDC completely lifts the requirement and there are no restrictions, like pre-COVID, then I will commit to getting back to up 34,000 beds. But it is really dependent on where CDC lands with their new guidance, if there is new guidance.

Mr. JOYCE. Secretary Mayorkas said he cannot comply with the Immigration and Nationality Act requirement to detain all eligible migrants.

As head of the agency responsible for that, what is required for this administration to comply with the law?

Mr. JOHNSON. More beds than probably exist in the public sector and funding that we don't have. I mean, on any given year, even

before COVID, we can only detain about 200,000 people a year. Maybe in some of the better years up to 250,000 in a given year.

So you do have to make tough choices on how to use your resources. And if you are going to dedicate some beds for the southwest border, you are going to have to pick and choose which folks in the interior you choose to focus on. So that is not an entirely new phenomenon for ICE.

Mr. JOYCE. Didn't you just say that you are only at 73 percent capacity.

Mr. JOHNSON. We are, and that is largely due to COVID today, correct.

Mr. JOYCE. What about Alternative to Detention?

Mr. JOHNSON. What about it? Is it what is our capacity?

Mr. JOYCE. Are you making full use of that.

Mr. JOHNSON. We are. I mean, we are trying to get the numbers down a little bit to get into compliance with our fiscal year 2023 funding. I think the goal was to try to get that down to about 170,000 participants by the end of the fiscal year. But given May 11, we expect that number will likely increase some.

Mr. JOYCE. Can you measure or explain to us how you measure the effectiveness of the Alternative to Detention system?

Mr. JOHNSON. Well, historically, it has been measured by whether or not an individual actually complies with their terms of release, whether they show up at all their ICE appointments and check-ins, whether they allow for the home visits and the like that are required by the ATD program or some participants in the ATD program. And, most importantly, whether they show up at court for their hearings as scheduled.

Mr. JOYCE. Isn't it true that you stop monitoring them within 30 days?

Mr. JOHNSON. Not within 30 days, but it is true that, just based on current funding levels and the extensive amount of time that it takes an individual to sort of have their case adjudicated before EOIR, it is impossible to hold someone or keep someone enrolled in the ATD program for the entire period of their removal proceeding.

So right now I think the average length of stay on ATD is somewhere around a year and a half, 18 months. And as you guys are fully aware, it takes about 3 to 5 years to have an individual's case conclude.

Mr. JOYCE. I have exceeded my time, but I would like to recognize Ranking Member Cuellar for any questions he may have.

Mr. CUELLAR. Thank you, Mr. Chairman.

As you know, the administration's plan is to end the title 42 expulsion authority. And, again, I am a big believer in title 8, instead of title 42, even though I support title 42. And there are three things that the administration is doing.

They did an agreement with Panama and Colombia, number one.

Number two, they got the asylum officers that are going to do some expedited work with Border Patrol facilities.

And number three, there is a rule that should come out before May 11 that basically says that if people don't come in—if they come in between ports of entry, they will be returned, and they have to come in through a port and do it—provide an incentive to

do it the legal way and not in between ports. And since I represent a lot of border area, that is important to me, that people are not crossing our lands, number one.

Now, I want to see what ICE is doing to do this because I am concerned about a couple things. Big picture. According to Secretary Fudge's statement that she provided just recently, she says that there are a shortage of almost 7 million affordable housing units. And for every 100 extremely low-income renter, there are only 33 rentals available. So I want to put that outline out there.

Now, looking at the top ten parole notice to report appointments for backlog locations as of April 7, 2023, and as you know there is the NTR, which is a notice to report to ICE.

And then, traditionally, we have used the NTA, notice to appear, before an immigration judge. So the notice to report is a step in between before they go to an immigration judge.

So if you can work with me on this time period. The top 10 backlog locations: New York, No. 1, mostly booked through March 2033. They have got about 32,000-plus there. San Antonio. I was surprised about San Antonio, but it is number two, booked up through March 2023. Miramar, Florida. Los Angeles. It goes then Jacksonville, Milwaukee, Chicago, Washington, Denver. And then Mount Laurel NJ rounds up the top. So it goes from 2033 to March of 2027.

So they go to ICE and report. Let's take New York. They will report up to March of 2033. Then they get a notice to appear, an NTA, notice to appear, and then that is another 2, 3 years before they can go up to a judge.

So if we take 2023—2033, should I say, 2033—add another 2, 3 years, we are talking about 2035 or 2036.

So keep in mind, the affordable housing units—I mean, they have got to live somewhere. And I am concerned about what is happening here.

So my question is, what is ICE doing to expedite some of the work? Are we looking at detention, as the chairman mentioned? Are we looking at more additional removal flights for the ones that should be removed? What are we looking at? Do you have enough resources to fund to execute the strategies?

Because, again, it is a little concerning that some of them have to wait to 2033 just to appear before you, and then they have to get another 2, 3 years before they even go to an immigration judge to get either a stay to—I mean, either they stay or they get final deportation orders. And I think we have over a million final deportation orders are still pending on that.

So start off with my concern is for folks that live here in the U.S., there is not enough housing, but then we are adding all of these extra folks coming in.

Mr. JOHNSON. Good question.

I think there is a number of efforts that are underway that is going to help us issue NTAs in places like New York much sooner. There are some technology solutions that are in the works that is going to allow us to issue NTAs virtually. There is a request to the Hill to give us the authority that we could actually serve it virtually and have people agree to accept their documents electroni-

cally. So that is certainly something that we will continue to work with the Congress to sort of get the authority for.

But we are working on the technological piece of it so that we can do these telephonic interviews or virtual interviews and have individuals not have to wait 10 years to have their charging documents issued.

There is also the online change of address form or technology solution that we are working on which will allow individuals to opt in to receiving mail-out NTAs, and we think that that too will certainly help eliminate the backlog.

CBP is also, given the large number of peoples that—individuals that we have released, they are also beefing up their staff to help ICE tackle this backlog.

So with them joining the fight, and if we get the additional resources in fiscal year 2024, that we are slated for 145 ERAs, additional 45 ICE officers that are going to be assigned to the non-detained docket, we believe this additional staffing will go a long way and help more quickly eliminating the NTA backlog.

Mr. CUELLAR. Thank you, Mr. Johnson.

Thank you, sir.

Mr. JOYCE. Thank you.

We will now recognize Sheriff Rutherford.

Mr. RUTHERFORD. Thank you, Mr. Chairman.

Thank you, Mr. Johnson, for being here today to answer some of these difficult questions about how we are dealing with these populations.

When I look at the non-detained docket, and I see the 2022 annual report said there was a 29 percent increase, that number has now grown from 2019 from 3 million to 5.3 million that we are holding on that program now.

And what really confuses me is we have got 1.2 million that Mr. Cuellar just referred to. They have had their adjudication, but they are still here. We are not deporting these folks in the numbers that we should be. In fact, in 2019 ERO was moving out 247,000. Last year, we did 67,000. I don't quite understand how these numbers can work.

And then, when I look at my Jacksonville area, several ICE check-in offices have significant backlogs. For instance, Jacksonville is booked through 2028—and this goes to the point that Mr. Cuellar was making—Jacksonville is booked through 2028. And that is just for them to get into the court. And from there, it can be several more years before their case is decided.

And I think this is just a symptom of just how broken this system is, and yet we don't seem to be responding to it. We are cutting resources. We are not utilizing beds. We are just letting people come across the border.

Because Mr. Cuellar brought up the same issue, I want to ask, do you have an average number of times? I know what it is in Jacksonville. It is 5 years just to get seen. What is the average around the country? Because, as you mentioned, these folks have got to have somewhere to stay, and technology is not going to put them in a bed.

What is the average number?

Mr. JOHNSON. So the average varies pretty widely by location. If I had to sort of guess, I would say it is probably 2 years throughout the country.

Mr. RUTHERFORD. That is the shortest?

Mr. JOHNSON. No, that is probably the average. Because most of the offices aren't nearly as inundated as—

Mr. RUTHERFORD. So Jacksonville is two and a half times the average.

Mr. JOHNSON. Florida. I mean, a lot of people are going to Florida. If you are looking at some of our smaller offices, in Baltimore, for instance, or St. Paul, Minnesota, the wait time is significantly less.

So it is the major metropolitan areas that are going to have the longest wait times. And we think with the additional staffing, CBP actually joining the game and helping process some of these folks that we released on the southern border, and, obviously, the technological solutions—

Mr. RUTHERFORD. OK. So let me stop you and ask this question. Because Secretary Mayorkas was here and told this committee that ICE was removing a higher percentage of criminal aliens in 2021 than in the previous years and got into statistical numbers and that sort of thing.

Now, you ran ERO. You know what those numbers used to be. Can you as an assistant or acting director right now, can you tell me how are those numbers down so significantly?

Mr. JOHNSON. I think it is a—

Mr. RUTHERFORD. I mean, from 247,000 to 67,000.

Mr. JOHNSON. I think that the number—

Mr. RUTHERFORD. How can that be?

Mr. JOHNSON. Well, I think we do have to factor in the expulsions, because a lot of ICE's and ERO's resources that would typically be used for title 8 removals are now being diverted to the southwest border to expel individuals. They are using our planes, our seats on the planes. So you do have to factor in the 70,000, 80,000 ICE removals—

Mr. RUTHERFORD. Let me stop you. Those expulsions were going on before, too. The Secretary, when he was here, answered Mr. Cline's question, I think it was, about deportations. And he tried to merge together the expulsions too. Because that is a big number. It was like 1.2 million, I think. But it is all expulsions. It is not deportations.

Why are the deportation numbers down so low?

Mr. JOHNSON. And, again, the expulsions only started when the CDC emergency declaration order kicked in. There were always quick removals, voluntary returns, and the like at the border, but not using ICE airframes.

I would submit that when you look at the number of folks that we have expelled on ICE Air, combined with our title 8 removals, you will see that those numbers—those two numbers combined sort of get really close to what our removal numbers were in fiscal year 2019.

I also think that there was fewer people that were being introduced in the criminal justice system during the pandemic, particu-

larly the beginning of the pandemic, and that too resulted in far fewer referrals to ERO then.

Mr. RUTHERFORD. Well, I see my time has expired.

Mr. Chairman, I yield back. Thank you.

Mr. JOYCE. Thank you, Sheriff.

I recognize Ms. Underwood.

Ms. UNDERWOOD. Thank you, Mr. Chairman.

Mr. Johnson, thanks for being with us today.

In recent months, the heartbreaking stories of migrant children illegally working long hours in dangerous jobs has captured the attention of Congress and the public. These children are some of the most vulnerable among us, and this situation is unacceptable.

We need an all-of-government approach to protect these children, stop and prevent their exploitation, and hold bad actors accountable. And Homeland Security Investigations has an important role to play through its duty to conduct criminal investigations into forced child labor.

Can you describe how HSI is working in coordination with other agencies, including the Department of Labor, Health and Human Services, to combat illegal child labor?

Mr. JOHNSON. Very, very good question. And it is absolutely heartbreaking to hear stories where kids are being exploited.

HSI, just because of their international and domestic footprint, are strategically situated to lead the effort on child exploitation, and they have done a good job.

But there is tons of work to do. It starts with investigating these crimes, bringing the perpetrators to justice, and rescuing the victims. And that is a priority for HSI.

A lot of it is getting out to the communities and educating folks on some of the signs to look for and how to sort of convey that information back to HSI through our tip line if they believe that there are individuals that are being subject to sort of labor exploitation.

We have been working really closely with the Department of Labor over the last year and a half to make sure that we are getting information from them as well as working closely with HHS, who are typically responsible for releasing these kids to sponsors, to let ICE know, and work with our special agents if they have any reason to believe that kids are being sent to individuals that are making them work in these labor camps.

Ms. UNDERWOOD. More organized criminal operations may be seeing opportunities here to exploit children as well, something that HSI also investigates. For example, NBC News reported earlier this year that DHS is investigating the potential trafficking of children for work cleaning slaughterhouses. And ICE's reports have indicated an increase in forced child labor investigations and enforcement in recent years.

Obviously understanding you can't comment on open forced child labor investigations, what are the trends that you are seeing here more broadly?

Mr. JOHNSON. So in fiscal year 2022, ICE rescued 1,900 victims from child exploitation. This is, in 2022, this is the first time that ICE has actually captured that data, so we don't have the ability to compare it to prior years.

But it is a priority for us, and it is the reason why we started tracking it this year and will continue to do so in the future.

We also—

Ms. UNDERWOOD. Excuse me, Mr. Johnson. Has that data been publicly released?

Mr. JOHNSON. I am not sure if it has been released. I think we have a congressional requirement to report it. But I will have to circle back and let you know whether it has been released.

Ms. UNDERWOOD. Well, given the attention that this issue has been in the news and obviously how it is so contrary to our American values, I think that level of transparency would be warranted. And certainly we would look forward to receiving that information and any details that you would be free to share with this committee.

Mr. JOHNSON. Absolutely.

Ms. UNDERWOOD. Thank you.

I want to turn now to ICE's reputational challenges, which you and I discussed during your testimony before the subcommittee last year. These challenges are so severe that at the end of 2021, The Washington Post reported that HSI agents proposed separating from ICE because of the degree which ICE's negative reputation impedes their ability to conduct investigations.

I asked then how you were working to address the behaviors and actions that led to those reputational challenges at ICE. It has been a year since we last discussed this. Since then, can you share what you have done to improve ICE's relationship with local communities? And what specific changes is ICE making to increase accountability and build trust?

Mr. JOHNSON. Very, very good question. And like I had mentioned last year, this has been an issue that we have been grappling with within ICE for many, many years.

One of the things we did this year was to give HSI the flexibility to use whatever branding they felt was necessary to increase cooperation in the communities. So in other words, if removing the ICE moniker completely and just using the HSI brand was going to result in greater cooperation, they had the flexibility to do so.

We have also removed or gave them the option of removing the ICE part of their email exchange address, so that it is just HSI.DHS.gov instead of the ICE piece of that. That too has been extremely helpful in certain areas of the country.

So while I am not a supporter of sort of splitting the agency into two, I am a huge supporter of providing all the flexibilities I can to HSI so that they may successfully complete their mission.

Ms. UNDERWOOD. Well, ICE has a responsibility to proactively and intentionally build trust in the communities that you serve. And so I think that this is an area where the agency definitely needs to do more. And I would encourage you to continue to focus on this in 2023.

Thanks so much, Mr. Chairman. I yield back.

Mr. JOYCE. Thank you, Ms. Underwood.

I now recognize Mrs. Hinson.

Mrs. HINSON. Thank you, Mr. Chairman.

Thank you, Acting Director Johnson, for coming before our committee again. It is great to see you. And thank you to the men and

women who serve in your agency. I know it is not easy work, and I appreciate your service and theirs.

One of my top concerns with the crisis we are seeing at our southern border is that we know that individuals on the terror watch list, sex offenders, some of these transnational gang members, drug traffickers, human traffickers, the list goes on and on of the bad people with violent criminal histories that we are seeing come into our country. They have exploited that weakness at our southern border. And even the Chinese Communist Party is taking advantage of it too.

So my question to you is, are there times of year when ICE experiences increases in the number of investigations or removals of these types of criminals specifically, or surges or times where you see more criminals, that then you are having to deploy agents into the homeland to focus on those removals?

Mr. JOHNSON. So at least from an HSI perspective, it is always critically important that they focus on these individuals that pose a national security threat. So we have a cadre of seasoned agents who do nothing but work those types of cases.

Oftentimes their focus is the criminal aspect of it. The removal and sort of administrative piece is sort of secondary. And once these individuals are finished their sentences, they would be offered to ERO or put in removal proceedings for removal.

With the flow along the southwest border we have been focusing on some of the unusual populations, folks that typically we don't typically see coming across, and just making sure that we have a good response to them and designating some number of detention beds for those individuals as well.

Mrs. HINSON. All right. And, obviously, we have seen that number significantly increase.

How are you communicating with our State and local, Tribal, territorial law enforcement on these issues, especially in maybe rural communities like mine? Because, obviously, you talked a lot about the flows into some of the more populated areas, but it is an impact in States like mine as well. And the last thing we want is to see criminals come into places like this because maybe they are thinking it will be less enforced.

So what are you doing to communicate with those levels of law enforcement?

Mr. JOHNSON. So in areas where we have great cooperation—I mean, obviously, Iowa is one of them—we have really, really great relationships with our State and local partners.

We do have challenges in other areas where folks aren't as cooperative, and we will just have to continue to work with them to find some middle ground.

But our relationships with our State and local partners are the bread and butter of our success. And whether they are participating in some of our task forces or on our BEST teams, those relationships are critical, especially in smaller areas where it is just a small law enforcement community. Generally, everybody needs to just band together.

So it is certainly important. We are always out sort of working with our State and locals and try to make sure we have each other's back.

Mrs. HINSON. Well, if there are jurisdictions that are creating challenges for you in executing your mission, please let me know. I would love to work with you on making sure that they are following through. Because, ultimately, this is a safety and security issue, not only for Iowans, but for all Americans. So I want to make sure that you have the cooperation necessary to do your job.

I want to move quickly to the contingency fund conversation. You got assurances, obviously, that even with the reduction of \$560 million to your budget that those detention beds would be available from the contingency fund if you are at certain levels. What levels were those exactly?

Mr. JOHNSON. I can't remember the thresholds. I just know that they were really, really low and that we have been at that threshold for the better part of the last 5 years.

Mrs. HINSON. So you would meet those levels—

Mr. JOHNSON. So, I mean, my biggest concern is on October 1, I was going to need those funds.

Mrs. HINSON. Right.

Mr. JOHNSON. And when we looked at the thresholds, we weren't going to have to wait 90 days. The funds would be available. So I am confident that we would not be required to take beds offline before we brought them back on.

Mrs. HINSON. So let me pose this question to you. What happens, though, if that fund has been depleted? Does that mean that you would not have the necessary resources to expand the beds you need?

Mr. JOHNSON. It would. It would be hard to deplete the funds 2 weeks into the new fiscal year, as I understand it.

I mean, look, there is a lot of details that have to be worked out with this contingency fund, the first time we have ever done anything like this. I think it is a good concept because we do need a way to get access to additional money when the border is seeing unusually high levels.

In my personal view, I wish the 34,000 beds would have been in my base, and then I would have been able to gain access to 5,000 or 10,000 beds as part of the contingency fund. But it didn't shake out that way.

Mrs. HINSON. Well, I think that taking funding away from your baseline budget and putting it into a contingency slush fund that could be used for other services is reckless when you need those funds to actually execute on your mission. So I see this as a budget gimmick, and I think that we should be prioritizing getting you those funds directly.

Thank you. I yield back, Mr. Chairman.

Mr. JOYCE. Thank you.

The chair will now recognize Mr. Newhouse.

Mr. NEWHOUSE. Thank you, Chairman Joyce.

Director Johnson, thank you for being with us. And I too want to thank you and the men and women that are under you for the hard work that you do.

I am going to return to one of the subjects that was already brought up as reported last year. This administration removed 72,000 and some immigrants. And that does not include title 42 removals.

This past December, 250,000-plus people were encountered by the Border Patrol. So removing less than a third of the number of encounters in a single month took an entire year, and that is on top of a record-breaking year of 2.76 million encounters.

So being in charge of removal orders and removing immigrants, a couple of questions. How would you justify that this posture benefits border and national security? And is this a sustainable posture?

The administration repeatedly had said that those without lawful asylum claims will be swiftly removed. So can you tell me today that swift removals are happening?

And also, why aren't we doing more to at least remove the known criminals and the repeat offenders?

Mr. JOHNSON. Good question.

In terms of swift removals, I would argue that we are doing it for those that are detained in ICE custody. Folks that have been following this work for a long time, you know that that is typically where the bulk of our removal orders come from, and it is extremely difficult to remove individuals from the non-detained docket.

I do not think it is sustainable, but I also do not think that there is enough detention capacity in the private sector or that exists for us to detain our way out of this.

I think that there are a number of efforts that are underway. The discussions with the Colombians and the Panamanians should go a long way. We are certainly asking for additional planes and resources so that we can fly more removal flights more quickly, more often to some of the countries that we are getting hammered the most on.

So we think that too will certainly help us get some of these folks back to their home countries quickly.

And, in addition to Border Patrol creating some efficiencies and doing some of the credible fear screenings in their custody, ICE has also identified nine facilities where we are going to try to get people through the credible fear process much quicker than it is typically done in prior years. And, hopefully, that will just help us be able to sort of cycle through those beds much quicker at those nine facilities and result in more removals.

Mr. NEWHOUSE. I appreciate those suggestions.

The other thing I wanted to talk to you about, ask you about, is fentanyl. My understanding is that a small number of vehicles, cars, trucks, are inspected, but we are confiscating a huge, huge amount of fentanyl.

And due to the severe damage we are seeing in our country, I would like to know—realizing that CBP is primarily responsible for those inspections and that you are called in, I guess, after the fact—the question remains, how are we as a country going to get a handle on this? Essentially, who is going to take ownership of this problem? I think the American people want to know what is it going to take.

So I am pleading with you. Tell me what we can do to stop this scourge of drugs at the southern—coming in the southern border.

Mr. JOHNSON. Well, as you mention, I mean, CBP is at the ports of entry. They are conducting the inspections. We have deployed a significant number of HSI agents to the border to assist.

You may be familiar with Operation Blue Lotus——

Mr. NEWHOUSE. Yeah.

Mr. JOHNSON [continuing]. Where we have sent a number of folks to two ports of entry there, where in just over 30 days we have seized 8,000 pounds of narcotics——

Mr. NEWHOUSE. Some success there, yeah.

Mr. JOHNSON [continuing]. 4,000 pounds of which was fentanyl. Which just goes to show you, if you throw more resources at this problem, you will get some big wins.

I think HSI is probably best situated to sort of tackle, to combat and dismantle the TCOs that are responsible for fentanyl, particularly our relationships and our vetting units and TCIUs in Mexico, which is that is ground zero from where China is sending the precursor chemicals.

In fiscal year 2022, HSI, in close coordination with our Mexican partners, seized 3.3 million pounds of precursor chemicals. We know those were all sort of headed to the U.S. We seized 22,000 or 21,000 pounds of fentanyl in fiscal year 2022. And this year, in fiscal year 2023, through February, we have already seized 27 pounds—27,000 pounds of fentanyl.

So there is a lot of work to be done. HSI is—I mean, it is a high priority for them. And we will continue to work with our foreign partners to sort of increase our apprehension.

Mr. NEWHOUSE. I know we are out of time, Mr. Chairman. I just want to say that I believe that all those big numbers—and that is great that we are confiscating that much. My feeling is that that is probably the tip of the iceberg. There is so much more that we have got to do.

So I look forward to working with you on this and getting a handle on this huge, huge issue.

Thank you.

Mr. JOYCE. I agree with you wholeheartedly. The chair now recognizes Mr. Cloud.

Mr. CLOUD. Thank you, Chairman. Thank you, Acting Director. And, yes, I echo the thoughts with everyone on this committee. We certainly appreciate the work of your agency and boots on the ground for doing hard work. I am from south Texas, so we know this all too well about what is going on in regards to the need to secure our border.

I wanted to ask you about a couple of numbers. I was looking at the numbers of you returning people to their home country after they have entered illegally. In fiscal year 2022, it was 67,055. Comparing that to 2019, preCOVID, it was 247,835. Even during 2020, during COVID, we had a dip of—we were able to return 173,849. And so all that to say we have a substantial decrease in what your agency is doing at a time we are having a tremendous surge of illegal crossings at our border. I am curious to have your thoughts on how and why that is happening?

Mr. JOHNSON. So again, as I mentioned, I think when you are looking at our removal numbers, you also have to look at the T-42 expulsions. The 185,000 figure that you are—179,000 figure that

you provided in fiscal year 2020 that was, you know, largely COVID free for the first 9 months, and maybe the last 3 months of 2020, there was some COVID removal impacts. But if you look at what we did in fiscal year 2020, and you compare it what our removals were in fiscal year 2022, including the COVID—I mean, the title 42 expulsions of 117,000, those fiscal year 2022 numbers are pretty closely aligned with the fiscal year 2020 total removals of 179, or 180,000 that you referenced.

I also think, as I mentioned, that a good number of our removal cases, at least in the interior, are from referrals from State and locals after they make arrests and charge people, and they go through the process.

Mr. CLOUD. And I understand that, but that part—that wouldn't be part of the change. That is a constant in this. And so, I mean, what we are seeing is that at an administration shift we had 70 percent drop roughly with no change roughly in funding and actually a slight bump-up in manpower. I mean, we are the Appropriations Committee. We are supposed to be making sure resources are used properly. And so I am trying to wonder, dollar per activity here doesn't really seem to match up as to what we would expect to see due to the effectiveness of the resources we are sending your way.

Mr. JOHNSON. I think title 42 was lifted, and we are no longer doing these T42 expulsions. And we just go back to our title 8 removals, which is what ICE and ERO has done for, you know, 30 years. I think you will see the removal numbers starting to go up to where they have been historically. You know, just transitionally from title 8 to title 42 is something that was new to the agency, and I am sure there was lost efficiencies as part of the—

Mr. CLOUD. All of this part, of course, in proper context that there is a right way to come to our country in an illegal way, and every illegal entry is dollars to a cartel. You know, that is also funneling drugs into stabilizing other countries. I am out of time. I had another line of questioning, but—

Mr. JOYCE. You have a little time.

Mr. CLOUD. OK. Well, OK. I have a little time. Have you heard of ICE Council.

Mr. JOHNSON. ICE Council?

Mr. CLOUD. Yes. Are you familiar with the ICE Council.

Mr. JOHNSON. The union.

Mr. CLOUD. Yes. Yes, sir. Recently, they had essentially filed a whistleblower grievance with the DOJ, alleging that AFGE had—and I mean—a number of news articles I can print out to some nefarious actions that had happened there, misusing funds that the union had used literally to go to strip clubs and those kind of things.

And so shortly after that, the AFGE filed a separation of interest, basically, to remove the ICE Council from the parents organization, which also because of some arcane rules in the union. Basically, they were able to seize \$5 million of assets from ICE Council.

Are you concerned at all about this? Did you have reach out to ICE Council while this was happening last year?

Mr. JOHNSON. I was not aware of the sort of the background that you just provided. I was only aware that the AFGE requested that

the council 118 no longer be part of AFGC but wasn't tracking what led up to it. So, no.

Mr. CLOUD. Do you think it would be important to find out why? I mean, they were being kicked out of the union basically.

Mr. JOHNSON. Given what you have said, you know, I will certainly look into it.

Mr. CLOUD. I mean, just from the sniff test, it sure seems like a union, you know, after somebody files a grievance against them with the DOJ is suddenly kicked out and millions of dollars of assets. That is it. So I would certainly appreciate if you can look into that. Thank you.

Mr. JOYCE. OK. Mr. Cloud. The chair now recognizes Mr. Guest.

Mr. GUEST. Thank you, Mr. Chairman. Director Johnson, thank you for being here today. Does what occurs on the southwest border, does that impact your agency?

Mr. JOHNSON. Yes, it does.

Mr. GUEST. And recently the Chief of Border Patrol testified before Congress that five of the nine sectors along the Southwest Border are not secure. Would you agree with his assessment?

Mr. JOHNSON. I would defer to the Border Patrol.

Mr. GUEST. So if the Chief of the Border Patrol said that, then you would defer to him versus Secretary Mayorkas who continues to maintain that the border is secure from sea to shining sea. Is that correct?

Mr. JOHNSON. I would defer to them over me making any sort of an assessment as to whether the border is secure or not.

Mr. GUEST. In your budget, there is budget decrease for detention beds. Last year, on average, according to your report from December 30, 2022, in the ICE annual report, you stated that the average of the report—and I am not saying you, I am assuming that your agency stated that on average, there were 22,630 individuals in detention. Does that number sound correct?

Mr. JOHNSON. That sounds about right.

Mr. GUEST. And we know that looking at the report as far as the docket that your agency maintains that there are over 4.7 million individuals, noncitizens that are in the United States, in some shape, form, or fashion. Roughly, 1.2 million where there are final orders of removal. And then 3½ million according to this where there have been no final orders or removal. Does that 4,750,000 figure, does that sound accurate?

Mr. JOHNSON. It does.

Mr. GUEST. And we know last year your agency removed roughly 72,000 individuals from the country, correct?

Mr. JOHNSON. That is correct.

Mr. GUEST. And of those individuals that were removed, we know that some of those individuals were individuals which were individuals who had criminal histories?

Mr. JOHNSON. That is also correct.

Mr. GUEST. Your report says that of the 72,000, that 44,096 if those individuals had criminal histories. That of those 44,000 people, there were 183,251 charges associated with them for an average of 4.2 charges and convictions per person. That there were 17,336 who were charged with assault; 7,370 charged with sex offenses or sexual assault; 4,711 individuals charged with weapon of-

fenses; 1,315 charged with homicide-related offenses; 953 were charged with convicted of kidnapping; that your agency removed 2,667 known or suspected gang members; and to me, the most troubling of all is 56 known or suspected terrorists were removed from the country last year.

And so my question is, we have got this huge number, this huge population where your agency is responsible for trying—and I know that you don't have the manpower, and I am not blaming you personally, I am blaming the system—but we have a system where we have 4.7 million people who are loose in the country that we, in many cases, don't know where those people are. We only have bed space to detain 25,000. We are not using all that bed space. We have what we know to be some of those individuals are violent criminals because we deported them last year, including known or suspected terrorists, but we are asking for a decrease in the detention beds? And to me that is worse thing we should do.

Clearly, we need detention beds because some of the people we are allowing to come into the country, your report here, your annual report talks about how bad these individuals are. That they have killed people. They have assaulted people sexually. That they are known terrorists, known or suspected terrorists. And yet you are coming in and you are asking—your agency is—and I am assuming that you approved the budget—you are asking for a decrease in detention beds.

So I am asking you to please justify to me why we need to be spending less money on detention beds when we are seeing a huge rise in immigrant population. We know that some of that population are committing violent offenses because you document it in your report. And so, please, in the last 20 seconds that I have remaining on my time, please justify to me why we should be reducing detention beds and not adding detention beds?

Mr. JOHNSON. So very good question. I would say that we are not reducing our detention beds. That 25,000 of the beds are in our base budget, and the remaining 9,000 beds are in the contingency fund that, as I have already explained, I believe I will have access to—

Mr. GUEST. Why are they not in the primary budget? Why are they in the contingency beds? Detention beds are important. Which I believe that they were. And I believe many people on this committee, Republicans and Democrats would believe that detention beds are important. For them not to be in the primary to me is a colossal failure. And so—

Mr. JOHNSON. I know.

Mr. GUEST. If you could explain why they are in the contingency versus the primary, I would love to hear that. If you can't explain it, then I understand, and I will move on because I know my time has expired.

Mr. JOHNSON. I cannot explain exactly why it was structured that way. But, you know, what was most important for me as an operator was that I was going to have access to those 9,000 beds the first day of the fiscal year, and that was what I wasn't sure of.

Mr. GUEST. Are 34,000 beds enough?

Mr. JOHNSON. Enough for what? Is like a—

Mr. GUEST. Enough to perform the mission that you are tasked to do. I mean, when we have 4.7 million people that are in the country, and we are only detaining somewhere between 25,000 and 34,000, I mean, that is, what, less than one half of 1 percent?

Mr. JOHNSON. I mean, you have to draw the line somewhere. I mean, 70,000—in my view, 70,000 beds wouldn't put much more of a dent in this problem than—

Mr. GUEST. What is the number? As the Director of this agency, what is the proper number of detention beds?

Mr. JOHNSON. It would depend on what you—and what folks actually thought was an acceptable number of—

Mr. GUEST. Well, I am asking you what your opinion—because you clearly have been involved with this agency. You know, on one hand, we are saying that we last year utilized 22,000, we are budgeting 25,000, we think we might be up to 34,000.

Mr. JOHNSON. We have, historically, made due with 34,000.

Mr. GUEST. But we have seen the immigrant surge within the last 2 years. I mean we have had record immigrant surges the last 2 years. We are on pace to break that record again. We have 4.7 million in the country; 1.2 million which should be removed because of removal orders that were not removed from the country. And we know that there are some of those people who were released in the interior are violent individuals, or at least commit violent crimes once they are released into the interior because that is documented in your report.

Mr. JOHNSON. You know, I certainly agree that the folks who commit violent crimes have to be a priority for detention beds. In 2019, there was a similar surge, probably not nearly as much, but still fairly significant, and we brought on 20,000 additional beds, and we filled those beds up in no time as well.

So I personally don't think there is a number of beds that you could actually buy that is going to solve the problems that we are—this problem that we are seeing.

Mr. GUEST. Thank you, Mr. Chairman, I am over time. I yield back.

Mr. JOYCE. Thank you, Mr. Guest. We will now recognize Dr. Harris.

Dr. HARRIS. Thank you very much, Mr. Johnson. I see by your biography, you began your Federal career in the First Congressional District of Maryland in Salisbury.

Mr. JOHNSON. I did.

Dr. HARRIS. Let me follow up a little bit because we are turning the number 4.7 million out, but that is end of fiscal year 2022, which was 6 months ago. What is the latest figure?

Mr. JOHNSON. About just under 5.3 million.

Dr. HARRIS. OK. So we are now near 5.3 million. So we are—and I assume our removals have stayed roughly in the ballpark of 70,000 per year. I mean, roughly, that ballpark?

Mr. JOHNSON. No, I actually think removals are up a little bit, but I don't have that number right—

Dr. HARRIS. Not about 600,000, right? So we are kind of in a situation where we have an accelerated number. And I can see why you would want the alternative to a detention program. But let me ask you what percent of those people now in ATD have the tech-

nology of, you know, an ankle bracelet, wrist bracelet, or whatever? Is that what we are doing for most people now?

Mr. JOHNSON. It is a combination of ankle monitors, smartphones. I would say that at least 50 percent are on some kind of technology, and that could be an ankle monitor, it could be a smartphone, or it could be a watch.

Dr. HARRIS. So 50 percent don't have that? They are just released into the interior.

Mr. JOHNSON. No, 50 percent are on some sort of lower form of—

Dr. HARRIS. Oh, a lower form. OK.

Mr. JOHNSON. Yeah. Telephonic reporting or something along those lines.

Dr. HARRIS. And of that non-detained docket of now 5.3 million, what percent don't check in, or have cut off the ankle bracelet, or whatever, you know, they are just not complying?

Mr. JOHNSON. So let me clarify, the 4.7 million, or 5.2 million, or 3 million, only about 200,000 of those—and I think that number is around 200,000 are actually on ATD. So of the—you know, so just a very small subset of the total number of people on the non-detained docket are receiving enhanced monitoring that is allowed on the ADT program.

Dr. HARRIS. So I guess I don't understand. If we have 600,000 more people on the docket in the last 6 months, but only 200,000 total have this, like who doesn't get it? I mean, the large percent of people don't get it, right? So they just release it to the interior, promise to come back?

Mr. JOHNSON. Or they start off with it. They have ATD—if they are enrolled in ATD for some period of time, and then they take it off to make room for some of the new folks that are coming across the southwest border. But there is a good number of folks that do not get put on ATD. Obviously, the kids that are part of family units wouldn't get on ATD as well.

Dr. HARRIS. Sure.

Mr. JOHNSON. And a good chunk of the 4.2 million are representative of families.

Dr. HARRIS. That makes sense. So, you know, there are some people who say, well, you know, if you cross the border illegally, it is kind of a civil offense, not criminal offense. But if you have a final order of removal, the 1.2 million final orders, does that become a criminal offense not complying with that final order?

Mr. JOHNSON. It is not a criminal offense today.

Dr. HARRIS. So it is only a civil offense.

Mr. JOHNSON. Right.

Dr. HARRIS. And the punishment being negligible, I guess, because there are 1.2 million people doing it.

Mr. JOHNSON. Or removal. I mean, that is part of the issue is just you have to figure out a way to incentivize people to comply with their removal order until something like that is done. Now, look, we get a good number of people, albeit small, that do comply with their removal order on a non-detained docket, but it is extremely staff-intensive. It takes a lot of hand-holding, but we, you know—30, 40 a month, which is certainly not as high as many would like, but it is better than zero.

Dr. HARRIS. Sure. And you know, look, you have got to be frustrated because, you know, the title of your agency has the word “enforcement” in it. But you really don’t have the resource to enforce the law, do you, with regards to removals? You clearly don’t have the resources—

Mr. JOHNSON. No, we certainly are underresourced.

Dr. HARRIS [continuing]. With that. Just a ballpark, if you said—and I was going to ask you, like, what is the average cost of a removal? Like, I don’t know if you know the figure. What does it cost your agency, on average, to remove someone? Because I can do the math and multiply by 1.2 to tell me what your budget would have to be. But what is the average cost?

Mr. JOHNSON. From memory, it is—again, since we do the bulk of our removals via charter airlines or ICE Air, which is our, you know, flying people, 135 folks at a time, if I remember correctly, that is \$17,000 per hour. Each flight on average is probably 5 hours. So I don’t know what that—

Dr. HARRIS. But you have to find them also. I mean, part of removal is you have to find them and remove them. So it is labor-intensive.

Mr. JOHNSON. Most of the removals are—most of the Title 8 removals historically have come from our detained environment.

Dr. HARRIS. OK. I understand. Well, thank you very much. I yield back.

Mr. JOYCE. Thank you, Dr. Harris. We will recognize Mr. Trone for 5 minutes.

Mr. TRONE. Thank you very much. I am sorry we were late. We have too many overlapping hearings. Thank you, Director Johnson for joining us, Chairman Joyce, Ranking Member Cuellar.

ICE has worked through Homeland Security Investigations on the front line of the TCOs and the cartels. You are right there on the front line. Your budget request in 2024 has asked for an increase in the tools to assist in stopping these networks in human smuggling, fentanyl killing 100,000 Americans every year. Those budget cuts that have been proposed to go back to fiscal year 2022. How is that going to affect your ability to stop the fentanyl from these cartels that is come into the U.S. through illegal ports of entry?

Mr. JOHNSON. So I am not tracking what cuts you are referring to. I know we certainly received some additional funding in fiscal year 2024. We are asking for funding to increase—

Mr. TRONE. Probably to go back to the 2022 budget, which has been proposed. So you went up in 2023. You have asked for more in 2024, which sounds like it is needed. But going back to 2022, what is that going to do to you?

Mr. JOHNSON. Well, it is certainly—I mean, I thought the cuts had to do with the number of individuals that we just weren’t able to get through the hiring process in any given fiscal year, and that is the cut that was provided. So if it is something different than the—

Mr. TRONE. No, half the employees would be cut.

Mr. JOHNSON. Well, right. But, no, I certainly agree. But at least in terms of the fentanyl context, we were given 40 million, if my memory serves, to sort of increase sort of our fight against the

fentanyl crisis. There was also funding to allow our Mexican vetted units, our TCIUs to have access to RAVEN, which we think is going to go a long way in not only dealing with this fentanyl crisis, but also child sexual exploitation and some of the other heinous crimes.

Mr. TRONE. But we need certainly to protect the budget where it deals with fentanyl. We can't let it continue to come.

How about the—I have heard about the administration's considering restarting the detention of families. While some had posed a public safety risk, I get it. But certainly a family can navigate their immigration case best from their home, not behind bars or in detention.

So FEMA and ICE community-based alternative to detention policies, particularly those utilized case management and service by qualified nonprofits have shown to be cost-effective, and have a high compliance rate with immigration obligations. Can you talk about how the 2024 budget will expand these community-based alternatives and the noise that we are hearing about restarting family detention. Is that true or not?

Mr. JOHNSON. So there has certainly been some discussions about just, like, options for dealing with the families coming across the border. You know, family detention is something that we have done historically. It was raised as a potential option, and it was something that at least was not met with great exception amongst the leaders. So there is—at this time, there is certainly no plan to restart family detention in any way, shape, or form. The current plan is to continue to use our alternatives to detention where we would put the parents or the adults. The heads of household on some sort of form of ATD. And we are also looking at potentially developing a home curfew program, which would be similar to, like, house arrest, and piloting something like that. So that is also on the horizon, but there has been no decision to restart family detention.

Mr. TRONE. Right. Talk a little bit about the 2024 budget, how is that going to expand community-based alternatives?

Mr. JOHNSON. So the 2024 budget—well, the 2023 budget actually reduced our ATD program. I think our 2024 budget may keep it steady at 170, if my memory serves. So I am not sure that there is a lot of funding to significantly increase our ATD, but I think some of what you are describing is the FEMA-based grants, which I believe is funding that FEMA gets, not necessarily ICE funding.

Mr. TRONE. OK. Great. And, secondly, according to U.S.-Mexico joint statement April 13, DHS committed expanding service to disrupt gun smuggling to Mexico through ICE's operation without a trace. Desert lightning. However, there is a GAO recommendation for ICE to identify performance measures for these. How do we plan to measure these efforts of preventing firearms? What we like to see is some data and some measurements on how we stop getting these firearms to the cartels with these new efforts?

Mr. JOHNSON. Well, very good question and good point. I mean, that is definitely been a priority over the last year. More outbound inspections. It is certainly something that the Mexican Government has been pushing us to do more of, and we have certainly committed to do the same. So I think over the last month, in the up-

coming months, you will start to see more outbound inspections that include both ICE and CBP.

Mr. TRONE. Certainly, we have asked the Mexican Government to help us on fentanyl, they have not been helpful. They have asked us to help on the guns. So someone needs to take the first step. So thank you for that. I yield back.

Mr. JOYCE. Thank you, Mr. Trone. I recognize myself for a second round of questioning.

Mr. JOHNSON, it is no secret that at the end of title 42 will have a significant impact on our immigration system. ICE previously released tens of thousands of noncitizens in the interior to ensure detention capacity for the projected surge following the end of title 42. Is ICE planning to release detainees into the interior in order to make room for high-border crossing projections ahead of May 11, like you did previously? And if so, how many, and what are the metrics that you are basing that decision on?

Mr. JOHNSON. Very good question, sir. We were sitting at around 25, 26,000 individuals in custody today. We are certainly going to try to get that number down to close to 22,000 or 21,000 leading into May 11. We hope to do that, primarily, through increased removals, but it may—you know, we will continue to look at our detained docket. And if there are individuals that are sitting in custody and where removal is not likely foreseeable in the reasonable future, then we would probably look to arrest—I mean, to release some individuals just to free some space up. There will be some combination of releases, but mostly removals to get our population down.

Mr. JOYCE. Do you anticipate needing additional supplemental resources to address the coming surge after the end of title 42?

Mr. JOHNSON. I do anticipate the need for additional resources. As someone pointed out early on, we were already looking at a \$485 million shortfall. We have asked for funding to cure that hole. And we are certainly anticipating some additional transportation and, you know, air frame requirements as a result of the end of title 42.

Mr. JOYCE. When you make this decision to release people of the interior, what is the vetting process that you are putting these individuals through before you let them run amuck in our country?

Mr. JOHNSON. Well, obviously, we are focusing on those that are either non-crims or very low-level criminals. mean, I don't know that we have gotten to the point where we would have had to consider releasing any low-level criminals. But if there are certain border cases, we will run them through our regular checks, which includes criminal history. But, you know, most of the folks that we are releasing from custody would not have a criminal history.

Mr. JOYCE. Well, they may in the country of origin, but you don't bother to look at those, correct?

Mr. JOHNSON. We don't have access to those—many we don't have access to many of those countries' records.

Mr. JOYCE. Thank you. I will yield to my distinguished Ranking Member, Mr. Cuellar, if he has any second-round questions.

Mr. CUELLAR. Thank you, Mr. Chairman. A couple of things, just follow-up. From some of the info that you all provided, you all have here that as of 4/16 of 2023, the total CBP prosecutorial discretion

releases add up to 802,000 people. As you know, by that is when they are overwhelmed, Border Patrol will put them on the notice to report with you all and not the notice to appear before an immigration judge. This 802,000-plus, is this fiscal year, or is it since when?

Mr. JOHNSON. This is since March 21, 2021. So since they actually started—

Mr. CUELLAR. Oh, OK.

Mr. JOHNSON [continuing]. Using the parole ATD or notice to report. So basically, what, 20-, 25-month period?

Mr. CUELLAR. OK. All right. The other thing on the top 10 parole—and you mentioned that some of their ICE offices don't have that type of workload. Have you, besides asking for more resources and technology and electronics and signatures, have you all moved around some of your staff or to try to—I mean, if somebody is handling a lot less than, let's say, New York City, can you move people around? Because I know we did that in some other areas. Can you look at that possibility? I mean, if you got 10 people working here that are only handling 10 cases, you got 10 people working here, but they are handling 50 cases, as an example, then, whatever you can do to move that around, that would be good.

Mr. JOHNSON. It is typically—the limiting factor is just the infrastructure. I mean, it is still the individual—even if we have somebody in Iowa, for instance, processing somebody in New York, they actually have to come and sit in the office so that we can actually talk to them and take their fingerprints and the like. So, I mean, we are—like I said, we are working on a technological solution to help with this, but it is just not a matter of processing them virtually because they still need to come to an ICE office to be fingerprinted.

Mr. CUELLAR. Yeah. Well, let's try to think outside the box as much as possible. Finally, my last question has to do with the coordination that you have with the Executive Office of Immigration Review, that is, the new judges. We have been adding judges for many years. I think we started to post 2014, I believe. And right now, as you know, if you look at the current immigration judges, they are authorized at 734, but on-boarded only 634. So there is still 76 currencies. They take a long time to hire judges. The same thing with almost any Federal agency, the streamlining process. But the Department's asking for 150 new immigration judge teams in its budget. But I notice that your Office of Principal Legal Advisor has requested no new judges. Should we be working the same with the immigration judges so we can have a backlog? Can you tell me what efforts you all are—why not ask for any money to add new attorneys?

Mr. JOHNSON. Over the last two fiscal years in 2023 and in 2022, we have been fortunate enough to get additional funding to increase our OPLA attorneys. We currently have 341 enhancement positions on the books. And we have only hired about 144. The thought is that it was probably going to take us the rest of this fiscal year to just get through, and maybe some of next to hire the balance of the 341 enhancement positions that we have gotten over the last 2 years. And the focus in fiscal year 2024 was going to be on just the facilities piece, making sure the OPLA attorneys that

we actually have hired over the last 2 years actually have adequate office space in close proximity to the judges that they are going to be working pretty close with. So that is the focus, at least in 2024, is the facilities piece and the like. And I am sure in 2025 we will probably continue our request to beef up our staff.

Mr. CUELLAR. And, finally, the work on fentanyl with Mexico. As you know, DEA is not in the best of standing with Mexico, and they emphasized that when we were there just a few weeks ago. So that means as they get the trust back in Mexico, your department has to play a big role in making sure that whether it is air cargos or containers coming into Mexico, that we intercept that so we can stop the fentanyl from coming into the United States and mainly through ports of entry. So I appreciate your help. Thank you, Mr. Chairman.

Mr. JOYCE. Thank you, Mr. Cuellar. I recognize Mrs. Hinson for 5 minutes.

Mrs. HINSON. Thank you, Mr. Chairman. And I am going to follow up on something that we have already had quite a bit of discussion about, and that is fentanyl. As a mom to two school-aged boys, I am particularly concerned about what the cartels are doing to continue to market and employ new tactics to reach children in this fight.

And obviously, we have talked about Blue Lotus, and we are closely following the effectiveness of those operations. But my questions are really about the cross-agency communication and making sure that that is still robust. It is essential for countering cartels. But I am just curious, are there areas where you believe that communication could be strengthened between ICE and other DHS agencies to make sure that we are really exercising that cross-agency cooperation to our best ability?

Mr. JOHNSON. I mean, I think we have done a really good job, particularly working with our partners at CBP. Certainly, the DHS components, I think, were lock-step with it in sort of fighting this particular issue. Obviously, you know, some of our DOJ partners we could probably improve some of the cooperation and the like. But, you know, it is a lot of territorial stuff going on, and you know we will work through it and continue to work with our Federal partners.

But I do think that you know CBP is—as long as we are both resourced appropriately—and Blue Lotus is a great example of us just having the ability to focus and send more agents down to just help with this problem, we will get the results. So we are going to continue to ask for additional funding to deploy to the border, to the southwest border, to our best teams that are focused, heavily focused on this fentanyl crisis.

Mrs. HINSON. Well, I think everybody understands, and we have seen plenty of turf battles in the work that we do here, but we want to make sure that we are fulfilling that mission and being able to stop this fentanyl coming into the hands of our children.

Let's talk a little bit about the Monroe Project, specifically, since that is in the request. It has been successful in targeting cartels and connecting traffickers back to cartels. Can you tell us a little bit more about the work in that space? Because obviously, with the \$41 million budget request, I want to make sure that this tool is

funded to the level needed for counter trafficking from a comprehensive perspective. So if you can just elaborate a little bit on the successes that you have seen.

Mr. JOHNSON. It has been extremely successful. I mean, it is focused right there on the southwest border. It is largely successful because of the relationships we have with our Mexican partners. You know, we have a sort of TCIU. It is where—Mexico is where we have our largest his footprint, which certainly results in some really, really good cases that are coming out of there.

You know, again, the biggest thing that we have asked for in fiscal year 2024 that is really going to help those investigations, and not just fentanyl, but human trafficking and drug smuggling, writ large, is just giving those folks access to RAVEN just so that we can start dumping a lot of this big data and analyzing it and being able to identify additional TCOs and the like, so.

Mrs. HINSON. And I guess in my follow-up, there would be—when you talk about access to all of that data, how are we really working to loop in local law enforcement because we want them to be able to see. Obviously, if they have detained someone, we want to make sure that they have access to those his networks as well. What are you doing to make sure that that cooperation and that information is empowered to local law enforcement as well?

Mr. JOHNSON. So there is about 4,000 State and local folks that are part of our task forces all throughout the country. And so we are pretty plugged in to the State and locals. I mean, his is—I mean, there is a lot of folks that would prefer to work with his than some of the other Federal partners. So that benefits us tremendously. And we will continue to sort of reach out to your State and locals where those relationships don't exist to try to create those partnerships.

Mrs. HINSON. Absolutely. Well, I heard from a local sheriff recently who said, you know, the cartels are so embedded even in a community in Iowa, that it is like a Hydra, you cut off one head, and then two more pop up. And it is terrifying to think that is happening right along Interstate 35 in my district.

So real quick question. Obviously, you are talking about the need for additional full-time employees. My concerns are with morale within the agency because it is a very challenging space to work in. But are you concerned about being able to fulfill the hires to meet those needs?

Mr. JOHNSON. I think we will have no issues filling the positions. We get a number of our folks, at least 30 percent, last I checked, coming from CBP. The other 60 percent or so are from the outside. At least, we have not seen a reduction in applicant interest in our positions when we—especially, you know, his and ERO in particular, these—you usually get hundreds of applicants for every one job. So, you know, despite the abolished ICE sort of rhetoric in some of the targeted acquisitions, we have still been fortunate enough to be able to keep a steady stream of applicants.

Mrs. HINSON. Thank you. I yield back.

Mr. JOYCE. Thank you, Mrs. Hinson. I now will recognize Mr. Trone.

Mr. TRONE. Thank you, Chairman Joyce, as always, I appreciate it.

Just if you could follow up on the distinguished member from Iowa's questions on Blue Lotus, I mean, talk about its success a little bit, but then talk about what we need to make it more successful and get the top of the top of the kingpins, which we never seem to quite get, or they operate with impunity in a Mexican jail that they control and run. And that is not really getting them. And then talk about why we couldn't have done this type of an operation a year ago.

Mr. JOHNSON. No, it is really about resources. And, you know, there is a lot of priorities. We have been spending a lot of time on human trafficking and human smuggling, trying to, you know, figure out a way to disrupt the flows along this Southwest Border. So you have to just pick and choose where you want to divert the resources. So we certainly don't want to pull away from the good work that is being done on human trafficking and human smuggling. But you do have to find the resources to divert to fentanyl. And Operation Blue Lotus is just one example of, you know, everybody sort of putting their resources together to focus their law enforcement investigative, sort of, focus at these two ports of entry that we actually believe are a big part of how the fentanyl is coming into the country.

So, no, we are asking for additional funding in 2024. We are going to continue to make it a priority. We are going to continue to try to bring on additional TCIUs and vetted units, get them the training here in the U.S., and increase our partnerships with countries, you know, our foreign partners so that we can continue our great work here.

I think you were here when I mentioned that the successes that, you know, the 36,700 criminal arrests that we made, the 27,000 pounds of fentanyl seizures, and then just you mentioned Blue Lotus, nearly 8,000 pounds of narcotics seized in just over 30 days which is truly remarkable.

So, you know, we see firsthand that if we send the staff to the border to assist our CBP partners, there will be great results. And I think you are going to see more of that in coming months.

Mr. TRONE. And where are we in trying to attack the heads of the cartels? Which, you know, Obrador has been totally hands-off and just had a peace, a truce, to not have an open warfare.

Mr. JOHNSON. Look, that is the goal of every his investigation is to pull on every thread until you can get as high up in the organization as possible. It is not just as a result of our work in Mexico and our Mexican partners. But even when an individual overdoses here in the U.S. and our work with the State and locals, we are right there on the scene, we are looking at their phones, figuring out who they last made contact with, and following that all the way back as far as we can, as high up in the chain as we can to target the head of the snake.

Mr. TRONE. The head of the snake—I mean, we know who the head of the cartels are. Let's go into some of the cartel. We know roughly where they are. And why are you unable to get the Mexican Government to help us target them?

Mr. JOHNSON. It is a delicate situation. I mean, it is some things that Mexican Government is going to be willing to do and some things they aren't so willing to do.

Mr. TRONE. The government is willing to tolerate having the heads of the cartels run the cartel. We know where they are, we know who they are, and they are OK with that.

Mr. JOHNSON. We work with our foreign partners as best we can. And for the things that they are willing to help us with, we accept it, and we do try to push them in certain areas where we can. But at the end of the day, we have very little legal authority in Mexico to do anything ourselves.

Mr. TRONE. Well, we thank you for your working with them and doing that, but I don't call that partnership. That is a different word. It is hardly partners when they don't partner the whole way up to the top. And we just, you know, indicted the head of the Mexican Government's—all their efforts on drug trafficking for a decade. Their top guy, you know, we just indicted him. And he is the one we shared all of our secrets with for over a decade, and we trusted implicitly. And, of course, now we know he was on the cartel's payroll the entire time. So there hasn't been a partnership, so to speak. And I think a lot of Americans are fed up with it. We are fed up with 100,000 deaths. So I yield back.

Mr. JOYCE. I think you have unanimous agreement on that, Mr. Trone. Mr. Cloud? Mr. Guest. I am sorry.

Mr. GUEST. Thank you, Mr. Chairman. I want to talk about the detention docket again. Fiscal year 2021, roughly, 3.7 million total on the detention docket. Fiscal year 2022, it grew by a million to now, roughly, 4.7, slightly over 4.7, based on what I have read and what I have heard. Also, it appears that for the first, roughly, half of fiscal year 2023, that has grown by another 600. And by the end of the year, assuming that things continue, the total number of individuals on the non-detention docket will reach close to 6 million, which is a huge increase over the last 2 years.

And so, as we have seen a growing increase in the non-detention docket, of that we know that 1.2 million on that detention docket, at least at the end of fiscal year 2022 had final orders of removal. And correct me if I am wrong, but a final order of removal means that that case has been played out through the judicial system. An immigration judge has determined that that individual has no legal status to remain in the country. And that at that point, once that individual is encountered, that individual is to be removed from the country. So we know that at least of that somewhere where we sit right now, 5.3 million, 1.2 million have already completed their legal proceedings. They have been ordered to be removed.

And so as we see these numbers grow, whether it be on the non-detention docket, you know, we have seen that the number of removals, particularly, going back from 2019, has decreased dramatically. 2019 removals were, roughly, 247,000. We know that the last 2 years, that number has hovered, I think, last year was an increase from the year before. The year before, I think, was roughly 60,000. Last year, roughly 72,000.

And so my question is as we seem to be doing a worse job of removing people from the country at a time in which we have an increase in cases—and I want to ask is that because you don't have the resources, is that the policies that have been placed down? You know, I have been told that there were policies placed by this administration that unless an individual had been convicted of a

crime, that we weren't to actually go out and enforce orders of removal. And if we have been asked not to enforce orders of removal, which were orders by a judge to go do something, I find that very problematic. And is the reason those numbers have dropped is because you have had to put all of your personnel in the southern border to address the surge, which has not gotten better. And after 42 goes away, we will probably get worse. And so, where is the disconnect?

As we have more people on the non-detention docket, as we have more orders of removal, but the people that were we are removing seems to not really be increasing and has decreased dramatically from behind 2019, please explain to me, Director, why we were not doing a better job of interior enforcement, particularly of those individuals whose cases have played their way out through the justice system?

Mr. JOHNSON. Really good questions. I think that the reason for the drop in removals are three-fold. I think it does have something to do with our focus on the southwest border and us deploying a lot of staff to the southwest border to deal with the flow. We have certainly used our planes and assets and resources to expel a lot of those folks that were coming across. And that certainly impacted our ability to put title 8 removals on those planes and in those seats as we have historically done.

I also think that, as I have mentioned previously, that the bulk of our removals come from our detention setting. So, obviously, it is much easier to move someone when they are in your physical custody as well.

Mr. GUEST. Well, and that gets back to my whole argument of why are we reducing detention beds if it is easier to remove people in detention? And I know we talked about it, whether it is in the primary budget or contingency budget. But it shouldn't be in the contingency budget. If it is easier to remove people, once they are in detention—and you have agreed with that, and I agree with that, but yet, we have a budget which is actually shrinking detention beds, I find that counterproductive. And I am not trying to be argumentative. This is something I am extremely passionate about. I know that you are, and you are passionate about making sure that you are representing the men and women that you serve with.

But to see this budget request by this administration, and to see a decrease in detention beds at a time in which we see a spike in every other number, I find that hard to justify. And I am not—and I don't place this blame solely on you. I know that you didn't get to write this budget without input of others, but the detention beds are a key component of that. And at the rate that we are going when we are removing 72,000 out of 1.2 million, that is less than 5 percent a year. And so, it is going to take 20 years just to remove the people that we have orders on. And as these additional cases work their way through the system, we are going to see those numbers grow exponentially. And it just doesn't seem to me that we either don't have the resources or we don't have the policies in place to enforce the law. And that is all we are asking. We are just asking the law be enforced. If there is an order of removal, that that person be removed. And we are not enforcing the law. And, unfor-

tunately, your agency has been tasked with enforcing the law, and we are not doing that.

And so, I am very concerned about that. And I hope that you can explain to us what you need in the form of resources, what you need in the form of detention beds, what you need in the form of technology. What can we provide you so that you and your agents can do the job that you are tasked to do? Because clearly, you don't have the resources that you need. Clearly, you don't have the manpower. You don't have the detention space. You don't have the technology.

I mean, we just talked about the fact that we are allowing people in the country, and we have no access to their criminal record from their country of origin. That is disturbing to me. It should be disturbing to all Americans that we are allowing people into the country, and we have no idea what crimes they may have committed in their home country. And yet we are deciding whether those people are sent into detention—and we know there are very limited detention beds—and just released into the interior. And so what do you need from Congress, what do you need from us on the Appropriations side that is going to allow you to enforce the law and do the job that you were created to do, you and your agency?

Mr. JOHNSON. So as I mentioned, I think we definitely need additional officers and support staff to work the significant increase in the non-detained docket, which will probably double at the end of this year, to close to \$6 million if we were spit balling. I certainly—I disagree. I don't think, as I have mentioned already, I think I do have access to those 9,000 beds. So in my mind, I think we are going to be you know right around the 32- to 34,000 funding that we have historically had going into next fiscal year. And again, I am hopeful that we will actually be able to use beds that we had before COVID where, when we started off in the beginning of the pandemic, we were only using 50 percent of our capacity because of social distancing requirement, all of the mounds of litigation, and, you know, some of the litigation and some of the social distancing requirements.

Today, we are at like 73 percent of our bed capacity, our bed use. Hopefully, on May 11, we can get to the norm, which is typically around 88 to 93 percent of our capacity. So again, I think if that happens, you will see more removals as a result of us just being able to use more of our detention capacity, and you won't see the title 8—the title 42 expulsions; there will be all title 8 removals. And I think we will really be able to do an apples-to-apples comparison of where we were in 2019 compared to where we are right now.

Mr. JOYCE. Thank you, Mr. Guest. I now recognize Sheriff Rutherford.

Mr. RUTHERFORD. Thank you, Mr. Chairman. And to follow up on Mr. Guest's line of questioning, you know, earlier when I brought this issue up, you talked about we are flying all these expulsions out, and we don't have room for the others who have been adjudicated. That 1.2 million that have orders to be deported, and we are not moving them. Yet, we seem to have the ability to move everybody at the border to the interior of the country. If we have got the means to move people to the interior of the country, why

can't we move them the other way and move them south where most of them are coming from? I don't quite understand that.

I want to ask you about an executive order that the President signed sometime back on law enforcement reform that is going to require agencies that partner with Federal agencies to meet a whole lot of guidelines that actually came out of the George Floyd Justice Act. This is under section 19 in the President's executive order. I know how much you rely on partnerships with State and local law enforcement. In fact, in your own written testimony, you mentioned the 4,000 task force officers that are helping you. I believe that this section 19 is going to create a problem, because many of these agencies are not going to be able to meet those section 19 standards in that executive order. And according to the order, if they don't meet it, they are not going to be able to work with you. Are you aware that this is coming down the line?

Mr. JOHNSON. I am sorry, Representative Rutherford, I am not tracking that, but I appreciate you bringing that to my attention.

Mr. RUTHERFORD. Please look at that, because I know how important these partnerships are. It is important to law enforcement that we partner with you all, not just on the, you know, the illegal immigrants, but all of the criminal efforts that we have with his, and all of that. So I just want to be sure you were aware of that.

The other thing is that ARROW, you ran that. You know that program inside and out. You know, as a sheriff—one of the things that I have really appreciated was the 287(g) program that allowed—particularly, now when we get into the police side of it, but the correction side of it, the jail-base program.

You know, those folks have already been arrested. They are clearly the folks that we want to get out of our country. And so, can you tell me how is that program working now? Are we encouraging agencies to become 287(g), at least on the correction side? Can you talk a little bit about that? Are those numbers going up or down because I heard that we were not renewing contracts. Is that true?

Mr. JOHNSON. So we have not increased the 287(g) agreement, but we—

Mr. RUTHERFORD. Why not?

Mr. JOHNSON. Have not eliminated any existing agreements either. So the program has sort of remained the status quo. When there was a commitment to take a look and do a review of the 287(g) program, and I think that is something that the Department may continue to want to do at some point.

Mr. RUTHERFORD. Director—

Mr. JOHNSON. From my perspective, I think a totally functioning and an appropriately running 287(g) program is the best thing since sliced bread. With our workforce, the size of our workforce, they serve as a force multiplier.

Mr. RUTHERFORD. Yeah.

Mr. JOHNSON. I would much rather our officers go into a secure setting at a facility, assume custody of an individual rather than have to do an at large arrest out in a community.

Mr. RUTHERFORD. Exactly. And so let me ask, can you give me the numbers on whether that program is going up or down over the last several years, particularly since the Biden administration? And

why aren't we growing that program? I know that there has got to be some agencies that want to participate in that, and from a public safety standpoint, I mean, you just said it. These are the folks who we have already taken off the streets. These are the easiest deportations you could possibly have. You don't have to go arrest them, they are already incarcerated.

Mr. JOHNSON. So I will say, again, that the numbers have an increase or a decrease over the last 3 years. We can get you the exact numbers. I think just as there might be a few jurisdictions out there that may want to enter into an agreement; there is probably other jurisdictions out there that would actually have absolutely nothing to do with us and nor would they want to enter into a 287(g) agreement.

So I think it cuts both ways. I think we have just been on pause with entering into any new agreements until we figure out where folks might be headed on this thing.

Mr. RUTHERFORD. And just very quickly, I know I am out of time, but you think it is a great partnership?

Mr. JOHNSON. I think any time we can arrest someone in a secure location without putting our officers in danger of having to go out and arrest them, you know out on the streets or in their homes or at work then it is obviously a benefit for us.

Mr. RUTHERFORD. Thank you. Thank you very much. I yield back, Mr. Chairman.

Mr. JOYCE. Thank you, Sheriff. And for any of those questions that some of the members may have had that you are going to get back to, if you wouldn't mind, I would like to try to have you get back to them within 15 business days from today. There may be additional questions that some of the members may have and will provide to you in writing. And I would ask you to respond to those actually in a timely manner.

Again, I would like to thank you for being here today and for the work that you do. And this subcommittee is adjourned.

[Answers to submitted questions follow:]

QUESTIONS FOR THE RECORD
SUBCOMMITTEE HOMELAND SECURITY
U.S. HOUSE COMMITTEE ON APPROPRIATIONS

Budget Hearing – U.S. Immigration and Customs Enforcement
Tuesday, April 18, 2023

Representative Joyce

Homeland Security Investigations (HSI) – Organized Retail Crime

To: ICE Acting Director Tae Johnson

According to ICE, Organized Theft Groups (OTGs) are sophisticated criminal organizations that profit from illegally obtaining goods that are later sold for economic gain. OTGs are known to profit from Organized Retail Crime (ORC), cargo theft, and other theft and fraud-related criminal activities. HSI defines ORC as “the association of two or more persons engaged in illegally obtaining items of value from retail establishments, through theft and/or fraud, as part of a criminal enterprise.” ORC continues to plague the retail industry, costing billions of dollars in lost sales and threatening public safety.

- 1a. Question: Can you describe HSI’s Operation Boiling Point program and how this initiative is combating these crimes?

RESPONSE: U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI) initiated Operation Boiling Point in 2022 with the goal of building partnerships with state and local elected officials, Chambers of Commerce, law enforcement, private industry, and retail associations. Operation Boiling Point is composed of the below four pillars.

- **Establish Public/Private Sector Partnerships:** The ICE Office of Partnership Engagement (OPE), ICE Office of Public Affairs (OPA), and HSI Financial Crimes Unit (FCU) are working with banks, state and local elected officials, Chambers of Commerce, law enforcement, various retail associations, and conferences that can help advance the mission.
- **Develop actionable Investigative and Intelligence Leads:** The National Lead Development Center (NLDC) is taking in tip line/email leads from federal, state, local, and foreign law enforcement agencies. NLDC has also established an email address specifically for loss prevention professionals and law enforcement to obtain assistance with combatting Organized Theft Groups (OTG).
- **Disrupt and Dismantle Organized Retail Crime (ORC)/OTG Organizations:** The information received through these partnerships and tips is processed and packaged by the

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NLDC and presented in a format that will aid HSI field offices in presenting cases for federal, state, and local prosecution.

- **Launch a Robust Public Awareness Campaign:** OPE, OPA, and HSI FCU created an Operation Boiling Point website and partnered with private organizations, such as the Association of Certified Anti-Money Laundering Specialists, to educate the public about OTGs and to create a detailed guide for detection and reporting of OTGs, organized retail crime/cargo theft, and other related theft.
- 1b. How is HSI working with other federal agencies, state and local officials, and private sector partners?

RESPONSE: HSI is accepting information and tips from other federal agencies, state and local officials, and private sector partners to the NLDC. The NLDC conducts open-source research, deconfliction, and financial/intelligence analysis to create investigative leads that are distributed amongst HSI's 253 domestic field offices employing approximately 6,000 special agents. The NLDC works with field offices and special agents to assist in the investigation and route new information or leads to other HSI field offices for collateral investigation.

In addition to OTG investigations, HSI is working with the Department of Justice's (DOJ) International Organized Crime Intelligence and Operations Center (IOC-2) to leverage the resources of the Organized Crime Drug Enforcement Task Forces Fusion Center and the Special Operations Division programs. This partnership seeks to deconflict and analyze information and intelligence related to transnational organized crime, coordinate multi-jurisdictional and multi-agency law enforcement operations, develop and disseminate intelligence and leads in support of law enforcement operations, investigations, prosecutions, and forfeiture proceedings, and provide operational funding in support of field investigative efforts.

IOC-2 member agencies currently include the Bureau of Alcohol, Tobacco, Firearms and Explosives; the Drug Enforcement Administration; the Department of Commerce; the Department of Labor; Office of the Inspector General; the Federal Bureau of Investigation; HSI; the Internal Revenue Service, Criminal Investigation Division; DOJ, Criminal Division; the National Crime Agency; the United States Postal Inspection Service; the United States Secret Service; the Department of State, Bureau of Diplomatic Security; and the U.S. Fish and Wildlife Service.

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In the 118th Congress, the Combating Organized Retail Crime Act of 2023 (H.R. 895 / S. 140) has been reintroduced in both chambers. This bill would establish the Organized Retail Crime Coordination Center at Homeland Security Investigations, combining expertise from federal, state, and local law enforcement agencies along with retail industry representatives to create a cohesive national strategy to curb organized retail crime.

2a. Question: How important would this kind of Center be for facilitating a coordinated approach to combat ORC?

RESPONSE: The creation of a federally led center would serve a vital role in coordinating federal, state, and local law enforcement and private industry partners to identify, disrupt, and dismantle OTGs who's activity has crossed jurisdictional lines and grown to a level beyond which individual police departments have the resources to investigate. An HSI-led center would include:

- Coordinate federal law enforcement activities related to OTG and ORC, including investigations of national and transnational criminal organizations engaged in ORC. The center would work to leverage HSI's Border Enforcement Security Task Forces, Transnational Criminal Investigative Units, and the National Initiative for Illicit Trade Enforcement in partnership with U.S. Customs and Border Protection.
- Coalescing goals of state and local law enforcement agencies and organizations, including Organized Retail Crime Associations (ORCA), and sharing information on ORC threats with these agencies and organizations, continuing HSI's Operation Boiling Point work with ORCA and HSI field offices.
- Establishing relationships with private sector companies within the retail sector by sharing information on threats, providing mechanisms for the receipt of investigative information on OTG/ORC threats, and expanding upon the current model of using the NLDC.
- Establishing relationships with e-commerce and social media companies by sharing information on bad actors, providing mechanisms for the two-way flow of information on OTG/ORC threats, and mirroring HSI's Cyber Crimes Center's work with social media companies.
- Establishing a secure system for sharing information on OTG/ORC threats by leveraging existing information systems at the Department of Homeland Security and DOJ utilizing HSI's Innovation Lab and Data Scientists.

2b. Does ICE support the establishment of this kind of Center under HSI?

RESPONSE: ICE supports the creation of an appropriately funded, seized and staffed center which focuses on organized retail crime with an international nexus consistent with

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HSI's mission. HSI investigates, disrupts, and dismantles terrorist, transnational, and other criminal organizations that threaten or seek to exploit the customs and immigration laws of the U.S.

3. Question: What kind of resources would HSI need to establish and operate this kind of Center?

RESPONSE: HSI needs \$8.3M and 26 positions (15 LEOs and 11 non-LEOs) to establish and operate this center. For primary operation, HSI needs to staff special agents, criminal analysts, data scientists, and administrative personnel. HSI also needs to procure office spaces large enough to house personnel from various private sector partners and federal law enforcement agencies who will partner with HSI. Moreover, HSI would require additional funding to provide case support to the field investigators, criminal analysts, and administrative support staff assigned to the center. Support to the field would include equipment, case related travel, and contractor services.

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Budget Hearing – U.S. Immigration and Customs Enforcement
Tuesday, April 18, 2023

Representative Underwood

Solitary Confinement

To: Acting Director Johnson

An overwhelming body of medical evidence shows that solitary confinement causes extreme psychological damage to the individuals who endure it. But there are limited federal regulations for segregation or the use of solitary confinement in immigration detention facilities.

4. Question: Can you explain how and under what circumstances non-citizens are subject to solitary confinement in immigration detention?

RESPONSE: U.S. Immigration and Customs Enforcement (ICE) does not utilize solitary confinement and does not agree with equating ICE's use of segregation to that of "solitary confinement." ICE's Special Management Unit (SMU) placements (segregation) are designed to promote the safety of all parties—detained noncitizens and facility staff. Facility personnel are required to offer noncitizens placed into an SMU with generally the same privileges as those noncitizens housed in general population, including recreation, visitation, access to the law library and telephones, clergy, and legal visits.

Consistent with ICE detention standards¹ and ICE Directive No. 11065.1, *Review of the Use of Segregation for ICE Detainees* (Segregation Directive) (September 4, 2013), a detained noncitizen may be placed into an SMU with either an Administrative Segregation designation (for detained noncitizens segregated for non-punitive administrative reasons) or a Disciplinary Segregation designation (for detained noncitizens segregated for disciplinary reasons). Administrative segregation is a non-punitive form of separation from the general population and is authorized only as necessary to ensure, safety of detained noncitizens, facility staff; protection of property; or security and good order of the facility.

Further, the Segregation Directive establishes requirements regarding agency reporting, review, and oversight of every facility decision to place a detained noncitizen in segregated housing for 14 days (or 14 days out of a 21-day period), 30 days, and at every 30-day

¹ ICE Performance-Based National Detention Standards (PBNS) 2011 (revised 2016), Standard 2.12, Special Management Units, at 171; ICE PBNS 2008, Standard 2.15, Special Management Units, at 1-2; and National Detention Standards 2019, Standard 2.9, Special Management Units, at 53-57.

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interval thereafter as well as reporting and review of segregation placements within 72 hours of placement when heightened concerns exist based on a case-by-case assessment of a detained noncitizen's health or other individualized factors.

Administrative segregation placements are for the briefest term possible and under the least restrictive conditions practicable, consistent with the rationale for placement. Generally, detained noncitizens in administrative segregation receive the same privileges as detained noncitizens housed in the general population, consistent with safety and security concerns. Administrative segregation placements are made when detained noncitizens:

- Request or require protective custody from others who may harm them;
- Are awaiting an investigation or hearing for an alleged violation of facility rules;
- Are scheduled for release, removal, or transfer within 24 hours; or
- Present a clear threat to the security of the facility, to themselves, or to others.

Disciplinary segregation is authorized only pursuant to the order of a facility disciplinary panel, following a hearing in which a detained noncitizen is determined to have committed serious misconduct in violation of facility rules. Disciplinary segregation regulates the detained noncitizen's behavior and is imposed for a maximum sanction of 30 days per incident, except in extraordinary circumstances. Extraordinary cases receive periodic review to determine whether continued detention in disciplinary segregation is warranted. Facility disciplinary panel decisions must be consistent with the Disciplinary Severity Scale described in the applicable ICE detention standards, and only when alternative dispositions would inadequately regulate the detained noncitizen's behavior.

ICE is committed to reviewing existing policies and procedures to continually improve civil detention operations, including the management and oversight of segregated housing.

- 5a. Question: What is the average amount of time someone is held in solitary confinement for "medical or mental health" care?

RESPONSE: As mentioned in the response to Question 4, ICE does not equate use of segregation to that of "solitary confinement." ICE publicly reports segregation data on [ice.gov](https://www.ice.gov/detain/detention-management) (<https://www.ice.gov/detain/detention-management>). In Quarter 2 of Fiscal Year 2023, January 1, 2023 through March 31, 2023, there were 178 SMU placements of detained noncitizens with an identified medical or mental health illness. These detained noncitizens spent an average of 10.26 consecutive days in the SMU.

ICE is committed to noncitizen segregation only as a last resort when heightened concerns exist based on a detained noncitizen's health, availability of alternative housing, or other factors. Per existing policy, detained noncitizens are removed from segregation if the ICE Health Service Corps (IHSC) determines that the segregation placement resulted in

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deterioration of the individual's medical or mental health, and an appropriate alternative is available.

- 5b. What policies are in place to restrict solitary confinement to no more than 15 days?

RESPONSE: ICE strives to limit use of segregation to a case-by-case basis. In many instances, the use of administrative segregation is out of ICE's control if a detained noncitizen requests protective custody or requires placement in segregation due to medical concerns (e.g., suicide risks, hunger strikes, medical observations, or COVID-19 quarantine). As noncitizen-requested protective custody must be honored, ICE cannot mandate a cap on the number of cumulative segregation placements or length of segregation stay. ICE can recommend detained noncitizens in protective custody return to general population, but it cannot force them to do so.

The Segregation Directive directly addresses extended segregation placements (Section 5.1), requiring the Field Office Director and ICE Headquarters Custody Management Division be notified whenever a detained noncitizen is held in segregation for 14 continuous days or 14 days out of any 21-day period. Both the Segregation Directive and ICE detention standards impose requirements for ICE to regularly review placements to ensure that detained noncitizens are not in segregation for longer than necessary, evaluate whether a detained noncitizen's mental or medical health has not deteriorated due to placement, and consider alternative housing placements. In addition to mandatory field office level reviews as detailed in the Segregation Directive, ICE utilizes weekly multi-disciplinary reviews of detained noncitizens in segregation. A multi-disciplinary committee of facility staff, including facility leadership, medical and mental health professionals, and security staff, meet weekly to review all detained noncitizens currently housed in the facility's SMU. During multi-disciplinary review the committee covers each case individually to ensure all staff are aware of the detained noncitizen's status, current behavior, physical and mental health, and to consider if a change in status is appropriate because SMU placements are not intended to be long-term housing.

In addition to facility-level reviews, Custody Management works with representatives from IHSC, Field Operations, and the Office of the Principal Legal Advisor to conduct a weekly ICE Headquarters review of cases in which detained noncitizens suffer from mental and medical illnesses and to evaluate whether their current housing placement is appropriate. ICE Headquarters personnel provide guidance to field office leadership and, in coordination with IHSC, may help facilitate the transfer of identified cases to other locations better suited to their individual needs, when applicable.

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U.S. HOUSE COMMITTEE ON APPROPRIATIONS

Budget Hearing – Immigration and Customs Enforcement
Tuesday, April 18, 2023

Representative Hinson

Alternatives to Detention Program Funding

To: Acting Director Tae Johnson

CBP and ICE career law enforcement officials have testified repeatedly that the failure to detain illegal border crossers serves as a “pull factor” to incentive individuals to come to the US illegally knowing they will be released. Less people being detained and less utilization of electronic monitoring of those individuals on the Non-Detained Docket is extremely concerning. Intensive Supervision Appearance Program (ISAP) has proven successful when used correctly. It is concerning to see ICE reduce use of ISAP and funnel Alternatives to Detention (ATD) program funding to NGO partnerships. ICE has continued to use funding allocated for ADT to fund inadequate programs. There are major concerns with ICE’s use of ATD funding, including an [OIG report](#) that found that ICE did not adequately justify its use of sole-source contracting in selecting Endeavors.

6. **Question:** Why has ICE reduced the use of ISAP with electronic monitoring in the last few weeks?

RESPONSE: Based on Fiscal Year (FY) 2023 budget, the Alternatives to Detention (ATD) Intensive Supervision Appearance Program (ISAP) is currently projected to have a deficit. U.S. Immigration and Customs Enforcement (ICE) continually evaluates the ATD-ISAP population through recurring case reviews and data analysis to ensure appropriate noncitizens are receiving correct levels of case management and technology assignment as they move through immigration proceedings. ICE Headquarters – ATD has also identified a decline in the number of cases referred for evaluation and participation in the program due to migration trends. It is anticipated that if encounters increase, so will the referrals for evaluation and assignment to ATD-ISAP.

7. **Question:** Why does the proposed budget for ICE not include additional funding for ISAP?

RESPONSE: ICE’s budget request for FY 2024 is \$363,401,000 for ICE’s ATD program for an average daily population of 104,756 participants. Additionally, the Southwest Border

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Contingency Fund includes additional funding for ATD. The FY 2024 proposed Southwest Border Contingency Fund would make additional funding available should noncitizen participant levels on the ISAP monitoring activity increase beyond the FY 2024 appropriated budget parameters. The proposed Southwest Border Contingency Fund would set aside additional funding to be made available to ICE should U.S. Customs and Border Protection (CBP) noncitizen encounter levels exceed thresholds. Taken together, appropriations and the proposed Southwest Border Contingency Fund, the ISAP monitoring activity would have sufficient funds to meet noncitizen CBP encounters projections as forecasted by DHS.

8. Question: Who ultimately approved that the Endeavors contract would be a sole-source?

RESPONSE: In accordance with Federal Acquisition Regulation (FAR) 6.304, *Approval of the justification*; the Homeland Security Acquisition Manual (HSAM) 3006.303-1, *[Other Than Full and Open Competition] Requirements*; and the DHS Justification and Approval Guide, a justification valued at \$86 million requires review by the Contracting Officer, Technical/Requirements representative, ICE Procuring Activity Advocate for Competition, the Head of the Contracting Activity, and ultimately approved by the DHS Chief Procurement Officer. The subject Endeavors Justification for Other than Full and Open Competition followed these procedures.

9. Question: Was anyone disciplined based on OIG findings of inadequate justification for sole-sourcing this contract?

RESPONSE: No disciplinary action was warranted. ICE non-concurs with OIG findings outlined in the report. This sole-source action complies with requirements of the Competition in Contracting Act as implemented by FAR in accordance with the requirements of FAR 6.303-1, *[Justifications] Requirements*; the Homeland Security Acquisition Regulations (HSAR) 3006.302-270, *Unusual and compelling urgency*; and HSAM.

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U.S. HOUSE COMMITTEE ON APPROPRIATIONS

Budget Hearing –ICE
Tuesday, April 18, 2023

Representative Case

Transnational Crime

To: Acting Director Tae Johnson

In your testimony you mention Homeland Security Investigations' (HSI) efforts to combat transnational cybercrime.

10. Question: What is HSI's strategy for pursuing cyber criminals abroad and how does this year's budget support that strategy?

RESPONSE: With cybercriminals operating with ease across international borders, U.S. Immigration and Customs Enforcement Homeland Security Investigations (HSI) has increased cyber engagement with international law enforcement partners.

HSI personnel around the world work tirelessly to protect children from predators who are involved in the production, distribution, and possession of child sexual abuse material, who livestream child sexual exploitation and abuse, and who travel internationally to sexually exploit and abuse children. HSI employs the latest technology to collect evidence and track the activities of individuals and organized groups who sexually exploit children using the dark web, chat rooms, peer-to-peer trading, and other internet-based platforms. This critical public safety mission is supported by the HSI Child Exploitation Investigations Unit (CEIU), which is housed within HSI's Cyber Crimes Center (C3). The CEIU aids HSI field offices, coordinates major investigations, conducts operations throughout the world to identify and rescue child victims and to identify and apprehend offenders. CEIU delivers training to HSI personnel, federal, state, local, and international law enforcement partners.

In FY 2023, CEIU's budget allocated funding to increase the physical space of the CEIU Victim Identification Lab beginning in Quarter 1 of FY 2024 with an additional three employees, expanding the number of Victim Identification Lab from only five non-law

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enforcement officer (LEO) employees to eight employees, five non-LEOs and three LEOs. This increase in personnel supporting victim identification efforts will significantly aid HSI's efforts at identifying victims quicker, identifying their offenders, and the locations where abuse may be occurring. This expansion will further promote HSI's reputation and ability to participate in various international victim identification task force operations, meetings, as well as working groups focusing on enhancing technologies and capabilities for large data aggregation and analyses.

In addition, HSI recently created four International Cyber Liaison positions for strategic deployment to London, United Kingdom; The Hague, the Netherlands; Ottawa, Canada; and Sydney, Australia. These positions are managed by the corresponding HSI Attachés with collaboration from C3. In anticipation of the formal deployment of these positions, HSI placed special agents on a temporary duty basis to these locations. Beyond the initial four positions, HSI anticipates deploying four additional International Cyber Liaison positions and is currently considering placement locations for these positions. All eight positions are funded by enhancement funding received by HSI in Fiscal Year FY 2022 and FY 2023. These positions will significantly enhance HSI's ability to coordinate with its international partners to conduct transnational cybercrime investigations.

Finally, HSI recently joined Europol's Joint Cybercrime Action Taskforce (J-CAT). The HSI attaché office at The Hague (HSI The Hague) leads this effort in collaboration with C3. J-CAT helps DHS work with European partners on intelligence-led, coordinated action against key cybercrime threats and targets.

11. Question: How does HSI work with the Federal Bureau of Investigation and other agencies with jurisdiction on this issue?

RESPONSE: Pursuant to the February 7, 2023, deconfliction guidance memo from Deputy Attorney General Lisa Monaco to U.S. Attorney's Offices, HSI extended its normal practice of deconflicting cases through Deconfliction Information Coordinator Endeavor 2.0 system to include deconfliction via the National Cyber Investigative Joint Task Force. HSI's proactive cyber efforts are also coordinated with the DHS Cybersecurity and Infrastructure Security Agency (CISA) and state cyber security entities. When appropriate, HSI conducts joint investigations with the Federal Bureau of Investigation (FBI) and other partners to augment resources by utilizing HSI's unique investigative authorities. In Fiscal Year 2022, HSI and the FBI saw a significant increase in Cyber Tipline Reports reported by social media companies to the National Center for Missing and Exploited Children (NCMEC) identifying children who were being financially sextorted by individuals out of West Africa, primarily Cote d'Ivoire and Nigeria. As a result, HSI and the FBI have since worked collaboratively to deconflict investigations,

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identify and safeguard child victims from further sextortion, identify and prosecute offenders located abroad, and raise awareness of this new online threat harming our children through press releases, social media campaigns, and updating outreach materials marketed towards children, teens, parents, and guardians.

In addition, HSI and the FBI work cooperatively to investigate and prosecute suspects who sexually prey on children. Every day around the world, agents from HSI and the FBI are sharing information, techniques, and training to better identify and bring perpetrators to justice.

12. Question: How does HSI identify cases to pursue, and has HSI developed procedures to make investigations responsive to reports of crime and scams against U.S. citizens?

HSI receives investigative leads from tip line reports received from the public, outreach engagements, confidential sources of information, and from information derived by analyzing information associated with previous criminal schemes. ICE's tip line reports are fielded by professionally trained staff and are documented and categorized by type of criminal activity and disseminated for action to the appropriate HSI field offices where they are further assessed for investigative viability. Additionally, HSI has an enterprise-wide system for disseminating investigative leads internally across all HSI field offices and Headquarters components.

In addition to these efforts, HSI engaged in proactive operations to address cybercrime. Operation Stolen Promise is a campaign to disrupt criminal activity seeking to exploit the COVID-19 pandemic for cyber financial fraud and profit. This operation has resulted in the analysis of over 92,000 domains, 66 websites removed or seized, and 182 cases initiated related to COVID-19 associated cybercrime.

Operation Cyber Centurion (OCC) is a HSI cyber threat intelligence initiative that proactively detects vulnerabilities in critical infrastructure and works with victims to remediate vulnerabilities before they are further exploited. OCC's objective is to significantly disrupt adversaries that exploit the internet to subvert U.S. laws and threaten the economic integrity, public safety, and national security of the United States. OCC focuses on the 16 critical sectors as defined by CISA. Since its inception in March 2021, OCC disseminated over 300 leads to HSI field offices resulting in successful mitigation of attacks against numerous critical infrastructure entities, including large municipal governments, law enforcement agencies, major healthcare providers, technology firms, and entities crucial to global supply chains.

**Budget Hearing – U.S. Immigration and Customs Enforcement
Agency (ICE)
Tuesday, April 25, 2023**

Representative Trone

To: Mr. Tae Johnson, Deputy Director and Senior Official Performing the Duties of the Director of U.S. Immigration and Customs Enforcement

Title 21 statutory authority for counternarcotics investigations (DEA and HSI collaboration)

Question: To what extent are DEA and ICE HSI operating under the 2009 Interagency Agreement—involving the cross-designation of ICE agents to pursue counternarcotics investigations, information sharing, and deconfliction of counternarcotics investigations?

RESPONSE: Homeland Security Investigations (HSI) partners with the Drug Enforcement Administration (DEA) more than any other federal agency and works with the DEA daily on criminal investigations.

Additionally, HSI regularly partners with DEA on investigations under the Organized Crime and Drug Enforcement Task Force (OCDETF). During Fiscal Year (FY) 2021, HSI conducted 1,106 OCDETF investigations, 588 were conducted with DEA. DEA and HSI jointly sponsor 14 Regional Priority Organization Targets (RPOT) and 4 approved Consolidated Priority Organization Targets (CPOT).

HSI deconflicts all investigations and operations with DEA and other agencies. Between 2016 and 2021, HSI deconflicted nearly 2.9 million selectors with DEA. That is more than 1,100 deconflictions every single day. HSI also requires deconfliction of all enforcement events through appropriate local event deconfliction systems and for Title 21 violations, includes data fields on its enforcement operations plans outlining the date and time that specific points of contact in local DEA offices were notified for coordination.

14. Question: Since 2011, how has the Agreement been adjusted or amended to ensure its intended goal(s) are achieved.

RESPONSE: In 2020, HSI and DEA convened a working group to reinforce and refine the mechanisms for cooperation outlined in the Interagency Cooperation Agreement (ICA). The working group resulted in the creation of a Joint Letter on the DEA-ICE Interagency Cooperation Agreement and a set of Standard Operating Procedures (SOPs) for HSI and

DEA Title 21 Coordinators. The letter was signed in January 2021, by the DEA Chief of Operations and the HSI Executive Associate Director, emphasizing training, designation of Title 21 Coordinators, dispute resolution, and reaffirmation of the agencies' commitment to deconfliction, information sharing, and coordination. The group also produced an SOP outlining the role of Title 21 Coordinators and procedural mechanisms for coordinating administration of Title 21 between agencies.

- 15 Question: To what extent, if any, do DEA and ICE HSI have mechanisms in place to monitor the implementation of the 2009 Agreement and adjustments and assess the efficiency, effectiveness, and performance of their collaborative information sharing and counternarcotics investigation efforts?

RESPONSE: HSI and DEA meet and confer regularly as outlined in the ICA. This includes meetings by headquarters sections of both agencies to address new and on-going issues experienced by multiple field offices. Additionally, both agencies have Title 21 Coordinators who serve as the primary points of contact for coordination of Title 21 activities in their respective offices and regions. Lastly, in addition to Title 21 Coordinators, local HSI supervisors and management meet regularly to ensure cooperative engagement between agencies.

- 16a. Question: Are there any overarching or systemic issues of coordination or deconfliction requiring headquarters-level intervention?

RESPONSE: Headquarters-level intervention noted in the prior response.

- 16b. For example, how well are the local deconfliction protocols working?

RESPONSE: HSI recognizes deconfliction is an essential practice enabling law enforcement officers to identify potential conflicts with other law enforcement agencies. Deconfliction promotes officer safety and prevents "blue-on-blue" incidents and enables collaboration and information sharing. It is a procedure built into the core of HSI investigative processes and goes beyond HSI and DEA investigations. HSI's broad investigative authority requires recognition by all investigators that deconflict, regardless of the crime being investigated and is a vital component of an investigation.

For example, during money laundering investigations, HSI must deconflict with other law enforcement agencies, such as the Federal Bureau of Investigation, Internal Revenue Service, and United States Secret Service. These deconflictions serve to ensure opportunities to further cases through joint investigations are exploited, while also ensuring the safety of officers conducting an investigation. HSI also has a memorandum of understanding with the Bureau of Alcohol, Tobacco, Firearms and Explosives that recognizes both agencies have a role in firearms investigations and establishes deconfliction practices between the agencies while encouraging joint investigations when

both agencies identify investigative targets of mutual interest.

HSI's deconfliction and coordination processes are governed by agency and Department policies and are required regardless of conditions set forth in the ICA. Since 2016, DHS policy requires all DHS law enforcement components deconflict investigative data. HSI Special Agents and TFOs, in both foreign and domestic offices, submit significant investigative data identifiers to DEA's Deconfliction and Informational Coordination Endeavor (DICE) database for deconfliction and coordination. HSI deconflicts investigations through DICE and does not limit deconfliction to narcotics investigations. HSI policy further mandates that all field personnel deconflict communications of confidential informants and undercover agents via DICE.

HSI deconflicts and coordinates more with DEA than any other partner law enforcement agency. Between 2016 and 2021, HSI submitted more than 2.9 million identifiers to DICE for deconfliction and coordination purposes. HSI conducted 441,743 deconflictions in 2021 alone. Further, HSI conducted 1,832 deconfliction queries through the OCDETF Fusion Center.

17. Question: Given the emerging drug threats, what additional tools are needed for HSI to more effectively counter narcotics trafficking?

RESPONSE:

HSI could more effectively counter narcotics trafficking by deploying and utilizing a suite of new technologies including mobile handheld Xray machines, which would greatly aid in interdictions, and mobile mass spectrometers, which would aid in interdiction and immediate identification of dangerous narcotics. Additional tools which would assist in the effort include deploying robust unmanned aerial vehicles to improve surveillance of undercover operations and discrete monitoring of subjects of criminal investigations. HSI has deployed several crypto currency tracing tools which are needed to track the movements of narcotics derived proceeds. These tools are crucial and constantly changing as is the crypto currency landscape. HSI seeks to increase the number and size of its Transnational Criminal Investigative Units to improve HSI's ability to track narcotics to their foreign origin point and identify and dismantle Transnational Criminal Organizations. HSI also seeks additional tools to better enable its approximately 4,000 task force officers to participate in narcotics investigations. Traditional tools, such as T-III wire intercepts, have become limited in their application and in some cases obsolete. HSI would benefit greatly in its counter-narcotics trafficking mission from tools which could lawfully intercept encrypted communication applications.

Arms Trafficking- "Operation Without a Trace" and "Operation Desert Lightning"

According to the U.S.-Mexico joint statement on April 13, DHS is committed to expanding its

efforts to disrupt gun smuggling to Mexico through ICE’s “Operation Without a Trace” and “Operation Desert Lightning.”

18. Question: There is an open G-A-O recommendation for ICE to identify performance measures for these types of efforts. How does ICE plan to measure whether its efforts are having the intended effects of preventing U.S. firearms from ending up in the hands of Mexican drug cartels, and adjust its efforts as necessary?

RESPONSE: In response to rising threats of cartel violence in Mexico using weapons sourced in the United States, U.S. Immigration and Customs Enforcement Homeland Security Investigations (HSI) and U.S. Customs and Border Protection (CBP) initiated Operation Without a Trace (WaT). To measure the program’s success, HSI and CBP collect metrics and co-author intelligence reports focused on seizure increments, successful prosecutions in furtherance of disruption and dismantlement, and assess the ease of procuring weapons in Mexico. HSI continuously emphasizes collaboration with CBP, external stakeholders, and international law enforcement partners to investigate weapons trafficking outside the United States and continuously adjusts efforts to combat new and emerging threats. The willingness of the Government of Mexico (GOM) to share specific information related to firearms recovered in Mexico would allow investigators to quickly identify the origins of these firearms and improve efficiency of criminal investigations. With this data, HSI could better measure effects of their intended efforts and adjust investigative strategies.

19. Question: These operations supposedly target known trafficking corridors. How did ICE identify these corridors and to what extent has ICE incorporated ATF’s tracing data—particularly data on firearms recovered in Mexico after being successfully smuggled from the United States—to identify these targeted corridors?

RESPONSE: The southbound smuggling corridors are known to HSI through HSI’s participation in operation WaT. WaT tracks HSI and CBP seizure and arrest enforcement data to identify these corridors. Intelligence analysts produce intelligence products on these enforcement data points and disseminate to CBP leadership for them to make informed decisions on when and where to surge resources. CBP Operation Desert Lightning surges resources utilized for outbound inspection operations at the ports of entry and departure. The Department of Homeland Security does not rely on the Bureau of Alcohol, Tobacco, Firearms and Explosives’ (ATF) tracing data collected from the GOM to identify corridors. Trace data quality depends on traces successfully submitted in the tracing system and traces only provide information of an initial firearm sale from Distributor to Federal Firearms Licensees limiting its value to accurately identify corridors. ATF can precisely answer questions on the quality of trace data.

Arms Trafficking- The Bipartisan Safer Communities Act

The Bipartisan Safer Communities Act established new gun trafficking authorities, including the

smuggling out of firearms and straw purchaser and ghost gun provisions.

20. Question: How do these new authorities affect ICE's efforts to prevent firearms from ending up in the hands of Mexican drug cartels?

RESPONSE: The new authorities, combined with Homeland Security Investigations' (HSI) existing export control authorities, provide agents with additional statutory options for pursuing prosecution of individuals involved in international weapons trafficking.

21. Question: How do these new authorities affect ICE's cooperation with other law enforcement agencies, particularly ATF, in preventing U.S. firearms from ending up in the hands of Mexican drug cartels?

RESPONSE: To effectively and efficiently comply with the law, HSI and the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) should enhance cooperation and information exchange related to international weapons trafficking cases. To best utilize and integrate new authorities, HSI and ATF must prioritize, update, and formalize interagency partnerships when it comes to international weapons trafficking cases. Increasing cooperation between ATF and HSI to more effectively counter international weapons smuggling networks requires a substantial commitment of resources and funding by both agencies. Additional resources and funding would create or enhance HSI participation on international weapons trafficking task forces, allow hiring of additional personnel to support interagency operations, enhance information exchange systems, and update policy and procedures regarding joint cases.

Detention programs under consideration

During your testimony, you mentioned that ICE is considering the possibility of a new home confinement program for families seeking asylum or other protection in the United States. This raises serious concerns regarding the ability of immigrants to integrate into their communities.

Question: Please provide detailed information regarding the program that is under consideration, including:

- a. how ICE would select individuals to participate in this program;
- b. any communication ICE has already had with potential contractors;
- c. and a detailed description of why such a program would be necessary given the evidence showing that nearly 100% of families appear for immigration court when provided counsel.

RESPONSE: On May 10, 2023, U.S. Immigration and Customs Enforcement's (ICE) Enforcement and Removal Operations announced a process for family units apprehended at the Southwest Border who are processed for expedited removal and indicate an intention to apply for asylum or express a fear of persecution or torture. This process, referred to as Family Expedited Removal Management (FERM), will place certain heads of household for family units on Alternatives to Detention (ATD) technology—a GPS ankle monitor—for continuous monitoring and make them subject to a curfew.

For this process, ICE is not utilizing new outside contractors. FERM is designed to increase compliance for family units in the credible fear process, which includes participating in a timely credible fear interview with U.S. Citizenship and Immigration Services (USCIS) and any requested review by an immigration judge, without being detained. Families who receive a final negative credible fear determination are often removed from the United States within 30 days from processing into expedited removal and referral to USCIS. Heads of household are eligible for enrollment in FERM if they are processed for expedited removal, are nationals of countries to which ICE maintains regular removals via land or air and reside in a location under the jurisdiction of the ICE field office based in one of four FERM-destination cities. The heads of households not placed into FERM may be placed on ATD.

Development of biodetection capabilities

Securing our nation's border, transportation hubs, centers of economic activity (e.g., sporting arenas and entertainment venues) requires the ability to rapidly screen individuals for potential biothreats. No capability is currently available that provides this capability that is needed.

22. Question: DHS is developing digital MALDI technology that will provide a leap ahead capability to rapidly screen large volumes of individuals and that initial testing in airports and sports arenas has been very successful. Could you describe DHS plans to complete digital MALDI development and transition this capability to DHS users?

RESPONSE: The digitalMALDI prototype does not screen individuals but, screens aerosol particle data. No personally identifiable information (PII) or sensitive personally identifiable information (SPII) is involved in this activity or is captured or created by the digitalMALDI prototype sensor.

DHS is pursuing several technology development efforts to improve environmental biodetection capabilities designed to provide detection and early warning of an aerosolized bioterrorism attack, including those with applications for detecting a release to indoor environments such as airports or sports arenas. One such effort is the Matrix-Assisted Laser Desorption Ionization (MALDI) technology, initially developed by the DHS Science and Technology Directorate (S&T).

The technology Digital Matrix-Assisted Laser Desorption Ionization Time of Flight (MALDI TOF) (digitalMALDI) Mass Spectrometry (MS) for aerosol biodetection comprises a novel prototype sensor technology that could enable real-time detection of aerosolized bacteria, viruses, and toxins. The MALDI methodology uses a pulsed laser to trigger vaporization of an environmental sample and mass spectrometry to analyze the sample to determine the presence of a potential threat.

By combining multiple technologies, this novel sensor could offer continuous air

monitoring and quickly and efficaciously identify biological particles that indicate a bioterrorism event occurred within 10 – 60 minutes versus 12 – 36 hours. Additionally, limited human intervention is required for sample collection and analysis.

In 2022, DHS S&T conducted a technology readiness assessment (TRA) of the digitalMALDI prototype and determined the prototype to be at a technology readiness level 5, meaning the component has conducted some limited validation in a relevant environment. A full prototype has not yet been demonstrated in an operational environment. This information was shared with CWMD staff as a knowledge product to continue maturation in preparation for transition to CWMD in 2023. CWMD provided relevant data from Phase I and Phase II of its Multiplexed Biothreat Detection with Fieldable Mass Spectrometry project to assist with the TRA. The TRA report informs subsequent scope requirements to mature the technology in preparation for transition to CWMD for advanced development, fielding, and sustainment.

Future R&D to design and fabricate a refined prototype (digitalMALDI Gen-2) will address size, weight, and power constraints. The next generation prototype will have a reduced volume and footprint and will be the template for additional development, testing, and evaluation. Lastly, it will reduce the acquisition cost and the operation & maintenance (O&M) costs of deployed systems.

CWMD welcomes the opportunity to provide a brief on current and future CWMD environmental biodetection efforts, including MALDI and other technological approaches to this critical capability area.

TUESDAY, APRIL 18, 2023.

FEDERAL EMERGENCY MANAGEMENT AGENCY

WITNESS

HON. DEANNE CRISWELL, ADMINISTRATOR, FEDERAL EMERGENCY MANAGEMENT AGENCY

Mr. JOYCE. Today's hearing will come to order. This afternoon we welcome the Administrator of the Federal Emergency Management Agency, Deanne Criswell to testify on FEMA's fiscal year 2024 budget request.

Administrator Criswell, thank you for joining us today. Thank you for your decades of service to our country in the military, as a firefighter and first responder, and your years in emergency management.

FEMA has a simple, yet critical, mission of helping American people before, during, and after their disasters. The fiscal year 2024 budget request for FEMA is \$25.5 billion. The majority of those funds, \$20.1 billion, are requested for the Disaster Relief Fund to support response and recovery efforts for major disaster declarations, including the COVID-19 pandemic.

The requested funds are on top of the \$170 billion that Congress has appropriated for the Disaster Relief Fund since 2020, and in addition to the supplemental request that we expect to receive in the coming days, to ensure that the Disaster Relief Fund continues solvency in the current fiscal year.

To date, FEMA has obligated approximately \$112 billion in response to the COVID disaster, and that only represents the expenses for which the States have requested and received reimbursement so far. States will continue to incur costs through May 11, when both the disaster period and the public health emergency will officially end.

I would like to hear from you today on the biggest challenges FEMA faces to continue to manage the COVID disaster, including FEMA's projections for the total of COVID disaster spending and whether the continued focus on the COVID disaster detracts from FEMA's ability to respond to past, current, and future disasters.

Lastly, I am concerned to see a continued focus on FEMA's so-called "Road to Resilience," which represents a significant reorganization to FEMA programs and functions in the name of attaining an ill-defined nebulous goal. This initiative is, at best, merely a talking point in this Administration's ongoing resilience narrative. At worst, it has the potential to severely hamper FEMA's ability to support its core disciplines of preparedness, response, recovery, and mitigation.

Administrator Criswell, I want to thank you and everyone at FEMA for your hard work and dedication. I look forward to your

testimony today and working with you throughout the fiscal year 2024 appropriations process.

Now, before I turn to our witness for her statement, I would like to recognize our outstanding ranking member, Mr. Cuellar, for his opening remarks.

Mr. CUELLAR. Mr. Chairman, thank you so much.

First of all, good afternoon. It is a pleasure seeing you again, Administrator Criswell. Thank you, again, for the work that you do, and please thank all of your men and women that work for FEMA.

In Texas, we have seen a variety of natural disasters, including hurricanes, floods, wildlife, tornados, and droughts. The frequency and the severity of these disasters are not just in Texas, but they are all over the country, as you know. They are on the rise and increasing with severity.

FEMA's work helps communities affected by these disasters. The Disaster Relief Fund provides the funding necessary to respond to disasters like in Texas and assist with the recovery process, including providing critical resources and supplies. And, of course, one of the things that we are interested in is, how do we expedite, how do we become more efficient, how do we provide that help when—at the moment of need at that time. So, we appreciate the work that FEMA plays in helping in the greatest time of needs before, during, and after the disaster, but again looking at efficiency and effectiveness on that.

Today, you know, we certainly want to hear from you about the fiscal year 2024 funding requirements for the agency and on the challenges and the opportunities that lie ahead for FEMA. I am interested in learning about what steps FEMA is taking to ensure that it is adequately resourced as we head into wildlife and hurricane season. I am particularly concerned about the shortfall in the Disaster Relief Fund, and want to learn more about what FEMA is doing to prepare for any difficulties that may arise.

I, again, want to thank all your workforce that do a great job for y'all. And certainly, I also want to hear a little bit about the committee—I mean, about the work, the \$90 million that we put for Operation Stonegarden that goes to Border Patrol and local law officials.

This program, I think we started it back in 2008, and it is critical to ensure that border communities have the resources to improve border security in their own backyard. So, I certainly want to talk about how this funding is distributed and if you are facing any challenges that we can help you with.

Finally, I do want to, you know, ask you later on if we can talk about your performance strategic plan, your key performance measures, and what we need to do. I have looked at some of them. With all due respect, I think we need to do a little bit of work on some of that.

And, with that, I say thank you, and I look forward to your testimony and your answers to these questions.

Mr. Chairman, thank you, and I yield back.

Mr. JOYCE. Thank you, Mr. Cuellar.

Administrator Criswell, without objection, your full written testimony will be entered into the record. With that in mind, we would ask you to please summarize your opening statement in 5 minutes.

Ms. CRISWELL. Thank you.

STATEMENT OF HON. DEANNE CRISWELL

Chairman Joyce, Ranking Member Cuellar, and other members of the subcommittee, thank you for the opportunity to testify before you today regarding FEMA's \$30.2 billion budget request for fiscal year 2024.

Today, our Nation faces an unprecedented number of complex disasters that require emergency managers to be more adaptable and ready to act at any moment. Natural disasters are becoming more intense, more frequent, and much more destructive, and I believe this is a pattern that will continue into the foreseeable future.

In just the last few weeks before this hearing, FEMA is supporting five States with impacts from severe weather outbreaks that took many lives and displaced thousands of people. Our fiscal year 2024 funding request ensures that the agency can continue to meet these challenges and be prepared for the future as FEMA works to support our Nation before, during, and after disasters.

FEMA has aligned our budget request to support the goals outlined in our 2022–2026 strategic plan. These goals are instill equity as a foundation of emergency management, lead the whole of community in climate resilience, and promote and sustain a ready FEMA and a prepared Nation.

To begin today, I would like to highlight the work that we are doing to ensure that all disaster survivors receive the assistance for which they are eligible for. Disasters can impact anyone, but they can affect individuals and communities differently. So, our budget request has equity considerations woven into all of the work that we do.

We are also improving the customer experience to the development of more user-friendly digital tools that will reduce the time our customers spend accessing and submitting grant applications and forms for public assistance. These tools increase the capability of our customers while removing unnecessary barriers during their preparedness, recovery, and mitigation efforts.

FEMA is also requesting funding to continue building climate resilience in our Nation's disadvantaged communities by modernizing our suite of flood insurance products to make them more accessible.

The second pillar of our strategic plan is leading a whole of community in climate resilience. FEMA is not just a response and recovery agency. We are working with our partners to mitigate the impacts of future disasters. Thanks to strong bipartisan congressional support, we have made available historic levels of mitigation funding to communities over the past 2 years.

Our budget request includes \$41.7 million to support strategies and products to address climate change through community partnerships. This includes further investments in Building Resilient Infrastructure and Communities, or our BRIC program, as well as our Hazard Mitigation Grant program, which will help fund projects to mitigate the impacts of future disasters. We are also implementing a building code strategy that increases hazard resilient building code adoption across our Nation.

In the fiscal year 2024 budget, we estimate setting aside \$1 billion of the Disaster Relief Fund to be used exclusively for our BRIC

program. This set-aside will help communities build capacity by funding hazard mitigation projects, such as seismic retrofits, storm water management plans, and the construction of flood control and floodways.

The quicker we recognize and implement these proactive measures to reduce the loss of life and property, the safer and better off we are as a Nation.

Finally, as FEMA faces an increasing number of catastrophic disasters, we must increase our workforce along with capacity at the State and local level. Our budget request supports our work to promote and sustain a ready FEMA and a prepared Nation. The FEMA workforce is the agency's most valuable asset. Our budget request also includes \$20.1 billion for the Disaster Relief Fund, which serves a vital function in addressing current and future disasters.

To reach this number, FEMA worked closely with disaster-impacted States and territories to better understand their recovery needs from ongoing catastrophic disasters. This was in addition to reviewing and evaluating the historical cost average for non-catastrophic disasters, the previously mentioned allocation for BRIC, and ensuring the reserve has available funds for initial response operations for any catastrophic event.

Just in this year alone, I have seen firsthand how tornados and severe storms have devastated communities in Mississippi, in Arkansas, and in California, and how our first responders at all levels of government came together to provide the critical resources to aid in these recovery efforts. It is imperative that we work together to ensure the DRF is sufficiently funded so that communities have the resources they need to quickly rebound from these traumatic events.

And I would be remiss to not briefly mention the work that we do through mitigation to prepare for other threats facing our country. Terrorist attacks can happen at any time or any moment, as we were reminded recently on the 10th anniversary of the Boston Marathon bombing. Our budget request includes a \$55 million increase for the Nonprofit Security Grant Program. These vital grants will support our communities through physical security enhancements and other activities for nonprofit organizations that are at a high risk of terrorist attacks.

In closing, the fiscal year 2024 appropriations request will adequately position FEMA to face the critical challenges ahead in emergency management, and I look forward to your questions.

[The information follows:]

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STATEMENT

OF

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ADMINISTRATOR
FEDERAL EMERGENCY MANAGEMENT AGENCY
U.S. DEPARTMENT OF HOMELAND SECURITY

BEFORE THE

COMMITTEE ON APPROPRIATIONS SUBCOMMITTEE ON HOMELAND SECURITY
UNITED STATES HOUSE OF REPRESENTATIVES WASHINGTON, D.C.

“Fiscal Year 2024 Budget Request for the Federal Emergency Management Agency”

Submitted
By
Federal Emergency Management Agency
500 C Street SW
Washington, D.C. 20472

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Opening

Chairman Joyce, Ranking Member Cuellar, and Members of the Subcommittee, thank you for the opportunity to testify before you today to discuss FEMA's Fiscal Year (FY) 2024 \$30.2 billion total appropriations request.

As our nation continues to face an unprecedented number of complex and catastrophic disasters, the field of emergency management has never been more critical. We must be ready to act at any moment. Now, more than any previous time in history, emergency managers must be adaptable and ready to execute the fundamentals of emergency management as the disaster mission evolves. Concurrently, we must continue to assess our programs and resources to ensure they are meeting the needs of our citizens they serve.

FEMA is committed to providing the support our states, tribes, territories, and communities need as they recover from both natural and human-induced disasters, incidents, and events. Between 2016 and 2022, FEMA experienced a 124 percent increase in the number of staff who deployed to support disaster operations for more than 30 days. In 2022 alone, FEMA performed recovery work during 52 major disaster declarations, with employees spending an average of 95 days on deployment serving our communities and citizens firsthand. A recent example is FEMA partnering with the New Mexico state and local partners to establish the Hermit's Peak/Calf Canyon Claims Office. Congress directed FEMA to stand up an office that would disburse funding and ensure a simple and timely claims process for the citizens and businesses as they recovered from a devastating wildfire.

As you know, following a disaster, FEMA serves both individual survivors and communities through our individual and public assistance programs. In 2022, FEMA provided more than \$3.2 billion directly to disaster survivors and more than \$30 billion to support the rebuilding and repair of community infrastructure following disasters. The Agency also continues to provide operational support in collaboration with our federal partners at the southern border.

The FY 2024 President's Budget request will provide the resources the Agency needs to meet its mission of helping people before, during, and after disasters. FEMA's budget request is closely aligned to support three overarching goals outlined in the 2022-2026 FEMA Strategic Plan. These goals are to: 1) instill equity as a foundation of emergency management; 2) lead the whole of community in climate resilience; and 3) promote and sustain a ready FEMA and a prepared nation. Our budget request directly reflects our continued commitment to fulfill our mission, while also effectively managing our resources. Additionally, our request promotes our ability to coordinate mitigation, response, recovery, and preparedness missions while also equipping a highly skilled and competent workforce who are ready at any moment to provide on-the-ground support to our communities.

Instill Equity as a Foundation of Emergency Management

Disasters affect everyone differently and make existing challenges in communities and the lives of survivors more difficult.

One of my priorities to ensure we're putting people first is partnering with our state, local, tribal, and territorial (SLTT) communities to instill equity as a foundation of emergency

management. Some of the ways we accomplish this is through the Agency's enhanced Building Resilient Infrastructure and Communities (BRIC) direct technical assistance and by improving program access through all of our mitigation grant programs. These programs will provide our communities access to effective and efficient tools to assist in their recovery and resilience efforts. These capabilities will expand our outreach to states, local communities, Tribal Nations, and territories and address new climate risks, promote risk mitigation and avoidance, and improve accessibility for our socially vulnerable populations.

We also recognize that under-resourced communities experience differences in preparing for and recovering from disasters. Further, they tend to face greater obstacles in resuming a new normal way of life immediately following a disaster. Our budget request reflects these considerations throughout the agency's programs, and I'll highlight a few examples.

FEMA's request includes \$6.6 million to continue building climate resilience in the nation's disadvantaged communities through making our flood insurance products more accessible to our customers; building climate resilience in disadvantaged communities through our grant outreach and technical assistance programs; and enhancing our flood mitigation assistance program. For example, \$1.8 million will be used to enhance our customer experience through a more streamlined, user-friendly digital platform that will reduce the amount of time our customers require to complete and submit requests for grants and public assistance. This digitized platform will aid in the removal of barriers to, and usage of, these programs by underserved communities.

In our country, disaster-related floods on average lead to more deaths each year than tornadoes and hurricanes, and no community is immune from the risk of flooding. The FY 2024 budget request includes \$3.7 million to modernize our suite of flood insurance products and realigns \$6.9 million within our flood mitigation assistance program to support hiring additional personnel. We are increasing our outreach efforts to enhance the customer service we provide communities.

Finally, I recognize many communities do not have the resources to develop and design mitigation projects. That is why our budget request asks for \$1.1 million to enable us to build on our mitigation grant outreach through a direct technical assistance model that will increase community resilience in highly vulnerable, under-resourced small communities nationwide.

Lead Whole of Community in Climate Resilience

As stated earlier, FEMA is responding to a greater number of, and more complex, disasters. We must put practices in place to stop the repeated cycle of response and recovery. One of the ways we will do this is through greater investment in climate resilience. Our budget request invests \$41.7 million to support the Administration's priorities to mitigate the effects of climate change. While we must be vigilant and prepared to respond when disasters occur, we must equally work together at all levels of government to reduce the risk to individuals and properties from disasters before they occur. To this end, FEMA plans to lead this challenge and continue proactively partnering with our communities through identifying, understanding, and building resilience to the risks we face.

Specifically, FEMA's request includes an additional \$37.3 million to further our inventory of decision support products that will highlight future flood conditions and support the Federal Flood Risk Management Standard, along with the associated climate-informed activities designed for future flood events. This funding will improve RiskMAP's ability to continue building community partnerships and supporting long-term hazard mitigation planning activities. These initiatives are designed to prepare communities for future flood conditions by developing risk assessment capabilities.

FEMA's FY 2024 budget request also includes \$4.3 million that will enable communities to better prepare for disasters. Included in this request is \$2.4 million that will be used for hiring additional staff to improve our ability to share data on future flood risks and that will support our development of risk assessment capabilities for flooding. The request also includes \$1.1 million for implementing a Building Codes Strategy and \$0.8 million for establishing a new Climate Adaptation Office. The funding for the Building Codes Strategy builds on our work in FY 2021-2023, which created the strategy office and aligned building code activity across the Agency. This investment will enable us to hire additional staff to establish a Building Codes Program Office at Headquarters to implement the work previously accomplished. This office's work aims to achieve a goal of over 50 percent of the nation's communities to adopt a current code in the next three years. This work will increase hazard-resistant building codes adoption that will directly contribute to superior building performance during disasters.

The budget also proposes funds to stand up a full-time, dedicated policy coordination Climate Adaptation Office, which will holistically integrate climate adaptation initiatives, climate science, data, and perspectives into FEMA operations, programs, and communications. The office will also support national policy and guidance development in close coordination with FEMA programs, partner agencies from the Department of Homeland Security and the White House.

FEMA's FY 2024 budget request includes \$1.0 billion for the Building Resilient Infrastructure and Communities (BRIC) grant program that builds on the work we have done in small and large communities alike and reassures our commitment to leading recovery efforts by providing communities with assistance after a catastrophic event. The quicker we recognize the importance of working to reduce the loss of life and property by lessening the impact of disasters, the better off we will be as a nation.

We look forward to partnering with you to implement the President's Budget for FEMA in the disaster mitigation arena to better assist under-resourced and underserved communities, and to ensure they receive equitable access to mitigation assistance.

Promote and Sustain a Ready FEMA and a Prepared Nation

The FEMA workforce is the Agency's most valuable asset and represents some of the country's best equipped and knowledgeable emergency managers. They are prepared to respond at any moment to hurricanes, tornadoes, floods, health emergencies, and other human-induced events, such as train derailments and oil spills. Even as the number and complexity of disasters continue to raise the bar, our incredible team continues to meet and exceed the requirements – we will always be there when the nation calls. The Agency's

budget includes an increase of \$15.2 million to establish three additional Logistics Staging Management Teams, strategically placed across the United States, to ensure rapid delivery of resources to SLTT partners by prepositioning lifesaving and life-sustaining commodities as close to potentially impacted communities as possible.

Equipping a ready workforce while also providing user-friendly, accessible technology platforms to our external stakeholders requires ensuring our information technology (IT) infrastructure and information security posture are updated and incorporate the latest requirements. In addition to providing food, water, and other critical commodities following a disaster, one of the first things FEMA does is get money into the hands of survivors and communities to help jump start their recovery. To do this, we must ensure our IT systems are upgraded and ready to meet the nation's needs in its darkest hours. As such, our budget request includes \$138.1 million that will address cybersecurity vulnerabilities, gaps in our internal controls, and modernizing the Agency's antiquated IT systems.

The Disaster Relief Fund (DRF) plays a vital function to our nation's readiness posture by providing response and recovery efforts to communities impacted by domestic major disasters and emergencies. In FY 2024, our total request includes an additional \$20.1 billion for the DRF to address immediate needs and recovery for major disasters.

Our FY 2024 budget request includes \$14.1 million that will support enhancements to the Integrated Public Alert and Warning System (IPAWS). IPAWS is the system that provides emergency alert warnings from the President, the National Weather Service, emergency managers, and public safety officials to the public across the country. IPAWS provides life-saving information to the public through mobile phones using wireless emergency alerts, to radio and television through the Emergency Alert System and on the National Oceanic and Atmospheric Administration's Weather Radio. Additionally, this funding will support the Grants Management Modernization, Enterprise Data and Analytics Modernization Initiative, as well as enhancements of other critical IT systems. FEMA's Enterprise Cloud Services Support includes \$20.7 million in FY 2024. This funding will ensure the FEMA Enterprise Cloud continues to enable and sustain mission essential functions, disaster response and recovery, agency operations, and other mission-related activities that rely on cloud services.

We must ensure that our workforce has a secure, and safe space to conduct mission essential operations. In FY 2024, we are planning for structural and technical improvements at several of our key facilities to be ready for our nation to respond to domestic events. To that end, our budget request includes \$43.6M for facility improvements. This includes \$6.1 million to support regional projects, such as upgrades to the utilities' infrastructure at the Region 6 Headquarters and the lease consolidation at Region 8. FEMA is also planning \$35 million in enhancements to Mt. Weather Emergency Operations Center facilities, a national asset that provides resilient infrastructure, logistics, and medical support along with support personnel for a wide variety of vital government functions. Finally, we requested \$2.5 million to fund the modernization and replacement of the IT infrastructure on the National Emergency Training Center campus, where our nation's emergency managers and firefighters receive world-class training.

Consistent with congressional direction, FEMA is also one of the federal agencies that provides assistance to the migrant population at the southern border, and throughout the country. As part of the Shelter and Services Program (SSP), the FY 2024 budget includes \$83.5 million to provide grant funds to nonprofits and local entities who assist noncitizens released from DHS custody. The Department's FY 2024 budget request also includes \$4.7 billion for a Border Contingency Fund that will provide DHS and its Components the flexibility to provide services when responding to migration surges along the southern border. Further, this designated funding will allow the DHS Components the flexibility to respond immediately to the critical needs of the migrant population through providing transportation, medical support, and other administrative needs.

Just as FEMA must be ready to respond to natural disasters through our preparedness efforts, we must equally be ready and equipped to respond when terrorist attacks occur. Last year, the Congregation Beth Israel synagogue in Colleyville, Texas, experienced a horrific incident of targeted violence, which reminds us that threats to the homeland no longer occur only in high population areas. During my visit to Colleyville, I met with the Rabbi and the Congregants and saw firsthand how this devastating event impacted not only the community but their individual lives as well. They also shared how the funding from the Nonprofit Security Grant Program greatly benefited their efforts to recover and to protect themselves from future attacks. In FY 2024, our budget request includes a \$55.0 million increase in the Nonprofit Security Grant Program. This vital grant supports local communities through target hardening, physical security enhancements, and other activities for nonprofit organizations that are at high risk of terrorist and violent extremist attacks.

The FY 2024 budget request also includes \$50.0 million for establishing a Critical Infrastructure Cybersecurity Grant Program. The number of cyberattacks on schools, hospitals, research institutions, and other organizations are on the rise. Without a secure IT infrastructure, organizations are vulnerable to a cyberattack. In partnership with the Cybersecurity and Infrastructure Security Agency (CISA), this new competitive grant program will provide private and public water, transportation, and energy providers with federal assistance to implement risk reduction strategies to protect critical infrastructure from cyberattacks. This grant will enable FEMA to support CISA as they collaborate with our SLTT partners to educate them on the advantages of risk reduction strategies to secure IT systems.

Closing

Emergency management is at a critical juncture as we witness tremendous change in the landscape of risk. While our core mission is unchanged, our operating environment continues to evolve and expand. FEMA's FY 2024 budget request is intended to enable the agency to respond to the nation's current needs while preparing for what additional challenges may lie ahead. I look forward to partnering with you as we work together to build a ready FEMA and a more resilient, prepared nation.

Thank you for the opportunity to testify, and I look forward to your questions.

Mr. JOYCE. Thank you very much. And we will begin questions, if you will, and I will begin.

We have spent \$112 billion on eligible COVID expenses out of the Disaster Relief Fund since fiscal year 2020, and we will likely spend additional funds as reimbursement requests from States continue to emerge. Under the latest projections, FEMA anticipates a \$11.7 billion deficit in the Disaster Relief Fund this fiscal year, with funds running out sometime this summer.

As we continue to see Disaster Relief Fund balances decrease by billions each month and as we move into hurricane season, do you have a plan to curtail spending on COVID to ensure FEMA has sufficient funds available to immediately respond to a catastrophic disaster?

Ms. CRISWELL. Chairman, I would, you know, first like to recognize that the COVID-19 incident period has been the longest one in our agency's history, and it is the first ever nationwide disaster for all 50 States, the District of Columbia, our territories, and three Tribes simultaneously. And I would like to personally thank all of our staff who have worked tirelessly over the last 3 years supporting the response efforts and helping these communities.

We have taken a lot of measures over the last 3 years that we have been responding to COVID-19 to make sure that we are understanding what the costs are that communities are experiencing and that we are taking the appropriate measures to look at where they are getting funding from, other sources, so we don't have a duplication of effort.

We have, to date, already recovered over \$3 billion in costs that were obligated for COVID-19 for a variety of reasons, and we will continue to do this effort to make sure that only those costs that are eligible are reimbursed, just as we do with all of our disasters.

Mr. JOYCE. Will the funds requested in the forthcoming supplemental in the fiscal year 2024 budget fully address all COVID reimbursement requirements or do you anticipate that we will need additional fiscal resources in fiscal year 2024 and beyond to continue to address COVID expenses?

Ms. CRISWELL. The amount of the supplemental that you are going to see will address all of the requirements that we expect for the remainder of this fiscal year, and I do believe that our budget request going into fiscal year 2024 will incorporate the costs as we expect them right now from COVID-19. But, I would say that this has been one of those more unpredictable events, right? With a disaster, a natural disaster, we have good data. We have an understanding of the types of costs that communities are going to experience. We have been working every day through our Regional Administrators to better understand the costs that these communities have experienced, and I do believe that we have a good understanding going into fiscal year 2024. But, we have yet to receive all of their bills. And so, as we continue to do that, we will continue to work with them, looking at all of the available funding sources that they have to cover the expenses that they experienced responding to COVID-19.

Mr. JOYCE. You mentioned in your last answer about the oversight. What measures are in place to provide proper oversight for the \$112 billion obligated to date for COVID expenses? And how

are you minimizing waste, fraud, and abuse for future funding requests?

Ms. CRISWELL. This has been one of our very focused areas, right? Again, this is a disaster that we have not experienced. We adapted our policies to meet the needs of communities, and we wanted to make sure that we had all of the measures in place to make sure that we were monitoring the funds—monitoring the obligations—to make sure that they were used appropriately. We have put measures in place to address things like in our Lost Wages program, as well as our Funeral Assistance program, to monitor for fraud and abuse. And I would be happy to have my team get together with you and go over some of the details of the actual items that we have put in place to monitor those.

Mr. JOYCE. Thank you. I now recognize the ranking member, Mr. Cuellar, for his questions.

Mr. CUELLAR. Thank you, Mr. Chairman.

The disaster assistance, as you know, it is very important for different communities. And certainly, as you know, every State is diverse and different. How—one of the issues that I want to focus on is reducing the complexity in the Public Assistance Program. As you know, this is implemented through the process known as the Project Worksheet process, and even though it has been an effective tool for providing disaster assistance, there can be challenges associated with it. And one of them is the complexity.

I assume, if you are in the middle of a disaster and you are stressed out, and whether you are a public official or homeowner, renter, especially for small communities, that can be tough, and especially communities or organizations that have limited resources. And this can, of course, lead to delays in the delivery of the assistance and can be a problem when you are trying to recover and you are trying to fill out the paperwork.

Like I have always said, I wish I had the little red button where I just press it and it turns it into a one-pager, get rid of all the legalese and understand it in plain English.

So, what steps are you all taking to reduce the complexity and streamline the process, just putting yourself in the shoes of somebody who is in the middle of a disaster?

Ms. CRISWELL. It is a really great point, because one thing that we are very focused on within our mission is to ensure that all communities have access to the programs that are available and that we are reducing any barriers that might make them ineligible or have them not pursue the things that they are eligible for in order to support their recovery efforts.

We have done a couple of things that I would like to highlight. And I think first, as it relates to the Public Assistance Program, with a recent rule change, we have changed the small project threshold to a million dollars. That means that the majority of the projects that many of these communities experience will fall within this small project threshold, which simplifies the process for them in order to seek reimbursement. I mean, so we have been working with our State and local partners to help them understand the benefits of this new program and how we can streamline that, so they don't have to go through all of the complicated processes.

We will still have that for our more complex projects and those that are the more expensive projects, but making this change, I think, is going to have a big difference in many of these smaller communities that the majority of their projects will fall within that threshold.

We also have FEMA integration team members and we also have liaison officers that we embed in these small communities to help them through the process, and we want to make sure that we continue to do that, again, recognizing that every community has their own unique circumstance—their own unique need.

And I started my career in emergency management with a staff of two and a half, and I know how difficult it is to navigate the bureaucracy, and I have never forgotten that. And so I continue to bring that experience with me to make sure that we are working as a team to help support these communities, bringing our services to them as much as we can, instead of forcing them to figure out how to navigate our processes. And you have my commitment to continue doing that.

Mr. CUELLAR. Yeah. And I appreciate your perspective from doing local work. That makes a big difference.

Do you have somebody that constantly—or a group of folks that constantly look at processes, regulations that might need to be amended, deleted, modified, might be obsolete? Do you have somebody that looks on this on a systematic basis? Because I think that would help us—or help you do the streamlining process.

Ms. CRISWELL. Yes, we do. I mean, that is part of our Public Assistance team, part of our Recovery team. We are constantly looking at the way that we can maximize the eligibility in the items that we can provide within the authorities that we have, and they are continuously looking at the ways that we can improve. The result of that is the recent rule change that we had with the small project threshold. We are continuing to do that right now with some changes in our individual assistance program so we can improve it.

I would add one other piece too that we are adding here, that we just posted our first ever small State and rural advocate position. We want to bring somebody in that is their voice—is their advocate. And that position is open right now, and I am looking forward to having that person come on board and assist in that process of really looking at our policies and our procedures to see, you know, where they are creating unintended barriers.

Mr. CUELLAR. Okay. Well, my time is up. But I do want to thank you for bringing that perspective from somebody who has been on the other side and now doing this work. So, thank you so much.

Ms. CRISWELL. Thank you.

Mr. CUELLAR. Thank you.

Mr. JOYCE. Thank you very much, Ranking Member Cuellar.

Mr. Newhouse is recognized.

Mr. NEWHOUSE. Thank you, Chairman Joyce.

Administrator Criswell, thank for being with us. I appreciate your taking the time to visit with us today. Just a couple of questions about the—some of your efforts.

I come from the State of Washington, where we have seen more than our fair share, I think, of catastrophic wildfires. Multiple

agencies have a shared responsibility regarding wildfires and recovery efforts, including the awarding of contracts and overall management during wildfire seasons. But I believe FEMA is the principal agency and principal adviser regarding emergency management.

Given what we have been through as a country, I mean, with the pandemic and all different challenges we have had recently, in your estimation, are we prepared for the next disaster? Is the agency ready to respond, and do you have the resources necessary?

Ms. CRISWELL. Thank you for the question. We are facing a really unprecedented time, I believe, of the increase in the number of disasters that we are seeing. In 2022 alone, we saw multiple record-breaking events, weather/rain events over a 5-week period that broke rainfall records or records that were set over a hundred years ago. We have seen multiple events already this year breaking the record number of tornadoes in the first 3 months of this year already. And I fear that this is going to be the way of the future.

And so we have to continue to work through what is the right level of readiness, not just at the Federal level, but also supporting the capacity building at the State and local level, because that is where the disasters are going to stay. They start and end with that local community, and we want to continue to work with them to build that capacity, and we do that through our grant programs and through our preparedness programs.

But more importantly, we need to start to reduce the impacts of these threats. And so, to get ahead of the need for additional staff, we have to start to invest in reducing impacts through our mitigation programs, and that is where programs like our Building Resilient Infrastructure and Communities or our Hazard Mitigation Grant Program are going to make a big difference for the threats that we are going to face in the future.

Mr. NEWHOUSE. In regard to the Disaster Relief Fund—and maybe this was brought up already—but I believe it is expecting a shortfall. Do you have an idea—any kind of a measurement of what that could be?

Ms. CRISWELL. Yes. So, we are expecting a shortfall in the Disaster Relief Fund this year in the July timeframe. Current estimates right now are around \$12 billion that we will have a shortfall for. And so we are putting planning measures in place to make sure that we can continue to respond to catastrophic events while we work with Congress and the administration on a potential supplemental to make sure that we have enough funding to support the ongoing recovery efforts that we are facing right now.

Mr. NEWHOUSE. Yeah, because there is a lot of calendar left after that period of time.

Ms. CRISWELL. There is what? I am sorry.

Mr. NEWHOUSE. A lot of calendar left after that period of time.

Ms. CRISWELL. There is. There absolutely is, right? And that is taking us—we want to make sure that we have enough funding to respond to a catastrophic event as that is the beginning of hurricane season and the peak of hurricane season, which really starts in August and September.

Mr. NEWHOUSE. I am assuming the answer is yes, but have you communicated with State agencies so that they submit their reim-

bursements timely, so that the agency has a good accounting of what funds will be available?

Ms. CRISWELL. We work through our Regional Administrators consistently to make sure that we have an understanding of what their anticipated requests for reimbursement are going to be. We have a really good idea of what the expected costs are going to be for disaster obligations, for natural disaster obligations.

Our area of a little bit more uncertainly has been through the COVID-19 reimbursements, but we are working with them on a day-by-day basis to get a better understanding of what they are going to reimburse and where we can continue to recoup funding.

We are doing our part to make sure that, as we approach this potential shortfall in our Disaster Relief Fund, that we continue to recoup funding. And we have already recouped several billion dollars over the last several months in obligations and projects that were considered a hundred percent but hadn't spent all the money to put it back into our Disaster Relief Fund. And so we are making sure that we are doing our part along the way as well.

Mr. NEWHOUSE. Good. Good. I appreciate that. Thanks for your response.

I may have more questions, but at this point, I will yield back. Thank you very much.

Mr. JOYCE. Thank you very much, Mr. Newhouse.

I now recognize Mr. Case for 5 minutes.

Mr. CASE. Thank you, Mr. Chair. I thought that was assumed, Chair. Thank you.

I just wanted to continue the line of questioning by my colleague just now. Just so that I am clear, when—because you referenced the reserve in your introductory comments—you said that we wanted to make sure the reserve had available funds.

That is the same thing as the Disaster Relief Fund, right? Or is it? Are we talking about the same thing? We are talking about money stored up to fund disaster relief when it happens?

Ms. CRISWELL. Yes. Let me clarify. We don't have a separate reserve. I want to have enough reserved in the Disaster Relief Fund to support any potential events that might happen before the end of the fiscal year.

Mr. CASE. And I guess my real question is: Do you have sufficient reserve in the fund right now, given the demands on it from recent disasters, and to include COVID? I mean, how comfortable are you of your projections?

Disasters themselves are hard to predict. But are there any outstanding obligations that are uncertain at this point? I mean, how certain are you of whether you have enough money right now?

And you talked about a supplemental, by the way. So I assume that you are already working on a set of assumptions that contemplates that the reserve is not going to be sufficient unless we do a supplemental in the middle of this year. So what is your thinking on that?

Ms. CRISWELL. Yeah. Congressman, we project a shortfall in July. So our current projections are we will not have enough money in the Disaster Relief Fund past July to support the ongoing obligations for current recovery efforts. And so what we will do is we will put mechanisms in place to delay reimbursements for some of the

recovery operations, to ensure I have enough funding to support immediate response actions for life-saving, life-sustaining efforts if there is another catastrophic event.

Mr. CASE. Okay. And is that assumption based on no further disasters between now and July or are you factoring a disaster or two into that projection?

Ms. CRISWELL. We are factoring in the typical size of disasters that we experience between now and the end of the year, but it would not factor in some multiple catastrophic events that might happen.

Mr. CASE. Okay. All right. And so, the supplemental would be really a stopgap, I suppose, right, of—to get the Fund back up to some kind of solvency. But, there has to be a larger fix, doesn't there, to the Fund that is more than just, you know, putting another supplemental amount in there? Wouldn't it require some kind of more systematic adjustment in the funding mechanism for the Disaster Relief Fund?

Ms. CRISWELL. Yeah. The supplemental will make sure that we can cover all of our bills to the end of this fiscal year. The amount of funding that we have put forward in the fiscal year 2024 budget, based on our analysis of the types of events that we have, would be sufficient to cover that. Again, pending multiple major catastrophic events that might cause an increase in the demand on it is not figured in, but it is based on an average year of the type of disasters that we experience.

I think going into this year, our big unknown was COVID-19, but we have better fidelity as we have been working over the last 2 years with our States to understand what their reimbursement requests are going to be. And I think we have much better fidelity going into fiscal year 2024 and what those requests will be.

Mr. CASE. Okay. Great. Going back to the comments on small States. So, I come from a small State, and I come from a rural State also. So, I really welcomed that comment on the advocate. And I want to put this in the context of one particular area where this makes a difference, and that is your required rollover and building code updates over time that I think you roll them over something like every 3 years or something like that, roughly. I think I have this right.

It takes us a long time, given the capacity in Hawaii, to update building codes. In fact, it takes us probably 4 years every time there is a required—not required, but it is a condition of our funding, right? So of course it is designed to incentivize updated building codes along the way. But we find, you know, there is a problem in the capacity to keep up with the schedule that FEMA proposes. And therefore, obviously, we are left at a disadvantage as to grant applications along these lines.

So the money you are requesting to build capacity, I suppose that is what that is about, right, to help States without capacity to get the capacity to update their building codes to kind of stay current, right?

Ms. CRISWELL. So, FEMA does not have any authority to enforce or mandate communities, States, small jurisdictions, any jurisdiction, to adopt building codes. Our Building Code Strategy is about

encouraging and educating the value of building codes, and in some of our grant programs we have put incentives for States.

Mr. CASE. Yeah, exactly. You don't have the authority—

Ms. CRISWELL. But, we don't have a mandate.

Mr. CASE. That is correct, but as a practical matter, a State that does not update their building codes is disadvantaged from competitive FEMA grants, correct?

Ms. CRISWELL. It is. And one for our grant programs, which is our BRIC program, which is our flagship program for reducing the impacts of disasters, building codes is a piece to that.

We have recognized—this is going into our fourth year of the program—the impact of having that building code requirement in our Notice of Funding Opportunity has had. And so, as we work through this year, learning the lessons over the past 3 years of this program, we are working through solutions and options that will help build capacity for State and local communities to actually adopt building codes. And so, that is one of our areas of focus.

Going into the next round, we don't know exactly what that is going to look like yet, but we recognize that it takes a while, right, to adopt building codes. And we can't expect it to happen overnight, and we need to help incentivize and support the ability for State and local jurisdictions to do that as well.

Mr. CASE. Okay. Thank you very much.

Apologies, Chair, that probably was a good caution at the beginning on the 5 minutes.

Mr. JOYCE. Well, this morning we had a good time keeping to our 5 minutes, so I wanted to make sure you understood that, Mr. Case. Mrs. Hinson is now recognized.

Mrs. HINSON. Thank you, Mr. Chair.

I want to follow up a little bit on what my colleague from Hawaii was just asking about with the BRIC program because, obviously, within the guidance, there is points awarded for building codes in States that are mandatory. And Iowa code does not have statewide building codes. So, that automatically puts us, you know, at a disadvantage, I think, when it comes to competitive applications. And to date, there has been no BRIC application approved from the State of Iowa, only one of them approved in our FEMA region.

So, would you agree that our State is automatically at a disadvantage and underserved because we don't have statewide building codes?

Ms. CRISWELL. Congresswoman, I would say that after 3 years of the program, we have seen some of the unintentional impacts of the incentives that we thought we were putting into our program have had. And as we move forward into this next round of our BRIC applications, we are going to be making some changes that will take away a lot of the disadvantages that have happened and help actually build and support the capacity at State and/or local jurisdictions' level to either adopt building codes or have a way to be more competitive in the program.

Mrs. HINSON. Because, I mean, I heard in your opening statement that you are looking at equity considerations, and that automatically disadvantages a State like mine. So, would you be able to commit to me that you will work with our office to make sure that we are trying to prioritize going forward in a way that makes

these applications more competitive no matter if you have those building codes in place?

Ms. CRISWELL. Absolutely. We want to incentivize, not penalize communities for this. So, yes, you have my commitment.

Mrs. HINSON. Okay, great. Awesome. Thank you. And then I think I want to go back to something we talked about last year. But, I think you know Iowa is no stranger to flooding, which is the biggest issue to my district, ensuring that flood maps are accurate to protect families, homes, businesses, you name it. We just celebrated a major milestone in flood mitigation and protection in Cedar Rapids last week. But, relying on the flood insurance rate maps and making sure those are up to date is critical so that people can make informed decisions.

So, I would just ask you: What are some of the concerns that you might have with some of those outdated firms that exist?

Ms. CRISWELL. Yeah. One of the things that our FIRMs do, right, is they are a regulatory map, and they really identify those special flood hazard areas, and they look historically at the risk that is out there. But we do recognize that our landscape is changing, and the type of flooding that a FIRM really reflects is not comprehensive to other types of flooding. And so, we are working on the future of flood risk data and how we can better inform communities on the types of flood risk that are out there.

You know, I want to make sure that we also look at the difference, right—that we want to have a flood mapping program that helps communities understand the total impact of the types of flooding events that they can experience in a different sense than just our pure regulatory map, which is our FIRMs that really identify that special flood hazard area.

Our goal is to eventually get those two to come together, but right now a big focus on using our Risk MAP and our future of flood risk data to help communities understand future risk to flooding, instead of just being in a different zone, and so making sure that we help communities understand the difference between those two efforts that we have underway.

Mrs. HINSON. Well, I certainly understand there is a delta there. In my district, six counties have FIRMs that have not been updated in over 5 years. So, I think that is one thing that we have to try to jive those two things, given the amount of not only potential flooding, but flooding that has already happened and the thousands of taxpayer dollars that have flowed in to help Iowans recover.

Do you think the request, the \$37 million requested, will be enough to ensure that the maps are updated and that process can efficiently move forward?

Ms. CRISWELL. I think the amount of funding that we have requested is realistic for what we can accomplish in the fiscal year to begin the process of updating those maps.

Mrs. HINSON. Would you agree that making sure that the maps reflect the best available science and data on future conditions is really crucial to making sure they can be effective?

Ms. CRISWELL. Absolutely. I have spoken many times on we can't base everything on historical risk because our landscape is changing every day. And we have to be able to use modeling and future

risk data to help inform communities, so they can take the right steps to protect themselves.

Mrs. HINSON. Okay. My biggest concern is, in Iowa, during an independent report, about 300,000 properties were identified as substantial risk for flooding, but FEMA is only identifying about 150,000 properties. So, when you look at that gap there, that is half, right?

Ms. CRISWELL. Yes.

Mrs. HINSON. And those people may not be calculating their risks correctly. So, I think—I would just ask you to make sure that you are incorporating that best data into reconciling these two things, because clearly that is a lot of people that may find themselves in a really bad situation.

Ms. CRISWELL. Yeah. Absolutely, ma'am.

Mrs. HINSON. All right. Thank you, Administrator. I appreciate it.

I yield back, Mr. Chair.

Mr. JOYCE. Thank you very much, Mrs. Hinson.

I recognize Mr. Trone.

Mr. TRONE. Thank you, Chairman Joyce and Ranking Member Cuellar, Administrator, for being here today. Appreciate it.

You guys are best known and we want to commend you and thank you for all the great work you have done on the floods we have had in California, the tornados in the Midwest, and the horrible train accidents in Ohio. So thank you for that.

I mean, the cost of these natural disasters, \$171 billion. That is what NOAA estimated in 2022. It is pretty mind-boggling. And we look at it getting worse and worse with climate change. So let's talk about budgeting a second and prioritizing.

You came back in 2023, this year, and you are going to ask for a supplemental of how much, \$12 billion?

Ms. CRISWELL. \$12 billion. Yes.

Mr. TRONE. \$12 billion. Great. And we are really three-quarters of the way through in July. So, that meant 75 percent of your year and we are \$12 billion short.

And in 2022, what was the supplemental that was asked for?

Ms. CRISWELL. I don't believe we asked for—maybe we did. I would have to get back to you on the exact numbers.

Mr. TRONE. We thought there was one in 2022.

And in 2021, was there a supplemental in 2021?

Ms. CRISWELL. I don't know. I would have to get back to you.

Mr. TRONE. Yeah. I think my point was simple. You know, I run a business, and we have a budget. You know, ask for what you think you need. You know, don't be shy. And, you know, you need it. These people are really in a world of hurt. You are there to help them and, you know, we want to make sure you have the funds that you need to be successful. And that is a whole—everyone feels the same way. So, you know, feel free to try and ask originally versus having to come back and come back, and death by a thousand cuts.

I noticed on Procurement Construction Improvements, that number got almost cut by—you know, almost in half. Explain that one to me. I just missed it. Wasn't aware why that was.

Ms. CRISWELL. I don't have the specifics on why that was cut in half. I would be happy to have my team get back with you and go through that specific request, but I don't have the specifics here in front of me.

Mr. TRONE. Yeah, if you could do that. I mean, it seems like we got to think long-term, and, you know, working on your infrastructure, that is what sounds like construction improvements is part of. And to cut that from 207 down to 119 is a pretty drastic percentage cut.

Other question would be: Your folks are on the road and looking at tremendous emergencies and human devastation, and that has got to take a severe penalty on the mental health of your team at FEMA. And I want to talk about, if you could, how you prioritize, you know, the mental health of your team, your staff at FEMA, and what resources you are putting forward to that, and anything we can do to help you there be successful, because your team is the key for everything.

Ms. CRISWELL. Congressman, that is such an incredibly important question and topic, and I really appreciate you raising it. One of the things that I have been very focused on is making sure that we are prioritizing the mental health—not just the physical health, but the mental health—and the well-being of our workforce, especially as we continue to respond to an increase in the number of disasters. It is not just the amount of disasters, but also they are talking to people at their worst time, and that takes a toll on people.

We have done a number of things, from pushing out our Headspace app, a Headspace app out to everybody that they can have a resource to go to for individual help, to we have a mental health nurse on standby that is there for people to go to and talk to, and she is always available.

We have brought on our first chief medical officer, that we haven't had in the past, that helps to develop a program for us to prioritize the physical and the mental well-being of our employees.

And we do stand-down days. Our Regions do stand-down days. Our program offices within headquarters do stand-down days to help make sure that our employees have the resources and the tools they need to support themselves, but also their families—make sure that they know their families will be taken care of if they have to work long hours in response to a disaster.

And so, it has been a priority for me and all of my senior leadership across the agency at all of my Regions to make sure that that is a key in everything that we are doing.

Mr. TRONE. That is great. We have a saying at my company that says, put your people work first. If you take care of your people, all the other stuff is going to work much better. So please continue to focus on that.

And I yield back, Mr. Chairman.

Mr. JOYCE. Thank you, Mr. Trone.

The chair now recognizes Dr. Harris.

Dr. HARRIS. Thank you very much.

And thank you for your job helping, you know, protect the Nation from its emergencies and recover from its emergencies.

I just have a question for you. A news article that I saw just puzzled me a little bit, but you are going to explain it, is how the—New York City on March 29 filed a \$650 million request to FEMA to reimburse the city for costs incurred from sheltering and providing services for tens of thousands of migrants between last July and February 28, came 4 days before the April 2 deadline to apply for the funds, which are coming from FEMA’s Emergency Food and Shelter Humanitarian Program.

Now, I thought we kind of—the whole purpose of FEMA is kind of to respond to, like, emergencies that aren’t caused by people.

Now, when we say migrants, exactly what do they mean in that news story when they say migrants? Do they mean people who cross into this country illegally perhaps, ended up in New York, and somehow New York is now going to the Federal Government and saying, wait a minute, this is not our fault, you didn’t enforce the law, they are here, so now this is an emergency?

Ms. CRISWELL. Congressman, we have one program at FEMA that supports mostly nonprofit and nongovernmental organizations, but also some jurisdictions with their efforts to respond to the support that they are giving to migrants, and that is our Emergency Food and Shelter Program-Humanitarian. This is a program that Congress put forth a few years ago to provide that additional funding to support these nonprofits. It is managed through a board, a National Board, that is led by the United Way, and they make all of the decisions on where the funding is going to go. We do sit on the Board. FEMA is a member of that Board, but it is purely a reimbursement mechanism for costs that are reviewed by the Board to determine eligibility on what is going to be reimbursed.

Dr. HARRIS. But this is all Federal dollars. I mean, these are FEMA dollars, right?

Ms. CRISWELL. These are dollars that were appropriated to FEMA and given to a Board to distribute.

Dr. HARRIS. Okay. So there—so what is the total budget for this in a year, fiscal year?

Ms. CRISWELL. The budget for this has gone up over the years. The budget request in fiscal year 2022 was \$150 million, and in fiscal year 2023, that has gone up to \$800 million.

Dr. HARRIS. And New York City is requesting \$650 million of that \$800 million?

Ms. CRISWELL. They are requesting that, but that does not mean that they are going to get all of that. This is going to many different jurisdictions across the country, border communities, as well as some of the interior cities that are also incurring costs.

Dr. HARRIS. So, there is going to be—so did you say \$800 million, \$900 million? What was it?

Ms. CRISWELL. \$800 million.

Dr. HARRIS. \$800 million. So, I am going to have to explain to my people, who just paid their taxes a couple days ago—well, actually, it is today—writing a check to the government today when we are told that, you know, the people who cross the border illegally, don’t worry, they don’t qualify for Federal programs, the whole thing, don’t worry, you are not supporting them. We are actually supporting them to the tune of \$800 million out of FEMA?

I mean, again, look, I live in a district that is on the ocean. I get it. We get flooding, we get hurricanes, the whole thing. I think most people don't view FEMA as that as one of the functions—I mean, I get it, Congress did it. You know, we do a lot of crazy things up here that have led to a, you know, \$31.5 trillion Federal debt, over a trillion Federal deficit, which the President's budget never, ever, ever balances.

I got to tell you, I got heartburn when FEMA is spending \$800 million and New York City has the nerve to ask for \$600 million to reimburse the city for costs incurred from sheltering and providing services for tens of thousands of migrants. I just don't think that is fair to ask my taxpayers to pay for that.

This is a manmade emergency. It is made by the man sitting up at the other end of Pennsylvania Avenue, who decided he was not going to enforce the law. I think that wanders way far off the FEMA reservation. I think it wanders way off what people expect FEMA to do. And, again, I would hope that we would remove all the funding from that program in this year's budget.

And, of course, cries will go up that somehow we are, you know—I don't know, we are pushing granny off a cliff or something. But I don't foresee FEMA as being there to mitigate manmade emergencies.

And, with that, I yield back.

Mr. JOYCE. Thank you, Dr. Harris.

I now recognize Ms. Underwood for 5 minutes.

Ms. UNDERWOOD. Thank you, Mr. Chairman.

Administrator Criswell, thank you for being with us. It is nice to see you again.

Last year when you testified before our committee, you and I discussed how FEMA's guidance materials lacked information on financial assistance for breastfeeding equipment. Without this guidance, nursing families were asked to figure out eligibility for supplies to keep their babies alive, all in the middle of a disaster. That is why I introduced my DEMAND Act, to ensure breast pumps and other lactation supplies are eligible for FEMA's financial assistance.

And I asked you during last year's hearing to update FEMA's website with user-friendly information on breastfeeding and explicitly include those supports in FEMA's Individual Assistance Program and Policy Guide, or IAPPG, update in 2023.

It is clear that we share goals in this area, and I want to thank you for the strong commitments you made in that hearing which, when completed, will make the changes included in my DEMAND Act.

FEMA's website is now updated to include information on breastfeeding supplies and support eligibility, so today I want to follow up on the second part of the DEMAND Act.

Can you please share a progress update on the inclusion of breastfeeding supplies and support as an eligible entity for critical needs assistance in the IAPPG update in 2023?

Ms. CRISWELL. Yes. Congresswoman, I appreciate the conversation that we had last year, and we have made changes. We have updated our website, and it has always been an eligible expense under our Critical Needs Assistance, but our ability to commu-

nicate that needed to also improve. And so, we have done a couple of things there as well.

We have updated our correspondence to survivors to make sure that, when we give out information, they can see that. We are updating our website where individuals register for assistance, and that will be clearly articulated in there as one of the items that they can be eligible for. We provided training to our staff so they can communicate this and ask the right questions, right, that somebody might not think to ask, so we can ask them whether or not they need this assistance.

And so, we are continuing to work on the way we interact with survivors as well. And then, as we update our IAPPG this year, it will be included in there. And I will be happy to send you a copy once it is released.

Ms. UNDERWOOD. Well, thank you so much for that. When the IAPPG is released, the DEMAND Act will be fully enacted. That is fantastic news.

Now, FEMA still has more work to do to make sure that families can reliably access this support in the wake of a disaster. So, I would like to hear about the progress FEMA has made on your remaining commitments from last year's hearing.

First, has FEMA put together additional fact sheets to give State and local governments awareness that breastfeeding supplies and services are eligible?

Ms. CRISWELL. Yes, ma'am. That is one of the pieces of correspondence that we have put together to help make sure that people do understand that this is an eligible expense.

Ms. UNDERWOOD. Excellent. And is information on breastfeeding support eligibility available in the Disaster Recovery Centers where survivors can see and access it?

Ms. CRISWELL. And that is part of the training to even our own staff, to make sure that they understand that as they are interacting one-on-one with survivors when they come in and ask for assistance.

Ms. UNDERWOOD. And when you mention your staff, does that include the disaster survivor assistance teams?

Ms. CRISWELL. Yes. So disaster survivor assistance teams that go door to door, I will go back and make sure it is part of their training curriculum when we leave here, but also our applicant services that staff the DRC and help individuals register there as well.

Ms. UNDERWOOD. Excellent. Well, thank you, Administrator. You and your team have been great partners on this issue, and I am certainly looking forward to continuing to work together. These changes will make a big difference for families with young children going through some of their hardest days.

I yield back.

Mr. JOYCE. Thank you, Ms. Underwood.

Second round? Sure. I will take the opportunity to kick it off.

FEMA has proposed a significant reorganization dubbed the "Road to Resilience," intended to help the agency better address, quote, all hazards resilience.

Administrator Criswell, how do you define "resilience"?

Ms. CRISWELL. You know, that is a very interesting question on resilience. And I think, you know, it really differs depending on the

lens that a person is approaching resilience from, right? It can mean economic resilience. It can mean financial resilience.

For me and where I am sitting, I define “resilience” as the ability to make sure that communities have the ability to rebound after a disaster, that they have the ability to reduce the impacts that they are potentially going to experience from a disaster through our mitigation programs, and also that we have the ability to educate individuals across the country as to what their risks are, so they can be prepared to protect their families if an event does happen to hit them where they live.

Mr. JOYCE. What metrics is FEMA using to gauge success for this potential reorganization?

Ms. CRISWELL. We are still in the very early stages of this reorganization. And the Resilience organization was put together over the last 4 years, and it combined two different parts of our organization. And what I wanted to be able to do is try to streamline the efforts that they were putting forth to help communities build their resilience.

Again, coming from my experience as a local emergency manager, from both small and large cities, I found that I had several different touch points within the Resilience part of the organization in order to get different things to help me help my communities better. And what the goal is for this realignment is to make sure that the customer, the State and local emergency manager, have a single point of entry to help them build the resilience—whether that is a grant program, whether that is technical assistance, whether that is mitigation support—that they only have one place that they need to go to enter into the system, and we make it easier on them to start to build their own programs to increase resiliency for their communities.

Mr. JOYCE. Well, how are you ensuring that FEMA maintains its focus on its primary mission and does not get distracted by buzzwords like “resilience”?

Ms. CRISWELL. You know, the fundamentals of emergency management are response and recovery, which everybody knows. But the other part of our mission is preparedness and mitigation. And the preparedness and mitigation efforts were very siloed within our agency, and by combining them under an organization under Resilience, it helps to streamline those two parts, those two fundamental efforts, pillars of the emergency management spectrum, into an area that we can build that resilience so we don’t have to respond and recover as much.

Mr. JOYCE. Local fire and EMS departments provide critical life-saving services to the communities in which they operate. When I talk with firefighters and emergency responders across northeast Ohio, I often hear about staffing and other resource challenges facing their department. The Assistance to Firefighter Grants and SAFER grants program provide resources to recruit, train, and equip our first responders.

What is FEMA doing to ensure rural communities that are traditionally supported by volunteer fire departments are able to successfully compete for this grant funding?

Ms. CRISWELL. The AFG, the Assistance to Firefighters Grant, and our SAFER grant programs are two of our most remarkable

programs to help our firefighters and our emergency medical technicians, our EMS, and our first responders really build the capability that they have.

And I am really proud when I get to go out into communities, especially our more rural communities, even some of our Tribal nations, and they tell me how impactful that program has been to help them build their ability to respond to the people within their communities.

Through our U.S. Fire Administrator, Dr. Lori Moore-Merrell, she is very focused on making sure that we are reaching all communities, and that we, again, reduce the barriers and the hassle that it takes to apply for these types of programs, by trying to simplify some of the smaller requests to help these types of jurisdictions have that capability to respond to the people in their community and help save their lives.

Mr. JOYCE. Thank you.

I now recognize Ranking Member Cuellar.

Mr. CUELLAR. Thank you, Mr. Chairman.

I want to just give a little bit of context to one of the questions or statements that one of my colleagues made on the humanitarian relief. Actually, we started that in 2014. That model didn't work very well. And then in 2018–2019, the model got changed, where it now goes with FEMA, but it was to address the issues of what we face at the border communities. It was a border—southwest border community, because you had cities and counties that were overwhelmed.

The current system that we have actually got put under statute by the appropriations—even though we don't legislate—July 1, 2019, under President Trump, he was the President, and we originally started with \$30 million. And then the \$30 million, as even I have said, even I feel that that has grown too much, in my opinion.

The first tranche of moneys that you all put out, 88 percent of that money went to the southwestern border, which I am glad that it still—the focus is still on the southwest border. And then the other 12 percent includes D.C., Illinois, Maine. Maine gets—it is interesting there. And then New York, they get the other 12 percent.

Originally, like I said, we had started this to focus on the southwest border because this is in, and I guess Members see pot of moneys, and they start including in it, which leads me to the next one that started off also, John Culberson and myself, I think we started this in 2008, which is the Stonegarden. That Operation Stonegarden was to help border sheriffs, law enforcement at the southwest border.

We added money. I think we started out with \$55, and I think now it is about \$90 million. And then once we added the money there, then the northern—which I am okay—the northern sheriffs said, hey, we want a piece of the pie. And I think most of the money is still going to the southwest border.

Then when we raised it from \$55 to \$90, the prior Administration said, oh, we got to help those sheriffs in Florida for reasons. And now it is distributed, when originally both of these programs started off with the southwest program, because I have been involved with both of these programs from the very beginning.

So, I guess my question for Operation Stonegarden, which is a big one. And I know I have been talking to Congressman Tony Gonzales. We are hoping we can increase it because it really helps. My question is: How is this money distributed? Do you think there is enough flexibility where the sheriffs can work with Border Patrol to make sure that they stop the bad things coming in, especially fentanyl?

Ms. CRISWELL. Congressman Cuellar, I appreciate the question, and I appreciate the conversation we had about this recently when we met.

Operation Stonegarden, I mean, it is an incredibly important program that really helps enhance the coordination and the cooperation amongst all of the different agencies at the State, local, and Federal level to support the efforts that are going on at the border.

We work very closely with CBP, right? We are administering this program on their behalf, and they use a formula to help determine what the sector-level risk is going to be to help determine what those allocations are going to be and where the greatest need is. And we will continue to work and support CBP in those efforts to make sure that we are providing the funding to the areas that have the greatest need.

Mr. CUELLAR. The only thing I ask is that you all—you know, it is a good program. We are hoping we can put a little bit more money, but I notice here in Congress, when somebody sees a pot of money and then people start going after it—and I am okay with the northern border, Florida too, to an extent, but still the focus on the southern border itself.

What I would ask you is to make sure that we have this coordination with Border Patrol. Because sometimes there are governors that take part of that money, and I want to make sure it doesn't stay with the governor and they send it off other places, but it stays with the border sheriffs, whether it is in the northern border or the southern border. But it is a good program that works, and it certainly supplements Border Patrol as they do their work down there. So, thank you so much.

Mr. Chairman, I yield back.

Mr. JOYCE. Thank you, Mr. Cuellar.

And now, Sheriff Rutherford, are you ready, do you want 5 minutes?

Are you ready?

Mr. RUTHERFORD. Sure, I am ready.

Mr. JOYCE. Sheriff Rutherford.

Mr. RUTHERFORD. Thank you, Mr. Chairman.

And I am sorry, you know, we have hearings stacked on top of each other, so bear with me.

During—

Mr. JOYCE. You were here first, before you left—

Mr. RUTHERFORD. Well—last year, Florida was hit with not one but two massive hurricanes, Ian and Nicole. And they did significant damage across the entire State. And I appreciate the men and women of FEMA. They are always some of the first on the ground. You guys, you know, as a former sheriff, I know the job that you all do.

However, after the new cycles has moved, debris has been cleaned up, and power is turned back on, these communities are saddled with a slow and cumbersome reimbursement process, many of which they have to pay the interest on. And just last month, an entity in my district was notified that FEMA was reimbursing costs from Hurricane Matthew, which hit in 2016. The long reimbursement process can leave communities, as I mentioned just a moment ago, fronting millions of dollars in paid interest on that.

Are there some things that we can do to speed up that reimbursement process or can FEMA begin to help pay some of those costs?

Ms. CRISWELL. Congressman, Hurricane Ian followed by Hurricane Nicole, just devastating events that impacted Florida. In fact, Hurricane Ian right now is the third costliest cyclone in U.S. history.

Mr. RUTHERFORD. Yeah, it is amazing.

Ms. CRISWELL. I mean, so there is—I understand that there is definitely a large amount of reimbursement needs, but there are a number of things that we can do there. You know, in the first months after a disaster, we really focus on expediting the reimbursements for their overtime and the emergency protective measures in getting that cash flow going back, especially into some of these small communities that don't have a large cushion in their budget to do that. And so, we will work with them to reimburse part of those projects as they continue to gather all of the data.

I think as we get into some of the larger permanent repair projects and those repair projects that can take years to finish, that is where we need to really understand all of the different impacts that a community is having. And we can find ways to work with them throughout the process, if it is purely a financial issue that is slowing them down from even starting a project, right? And so those are things that we have learned throughout the years, unfortunately, from so many of these different catastrophic events.

I would be happy, if there is a community specifically that you know is having a hard time, I will make sure my team works with them specifically and follows up with them to see where their struggles are and what we can do to help them.

Mr. RUTHERFORD. Is there any idea how it could take 7 years?

Ms. CRISWELL. I think a lot of the 7 years from Hurricane Matthew are, again, some of these more complicated projects. They need to go through environmental reviews, right? And going through all of those different reviews are, a lot of the time, the things that slow this reimbursement process down.

Mr. RUTHERFORD. Okay. Thank you. And I might reach out to you on some of that. Thank you.

Ms. CRISWELL. Absolutely.

Mr. RUTHERFORD. Last year when you were in front of this committee, we discussed the supply chain concerns that the power companies were facing when it comes to equipment. And I am going to bring it up again, these transformers, because I am telling you, this is a vital piece of equipment. It used to take months to get them delivered. Now we are looking at years. And as you know, power companies usually stockpile, you know, what they can to respond to these disasters, but these transformers are just not there.

Can you tell me what actions did FEMA take last year to help bolster these supply chains for this type of equipment, particularly those transformers?

Ms. CRISWELL. Yeah, I remember the conversation we had last year. And we talked about the fact—what we do, right—is we provide temporary support through generators. We don't stockpile transformers.

But following our hearing last year, I asked my team to get with our consultant that does supply chain analysis, and we did a supply chain analysis going into hurricane season last year, with one of the areas of focus being on transformers and what the impact would be. As we went through hurricane season last year, the impacts to the current stock of transformers didn't have a huge impact. But, we are now going through another supply chain analysis going into this hurricane season, so we can see if there has been any change based on the events that have happened across the country, so we can work with our private sector partners to better understand how we can utilize mutual aid amongst them or is there some other mechanism that we need to do today to make sure that we are prepared to support the initial restoration of these critical energy infrastructure pieces.

Mr. RUTHERFORD. Thank you very much, Ms. Criswell, because I tell you, that has the potential to be a really horrific situation. I lived through Hurricane Dora in 1964, when we had, you know, no power for over 3 weeks. So that is very important to our State and to our country actually, not just Florida. We have a lot of problems everywhere.

I see my time is up. With that, I yield back. Thank you.

Mr. JOYCE. Thank you, Sheriff.

Ms. Underwood.

Ms. UNDERWOOD. Administrator, I would like to talk about equity at FEMA. Bold and deliberate policies are the only way that we will be able to combat the systemic inequality that we know is built into our Federal disaster preparation, response, and recovery efforts. So, I am glad to see that, under your leadership, equity is being instilled as a foundation of emergency management. It is literally the first goal in FEMA's 2022 to 2026 strategic plan.

One way that FEMA has unfortunately contributed to wealth inequality is through its hazard mitigation grants, which help communities prepare for disasters in advance. FEMA requires applicants for these grants to use a cost-effectiveness ratio to show the value of hazard mitigation activities, but because lower income communities have less wealth to lose, it was challenging to show the real value of their projects compared to communities with high-dollar properties and infrastructure. Researchers have found this disproportionately benefits wealthy communities seeking the grants while leaving the rest behind.

To address these challenges, in October, FEMA rolled out an alternative cost-effectiveness methodology for the BRIC and Flood Mitigation Assistance programs. By modifying the thresholds for projects to be considered cost effective, FEMA is giving communities who have been locked out from these Federal grants a more equitable shot at funds that will keep them safe in the face of a disaster. This is a powerful step forward.

After the fiscal year 2022 funding cycle, will FEMA analyze how this change impacted equity for the grants both in the applicant pool and the selected grant recipients? And how will FEMA determine if this alternative equation will be used for future funding cycles?

Ms. CRISWELL. Thank you so much for that question, because it is one of those efforts that we have put forward to try to make sure that we are removing the barriers that communities have to accessing the programs that can help them.

Every community has a different experience, every community has a different need. And unfortunately, sometimes the policies that we put in place have inadvertently eliminated those who probably need our help the most. And so, I am really excited about the changes that we were able to make as it relates to benefit-cost analysis. And we are going to definitely look at what impact that has had, as well as is there anything else that we can do.

I would also say to your comment about being able to do the BCA was limiting their ability to apply for these programs. One of the other changes that we have is under-resourced communities can now also apply for BRIC without competing or completing the BCA ahead of time. And if their project has merit, then we will work with them to complete that BCA afterwards. So, they are not eliminated up front just because of the hassle and the work that it takes in order to complete that BCA to submit a project application.

Ms. UNDERWOOD. So, it will be used in future funding cycles, do you anticipate?

Ms. CRISWELL. Yes.

Ms. UNDERWOOD. Okay. What proactive steps is FEMA taking to ensure communities who haven't been eligible before are aware of a new cost-benefit method?

Ms. CRISWELL. Our community engagement strategy that we are working with our Regional Administrators on is to make sure that we are getting out to communities so they have an understanding of these changes is really going to go a long way, right? Our Regional Administrators work with our States every day, and they know which communities need to apply for these programs. And they are helping us communicate that message down to the State, but more importantly the local communities.

We are also offering technical assistance—direct technical assistance—to go into some of our more under-resourced communities to help them think about the types of programs, the types of projects that are within the realm of possibility, and help them understand and bring the right technical experts in to help them develop and scope out the types of mitigation projects that are going to have a big communitywide impact for them.

Ms. UNDERWOOD. Right. In working on these issues, I was surprised to learn that FEMA hasn't collected voluntary demographic data on who applies for and received Federal assistance. Data like this is incredibly important for evaluating existing policies, identifying gaps, and looking towards the future.

I was glad to hear from your team last August that FEMA has finally begun asking voluntary demographic questions for survivors when applying for individual assistance. Can you share any trends or insights you have noticed since beginning to collect this informa-

tion, and how can it inform our work to make FEMA more equitable?

Ms. CRISWELL. I think by having a voluntary collection of this information, it really helps us better understand the communities that are receiving our assistance and where we might still have gaps, right, where those islands are and where those deserts are.

I don't have the data right in front of me, but I would be happy to have my team follow up with you—

Ms. UNDERWOOD. Thank you.

Ms. CRISWELL [continuing]. Specifically on what we are seeing, what trends we are seeing, and then more importantly what steps we are going to take as a result of that information.

Ms. UNDERWOOD. Thank you.

Republicans in Congress have proposed reverting to a fiscal year 2022 spending level, meaning DHS would see a \$3.4 billion cut. Secretary Mayorkas has reported that this would mean that FEMA's grants to help State and local governments implement preparedness strategies would be cut in half. As appropriators our job is to make hard choices about funding and committing to put people over politics when we are making those difficult decisions.

Administrator Criswell, thank you so much for all the work that you and your team does or do to center equity in disaster recovery, and I look forward to continuing to work with you.

I yield back.

Mr. JOYCE. Thank you very much.

Mrs. Hinson is recognized.

Mrs. HINSON. All right. Thank you for round two, Mr. Chair. And thank you, Administrator, for sticking around.

One of my top concerns when it comes to severe weather is ensuring that our emergency communications networks are resilient, secure, reliable in the event of that severe weather. And we talked about tornados. We obviously had several outbreaks of severe weather in Iowa. And we, last year, had a major issue when disaster struck; the communications did not work and the warning system failed. Public broadcasting in comms infrastructure also needs to be resilient to protect from issues and delays in the future as well.

So, your budget includes a \$14 million request for the public warning system. Can you elaborate a little bit on the request for me, and anything else that the agency is doing to ensure that our emergency communications are secure and ready to go?

Ms. CRISWELL. Yeah. Our public alert and warning system is one of the critical tools that we have that really help communities get those messages out there. Many of you have seen the alerts that come over your cell phone, whether it is an amber alert or a National Weather Service alert, and State and local jurisdictions have the ability to use that system as well to put out alerts for their specific communities.

And so the funding in this request, I can have my team get back with you on the specifics on what it is going to cover, but it will just continue to expand that ability to use the system to get that type of alert and warning out there in a very timely manner when seconds really do make a difference.

But, I think to follow up on some of the other types of communications systems and perhaps early warning systems, sirens that communities have, those are things that we can work with communities as part of our mitigation programs. Those types of projects are things that we would love to be able—safe rooms too, right, to be able to help protect communities through our other funding sources, our other preparedness grants, to help communities make sure that they can communicate in a timely manner.

Mrs. HINSON. And I am talking with our emergency managers on the ground, obviously, before and sometimes immediately after these disasters, and so I think that is good news to hear. And I will make sure I communicate that to them as well that you are ready to partner with them there.

I am concerned a little bit. There is a cut in funding for the Next Generation Warning System as well in the request. And I see those, again, as being critical for our public media stations to ensure that they can get out those enhanced alerts and warning capabilities. So, I am just curious why that area specifically with the NextGen Warning System saw a reduction in funding in this request.

Ms. CRISWELL. Yeah, I don't have those specifics in front of me. I am sure at this point it is for sustaining capability instead of building new capability, but I would be happy again to have my team get back to you on the specifics on those cuts and what the impact would be.

Mrs. HINSON. I will just look for the context there, why that decision was made.

And then I wanted to highlight again something one of my colleagues a little bit earlier brought up, but the request for the Shelter and Services Program, \$83.5 million, and that also assumes at least \$800 million in total funding for the Southwest Border Contingency Fund proposal. I see that as a slush fund. \$800 million is meant to be available for—in this case, it is specifically a migrant surge in 2024, correct? Is that what that is designed for?

Ms. CRISWELL. I would have to defer you to the Secretary on the Border Contingency Fund.

Mrs. HINSON. Okay. Well, my understanding, when we are looking at \$800 million as part of a larger Contingency Fund, I think it is a misdirection of priorities to send that much future taxpayer funding, again, to what we consider a manmade crisis at the southern border. There are tornados wreaking havoc in my district, taking lives in Iowa; along the region, disastrous flooding, hurricanes. So many natural disasters and severe weather, and I think the focus should be on resilience and mitigation to protect lives of Americans versus \$800 million to go to a border slush fund. So I see that request, combining those two, really as not aligned with anyone's priorities, so I would push back on that and say those dollars would be better used in disaster mitigation or disaster relief, programs like BRIC and the NextGen Warning System as well, to ensure that we have resilient infrastructure for Iowans.

So, with that, Mr. Chair, I am done asking questions, and I will yield back. Thank you.

Thank you, Administrator.

Mr. JOYCE. Thank you very much. I appreciate it.

Mr. Cloud.

Mr. CLOUD. Thank you, Administrator. Appreciate you being here. And let me just first off say Harvey went through my district, went over my city, twice actually. Came in and went up, and so we spent the last few years, and FEMA has been very helpful by and large. There have been obviously some learning lessons along the way. And so it has been good to work with FEMA.

But just wanted to first of all say thanks to you and your agency and the people on the ground, specifically in Region 6 for all the help in helping our community recover. It has been much appreciated. And so, thank you.

One issue I did want to bring up on that, and we were learning, I always would tell people, we are working this on two tracks; we are working to get your particular case through and then we are working to learn what we can about FEMA to kind of look at the overall processes and what could change.

And one of the issues that was concerning—because most of my district is rural. And many of the larger cities, you know, they have complete staffs. All they do is grant write all day and they look into this sort of thing. And then you have some of these communities and—Taft, for example, 4,000 people and part-time mayor, you know. And it is just they don't have the staff to kind of look into these sort of things. Yet they have to go through the same administrative burden sometimes for a much smaller project as they would a multimillion dollar project, you know, and then you would have FEMA staff change out during the process and they would have to start the whole—anyway, it could be quite a burden on rural communities.

And I was wondering your thoughts on that. And what, if anything, has been done to kind of make that easier on rural communities.

Ms. CRISWELL. It definitely is an issue, right? It is one of those things where some of our policies and programs take this one size fits all you approach. I am not, recognizing that every community has unique needs, and we know that there are some communities that have part-time emergency managers and they wear four different hats, especially in our rural communities.

And so, something that I am very cognizant of and want to make sure that we are doing everything we can to reduce the barriers that these communities have into accessing our programs just because it is too hard, even though that they are eligible. And what we find is that oftentimes those again that need our help the most have the hardest time getting that help.

So, a couple of the things that we have done is, one, through a rural change have changed the small project threshold. So to your point of they have to go through the same level of bureaucracy for a small project as they do these multi-million dollar ones, we have raised that to a million dollars, which the mass majority, the majority of the projects that communities experience will fall within that small project threshold, which means that it will reduce the burden that they have into submitting the documentation in order to seek reimbursement for those projects. That was a rule that was just passed recently late last year, and so we will continue to work

with our communities so they understand how to implement that role.

One of the other things that we have done to make sure that our rural communities have a voice is we have just posted and we are hiring our first ever small State and rural advocate, and so that person can be a voice for these communities, help look at our policies, and help us understand other barriers that are in there, not intentionally, but had these unintentional impacts on communities to receiving the assistance or accessing the type of services that we have.

And so, I am really looking forward to having that advocate come onboard to be able to really start to look at our policies from the rural lens. Because when we look at it from Washington, DC, we only see one thing, and I need somebody that is looking at it from that lens.

Mr. CLOUD. I appreciate that.

Maybe one little tidbit to consider is, I know when, you know, the community leaves to evacuate, they come back, it is destroyed. And then what they would find often is FEMA and the recovery effort was taking up all the hotel rooms, and then they would try to get in line for a trailer and then it would be many months and weeks. And just for consideration, maybe have—rethinking about deploying the staff with the trailers so that there is room for people to come back and get close to their home and property. It might be one of the many things you can consider along that.

I wanted to touch on one more thing. I am from south Texas and so, of course, the border is there. Most I think Americans and Texans for sure would be surprised to find that FEMA actually has a border mission. I was wondering if you could speak to that. My understanding is it lies outside of the Stafford Act, and so I am curious about the extra Stafford Act roles that FEMA has taken on.

And then, you know, I am obviously concerned too about FEMA's spending money to house migrants who come here illegally versus in that taking the shift off of helping Americans recover who, of course, are helping fund FEMA, and us looking at that from a budgetary standpoint is all. If you could speak to that.

Ms. CRISWELL. Yeah, absolutely. FEMA is not a border security agency. The role that we have is strictly through our Emergency Food and Shelter Program-Humanitarian assistance, which is a program that was administered by Congress to FEMA to manage a few years ago. And it provides funding that we give to a National Board that helps support and reimburse costs that nonprofit, non-governmental organizations, and local jurisdictions are experiencing, and it is a reimbursement program. And so our—

Mr. CLOUD. Could we get a list of the grants that you have given out in the last 2 years? It is really hard to find out grant information, as far as which NGOs are receiving this with communities and cities and counties.

Ms. CRISWELL. We will work with your staff on the data that we have and try to answer all the questions that we can based on the data that we get back from the National Board. But, absolutely, we will work with you on that.

And so that is our main effort that we have to support any of the border activities. I think there is no Stafford Act impact be-

cause our Stafford Act is not supporting any of the activities at the border. And the only other effort that we have done is provide our collaboration and our coordination capabilities that we bring to a variety of different types of events to make sure that we are bringing all of the appropriate stakeholders together and support them to set up a unified coordination group—a logistics operation planning cells and so forth. And we have provided a few individuals that helped stand up the southwest border coordination cell, but we have currently nobody that is supporting that effort.

Mr. JOYCE. We managed to get through two rounds, and if you had another question or so, we have time.

Mr. CLOUD. Let me see. I could submit some for the record. I will do that.

Mr. JOYCE. Great. And so additional questions may come from members, and for those things that the members have asked you, I ask that you respond to them in 15 business days, if you would, starting today.

Ms. CRISWELL. Okay. We talked about that earlier, yes.

Mr. JOYCE. I would like to thank the witness for being here, for all the hard work she does.

And, with that, this meeting is adjourned.

[Answers to submitted questions follow:]

**Questions for the Record
Subcommittee Homeland Security
U.S. House Committee on Appropriations**

**Budget Hearing – Federal Emergency Management Agency
Tuesday, April 18, 2023**

Representative Joyce

1. National Flood Insurance Program (NFIP) Continuous Coverage Clarification

To: FEMA Administrator Deanne Criswell

The Biggert-Waters Flood Insurance Reform Act of 2012 (Biggert-Waters) contained reforms to the National Flood Insurance Program (NFIP), including provisions to incentivize growth in the private flood insurance market. Specifically, this included requiring lenders to accept private flood insurance policies that meet certain conditions to satisfy the mandatory purchase requirement.

Question: If a consumer leaves the NFIP, but maintains flood insurance coverage through a private insurer, can that consumer return to the NFIP at the rate that they would have been entitled to had they never left the NFIP, as long as they maintained continuous flood coverage?

Response:

No, the National Flood Insurance Act of 1968 (Act) prohibits FEMA from offering discounted Pre-Flood Insurance Rate Map (FIRM) rates if an NFIP policy lapses for any reason, unless the policyholder decided to allow the policy to lapse because they were no longer required to carry flood insurance (See 42 U.S.C. 4014(g)).

Question: Does FEMA have the authority to clarify this policy? If so, can you explain why FEMA has chosen not to clarify this issue?

Response:

Regarding whether the Federal Emergency Management Agency (FEMA) has the authority to permit policy holders who leave the National Flood Insurance Program (NFIP), but maintain private flood coverage, to return to their NFIP Pre-FIRM premium rate, the answer is no.

The National Flood Insurance Act (NFIA) mandates that FEMA charge full-risk rates for all new NFIP policies, unless the property is eligible for a statutory discount, such as newly mapped (See 42 U.S.C. 4014(a)(1); 42 U.S.C. 4015(c); 42 U.S.C. 4014(g)). Otherwise, FEMA is prohibited from charging a less than full risk rate for property owners who leave the NFIP and come back.

**Questions for the Record
Subcommittee Homeland Security
U.S. House Committee on Appropriations**

**Budget Hearing – Federal Emergency Management Agency
Tuesday, April 18, 2023**

Representative Hinson

1. National Flood Insurance Program – Continuous Coverage

To: Administrator Deanne Criswell

The National Flood Insurance Program (NFIP) has been reformed over the past few years to update the NFIP rate setting structure. These reforms include provisions to incentivize growth in the private flood insurance market; it does so by specifically requiring lenders to accept private flood insurance policies that meet certain conditions to satisfy the mandatory purchase requirement. Under Section 100205 of the Biggert-Waters Flood Insurance Reform Act of 2012 (the “continuous coverage” requirement) prohibits FEMA from providing subsidies to NFIP policyholders for a lapse in coverage. FEMA has chosen not to clarify the statutory prohibition on subsidies to policyholders has harmed policyholders who choose to exercise their right to find the coverage that is most suitable for their individualized needs.

Question: Why has FEMA chosen not to clarify if the Agency has the authority to decide if a consumer leaves the NFIP, but maintains flood insurance coverage through a private insurer, then the consumer can return to the NFIP at the rate they would have been entitled to with continuous flood coverage under NFIP?

Response:

The National Flood Insurance Act of 1968 (Act) prohibits FEMA from offering discounted Pre-FIRM rates if an NFIP policy lapses for any reason, unless the policyholder decided to allow the policy to lapse because they were no longer required to carry flood insurance (See 42 U.S.C. 4014(g)).

FEMA has addressed the statutory mandate in the NFIP Flood Insurance Manual at 3.1.b. “Lapse in Coverage” (pg.3 • 44). (See [the October 2022 NFIP Flood Insurance Manual - RR 2.0: Equity in Action\(fema.gov\)](#)).

**Questions for the Record
Subcommittee Homeland Security
U.S. House Committee on Appropriations**

**Budget Hearing – Federal Emergency Management Agency
Tuesday, April 18, 2023**

2. COVID-19 Funeral Assistance Funding

To: Administrator Deanne Criswell

In response to the COVID-19 pandemic, FEMA began a program to reimburse or help alleviate costs of funerals for individuals who died of COVID-19.

Question: What is the Agency doing to ensure that this program is protected from fraud and that taxpayer dollars are going toward its intended use?

Response:

The Federal Emergency Management Agency (FEMA) has multiple measures in place to protect programs, such as the Funeral Assistance program, from fraud, waste, and abuse.

- FEMA accepts Coronavirus Disease 2019 (COVID-19) Funeral Assistance applications by phone in order to provide the broadest access to applicants across the nation and to ensure callers receive personalized, compassionate, and empathetic assistance from FEMA representatives. This approach reduces opportunities for fraudulent applications for example by screening out robocallers. During the call, the FEMA representative will also request information from the applicant to include:
 - The applicant's Social Security number and date of birth
 - The Social Security number and date of birth of the person who died
 - The applicant's current mailing address and telephone number
 - The address where the individual died
 - If the person who died had burial or funeral insurance policies
 - If the applicant received other funeral assistance (such as donations, CARES Act grants, state/territory assistance, or assistance from voluntary organizations)
 - If the applicants want eligible funds delivered by direct deposit: if yes, the routing and account number of your checking or savings account will be requested.
- The National Emergency Management Information System – Individual Assistance (NEMIS-IA) is used to process COVID-19 Funeral Assistance, as well as all other disaster assistance. Cases are automatically flagged in the system as potential duplicates based on the applicant or co-applicant name and social security number, and the deceased individual's name and social security number to ensure they are not claimed on multiple applications across multiple disasters.
- When FEMA implemented COVID-19 Funeral Assistance, FEMA established processing guidance for staff to verify additional assistance was not paid beyond the \$9,000 maximum. The funeral assistance process requires applicants to submit verifiable documentation for reimbursement of incurred costs. Documentation may include funeral

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home contracts, receipts, and/or invoices, and other similar documents to verify funeral expenses. Additionally, FEMA staff reviews death certificate documentation, and any documentation of assistance received from other sources, to verify eligibility for funeral assistance prior to awarding assistance.

- To ensure all applications are being processed in accordance with guidance and to mitigate improper payments, FEMA has also implemented a daily system generated report to identify data anomalies, to include: (1) funeral assistance applications containing three or more decedents; (2) applications without decedent information; (3) applications transferred to another disaster; and (4) applications canceled as exact duplicates. FEMA's Recovery Analytics Division (RAD) provides these reports to Individuals and Households Program (IHP) staff daily as part of FEMA Recovery Directorate's internal quality control measures for additional review.
- Additionally, Recovery established a new section in RAD in October 2022 solely dedicated to payment integrity, including case reviews, application of fraud prevention tools and controls, and coordination of guidance and procedure changes with the Individual Assistance and Public Assistance program offices. RAD's Program Integrity Section is specifically tasked with review and analysis of cases identified as potentially fraudulent in the COVID-19 funeral assistance program as one of the payment integrity activities.

**Questions for the Record
Subcommittee Homeland Security
U.S. House Committee on Appropriations**

**Budget Hearing – Federal Emergency Management Agency
Tuesday, April 18, 2023**

Representative Underwood

1. Social Vulnerability Metrics

To: Administrator Criswell

In October, FEMA rolled out an Alternative Cost-Effectiveness Methodology for BRIC and Flood Mitigation Assistance programs, with the goal of making hazard mitigation grants more equitable. FEMA is using CDC's Social Vulnerability Index, along with other metrics, to determine if communities are eligible to use the alternative equation.

Question: Does FEMA have plans to continue using this as a metric when evaluating grant applications in the future?

Response:

The draft Fiscal Year (FY) 2023 Notices of Funding Opportunity (NOFO) for the Building Resilient Infrastructure and Communities (BRIC) and Flood Mitigation Assistance (FMA) grant programs are still in development. The Federal Emergency Management Agency (FEMA) will continue to assess its use of metrics for these FY 2023 NOFOs and future application cycles.

FEMA allowed the use of a lower discount rate for the FY 2022 BRIC and the FMA programs when subapplicants could demonstrate that they met one of several conditions. One of these conditions included if the community was identified as an Economically Disadvantaged Rural Community (EDRC), was within a tribal jurisdiction or insular area, or if their Centers for Disease Control and Prevention (CDC) Social Vulnerability Index (SVI) was 0.6 or greater.

Pursuant to the Infrastructure and Investment Jobs Act (IIJA) (P.L. 117-58), also commonly referred to as the Bipartisan Infrastructure Law (BIL), the FMA program will continue to assess grants using the CDC SVI to determine eligibility for enhanced cost share (90%) for sub-applications in socially vulnerable communities. For every other program, e.g., BRIC, FEMA has been directed by the White House Council for Environmental Quality (CEQ) to use the Climate and Economic Justice Screening Tool (CEJST) in the spirit of the Justice40 initiative and as directed by Executive Order 14008: *Tackling the Climate Crisis at Home and Abroad*.

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Question: Has FEMA considered creating its own metric to measure social vulnerability to evaluate grant applications?

Response:

The Federal Emergency Management Agency (FEMA) is using existing metrics.

FEMA first issued its “Interim Guidance for Establishing an Equity Data Standard for Resilience Grants” in May 2022 to create consistency and transparency in applying the terms “underserved” and “disadvantaged” across Resilience’s grant programs.

At the time, Resilience grant programs were using a variety of social vulnerability tools and indices to identify underserved and/or disadvantaged communities. The interim standard defines an underserved and/or disadvantaged community using the Centers for Disease Control and Prevention (CDC)/Agency for Toxic Substances and Disease Registry (ATSDR) Social Vulnerability Index (SVI). This interim standard applied to the Fiscal Year (FY) 2022 Resilience grants, incorporating an equity data standard.

However, since the interim standard was released, the Council on Environmental Quality (CEQ) released the Justice40 Initiative’s Climate and Economic Justice Screening Tool (CEJST) version 1.0 and issued a memorandum on January 27, 2023 requiring the use of CEJST to “identify geographically defined disadvantaged communities for any covered program under the Justice40 initiative and for programs where a statute directs resources to disadvantaged communities, to the maximum extent possible and permitted by law.¹” In response to this new White House requirement, FEMA is aligning with the new CEJST requirement for FY 2023 Resilience grants.

¹ [M-23-09 \(whitehouse.gov\)](https://www.whitehouse.gov/presidential-action/m-23-09)

**Questions for the Record
Subcommittee Homeland Security
U.S. House Committee on Appropriations**

**Budget Hearing – Federal Emergency Management Agency
Tuesday, April 18, 2023**

2. Applicant Correspondence

To: Administrator Criswell

Researchers have found that racial disparities exist at every stage of FEMA’s Individual Assistance application process. Complicated applications, documentation requirements, and home inspections all put the burden on the survivors who are already dealing with the fallout of a disaster.

Correspondence coming from FEMA can compound this issue. Status update letters can be read as denial letters. Applicants can dispute denials, but the denial letter does not explain how to do so. FEMA can help shift the burden off the survivor by more clearly communicating about an applicant’s status.

Question: Does FEMA have plans to improve the application correspondence language it uses in denial and status update letters?

Response:

The Federal Emergency Management Agency (FEMA) completed a multi-year comprehensive review of our correspondence for the Individuals and Households Program (IHP) last year to strengthen and enhance communication to survivors with compassion, fairness, integrity, and respect. After conducting focus groups to obtain direct feedback from disaster survivors, changes were made to the letters to increase use of plain language, provide survivors with more information about why they may not be receiving assistance, and clearly identify the next steps they can take to get the help they need. The updated letters also explain the relationship between FEMA assistance and Small Business Administration (SBA) loan assistance more clearly. The improved letters were first implemented on November 21, 2022, for the Hurricane Ian disaster declaration in South Carolina.

FEMA is taking additional steps to improve our letters before the 2023 Hurricane Season. This includes changing the headers to be clearer about what next step actions are necessary. For example, the current “Not Approved” header will be changed to “Not Currently Approved – You May Appeal.” It will also include making additional changes to the decision summary lines so that they more clearly explain what next step a survivor may need to take. For example, “Same Address” will be changed to “FEMA Already Provided Assistance for this Address.”

FEMA’s next comprehensive review of IHP letters will begin in 2024, with the goal of replacing most initial denial decisions that require an appeal with requests for additional information by the end of 2025.

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3. Strategic Plan Performance Measures

To: Administrator Criswell

In the 2022-2026 Strategic Plan, FEMA includes performance measures to analyze how it's hitting their targets.

To measure if FEMA is building a diverse workforce, one metric is: “percent of FEMA’s workforce that reflects the diversity of the nation.”

Question: Can you share the demographics of FEMA’s workforce, especially for Full-Time Employee roles?

Response:

FEMA’s workforce of 22,828 individuals is represented by the following demographic breakdown:

Demographic	All Employees	Full-Time Employees
Gender	22,828	14,745
Male	11,012	7,186
Female	11,816	7,559
Veteran Status	22,828	14,745
Veteran	3,579	2,698
Non-Veteran	19,249	12,047
Disability	22,828	14,745
No Disability	17,916	11,424
Non-Targeted Disability	2,731	1,824
Not Identified	1,616	1,092
Targeted Disability	565	405
Race	22,828	14,745
American Indian or Alaska Native	227	139
Asian	698	526
Black or African American	5,957	3,399
Hispanic or Latino	3,745	2,049
Native Hawaiian or Other Pacific Islander	113	61
Two or More	189	118
White	11,899	8,453

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Question: What internal processes and external partnerships is FEMA forging to increase workforce diversity?

Response:

For external audiences, the Federal Emergency Management Agency (FEMA):

- Coordinates outreach and recruitment strategies to maximize its ability to recruit from a diverse, broad spectrum of potential applicants, including a variety of geographic regions, academic sources, and professional disciplines.
- Designs outreach and recruitment strategies to draw from all segments of society, including those who are underrepresented, when using staffing flexibilities and alternative hiring authorities.
- Involves managers and supervisors in recruitment activities and takes appropriate action to ensure that outreach efforts are effective in addressing barriers.
- Includes multiple tasks in FEMA’s Strategic Recruitment Implementation Plan geared toward increasing diversity, including updating resources and guidance documents (for example, the Hiring Guide for Managers and the Interview Guide) to include unconscious bias information and other diversity, equity, inclusion, and accessibility principles. This Strategic Recruitment Implementation Plan will guide FEMA’s efforts to operationalize the Strategic Recruitment Plan the Agency published last year. The Agency views the Strategic Recruitment Implementation Plan as a working document that will evolve and adjust as it moves forward with these activities.
- Develops strategic partnerships with a diverse range of colleges and universities, trade schools, apprentice programs, and affinity organizations from across the country.

FEMA also utilizes online job boards, such as Professional Diversity Network and Institution for Diversity and Inclusion in Emergency Management, to target diverse candidates and advertise job announcements. FEMA continues to maintain strong partnerships with Historically Black College and Universities, Hispanic-Serving Institutions, Minority Serving Institutions, and diverse associations and organizations such as the American Indian Higher Education and Federally Employed Women’s Organization.

Internally, FEMA has increased workforce diversity through publishing an Agency Directive on Employee Resource Groups (ERGs). This Directive established the following operational and process guidance standards:

- How to maintain a strong posture for FEMA’s existing ERGs;
- How to develop new ERGs;
- The value that ERGs bring to FEMA; and
- Internal places where employees can engage, create, and innovate in the Agency.

Please see below for a current listing of FEMA’s ERGs:

- African American ERG
- Hispanic-Latino Heritage ERG

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- PRIDE ERG
- Asian American Native Hawaiian Pacific Islander ERG
- Disabilities ERG
- National Service Alumni ERG
- Seasoned Employee ERG
- Women’s Forum ERG
- Tribal Affairs ERG
- Veterans Advisory Council ERG

To measure the achievable outcomes for people FEMA serves, the metric included in the Strategic Plan is “percent of FEMA programs that evaluate and report on outcomes.”

Question: Can you elaborate on the specific evaluations FEMA has put in place to measure the disparities in outcomes in its programs and policies?

Response:

The Federal Emergency Management Agency (FEMA) has made progress in understanding how programs leverage data to achieve equitable outcomes and in conducting discrete analyses of equitable program delivery. To help ensure support to underserved communities, FEMA built dynamic dashboards using equity datasets and indicators and leveraged geospatial reporting in the field. Overlaying socioeconomic factors indicating high vulnerability with FEMA operational data enables better informed decisions throughout the disaster life cycle, especially during response and long-term recovery.

As an example of our work to enhance equitable program delivery, in 2022, FEMA updated multiple policies and practices that resulted in immediate improvements in access to aid by expanding the reach and benefit of disaster assistance programs, including in disadvantaged communities. FEMA was able to measure the results of this work, which included:

- More than 100,000 disaster survivors received assistance who may have been deemed ineligible previously through the updating of Individual Assistance policies.
- By opening Direct Housing eligibility to disaster survivors with smaller homes, more than 6,700 disaster survivors were considered for direct housing who previously would not have received assistance, including more than 4,000 lower-income applicants.
- By expanding Ownership Verification, more than 57,000 additional disaster survivors received FEMA assistance, totaling \$444 million.

FEMA also conducted assessments across six program offices as part of a broader agency-wide approach to ensure greater equity. These offices analyzed their current data to identify opportunities to remedy data gaps and advance equity.

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Consistent with the Stafford Act’s statutory directive to ensure equitable treatment of disaster survivors, FEMA collects demographic data from disaster survivors. The data is collected on a strictly voluntary basis.

Aligning with the Administration’s Justice40 Initiative, FEMA also has a measurable target for Justice40 covered programs. Socially vulnerable communities are more likely to be impacted by extreme weather events. By implementing the Justice40 Initiative across critical resilience programs, FEMA will be able to build on existing efforts to better serve these communities by making them more resilient when disaster strikes. Programs in FEMA covered by the Justice40 Initiative include the Building Resilient Infrastructure and Communities (BRIC) and Flood Mitigation Assistance (FMA) competitive annual grant programs, which both provide Hazard Mitigation Assistance (HMA) to state, local, tribal, and territorial governments to make communities more resilient to the effects of natural hazards. Also included in this Justice40 Initiative are FEMA Risk Mapping, Assessment and Planning (Risk MAP) and the Regional Catastrophic Preparedness Grant Program (RCPGP), which help to ensure that communities are prepared for disasters.

Although each of these activities advances the goal of ensuring equity in our program delivery, FEMA recognizes that significant opportunities exist to more comprehensively advance equity across the emergency management community.

FEMA has committed to continuing evaluation of existing equity data, decision-making tools, resources, and guidance for emergency managers to support shared equitable outcomes in the delivery of disaster assistance programs. FEMA is in the process of finalizing our first four-year Learning Agenda, which is a systematic plan for strategic investment of resources in evidence building in support of the 2022-2026 FEMA Strategic Plan. Specifically, FEMA has identified evidence and evaluation gaps needed to achieve the agency’s strategic goals of Equity, Climate Resilience, and Readiness, and is working to address those gaps through research questions and evaluations detailed in the learning agenda. Over 50% of the research questions in FEMA’s Learning Agenda will result in the analysis of disparities in program and policy outcomes. These research questions range from considering the existence of discernable biases toward one demographic group or another in terms of eligible applicants and assistance provided, to measuring the extent COVID-19 Public Assistance obligations were aligned to areas of social vulnerability, to how household income and other demographic characteristics influence the decision to purchase flood insurance. These evidence and evaluation resources will enable more equitable and consistent delivery of FEMA programs across the nation and provide transparency to FEMA partners and customers on the decision-making process within our programs.

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Representative Case

1. Climate Adaptation Office

To: Director Criswell

Your budget requests \$41.7 million to support the Biden administration's priorities to mitigate the effects of climate change. You also have proposed the establishment of a Climate Adaptation Office.

Question: Could you provide more details on how this Climate Adaptation Office would support communities and decrease some of the costs of natural disasters?

Response:

The changing climate is a force multiplier – increasing the number of storms, floods, fires, and extreme temperatures that threaten the well-being of people across our nation. These changes pose significant risks to communities, both presently and in the future. While the Federal Emergency Management Agency's (FEMA's) investments have enhanced resilience to our nation, not all investments are adaptive and applicable to our changing climate. This gap in adaptability promotes maladaptation and can lead to losses, and in some cases, repetitive losses.

FEMA is establishing a new capability to address this issue – the Climate Adaptation Office. This Office is tasked with integrating adaptation strategies, data, and understanding of future conditions into FEMA's plans, programs, projects, and collaborations with the whole of community. The goal is to facilitate behavioral changes in communities, among emergency management decision makers, and practitioners. Weather and climate disasters have more than quadrupled in both total costs and frequency since the 1980s. Without a concerted effort to create a new programmatic area to focus on future conditions disaster efforts, it is unlikely such growth in disasters and associated costs will be abated.

Operating through a service-based delivery model, the Office supports FEMA programs and interagency initiatives by incorporating climate adaptive strategies into policymaking, guide development, and communication resources for every phase of the disaster cycle. It also provides climate services across FEMA, interagency initiatives, and communities. This would enhance knowledge and understanding of the impacts of climate change on potential decisions and actions. Also, the Climate Adaptation Office serves as a bridge between communities, other federal agencies, and the private sector to facilitate access to additional resources and foster partnership opportunities.

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As we continue to actively promote and advance climate actions, FEMA's approach prioritizes planning for future-based risk and avoiding maladaptation. This focus should be rapidly adopted nationwide to avert the worst impacts of climate-enhanced disasters and reduce losses in communities. The services provided by the Climate Adaptation Office ensure FEMA supports effective response and recovery from disaster impacts, as well as fostering a more resilient nation.

This process requires complete integration, extending beyond preparedness and hazard mitigation. It also necessitates integration into the response and recovery mission areas. To achieve this comprehensive integration across FEMA, the Office needs dedicated, permanent positions with the necessary experience and expertise in resilience, adaptation, climate mitigation, economics, planning and analytics.

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2. Urban Area Security Initiative

To: Director Criswell

The Urban Area Security Initiative recently revised its risk methodology, and the Federal Emergency Management Agency announced another update to the methodology planned for next year.

Question: Can you describe how the new risk methodology accounts for geographic isolation?

Response:

In the Fiscal Year (FY) 2023 Risk Methodology, the Isolation data element was unchanged from FY 2022 and was weighted at six percent within the Vulnerability component. The Isolation data element reflects the fact that some states, territories, and metropolitan statistical areas are geographically isolated and beyond the reach of immediate mutual aid or outside assistance in the event of a catastrophic event. Jurisdictions outside the continental United States receive the highest possible value. Entities in the continental United States receive an isolation value based on Census Population within 100 miles of the entity. An inverse population proportion is used to assign areas with low surrounding populations a higher isolation value.

Question: Is there a plan to consider the effects of isolation for both the vulnerability and the impact of disasters?

Response:

During the Federal Emergency Management Agency's (FEMA's) recent risk model review, the agency considered including Isolation as part of the Consequence component but concluded that, at this time, it is more suitable to keep it in Vulnerability due to the available national level data being imprecise and of lower granularity. However, we are continuing to research and analyze additional ways to measure Isolation for states, territories, and metropolitan statistical areas and its possible impacts.

WEDNESDAY, APRIL 19, 2023.

U.S. COAST GUARD

WITNESS

ADMIRAL LINDA FAGAN, COMMANDANT, U.S. COAST GUARD

Mr. JOYCE. The Subcommittee on Homeland Security will come to order.

I would like to welcome everybody to the hearing on the U.S. Coast Guard's fiscal year 2024 budget request from U.S. Coast Guard Commandant Admiral Linda Fagan.

Welcome, Admiral Fagan. It is a pleasure to see you again, and I look forward—those mikes.

I thank you for your testimony today as we discuss the Coast Guard's fiscal year 2024 budget request.

Whether it is enabling the flow of commerce through our maritime transportation system, interdicting migrants on the open ocean, or combating illicit narcotic trafficking, our Nation relies on the men and women of the Coast Guard.

Demands on the Coast Guard have never been greater. The Arctic, Indo-Pacific, and maritime border have all presented challenges to the agency over the last year.

I look forward to hearing about your plan to confront the growing economic and foreign military activity in the Arctic, particularly as the polar security cutter construction falls further behind schedule.

Foreign interests, primarily China, are increasingly using illegal, unreported, and unregulated fishing activities to steal resources and undermine a maritime rules-based order. Admiral Fagan, you have characterized IUU fishing as a top maritime security threat.

With a mix of both law enforcement and military authorities, the Coast Guard is uniquely poised to address IUU fishing and prevent these illegal incursions into our Exclusive Economic Zone and those of our allies. This is proven by the increase request by the Defense Department for Coast Guard expeditionary support. The Coast Guard's presence in the Indo-Pacific allows the United States to project power far from our shores and is a vital tool of national security and diplomacy.

Moving closer to home, President Biden's failed policies have created a crisis at our borders. All the DHS components have been stretched thin, and the Coast Guard is no exception. The Coast Guard is interdicting near record numbers of migrants in the Caribbean transit zone and, over the past years, its vessels have been at capacity. Just in the past few weeks, Coast Guard Cutter *Campbell* apprehended and repatriated nearly 500 migrants who were traveling in overcrowded and unseaworthy vessels.

This mission is difficult and dangerous for our Coast Guard men and women, and I thank them for their service, especially when

you consider the Coast Guard Cutter *Campbell* was launched back in 1986.

Admiral Fagan, I want to hear how this budget supports addressing the crisis at our border and how you look to grow capacity to ensure that our maritime border is secure.

Unfortunately the Coast Guard continues to struggle with major acquisition programs. As I mentioned already, the polar security cutter, which has been originally set to be delivered in 2025, hasn't even begun construction. The 11th national security cutter is significantly behind schedule, and the newly awarded Waterways Commerce Cutter Program is marred in legal challenges.

We need to work together to ensure that the Coast Guard appropriately manages acquisition programs and delivers the assets required to protect our shores.

Admiral, I look forward to working with you as we develop this year's appropriations bill. Before I turn to you for your statement, I would like to recognize our distinguished ranking member, Mr. Cuellar, for his opening remarks.

Mr. CUELLAR. Mr. Chairman, thank you so much.

And, members, it is always a pleasure being here with you.

Again, Chairman, thank you so much for your leadership.

And good morning, Admiral Fagan. It is nice to see you again.

The Coast Guard plays a very critical role in many facets of our lives, from saving those that are in peril to securing our borders and ensuring our national security. The Coast Guard fiscal year 2024 budget request of \$12.1 billion makes key investments in personnel, vessels, aircraft, and other programs that will assist in its search-and-rescue missions along with its critical activities in our maritime borders, including the interdiction of drugs and addressing the increasingly flow of migrants.

To add to its growing set of responsibilities, the Coast Guard now is playing a critical role in the Indo-Pacific and the Arctic region. We know what China is doing in both of those areas. As you know, China now continues to call itself a near Arctic nation, even procuring at least two icebreakers, despite being thousands of miles away from the Arctic itself.

China also works with Russia, a country that has at least 40 icebreakers—and some of them are armed—to increase its presence in the Arctic. We certainly are interested about the work that you all are doing in the Indo-Pacific, part of the strategic plan over there, and of course what you are doing to counter the threats of—posed by China and making sure that we have the resources to address that.

I also certainly—being from the border, I am certainly very interested in the work that you all do with the flow of drugs and how that is coming into our maritime borders, and certainly, of course, the recruiting challenges that you are looking at.

According to a recent GAO study, many cite a lack of access to childcare, education as a reason to avoid services, and, additionally, the mission demands on outpaced staffing levels. So we certainly want to work with you. As you know, later on today, we have Commissioner Troy Miller. And I know the committee has talked about what we have done for CBP. And I would ask you to spend time

with them and the Department of Defense as to some of the ideas so we don't re-invent the wheel together.

Finally, interested in your strategic plan performance measures to make sure that we measure Federal dollars, how they are being used. And, in particular, want to talk to you about how we can jam those two ports—and I mean this in a nice way—the Mexican ports, where the legal precursors—and that is what makes it hard—that information sharing is important—are coming into those two ports from China and of course ending up here.

So we look forward working with you.

And, again, with that, Mr. Chairman, I yield back.

Mr. JOYCE. Well, thank you, the distinguished Mr. Cuellar.

Mr. CUELLAR. Thank you, sir.

Mr. JOYCE. Admiral Fagan, without objection, your full written testimony will be entered into the record. With that in mind, we ask that you please summarize your opening statement in 5 minutes.

TESTIMONY OF ADMIRAL LINDA L. FAGAN

Admiral FAGAN. Thank you. Thank you.

Good morning, Chairman Joyce, Ranking Member Cuellar, distinguished members of the subcommittee. Thank you for the opportunity to testify today, and thank you for entering my written testimony into the record.

On behalf of the entire service, thank you for your continued support of the Nation's Coast Guard.

With the funding provided in the 2023 appropriation, we are continuing our largest fleet recapitalization in decades, building vital shore infrastructure and supporting our workforce and their families. The world is changing, and that pace of change is accelerating. Our commitments to protect, defend, and save grow every day, and demand for the service around the globe has never been higher.

In these challenges, there is opportunity, and we must invest in 2024 and beyond to generate sustained readiness, resilience, and capability to build the Coast Guard of the future.

The Coast Guard workforce is my highest priority. But, like other branches of the Armed Forces, the Coast Guard is experiencing a workforce shortage. We are struggling to recruit the people we need to hire into our ranks every year. Our recruiting shortfall threatens our readiness and ability to serve the American people. We must invest, not just in workforce recruiting capacity, but in support initiatives to meet mission, healthcare, childcare, and housing are important.

We are a global Coast Guard. And, as we continue to invest in the homeland, we counter strategic competition around the world.

And the Coast Guard operates the Nation's surface presence in the Arctic and Antarctica. Our fleet of only two polar icebreakers does not deliver the high-latitude presence we require as an Arctic Nation.

The fiscal year 2024 budget request funding to grow the Coast Guard's icebreaker capacity to enable the shift from episodic presence to year-round presence in the high latitudes.

Every Coast Guard mission begins and ends at a shore facility. To generate readiness, retain our workforce, and support our fami-

lies, we must maintain and modernize our buildings, piers, housing, and other infrastructure.

The Coast Guard requires stable, predictable shore infrastructure funding to ensure facilities are ready when new assets arrive and personnel have the space they need to support the recapitalized fleet.

Consistent funding is vital to us to recapitalize our many antiquated stations, sectors, training centers, air stations, and housing, some of which were built in the late 1800s. The fiscal year 2024 budget includes funding to build out Base Charleston and to complete construction of future cutter home ports in Washington and Alaska.

My vision of the \$20 billion Coast Guard of 2033 includes \$400 million to \$500 million a year to accomplish this infrastructure work. I am certain you will not find a better return on investment for the American people than the United States Coast Guard.

I thank you for your continued support to ensure that the Nation's Coast Guard, like every U.S. armed force, has the resources necessary to safeguard the Nation.

Thank you for the opportunity to testify. Thank you for your enduring support. I look forward to your questions.

[The information follows:]

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**TESTIMONY OF
ADMIRAL LINDA L. FAGAN
COMMANDANT, U.S. COAST GUARD**

**ON
"THE COAST GUARD'S FISCAL YEAR 2024 BUDGET REQUEST"**

**BEFORE THE
HOUSE APPROPRIATIONS
SUBCOMMITTEE ON HOMELAND SECURITY**

APRIL 19, 2023

Introduction

Chairman Joyce, Ranking Member Cuellar, and distinguished Members of the Subcommittee, thank you for inviting me to testify and I am grateful for your continuing support of the United States Coast Guard. Today, I look forward to discussing how the Administration's FY 2024 Budget request positions the Service to generate sustained readiness, resilience, and capability while building the Coast Guard of the future.

As the world's premier, multi-mission, maritime service responsible for the safety, security and stewardship of the Nation's waters, the Coast Guard offers a unique and enduring value to the American public. At all times a military service and branch of the U.S. Armed Forces, a federal law enforcement agency, a first responder, a regulatory body, and a member of the U.S. Intelligence Community, the Coast Guard serves on the front lines for a Nation whose economic prosperity and national security are inextricably linked to the sea.

Last year, your Coast Guard navigated unique challenges presented by our increasingly connected and rapidly changing world. Throughout the course of FY 2022, the Service saved or assisted over 24,000 people, removed over 335,000 pounds of cocaine and 60,000 pounds of marijuana with an approximate wholesale value of \$4.2 billion, provided humanitarian assistance to over 12,500 non-citizens intercepted at sea, inspected over 15,000 shipping containers for structural and hazardous material compliance, maintained nearly 45,000 buoys and beacons across the Marine Transportation System, conducted over 10,000 waterborne patrols to protect critical infrastructure and key resources, and provided nearly 21,000 hours of support to U.S. Central Command to advance security cooperation, maritime security, and counter-piracy objectives in the Arabian Gulf.

In the aftermath of Hurricanes Ian, Fiona, and Nicole, Coast Guard personnel from across the country surged to Puerto Rico, Florida, Georgia, South Carolina, North Carolina, and Virginia where we saved or assisted nearly 1,000 persons in distress, responded to pollution incidents, and reopened vital ports and waterways to help communities recover.

In the Antarctic, Coast Guard Cutter (CGC) *Polar Star*, the Nation's only heavy polar icebreaker, created a navigable path through thick ice to enable the annual replenishment of America's McMurdo Station. In the Great Lakes, CGC *Mackinaw* – the Coast Guard's only heavy domestic icebreaker – opened passages to facilitate commercial shipping across the region.

In the Indo-Pacific, 418-foot National Security Cutters and 154-foot Fast Response Cutters conducted combined operations and exercises with allied and partner nations to counter Illegal, Unreported, and Unregulated fishing and facilitate interoperability with like-minded nations throughout the region. In the Caribbean, the Coast Guard surged assets from across the Atlantic seaboard to respond, in coordination with other federal agencies, to historic irregular maritime migration on our southern maritime border.

While I remain incredibly proud of our Coast Guard Active Duty, Reserve, Civilian, and Auxiliary workforce, we must adapt to ensure the accelerating pace of change does not overtake our ability to protect, defend, and save the American public we serve. Geopolitical competition, economic volatility, climate change impacts, shifting workforce expectations, evolving technologies, and new enterprises at sea are converging and driving changes we must make for our Service.

The FY 2024 President's Budget is the first step in advancing our efforts to transform our total workforce, sharpen our competitive edge, and advance our mission excellence as we build the Coast Guard of the future. These investments are vital to ensuring the Service has the assets, systems, infrastructure, and support needed to further the Nation's maritime safety, security, and prosperity.

Generate Sustained Readiness, Resilience, and Capability

Transform our Total Workforce

A shrinking American workforce combined with changing expectations by both employees and employers is driving significant challenges in recruiting and hiring. American workers seek flexibility, innovation, purpose, and desire employers who foster a workplace where all people are respected and empowered.

My highest priority is to modernize our talent management system, which has not significantly changed in 75 years, to best recruit and retain our workforce in the 21st century. I am committed to deploying innovative recruiting practices; revolutionizing talent management policies; developing individually tailored, on-demand, and modernized learning; and delivering point of need healthcare and family services.

The FY 2024 budget requests \$273 million in military and civilian pay and benefits; \$21 million to increase retention, bolster medical services, improve the Service's training systems, and better support the workforce; as well as \$12 million to enhance the Coast Guard's recruiting capability by funding additional recruiting personnel and nine new recruiting offices.

Sharpen our Competitive Edge

New and rapid advancements are making access to technology ubiquitous. These technological advancements expose global systems and people to modern threats, including growing cybersecurity concerns, supply chain disruptions, and navigation vulnerabilities. However, emerging technologies also present novel opportunities to maintain a competitive edge over malign actors.

To accomplish the broad spectrum of Coast Guard missions, we will leverage new technology to enable rapid information sharing and provide decision advantage to our operational commanders. Smart application of advanced data analysis capabilities will enable us to make the best decisions as we inspect new commercial vessels, search for overdue recreational boaters, bolster our talent management system, and seek to disrupt the flow of illicit drugs across our maritime border.

The FY 2024 budget requests \$49 million to sustain enterprise collaboration tools, search and rescue IT systems, and C5I capabilities on board operational assets. Additionally, the budget includes \$15 million for data analytic technology development, improving how data is collected, analyzed, and leveraged to empower operations and support the workforce. Requested funding also supports the rapid development of mobile applications and bolsters telework capabilities.

Advance our Mission Excellence

The Coast Guard operates in dynamic conditions, and changes in the strategic environment impact our missions every day. Given evolving national security threats, we must prepare now for the challenges of tomorrow.

We will employ our assets and resources to the highest priority missions that we are uniquely capable to perform, build on our ability to lead in crisis, strengthen existing and forge new partnerships to improve global maritime governance, and safeguard a rapidly changing Marine Transportation System.

The FY 2024 budget requests \$77 million for the operations, maintenance, crew, and mission support elements for four Fast Response Cutters; operations and maintenance for the second Offshore Patrol Cutter; crew, operations, and maintenance for a commercially available polar icebreaker; crew for the first Waterways Commerce Cutter; and crew, operations, and maintenance for four MH-60T helicopters, one HC-130J aircraft, and one HC-27J aircraft. Additionally, the budget includes \$18 million for the operations and maintenance of newly acquired or recapitalized shore facilities.

Build the Coast Guard of the Future

The Service continues our largest recapitalization effort since World War II - vital to providing the capable, modern assets necessary to meet the unprecedented demand for Coast Guard services. Additionally, the Coast Guard continues to prioritize investments in our shore infrastructure because our facilities, piers, runways, and the buildings where our people eat and sleep while standing duty are as critical for operations as our ships and aircraft.

Surface

With the continued strong support of both the Administration and Congress, we are acquiring the Nation's first new heavy polar icebreakers in almost half a century. The FY 2024 request of \$170 million sustains the program and procures an additional portion of long-lead time materials for the third Polar Security Cutter (PSC). When fully operational, PSCs will provide the global reach and icebreaking capability necessary to advance our national interests in the Arctic and Antarctic regions, projecting U.S. sovereignty and influence while conducting Coast Guard statutory missions in the high latitudes.

The FY 2024 request also funds the acquisition of a commercially available polar icebreaker, including the modifications and integrated logistics support required to reach initial operating capability for Coast Guard missions. The purchase and modification of a commercially available polar icebreaker represents an effective strategy to increase near-term presence in the Arctic until the PSC fleet is operational and to add regional capacity in the long-term.

The Offshore Patrol Cutter (OPC) is one of the Service's highest acquisition priorities and is absolutely vital to recapitalizing the capability provided by our legacy fleet of 210-foot and 270-foot Medium Endurance Cutters (MEC). The FY 2024 request provides \$579 million for construction of the sixth OPC and long lead time materials for the seventh of a program of record for 25 hulls. The legacy assets the OPC's will replace have been workhorses for decades and continue to serve the Nation with distinction. With 13 of these cutters exceeding 50 years of Service, the MEC fleet is becoming more difficult and expensive to maintain, and we continue to see degradation in its operational availability.

Some of our inland tenders have been in service since the 1940s, maintaining both fixed and floating aids to navigation for the U.S. Marine Transportation System – the 25,000 miles of rivers and navigable channels that support \$5.4 trillion in annual commerce and 31 million jobs. The FY 2024 request for \$98 million supports program management, long lead time material for future hulls, and construction of the first article of the Waterways Commerce Cutter fleet. These cutters – which will replace our legacy inland tender fleet – will feature modern designs for propulsion and crew habitability to enable men and women to serve in the heartland.

Aviation Assets

The FY 2024 request includes \$115M to recapitalize and sustain fixed and rotary-wing aircraft, including: sustainment of the current MH-60T helicopter fleet; modernization and sustainment of the Coast Guard's MH-65 helicopter fleet to improve reliability into the 2030s, align recapitalization efforts with DoD's Future Vertical Lift program and transition to an all MH-60 fleet; and continued missionization of HC-27J medium-range surveillance aircraft.

Shore Infrastructure

Shore facility maintenance and recapitalization is critical to mission success. As the Service deploys new, more capable assets, infrastructure projects like pier construction and workforce facilities are equally vital. The FY 2024 request includes targeted investments to continue the buildout of Base Charleston, South Carolina, funds the construction of a Fast Response Cutter homeport in Seward, Alaska, and funds construction of a Waterways Commerce Cutter homeport.

Given the Coast Guard's broad infrastructure needs, these investments and a modern approach to project planning, prioritizing, and execution are necessary to ensure the Service has the adequately maintained and resilient infrastructure required to meet the operational demands of today and tomorrow.

Conclusion

The Coast Guard is the only military Service outside the Department of Defense and the only Armed Force that is primarily funded via non-defense appropriations. Not funding the Coast Guard at the levels requested in this budget could jeopardize the long-term readiness of the Service, putting American lives, national security, and the U.S. Marine Transportation System at risk. I ask for your support to ensure the Coast Guard – like every U.S. Armed Force – has the resources necessary to safeguard the Nation.

Now is the time to move the U.S. Coast Guard forward. Our commitments at home to protect, defend, and save - grow every day, while demand for the Service around the globe has never been higher. To meet the rising challenges, we must invest to secure the homeland and counter strategic competitors.

With the support of the Administration and Congress, your Coast Guard will continue to live up to our motto – Semper Paratus – Always Ready. Thank you for your enduring support.

Mr. JOYCE. Thank you very much.

Recognized for questions, I will start with myself.

President Biden's failed immigration policies have created a crisis on our border. The maritime border is no exception. Over the last year, near record numbers of migrants have attempted to cross the Caribbean transit zone. At times, Coast Guard assets were at capacity for holding migrants.

Admiral, how does the budget support the increased number of migrants interdicted against the—along maritime routes?

Admiral FAGAN. Thank you, Mr. Chairman.

The Coast Guard is integral to the lifesaving work that is encountering migrants at sea. We have been actively involved in the current maritime migration routes.

The budget support for new assets, the offshore patrol cutter, are critical to the Coast Guard's ability to meet that challenge of maritime migration. Assets that we are using right now, some of them are—you mentioned the Campbell, built in 1986. So it is those unit types, age, unplanned maintenance, our ability to be on vector reliably is sometimes challenging. So fielding the new—the new cutters—offshore patrol cutter that will replace those medium-endurance cutters is critical.

I appreciate the budget support that we do have for offshore patrol cutter.

Mr. JOYCE. When you were developing this budget, did the Coast Guard assume there were a particular number of migrants that you were going to be dealing with in fiscal year 2024?

Admiral FAGAN. You know, the fiscal year 2024 budget and all of our budgets reflect realities around our work at sea, whether it is countering maritime migration, our work in the counternarcotics realm, particularly in both eastern Pacific and the Caribbean.

I have recently signed out a fleet mix analysis that looks at what is the fleet the Coast Guard needs to actively counter maritime threats and that those—that fleet mix is informed and supported by the 2024 budget.

Mr. JOYCE. It is my understanding Coast Guard assets has been at capacity for interdicting and holding migrants. What is the agency's plan for the number of migrants continue to increase? And, put another way, what missions suffer when faced with this increased maritime program?

Admiral FAGAN. We have moved assets into the Florida straits because of increases in migration numbers that started last fall. It peaked into the new year, and then we have experienced a decrease in numbers over the recent weeks and months.

To ensure that we have got adequate holding capacity, that means a Coast Guard cutter with a flight deck on vector, and we have moved to ensure that we have that.

The Homeland Security Task Force Southeast, which is led by a Coast Guard officer, then brings an integrated approach. Should the Coast Guard assets and other assets on scene be overwhelmed by numbers, we move to activate a—you know, plans to ensure that people are able to be safely held, that we don't then have a significant loss of life. And then, for us, key is the ability to repatriate once we have encountered a migrant at sea.

Mr. JOYCE. Thank you.

I now recognize Mr. Cuellar.

Mr. CUELLAR. Mr. Chairman, thank you again so much.

I want to talk about drug smuggling routes and threats.

As you know, from one of your reports, if you look at cocaine, marijuana, and other things that come into the United States, they are coming in from Central America, so you have got the routes.

I would appreciate if you all—and I know this is a little difficult, because the opiates or the precursors coming in from China into those two Pacific Coast, Mexican coast, as you know. I believe, when you look at your drug seizures, you have zero—for the last couple of years, you have zero for fentanyl, which means that they are probably, either by—coming in by plane, according to CBP, and then you have got the precursors that are coming in through those two ports in Mexico, and then probably mail.

So we can see that there is no fentanyl, which means that there is certain routes that we are looking at. So, therefore, focusing on the Pacific side, especially those two ports in Mexico, they come in, and it makes it hard because they are legal, you know, as you know, but there has got to be information sharing with the Mexicans.

I hope that—I think you are hopefully meeting with them. You met with them over here. That is going to be key, because, if we are looking for fentanyl in areas coming in from South America, you are going to find cocaine and other things.

So appreciate if you can talk about what can we do—and I keep using the word “jamming” because, if they are coming in to a particular area in Mexico, we have got to work there because, once they go into the border, they have got ports of entry. They can—passengers, cars, trucks, trains, and it makes it a lot harder.

Admiral FAGAN. Thank you.

We obviously are actively engaged in interdicting narcotics at sea. The most effective way is to interdict at sea while narcotics are still in bulk form. And we have not encountered fentanyl. It is still primarily cocaine, some marijuana, and occasionally some methamphetamines.

I did meet with the Mexicans last week along with a number of other senior officials, CBP and DHS, to talk about the fentanyl problems and what might—what additional actions might help with the problem as you have identified.

Encountering, you know, before those substances leave the port, where they are still in bulk form, is the most effective strategy. And we have talked about information sharing, also talked with my Mexican counterpart, the head of the Mexican Navy, around how they are implementing their captain of the port authorities, very similar to the captain of the port authorities that the United States Coast Guard executes in the U.S.

And I am traveling to Mexico next week to continue that conversation, will meet with my counterpart in the Port of Manzanillo, and this—just as a network is moving these illicit narcotics, fentanyl, it will take a network of will to counter those activities, and we are engaged in those conversations.

Thank you.

Mr. CUELLAR. Yeah. Well, we—you know, members, this makes it hard, because, I mean, it is legal precursors coming in, and so

that information sharing is going to be important, because, you know, we don't find the same type of routes like you have here. It is just very, very different.

But, anyway, appreciate it.

I yield back the balance of my time to—oh, where is Mr. Case? I yield back the balance of my time.

Mr. JOYCE. Thank you very much, Mr. Cuellar.

The chair now recognizes Mr. Newhouse for his questions.

Mr. NEWHOUSE. Thank you, Chairman Joyce.

My assistant is getting the microphone. There we go. Does that work?

Mr. RUTHERFORD. Use this one.

Mr. NEWHOUSE. Well, good thing we have a small room here.

Admiral Fagan, a pleasure to have you here. Appreciate all the work that you and the men and women under you are doing for our country.

And I also appreciate our Washington State connection, so—

Admiral FAGAN. Thank you.

Mr. NEWHOUSE. So, as you pointed out in your testimony in the written part, some of the software and IT solutions that you have are vital tools for your mission for the military. And certainly the Coast Guard, I believe, is wise to look for ways to invest in tech modernization, particularly to support the maritime domain awareness activities and respond to national security threats, to cover everything that you have been talking about so far—the illegal fishing, the human terrorism—the human and drug trafficking, particularly the Caribbean, but also in the Pacific Northwest, which we are seeing quite a bit of it there as well.

So I just wanted to ask you a little bit about that effort. What are the goals of the new maritime domain awareness system? I know you have successfully utilized data integration before to combine data from various sources across the service to create a common operating picture.

Does the Coast Guard have a strategy to identify and procure cost-effective commercial solutions that could be used just as effectively for maritime awareness?

Admiral FAGAN. Thank you.

We have embarked on a number of initiatives, one with regard to data. And we have stood up an Office of Data Governance and Analytics. Data is a competitive advantage, and so ensuring we have got the right framework around the data we already have and continue to create so that we can analyze it for decision space, use it for predictive analytics across mission sets, whether it is counter-narcotics, IUU fishing, and we are embarked on that.

With regard to unmanned systems and technology, we have recently published the Coast Guard's Unmanned Systems Strategy so that we can continue to field unmanned technology into the suite of capabilities that we operate.

The—you know, we are working with CBP to jointly operate an MQ-9 and with the Joint Program Office; ScanEagle, as I am sure the committee is familiar with ScanEagle and its role with our National Security Cutters, key enabler to increase effectiveness in our mission operations; contracts with Saildrone to improve maritime domain awareness. And so we are engaged and embarked on incor-

porating unmanned technology into the suite of capabilities that we are fielding. As I said, we have got some now, and we will continue to look for that opportunity in the future.

Mr. NEWHOUSE. I appreciate that.

Could you—you have mentioned some of the challenges you are facing with attracting the number of individuals to come to the Coast Guard. Certainly not the quality. I am not questioning the quality of the individuals, but just the number that you need.

Could you talk a little bit about some of the creative things maybe you are looking at to try to crack that nut?

Admiral FAGAN. Yeah. So the recruiting challenge is here and now for the Coast Guard. It is not unique to the Coast Guard. We are competing for talent, as are the other services and industry. There has been a shrinking pool of individuals who have a propensity to serve and, frankly, who are qualified to serve.

I appreciate the support to allow us to increase investments in recruiting capacity. We are opening recruiting offices. We have stood up JROTC programs. But we are also—as we gain support with advertising dollars, recruiting dollars, we are going to where the young people are. So this means things like Twitch. It is an on-line gaming site. And we are actively seeking young people, going to where they are instead of a big, national, you know, billboard or ad campaign.

And so it is an all-hands-on-deck effort for us, and we are using multiple avenues to create awareness and highlight what the opportunity is that service in the U.S. Coast Guard presents.

Mr. NEWHOUSE. Very good. Thank you very much. Again, thanks for being here.

Admiral FAGAN. Thank you.

Mr. NEWHOUSE. And, Mr. Chairman, I yield back.

Mr. JOYCE. Thank you, Mr. Newhouse.

The chair now recognizes Ms. Underwood.

Ms. UNDERWOOD. Well, thank you, Mr. Chairman.

And Admiral Fagan, congratulations on your appointment as Commandant, and thanks for being with us today.

I want to turn right to the spending cuts that Republicans in Congress are discussing and what they would mean for the work of the U.S. Coast Guard. Slashing Federal spending this severely back to fiscal year 2022 enacted levels would have unspeakably harmful consequences for each of our communities and for national readiness. For DHS, this would mean a cut of \$3.4 billion.

DHS reports this means the Coast Guard would, quote, immediately cease the advancement of acquisitions, procurement, and construction, resulting in a reduction to operational readiness along the maritime borders. Further, these cuts would—and I am quoting here—reduce the ability to detect, deter, prevent, and disrupt terrorist attacks and other criminal acts in the U.S. maritime domain, as well as our national defense strategy. There is no other way to say it. Republicans' proposed cuts would endanger our national security.

Admiral Fagan, can you share more about the effects that these drastic cuts would have on our defense readiness and the Coast Guard's ability to protect against terrorist attacks?

Admiral FAGAN. If the Coast Guard were held to the fiscal year 2022 enacted level, that would create an immediate \$500 million shortfall in the budget. That is compounded by inflation, increased fuel costs—

Ms. UNDERWOOD. Uh-huh.

Admiral FAGAN [continuing]. increased costs of spare parts and what it makes to operate the organization.

As we build our budgets, the priority goes to operating and maintaining the organization, ensuring that our workforce is paid and has the support they need, that we have got fuel and ability to create frontline operations.

Being held to a 2022 budget level would have an immediate impact on readiness and capacity and would be particularly impactful to our acquisitions projects. It is—you can't scale on an acquisition. You have—there are step functions there that would create immediate impacts.

We would prioritize providing services to the American public, but it would come at the expense, again, major acquisitions, infrastructure investments, and otherwise.

Ms. UNDERWOOD. In the Great Lakes region, we have more than a hundred ports that fuel the economic engine for our region and the country. Since the Coast Guard is responsible for maintaining the safety and vitality of our ports, can you share how such cuts would impact global competitiveness, shipping, and overall safety at our ports?

Admiral FAGAN. So we have the role. In our captain of the port role, we have a role in ensuring the maritime security and economic prosperity of the Nation. \$5.4 trillion of economic benefit flow through our ports and through our inland rivers.

Again, cuts impact capacity. We will work to preserve frontline capacity to the greatest extent possible. But, at some point, if we don't have funding support for fuel—and particularly where it becomes impactful is in maintenance, spare parts, the maintenance account to ensure that we can reliably field those aspects—any and all assets, whether they are small boats in the ports; it would impact the waterway commerce cutter acquisition, which is critical to ensuring the resiliency of our inland waterways and systems, and it would touch all aspects of Coast Guard operations.

Ms. UNDERWOOD. And which would have an economic impact?

Admiral FAGAN. It would have an economic impact.

Ms. UNDERWOOD. Okay. Now, another one of the Coast Guard's missions is environmental compliance and restoration. This includes identifying and cleaning up contamination from hazardous substances and pollutants, as well as correcting environmental damage that poses an imminent danger to public health.

In the Great Lakes, we know this work is critical. Thirty million people rely on the Great Lakes as their primary water source, so ensuring that the water is clean and safe couldn't be more important for public health.

Can you provide an update on the environmental compliance and restoration activities that the Coast Guard is focusing on, specifically in the Great Lakes, and how would your fiscal year 2024 budget request help advance Great Lakes' priorities?

Admiral FAGAN. So I don't have specifics on Great Lakes, but I affirm that we are committed to our role in environmental—protecting the environment and environmental response, our role as a pollution response organization.

Ms. UNDERWOOD. Uh-huh.

Admiral FAGAN. We continue to make investments in the resources and the people and the expertise that are needed to ensure that, you know, if—prevent pollution from occurring in the first place. Our role with regulated facilities, with the maritime industry and shipping, to inspect and ensure that both the facilities and ships are operating in compliance with State, Federal, international regulations in some cases, to prevent impacts to the environment. And we continue to make those investments to fulfill our role as an environmental protection and maritime response organization.

Ms. UNDERWOOD. Well, if you can get back to us about how your fiscal year 2024 proposal would support the Great Lakes in this area, and then how the proposed cuts would have an impact, that would be really helpful.

Admiral FAGAN. We will.

Ms. UNDERWOOD. I yield back. Thank you.

Mr. JOYCE. The chair appreciates the gentlelady's captivity with the Great Lakes. Very fond of it myself.

Ms. UNDERWOOD. I represent. I represent. Thank you.

Mr. JOYCE. Mrs. Hinson

Mrs. HINSON. Thank you, Mr. Chair.

Good morning, Admiral. Thank you so much for coming before our committee today. And I look forward to this opportunity to speak with you.

And I want to talk about an area that is very important for my district. We sit right along the Upper Mississippi River. The city of Dubuque obviously hosts the Coast Guard Cutter *Wyaconda*, a priority for me to ensure that the Mississippi River is protected and maintained also. So I think it is a stability issue for our regional economy and really for your global supply chain as well, which is why it is a priority for me. So I want to say thank you for the work that you do to make sure that the Coast Guard is supported there.

And can you just describe to me how the requested funding would aid in making sure that that installation is still supported and that we can continue to prioritize critical infrastructure along the Upper Mississippi and the Lower Mississippi River?

Admiral FAGAN. Yep. So thank you. And I appreciate the support of the committee for our waterway commerce cutter acquisition, the WCC. The 2024 budget includes \$98 million to begin constructing the first two of the waterway commerce cutters and also includes money for long lead time material for an additional two.

We are excited about the design for—there is two variants for those ships. They will be replacing cutters. If you have visited, these are very, very old cutters in need of updated, new—new hulls, and we are excited to be on budget for that.

The fiscal year 2024 UPL includes \$48 million to build out home ports in Sault Saint Marie and Memphis, and we are working through prioritizing the investments that are needed to ensure that

we meet and are able to ensure reliable, safe commerce flows on our inland rivers, Mississippi and others.

Mrs. HINSON. Right. Well, and especially as we have conversations about other parts of the world that are facing those challenges, it is absolutely a priority to make sure we can protect this region at home. So I am glad to hear that you share that priority and look forward to working with you to make sure we can execute on that mission.

Speaking of areas around the world, obviously the Coast Guard's mission in INDOPACOM is critical, especially with what is happening with the Chinese Communist Party's aggression, making sure we are focused on securing our allies in the region and protecting maritime security.

Can you describe a little bit the efforts that the Coast Guard maintains to stabilize INDOPACOM region, but also what the current relationships are with our strategic partners in the region?

Admiral FAGAN. Yeah. We have—we are committed to the Indo-Pacific region. The capabilities, the expertise, the professionalism that the U.S. Coast Guard brings to difficult particularly maritime problem set is valued around the world and is eagerly sought around the world. And our allies and partners around the Pacific are actively seeking engagement with the United States Coast Guard.

The 2023 budget had \$41 million to provide increased presence and engagement in the Indo-Pacific. We are fielding an Indo-Pacific support cutter. We have identified it as the Harriet Lane. And that cutter will arrive into Honolulu before the end of the year and will work out of there for a couple years as we work through where the final home port will be.

On the UPL, we have signaled \$400 million, which would buy an additional four fast response cutters. That would increase our ability to create a presence in the Pacific. The fast response cutters have been incredibly capable assets for us. We have them fielded in Guam, in Honolulu now, and they are doing great work engaging the kinds of partnership and engagement that our allies value.

And then mobile training teams, just bringing our expertise to nations where they are, whether it is how to do an illegal fisheries boarding, small engine repair, small boat maintenance and operations. And we will continue to lean into that as well.

Mrs. HINSON. And if you could follow up with our office with some of the countries that you have been doing that work with, that would be helpful.

Admiral FAGAN. We will.

Mrs. HINSON. Because we are working obviously—I had the opportunity to meet with the President of Taiwan just a few weeks ago, and I think continuing to show force of strength in that region is going to be critical to countering China's influence in the region. Obviously we know they are continuing to spread propaganda, misinformation throughout that region.

Are you actively countering those efforts as well? Obviously you are talking about some of the on-the-ground training and tools that you are using. Are you doing anything to counter the misinformation and the propaganda?

Admiral FAGAN. Yeah. I mean, we—our value proposition is in that competitive space, short of conflict. And so where we have got expertise, skill, are a partner of choice, we are bringing that to the region and welcome the opportunity to highlight, you know, the—it is many double—you know, it is a double-digit number of countries that we have engaged in.

You know, I have spent time in Fiji meeting with 20 of our partners throughout the Pacific to talk about maritime security, maritime governance, and look forward to getting back to you with that.

Mrs. HINSON. Wonderful. Do you think that this budget request allows you the bandwidth necessary to complete those critical missions?

Admiral FAGAN. So the budget request is supportive of that. As I have indicated, our UPL signals opportunity for additional investment, particularly in fast response cutters, to allow us to become sort of less episodic and more persistent with regard to some of the threats in the region.

Mrs. HINSON. All right. Thank you, Admiral.

And I will yield back. Thank you, Chairman.

Mr. JOYCE. Thank you very much, Mrs. Hinson.

And the chair now recognizes Sheriff Rutherford for his questions.

Mr. RUTHERFORD. Thank you, Mr. Chairman.

Commandant, great to see you again. And, you know, I am really appreciative of all that the Coast Guard does, particularly around the State of Florida, all those interdictions.

You know, in knowing how important the water operations are, but the aviation side, I want to talk about that for a moment, because I am hearing that the U.S. Coast Guard has stated that they plan to transition to all MH-60 helicopters in the fleet by acquiring used helicopters from the Navy. And I know there has been quite a bit of funding, I think, set aside for that transition.

But here is—here is what I wonder, if we are being a little penny wise and pound foolish, I will say. For the airframes that you are going to acquire from the Navy, do we have an idea what the average time is on these airframes?

Admiral FAGAN. I don't have a number with regard to time. Obviously we are committed to moving towards a single fleet of 60s, tail fold, blade folds, that they will also be flight—flight deck accessible.

As we go on budget—and the 2024 UPL asks for \$113 million to outfit and assemble four of—four 60s, and that will enable us to transition another air station in 2026. I don't have the time phasing on that, but we will be happy to get back to you on it.

Mr. RUTHERFORD. OK. So are we also going to have to make hangar changes for these MH-60s, particularly on the cutters, because—

Admiral FAGAN. To the criticality—so the National Security Cutters and the offshore patrol cutters, with a tail fold/blade fold capability, the 60s will be able to be accessible to those two cutter classes.

Mr. RUTHERFORD. OK. So there won't be any need to modify the hangars on those cutters?

Admiral FAGAN. Not that I am aware of. The shore infrastructure pieces around aviation, for example, as we fielded the C-130Js,

there were modifications to shoreside hangars that were needed to make that asset—

Mr. RUTHERFORD. Well, that—yeah, that is another issue, too.

Admiral FAGAN [continuing]. larger, but I will confirm with the staff. I am not aware that we have got modifications, certainly with the new cutter classes.

The 60 is larger than some of the older. Legacy fleet would be able to accommodate the, you know, two 270s and otherwise.

Mr. RUTHERFORD. Right. And that is why I wanted to ask about, you know, the hangaring capability, both shore and fleet, the maintainers. What are we looking at as far—you know, I understand that the MH-60 has got—requires many more maintainers than some other options that might be out there.

So my question is: Can we get some information on those—just those issues? I would appreciate that.

Admiral FAGAN. OK.

Mr. RUTHERFORD. And the unmanned program. You talked about that a little bit earlier, and you mentioned the Saildrone for the water. But what about airborne unmanned?

Admiral FAGAN. Yep. So be happy to provide you more details around what the phasing of a—moving to a single fleet of 60s is as it pertains to infrastructure, people, maintainers, and happy—to provide that.

Mr. RUTHERFORD. OK.

Admiral FAGAN. The unmanned system strategy that we just published acknowledges that unmanned—you know, unmanned technology is here now. We as an organization need to look for where the opportunity is to continue to field that.

Mr. RUTHERFORD. Right.

Admiral FAGAN. ScanEagle is the program of record. The system that we have got fielded on the National Security Cutters are contractor owned, contractor operated, shipboard launched and retrieved, fixed-wing UAS. And we continue—we are getting great benefit from that, and we continue to explore other opportunities for unmanned systems in our Coast Guard operations.

Mr. RUTHERFORD. We look forward to helping you with that.

This is from right field, or left field. Last year, NOAA proposed a rule that will require all boats longer than 35 feet to go 10 knots all up and down the coast—the Atlantic Coast. And, Commandant, I have to tell you, the economic impact of that is going to be huge, particularly on our commercial fisheries and sport fishing if they could only go 10 knots.

Now, because there is a safety issue there, the Coast Guard's—and this is in response to the right whale issue, which I have got legislation to save the right whale, and—but my concern is—and I am hearing this from the bar pilots and others that, you know, this ten knots is really going to put ship safety in question. And you all are going to have to pick up the enforcement of that.

Can you talk a little bit about that? Was the Coast Guard even included in this decisionmaking process, or did NOAA just do this on their own?

Admiral FAGAN. So I am aware of the NOAA legislation. We obviously have a role in advising on maritime safety. What level of

advisement went on prior, I don't know. We can get back to you on that.

The primary enforcement method for a 10-knot limitation is AIS, and we continue to work with NOAA. Not all—there is a disparity between AIS carriage requirements and then the speed restrictions. So we continue to be engaged in that conversation.

Mr. RUTHERFORD. OK. But—so you think they did confer with the Coast Guard before they made this decision?

Admiral FAGAN. I will get back to you with certainty who and when or if not. I don't have that information.

Mr. RUTHERFORD. OK. Thank you. Thank you, Commandant.

With that, I yield back, Mr. Chairman.

Mr. JOYCE. That is a negative amount of time, Sheriff.

Mr. RUTHERFORD. Sorry.

Mrs. HINSON. Demerits.

Mr. JOYCE. Mr. Cloud?

Mr. CLOUD. Thank you, Chairman.

And thank you, Admiral, for being here. I certainly want to thank you and all the people who work with you and what you do. I am on the Texas coast, so we certainly appreciate the Coast Guard and have visited the bases in our district a number of times. And it is always good to get with them to see the work that they are doing firsthand. It is really great.

Because of that, I could also speak to the—certainly the need to make sure that they are well acquisitioned as well and that they have the parts they need. Last time I visited, I think there were some choppers that were down, and they couldn't deploy, but they would working on it. So we want to make sure that they are well supplied.

I wanted to ask you on a couple of things that are particularly sensitive to the Texas coast, and one of them is the migrant population that the Coast Guard is encountering now. I think a March 23 article highlighted the Coast Guard sector San Diego witnessed a 700-percent increase in the number of migrant maritime crossings since 2017.

Do you have the assets you need to deal with this situation? I know I have been a fan of the area's stats that were being used and deployed and would certainly advocate for those to continue to have their use along our southern border.

Anyway, if you could speak to having what you need to deal with the situation and what kind of tax that is putting on your ability to do your other missions in the area.

Admiral FAGAN. Yeah. As you have identified, maritime migration flows are up across all of the vectors, including the vector into San Diego. The fast response cutters have been a key, significant capability for us. And so, as we look at budget and support for the Coast Guard continuing to field, the new assets and capabilities that we are stepping into now will be critical to ensuring that we have got the capability that we need to counter those migration flows.

You know, the ReCoM and the other interagency effort down there, there is a great team of professionals. It is not just the Coast Guard. We are primary on-the-water presence, but we continue to, engage with our other law enforcement partners in that realm and

look to—for opportunities for, you know, unmanned systems to increase maritime domain awareness so that, you know, when a migrant attempt is made, we are able to put an asset on vector and ensure that we, one, prevent the loss of life, and then, two, have a positive interdiction.

Mr. CLOUD. And of course that is drug trafficking as well that is coming in, and we have, you know, had drugs wash up on our shore, you know, in our district a number of times, but—and kind of connected and unconnected at the same time, the illegal fishing that goes on along the coast, a lot of it coming out of Mexico, some of it seemingly to be a cover for cartel operations even at times.

Could you speak to what you need to be even more effective at what you are doing there?

Admiral FAGAN. Yeah. IUU fishing—illegal, unregulated, unreported fishing—is a global issue, and—

Mr. CLOUD. Right.

Admiral FAGAN [continuing]. We experience it in the United States, certainly in the Gulf of Mexico. We have published an IUU strategy a few years ago to help bring alignment and leadership to the problem set.

In the—specific to the Gulf Coast of the United States, again, the fast response cutters and our small boats are our primary capability that we work to counter that activity. And so, again, as we continue to field those new acquisitions, it just increases our effectiveness in those vectors as it as it pertains to IUU fishing, migration, counternarcotics, and so, you know, sort of staying—staying the course with the major acquisitions and the programs that we are on record for will be critical to ensuring that we are able to meet those missions.

Mr. CLOUD. I noticed there wasn't a budget increase request for that, so I am guessing you believe you have what you need to handle that mission?

Admiral FAGAN. Yes. All of the assets are multimission so we don't, you know, say this cutter just for this mission, so—

Mr. CLOUD. For fishing versus—yeah. Right.

Admiral FAGAN. Right. But, as—when you look at the fleet mix, we are working to field new state-of-the-art capacity. It will allow us to meet mission across those number of portfolios.

Mr. CLOUD. Yeah. One other line I wanted to ask you on, Russia and China recently conducted routine patrols in the Arctic. And obviously we—that is going to be a threat we have to continue to stay aware of.

I know that there is a request for \$125 million for a commercially available icebreaker. That was taken out of—the Senate basically took it out of the last cycle, I guess because there was some concerns about retrofitting it once it was purchased, or is that figure—the 125 million, does that cover the whole getting it where you need it to be, or is there a cost beyond that after you purchase it? What is that figure detail?

Admiral FAGAN. So, if appropriated, the \$125 million would allow the purchase of a commercially available icebreaker. There is an additional 25 million to help bring that to IOC. We are working—

Mr. CLOUD. So you really need \$150 million—to put it to use?

Admiral FAGAN. In the 2024 President's budget, the number is reflective of what it will need to acquire and get to an initial operating capacity, that particular vessel.

We are working to monetize what the outyear—so we—what the lifecycle cost is, is still something we are working working to definitize.

Mr. CLOUD. Oh, I see what you are saying. And I also wanted to speak to the—get your take on the polar security cutters that are yet to be delivered in the time—I am out of time.

Mr. JOYCE. There is a second round.

Mr. CLOUD. I will ask again. I will ask you more later.

Mr. JOYCE. Thank you, Mr. Cloud.

Mr. Trone.

Mr. TRONE. Thank you, Mr. Chairman. I appreciate it.

Welcome, Commandant.

The Coast Guard has been underfunded for years. You said your priority is promoting, diversifying, providing for your workforce what it needs to meet demands of the modern Coast Guard. But, without increased funding, it is clear you won't come close to achieving that goal.

Can you highlight the aspects in the fiscal year 2024 budget that talk about recruiting, sustained readiness, and of course retention of your best people?

Admiral FAGAN. Thank you.

We have got a number of line items in the 2024 budget that will help across that fold. The funding support in recruiting is allowing us to field additional recruiters, open new recruiting offices, allows us to increase just advertising and engagement. We are fielding additional JROTC programs, all designed to address the recruiting challenge.

The budget also supports investments in, you know, pay; housing allowances to ensure that our personnel are able to find housing as they transfer around the country; investments in our medical capacity and medical personnel to increase, you know, access to mental health and behavioral health and other medical needs; and subsidies as well as investments in child—you know, so improving access to childcare, whether it be subsidies or access to a Coast Guard-operated child development center, the 2024 budget provides great support.

And, while we recruit an individual, we retain their families, and so ensuring we have got that support appropriate to and—for our Coast Guard members is critical.

Mr. TRONE. That is really important, the whole wraparound. If you don't take care of the family, the member—the guard is not going to be successful, no question about it. It is about everybody.

Drug interdiction, international drug interdiction, you have done quite a bit of that, I read. You know, that requires flexibility in your budget to move resources where you need to move them.

What needs to be done—how can we help you be better off and be stronger on interdiction work, especially the fentanyl precursors shipped in from China to Mexican ports?

Admiral FAGAN. So, with regard to the maritime interdictions, continuing to support the portfolio of acquisitions that the Coast Guard has embarked on are critical to ensuring we are able to

meet that mission. It is a force package of ships, helicopters, pursuit boats that allow us to interdict illegal narcotics at sea.

The fentanyl challenges, we are not encountering fentanyl to a large extent at sea, and so that becomes a partner in capacity conversations that I am engaged with my Mexican counterparts within the law enforcement agencies within DHS are working to identify ways to better counter the fentanyl threat, particularly it is the chemicals moved through ports other than the United States.

Mr. TRONE. Talk a little bit how you are using—exploring the use of long-endurance, autonomous, uncrewed surface vehicles to augment your crewed platforms and interdiction efforts.

Admiral FAGAN. So the unmanned system strategy that we have just published is designed to help us move forward strategically around what unmanned systems can provide key enabling information and capacity to us as an organization and whether it is increased maritime domain awareness or, you know, just opportunities so that, when we put a person on a ship, in an aircraft, that you know exactly where you are going and you are going to be on time, on target. And unmanned technology has a role there, and we are working to increase how we internalize that into our operating capacity.

Mr. TRONE. OK. I thank you very much.

I yield back.

Thank you, Commandant.

Mr. JOYCE. Recognizing myself for a second round of questions.

I want to follow up on something my colleague, Ms. Underwood, brought up; that is your budget request including 55 million for a Great Lakes icebreaker, the Mackinaw and your fleet of multipurpose 140-foot icebreaking tugs are essential for keeping commerce moving. These vessels are approximately 40 years old. Modern vessels could be made more capable and have improved crew accommodations.

If Congress funds the \$55 million request for a Great Lakes icebreaker, would the service be available to spend the funds in fiscal year 2024?

Admiral FAGAN. Thank you.

We are excited about the opportunity for a Great Lakes icebreaker. We have completed pre-acquisition work, and the \$55 million would support an ability to go out with a request for proposals for a—an icebreaker that is as capable as the Mackinaw.

I am excited about what that opportunity is for the organization. We are working through design requirements and technical requirements, but we have made progress on the Great Lakes icebreaker in the last year.

Mr. JOYCE. Are you going to be able to spend the money in fiscal year 2024?

Admiral FAGAN. We will be able to spend the money in fiscal year 2024, and we will work toward requests for proposals.

Mr. JOYCE. I understand 140-foot tugs, two which are homeported in Ohio, recently completed a service life extension. But how long did that extend their service life, and what is the ultimate replacement plan?

Admiral FAGAN. I don't have the exact number. Typically a service life extension will be 10 to 15-plus years. The waterways com-

merce cutter then becomes, you know, key new assets as we field them along our internal waterways to ensure that we are able to reliably provide for the safety, security of the inland river system.

Mr. JOYCE. If Congress provides funds for a Great Lakes icebreaker, how would the vessel complement the icebreaking assets that already exist in the Great Lakes?

Admiral FAGAN. So we operate a system of icebreakers in the Great Lakes, the *Mackinaw* being the largest of that system, and there are other smaller inland fleet of vessels. The Great Lakes icebreaker will then become an additional capacity that will help ensure year-round, you know, access on the Great Lakes.

How it then contributes to the fleet mix and what the smaller icebreaking capacity is and needs are is part of the work that is ongoing in the organization.

Mr. JOYCE. Could it replace some of the work done by the 140s?

Admiral FAGAN. We are working through all analysis. I am happy to come back to you with more detail on how *Mackinaw*, Great Lakes icebreaker, 140s, and kind of what the way ahead looks like with regard to those investments.

Mr. JOYCE. Look forward to that.

I recognize Mr. Cuellar for a second round.

Mr. CUELLAR. Mr. Chairman, thank you so much.

I want to go back to your visit with the Mexicans and ask you to continue, focus on a couple things. I want to bring up a couple things.

One, the Mexicans, for the first time, are spending almost \$900 million on technology for their land ports and for their seaports. And they are pretty much using the same American companies that CBP uses on the U.S. side.

The Mexican Navy awarded about—about \$330 million, and the Mexican Army, another 613. So I say this because a lot of the ports are now going to have the same type of technology—the same type of technology that we have.

So I would ask you to work with them. And I know that, when it comes to fentanyl—we have been talking about fentanyl—it is a little harder. You know, the pill pressers and the—what is legal. And the Mexicans are—actually are looking at certain chemical watchlists. They are going from 14 to 72. So make sure you focus on that.

But I would ask you to look at those ports and push them to try to get that technology and make sure that technology can be shared with us. I mean, the information.

Second thing is—let me go back to fentanyl again. You all have had, for the last few years, zero interdiction on fentanyl. And, again, we already talked about it, but, again, I would ask you to look at those two ports and put an emphasis on those two ports, because they come in, they are manipulated, and then they go up through—not in between ports, but at the ports of entry.

And, again, it is hard, because the—even the technology that we have now to try to find something this size compared to marijuana, it is very different. So I would ask you to work with them on that information sharing, especially when you look at the flows and where they are going in.

Third thing, I would ask you to think ahead. Mexico is doing their Isthmus corridor, and they are moving fast. It is incredible what they are doing. And I would ask you to look at this, because the Chinese already on the Gulf of Mexico, they are looking at investments there and on the Pacific side.

So I would ask you to look at that, because, you know, that is—members, that is a coast—you know, they are going from one to the other one. It is not a Panama Canal, but it is rail, and it is also highways. And they are moving very fast on it. I call it the new Mexican-Panama—not canal, but route also.

And, again, interesting, the Chinese are at the very beginning and at the very end, depending what side you are looking at. So I would ask you to look at that also.

Finally, talking about the Chinese, when you look at where the Chinese are at—I know we look at the Indo-Pacific. We look at other places. They are on—they are in our backyard, members, and I would be happy to share with you, but they are doing a lot of things.

And, if you look at those two ports of entry where—I mean, seaports, Chinese have investments. In fact, their cranes and all that, Chinese. So you can understand why the legal precursors are coming in easily itself. But I would ask you to look at it. I know the land ports are a little different from what—but I would ask you and ask them questions about the Chinese presence there, because they are—can't talk about it here, but I would say they are very, very close to a lot of things that we are doing here in the U.S. side.

So I would ask you to look at the Isthmus, number one. The new technology that they are buying, it is American companies that Myvina (ph) is using, and the Chinese involvement there because they are—name it, and they are there. There is industrial parks. They are there. And seaports are definitely—those two Pacific.

So, again, it is more of not a—not of a question, more of a statement, but I would ask you, when you meet with the Mexicans, focus on that if you don't mind, and then get back to us—I would appreciate it—to the committee.

Admiral FAGAN. I will. And, as I said, I will be in the Port of Manzanilla on Tuesday meeting with my Mexican counterparts, and look forward to sharing those conversations when I return.

Mr. CUELLAR. Thank you. Thank you, Admiral.

Mr. JOYCE. Thank you on behalf of all of us for doing that.

Mrs. Hinson.

Mrs. HINSON. Thank you.

Just a couple of questions. And I would actually like to follow up on something Mr. Cuellar pointed out about kind of the Chinese strategy around the world. And obviously INDOPACOM is the most visible, I think, area where we have seen recent aggression.

But can you just comment briefly about have you seen any other places in the world where they are showing that aggression directly, places that we might need to be aware of? And—yeah, if you could just elaborate on that to start, that would be great if.

Admiral FAGAN. So certainly to—you know, the Chinese are very, very active around the Indo-Pacific, but they are active in South and Central America, Africa, looking for opportunities to invest and gain access.

With regard to, you know, maritime—maritime operations, obviously as we send ships into the Western Pacific, we do that in conjunction with the U.S. Navy and continue to ensure that our ships are—you know, have the correct readiness level should—you know, should we encounter unfriendly behavior on the part of the Chinese Coast Guard.

Mrs. HINSON. What keeps you up at night about that challenge?

Admiral FAGAN. The world continues to change at a quickening pace, and as we operate in maritime areas that are competitive and, you know, challenging, ensuring that my workforce has the readiness level that they need to meet whatever the challenge is they might find in the mission that we have asked them to do.

Mrs. HINSON. Right. And you mentioned that obviously in your opening statements that you were having challenges with readiness because of recruitment. Can you elaborate a little bit on what those challenges have been and if there are any barriers or those things that this committee can be helpful with or other ways we might look at assistance there?

Admiral FAGAN. Yeah. So I appreciate the support—the funding support that we have got to build, increase recruiting capacity. You know, recruiting is a highly individualized effort. It takes—it is, you know, one on one, human being to human being. It takes a fair amount of interaction. Also appreciate the supports of the personnel—the technology systems that help make it easier once we have found the person who is coming. It is easier to onboard them, and, you know, I am committed to making sure that we have got the right resourcing in place to recruit people.

And then just telling our story. There are so many Americans that have no idea what the U.S. Coast Guard is, what we do. And then the opportunity and the value proposition that we offer as an employer.

And so I would appreciate the support, and we will continue to get out there and tell our story.

Mrs. HINSON. Did you lose any of your workforce due to the COVID vaccine challenges? I know that obviously that was something we heard a lot about, that some people may have chosen to leave as a result of that or retire.

Is anyone offering to come back? I guess I would just be curious what that did to your—

Admiral FAGAN. So we did—we had a number of individuals who we did remove from service for failure to be vaccinated. We have contacted 100 percent of those individuals, both Active Duty members and cadets, and some are choosing to come back. In fact, we had our first one come back onto the Active Duty rolls just this past Friday.

Mrs. HINSON. Okay. Can you get me some numbers on what that looks like in terms of how many actually you had to ask to leave, and then how many have been contacted, what that looks like, and just provide it to us.

Admiral FAGAN. Yeah. So it was 275 that were asked to leave. We have contacted 100 percent of them, and the first one has come back on.

We are using the same process to re-onboard people, you know, for who have left for other reasons. And I don't know what the

total—we don't—it is too early to tell how many will actually come back, but 100 percent have been contacted.

Mrs. HINSON. Okay. Thank you, Admiral.

Mr. JOYCE. Thank you, Mrs. Hinson.

Mr. Trone is recognized.

Mr. TRONE. Thank you, Mr. Chairman.

Just one quick question. Your unfunded priority list includes a need for a facility in Baltimore. Can you discuss the importance of this facility and your plans on any funding for future appropriations?

This would be a ship-handling facility capable of working on maintenance, extending service life of vehicles in the Port of Baltimore?

Admiral FAGAN. So we operate the Coast Guard Yard in Baltimore. This investment would be directed at our organic yard capacity. That capacity is critical to us maintaining our major cutter fleet.

The UPL asks for \$60 million. It will include shore preparations, dredging, facility upgrades that would enable us to integrate a larger floating dry dock so that, as—it would be large enough to allow us to service the offshore patrol cutters when they come on-line.

So this is a future investment to ensure that we are able to maintain the fleet that we are acquiring now.

Mr. TRONE. Good. I appreciate that. I would be happy to support that as you move forward and you put that to the top of your list. Thank you.

Admiral FAGAN. Thank you.

Mr. TRONE. I yield back.

Mr. JOYCE. Thank you, Mr. Trone.

Mr. Cloud.

Mr. CLOUD. Thank you.

So my questions that I had have been answered, but I did want to continue kind of the dialogue about China, because one of my major concerns is just our shipbuilding capacity here in the United States and our ability to keep pace, and obviously that would affect a lot of the Coast Guard's acquisition. But also, just maybe speaking to that aspect of it, but also anything else that you were concerned with in our ability to keep pace with what you see China doing.

Admiral FAGAN. Yeah. So continuing to move forward with the portfolio of major asset investments and infrastructure investments are critical to fielding a capable, ready Coast Guard. So, you know, this includes polar security cutter, the waterway commerce cutter, the offshore patrol cutter, potential additional investments in fast response cutters—this is—the UPL signals \$400 million for an additional four.

And that would create additional presence, particularly in the Indo-Pacific, to allow us to partner engage with ally and partner nations with, you know, our value proposition and the expertise in governance that the United States Coast Guard brings to maritime governance challenges.

And that also extends to the infrastructure investment so that we can have a safe place to tie those ships up and our people have buildings and offices to—that they can operate from safely.

Mr. CLOUD. How about, how would you say we compare in regards to requiring the speed of—speed and ease—how quickly we can—

Admiral FAGAN. Yeah. So we—you know, we acquire—major assets consistent with Federal acquisition law.

It is not a fast process. We are committed to, you know, following the process and way forward. Working through understanding requirements so that you can get the design and then begin to build takes time, but using that process is important so that you actually get the ship capability that you need, not something that does not meet your requirements.

Mr. CLOUD. Part of that obviously is the ability to staff our acquisitions, and so, to the point of recruiting, I was curious about that as well. And for those coming back, what incentive are there for them to come back? Is their rank restored, their pay restored. How does that—how does that work?

Admiral FAGAN. So we have had a process in place to bring people back who have left the service for whatever reason. We are using that same process. And, you know, there was a—I can certainly get you all the specifics on length of time, how we step back through it. But they come back into position—not necessarily a position, but pay grade and skill set that they left, and then we work to assign them and get them employed—employed by the organization.

Mr. CLOUD. And what efforts are being made—because most who leave and come back, I don't think were asked to leave in the first place, and so what is there in place to make sure that they understand that there is no reprisal or any sort of action to be taken against them for haven't being asked to leave in the first place?

Admiral FAGAN. Yeah. As I said, we contacted 100 percent of them and said we would welcome you back.

There is no—we have already gone through—as required by law, there is no evidence in anyone's records with regard to vaccination, nonvaccinated.

And so we truly are welcoming back people who are interested in coming back.

Mr. CLOUD. Thank you. And I do appreciate you reaching out to each of them. Thank you.

Mr. JOYCE. Mr. Rutherford. Sheriff Rutherford.

Technically you are next.

Mr. RUTHERFORD. Thank you, Mr. Chairman.

I want to follow up on the China involvement and threat as well. The IRI, the International Republican Institute, did a great report on malign Chinese influence in the corrosion of democracy. And one of the countries that they looked at was Ecuador and the Galapagos Islands specifically.

Can you talk a little bit about what the Coast Guard is doing down there to stop the IUU fishing that, you know, Ecuador is suffering right now?

Admiral FAGAN. So we have a global leadership role in IUU fishing. It truly is a worldwide problem. Recently, 18 months ago, Ec-

cuador was experiencing a Chinese squid fleet incursion into their exclusive economic zone off of the Galapagos, and Ecuador asked for assistance.

What the U.S. Coast Guard was able to do was take one of the large cutters that was, you know, conducting counternarcotics work and shift their attention towards the Chinese squid fleet.

Mr. RUTHERFORD. Uh-huh.

Admiral FAGAN. We moved the cutter over. The squid fleet moved off 200 miles away from where they were. And so it certainly speaks to the criticality of presence.

Mr. RUTHERFORD. Right.

Admiral FAGAN. Being visible there with a ship changed the pattern of behavior of the Chinese fishing fleet in that case. And it just speaks to the network and coalition that helped counter some of these difficult maritime challenges.

Mr. RUTHERFORD. Yeah.

Admiral FAGAN. We also, in the IUU fishing realm, engage in a lot of bilateral agreements and ship rider agreements that bring a nation's expertise and authority in fisheries enforcement and onto one of our vessels and allows us to conduct joint boardings in a way that is helpful in the mission set.

Mr. RUTHERFORD. Great. Good. Yeah. That was—that was some great work down there.

Let me ask on the—we were talking earlier about the number of migrants who, you know, how that number is up, the interdictions, particularly around Florida. I am hearing that there is some countries that are resistant to repatriation, some outright blocking it, others just making it difficult, as difficult as they can.

I would ask, do we have some information on countries that are specifically rejecting repatriation?

Admiral FAGAN. When we interdict a migrant at sea, we process them, you know, provide, you know, food and shelter. And then we repatriate them to the country of origin. The primary migrant flows are Haiti and Cuba and we are able to directly repatriate to both those countries.

Mr. RUTHERFORD. Okay. They are not giving us a hard time getting those folks back?

Admiral FAGAN. There are a number of pieces—again, I will have the staff give you all of the pieces that it takes to process and then repatriate, but we are continuing to repatriate to both of those countries.

Mr. RUTHERFORD. Okay. So are you aware of any countries that are refusing repatriation?

Admiral FAGAN. I am not, but I will have the staff affirm whether—

Mr. RUTHERFORD. Okay.

Admiral FAGAN. Whether that is true or not.

Mr. RUTHERFORD. If you can let me know about that. Thank you. I do appreciate that.

And, Mr. Chairman, I will yield back and make up for the first round.

Mr. JOYCE. You are just about caught up.

Dr. Harris.

Dr. HARRIS. Thank you very much.

And thank you very much, Admiral, for being here today.

I represent the First Congressional District of Maryland, bounded by the ocean on one side and the bay on the other side in the most part. And I have been very concerned about the industrialization of the offshore Mid-Atlantic—and that is basically what these wind farms are going to be. They are just industrialization of a place that has never been industrialized before—and a place over which the Coast Guard has some jurisdiction and some interest.

Of interest to me, Monday, the Bloomberg published a story: “Pentagon Sounds Alarm Over Biden Plan for Offshore Wind Sites.” But the line that I am going to refer to is on page 2 of the article: The Defense Department’s concerns, which come on top of other conflicts identified by the U.S. Coast Guard.

So does Bloomberg have it right? Are there other conflicts with regards to offshore wind in the Mid-Atlantic that have been identified by the U.S. Coast Guard?

Admiral FAGAN. Our role in the wind farm conversation is around ensuring safety of navigation and, you know, advising the process to ensure that fishing vessels, other waterway users, are not negatively impacted by wind farm installations. The Atlantic Coast Route Study is part of that. We have had an active role.

I will have the team look at what that might be referring to.

Dr. HARRIS. Okay.

Admiral FAGAN. There is obviously, you know, ensuring the safety of movement of maritime traffic, and advising on that is the role of the Coast Guard plays.

Dr. HARRIS. So, in April 2013, the Coast Guard sent a letter to BOEM advising that their then-current proposed wind energy area location posed, quote, an unacceptable—posed unacceptable increases in risk to navigation safety. And BOEM went ahead anyway.

So—and that is in the first phase. Now they are—now the administration wants a second phase further offshore. The Defense Department has concerns. I don’t know if the Coast Guard still has concerns.

But I am going to ask you a question: Has the Coast Guard analyzed the effect on search-and-rescue missions that these windmills might pose if they—off the coast, because I have a lot—you know, I have a lot of both private and commercial vessels who traffic in that area. God forbid something happens. You know, conditions aren’t great.

Has the Coast Guard studied the effect on search and rescue of these windmills?

Admiral FAGAN. Impact on search and rescue is part of the consideration that we have looked at. I would be happy to have the team come over and sort of walk you through where exactly we are at this point in time with regard to the advise—you know, advice we have been providing to BOEM across—you know, again, ensuring safety of navigation, safety of life as the wind farms proceed.

Dr. HARRIS. Sure. And I would imagine, since—since some of the interferences with radar, I would imagine, the—you know, the newest proposed Vestas 15-megawatt windmill, 919 feet tall, much taller than ones that have been looked at in the past, I would imagine they could have deferential effects on radar. I am sure they haven’t

been studied because this is a relatively new windmill and it is what is going to happen in the future.

I do have concern that you only advise BOEM on this because you all are the experts in maritime navigational safety, not BOEM. BOEM, it appears, has an agenda here, and I worry about it because their agenda, I think, conflicts with maritime safety. And I think that was in a letter—again, the April 2013 letter advising BOEM.

BOEM completely disregarded it, and here we are. You know, we are back—we are back again, because now that BOEM wants to re-expand, wants to lease new areas, I am afraid they are going to take the same attitude with that.

Anyway, if you would get back to me on that, I would appreciate it.

The second thing I have is an issue of navigational buoys. Again, these are mostly in the bay. So what has happened is that we have a couple of Federal channels—Slaughter Creek, Tar Bay Gap—where the navigational buoys were removed by the Coast Guard because, you know, the channel silted in, Coast Guard says: This is not a—you know, there is no channel here anymore. It is too shallow a depth. We are taking the markers out.

So I have two questions. One is, when that happens, do you communicate the importance of that to the Army Corps so that they take that into account when they do their dredge plans?

And the second one is, could you allow and expedite private aids to navigation being placed in those channels because, without markers, as you can imagine, you are left on local knowledge, which sometimes isn't that much? And other entities have wanted to place markers and run up to the—into the Coast Guard, I will say bureaucracy, or maybe policy, of not being allowed to put a private aid to navigation there.

So is this something that we can work with together to make sure that, look, something is in that channel? And I get it. If it is not deep enough to be a, you know, a Coast Guard marked channel, but our watermen and our private boaters do need some markers.

Admiral FAGAN. I will look forward to working with you on that and will take back that specific issue to the team and see where we are with regard to private aids to navigation.

Dr. HARRIS. Thank you very much, Admiral.

Thank you. I yield back.

Mr. JOYCE. Since we have had a second round of questions, if you had any more, you feel free to take this opportunity.

Dr. HARRIS. You know, Mr. Chairman, I appreciate that, but I think, again, we will work with the admiral on the offshore wind issues, safety issues. It is just very concerning to me as my watermen, my commercial fishermen, my private fleet, charter boat captains, et cetera, are—express a lot of concern about shortcuts being taken over at BOEM that don't take into consideration the input of interested parties and experts—not only just interested parties—and, again, I can't emphasize this. There is nobody at BOEM who knows navigational safety as well as the Coast Guard does.

Mr. JOYCE. Certainly.

Dr. HARRIS. And for them to disregard that letter back in 2013, I think, is highly problematic—highly problematic.

But no. I appreciate the offer. I yield back.

Mr. JOYCE. Thank you, Dr. Harris.

There may be additional questions from members, and I would ask that you get back to them in a timely fashion. For those that are asked today, if you could get back to us within 15 business days from today, it would be most appreciative so we can work on fashioning your budget for going into the Department's budget going into next year.

Again like to thank you for being here today.

And, with that, unless there is anything further from any members, this committee is now adjourned.

Thank you.

Admiral FAGAN. Thank you.

[Answers to submitted questions follow:]

QUESTIONS FOR THE RECORD
SUBCOMMITTEE HOMELAND SECURITY
U.S. HOUSE COMMITTEE ON APPROPRIATIONS
Wednesday, April 19, 2023
Hearing:
“U.S. Coast Guard FY 2024 Budget Request”
Witness: Admiral Linda Fagan, Commandant, U.S. Coast Guard

Representative Case

QFR #5: COAST GUARD RECRUITMENT

BACKGROUND: From Congressman Case - The Coast Guard has missed its recruitment target for the last four years, falling short by an average of 20% each year. Your budget sets aside \$35 million to help the Coast Guard address the nationwide military recruiting shortage and open nine new recruiting offices.

QUESTION PART-1: What are the main factors making it difficult to recruit?

ANSWER PART-1: A recent Pentagon study found that 70 percent of the country’s youth were ineligible for military service without a waiver—typically fitness or a medical condition and some are considered ineligible for culturally acceptable, but still prohibited issues like tattoos (location or content), body modifications (like gauge earrings), drug use, criminal charges, or civil indiscretions. Other limiting factors include age, number of dependents, and single parenthood requirements. In addition, two thirds of high school graduates will attend at least one semester of college; shrinking the historic post high school recruiting surge. Diminishing ‘propensity to serve’, defined as an individual’s interest and likeliness to join a military or armed service, seen as a contributing factor for lower accession. The impacts of COVID-19, which limited in-person recruiting in high schools, also atrophied historical partnerships. The Coast Guard is now competing in a post-pandemic job market which has employers fighting for workers. Even entry level non-government service jobs have benefits similar to military packages including signing bonuses, referral bonuses, and medical.

QUESTION PART-2: What new methods can be utilized to address these recruiting challenges?

ANSWER PART-2: There are two main ways the Coast Guard is addressing these challenges. The first is by increasing the number of recruiters in the field. The second is increasing the efficiency of recruiters and the recruiting process. The Coast Guard has established an Incident Management Team to explore new and innovative ways to recruit. Innovation and policy adjustments have helped Coast Guard Recruiting Command improve recruiting trends in recent months.

QFR #6: COAST GUARD LOGISTICS

BACKGROUND: From Congressman Case - The Coast Guard plays a critical role in the Indo-Pacific, from conducting illegal, unreported, and unregulated fishing patrols; to training international partners; to conducting humanitarian operations. However, the distances that must be traversed and logistics that must be overcome to fulfill these missions in the Indo-Pacific are immense. For example, the Coast Guard’s 14th District must source parts for cutters, etc. from Baltimore, which can lead to lengthy delays.

QUESTION PART-1: To manage some of these challenges, what steps has the Coast Guard taken to create or bolster logistics support efforts in forward operating bases in the Indo-Pacific in areas such as Guam?

ANSWER PART-1: In Fiscal Year (FY) 2023, the Coast Guard established the Director of Operational Logistics, Office of Expeditionary Logistics (DOL-X) to oversee the integration, coordination, and execution of mission support services to Coast Guard forces conducting expeditionary operations, including the support of deployments throughout the Indo-Pacific. DOL-X improves the delivery of mission support in this region by forward deploying logistics support personnel and implementing integrated support processes, which reduce the logistics burden on field operators and improve coordination and execution of mission support services. The Coast Guard will also establish Base Guam this fiscal year to serve as a mission support integrator for the region. Additionally, the FY 2023 appropriation funds the first Deployable Support Team, which positions Coast Guard personnel both at Base Guam and Base Honolulu, HI to provide rapid maintenance/logistics support and operational augmentation for deployed assets across the Indo-Pacific.

QUESTION PART-2: I have been told the Coast Guard has no West Coast base storage for logistics support. Are there plans to establish base storage on the West Coast, or otherwise address the difficulties with needed logistics support, such as shipping parts to Coast Guard stations in the Indo-Pacific?

ANSWER PART-2: The Coast Guard's primary inventory control point for surface maintenance is located at the Surface Forces Logistics Center (SFLC) in Baltimore, MD. While the SFLC serves as the hub for surface fleet logistics, it centrally manages 66 remote stock locations at strategic locations across the world, 14 which are positioned for direct support of Pacific Area operations. Additionally, the SFLC maintains an Interservice Support Agreement with the Defense Logistics Agency (DLA), Distribution Depot Guam to store additional Coast Guard-owned material, with available capacity to accommodate additional Coast Guard surface assets as necessary.

QFR #7: COAST GUARD PACIFIC AREA – STRATEGIC INTENT REPORT

BACKGROUND: From Congressman Case - The Fiscal Year 2023 Homeland Appropriations Committee report directed the Coast Guard to update its Pacific Area (PACAREA) Strategic Intent document, which was last updated in 2016, over six years ago.

QUESTION: Can the Coast Guard please provide a timeline for completing the Service's update to the PACAREA Strategic Intent Report?

ANSWER: The "Coast Guard Pacific Area Strategic Action Plan" for 2022-2023 was completed and signed by Vice Admiral Mike McAllister, Commander, Coast Guard Pacific Area, in 2022.

QUESTIONS FOR THE RECORD
SUBCOMMITTEE HOMELAND SECURITY
U.S. HOUSE COMMITTEE ON APPROPRIATIONS
Wednesday, April 19, 2023
Hearing:
“U.S. Coast Guard FY 2024 Budget Request”
Witness: Admiral Linda Fagan, Commandant, U.S. Coast Guard

Representative Michael Guest

**QFR #3: COAST GUARD CYBER PROTECTION TEAMS (CPTS)
& CYBERSECURITY INFRASTRUCTURE**

BACKGROUND: From Congressman Guest – During Admiral Fagan’s (Commandant) recent State of the Coast Guard Address, she briefly discussed the need for the Coast Guard to invest in the Coast Guard’s Cyber Protection Teams (CPTs) to deter and respond to cyber-attacks in the Marine Transportation System and other IT infrastructure. As she stated in her address, the Coast Guard will soon be standing up its third Cyber Protection Team on the West Coast to help protect our nation’s ports from cyber threats. Cyber is one of the many threats that the Coast Guard manages at our nation’s ports. My understanding is that port authorities can request CPTs to conduct cybersecurity assessments, consisting of penetration testing and configuration review, to include malware vulnerability. Recently, many of my colleagues in the House have raised the issue of cybersecurity threats at our nation’s ports, specifically related the wide use of Chinese technology and equipment, or Chinese cranes to be exact.

QUESTION PART-1: First, can the Coast Guard walk us through the Coast Guard’s cybersecurity-related funding request for personnel working on cybersecurity to protect our nation’s ports and the Marine Transportation System? Is this cyber-related funding request adequate to address the evolving threat environment at our ports?

ANSWER PART-1: The Coast Guard is not requesting additional funding in Fiscal Year 2024 for personnel to protect the Marine Transportation System (MTS). We continuously evaluate the cyber security risks to our MTS and continue to assess future requirements.

QUESTION PART-2: Second, can the Coast Guard confirm whether the Coast Guard’s CPTs conduct post-delivery systems checks or any other cyber assessments on foreign manufactured cranes at our ports, specifically those from adversarial countries, such as China?

ANSWER PART-2: Coast Guard CPTs do not conduct post-delivery systems checks or cyber assessments on foreign manufactured cranes within US Ports. CPTs conduct assessments of operational technology, including cranes, once an agreement is established between the requesting port partner and the Coast Guard. The Coast Guard actively engages with port stakeholders, through the Coast Guard’s Captain of the Port, to increase the number of these agreements.

QFR #4: MH-60 HELICOPTER TRANSITION: ECONOMICS-OPERATIONS-SAFETY
BACKGROUND: From Congressman Guest - The Coast Guard has stated its plan to transition to an all MH- 60 helicopter fleet, acquiring used helicopters from the Navy. For this transition, the FY24

budget requests \$30 million, and the Coast Guard received over \$200 million in FY22 and over \$166 million in FY23. This plan would mean that the Coast Guard has only one type of larger helicopter.

QUESTION PART-1: What will be the difference in annual operating costs of the current mixed fleet vs. an all MH- 60 helicopter fleet?

ANSWER PART-1: The current mixed fleet of 98 MH-65's and 48 MH-60T's costs \$1.32 billion to operate. An all MH-60T fleet of at least 127 aircraft is expected to cost \$1.455 billion to operate (in 2022 dollars).

QUESTION PART-2: Are the MH-60 aircraft acquired by the Coast Guard used Navy helicopters? If so, what are the average hours on these airframes and what is the cost? Are these aircraft ready for operations upon delivery, or are there additional refurbishment costs?

ANSWER PART-2: The Coast Guard MH-60T transition plan includes aircraft acquired from the Navy. These aircraft have on average 8,430 flight hours. The aircraft are not ready for operations upon receipt and require hull configuration changes as well as dynamic component and wire harness recapitalization, all at an approximate cost of \$25 million per aircraft.

QUESTION PART-3: Will the Coast Guard need more and/or larger hangars to house the MH-60s, and will the Coast Guard be requesting those funds in the future?

ANSWER PART-3: The Coast Guard's transition from the MH-65E to the larger more capable MH-60T will require minor hangar modifications at most legacy MH-65 air stations. The Coast Guard is evaluating alternatives for space-constrained hangars at five legacy MH-65 air stations.

QUESTION PART-4: Are there plans to close any air stations or Air Sub-Facilities with a transition to an all MH-60 fleet?

ANSWER PART-4: The Coast Guard is completing a study on its entire aviation force laydown, consistent with the requirements of the FY 2023 NDAA. We look forward to sharing the results of this analysis.

QUESTION PART-5: The MH-60s require more personnel to operate than other Coast Guard helicopters. What is the additional staffing cost of an all MH-60 fleet?

ANSWER PART-5: While an MH-60T helicopter requires approximately six more personnel than required to support an MH-65E, anticipated outyear personnel growth and costs are based on the aircraft delivery year and location which the Coast Guard is working to finalize. The FY 2024 President's Budget requests 92 personnel and \$21.1 million to transition Air Station Ventura, CA to the MH-60T and increased capacity at its Aviation Training Center in Mobile, AL.

QUESTION PART-6: Will the Coast Guard have enough personnel to operate an all MH-60 fleet?

ANSWER PART-6: The Coast Guard is working to finalize outyear personnel analysis to support an all MH-60 fleet.

QUESTION PART-7: Can the MH-60 operate on all of the Coast Guard's ships? Does it fit in all of the Coast Guard's land and ship hangars? If not, what are the Coast Guard's plans for those ships and air station hangars that cannot accommodate the MH-60 helicopter?

ANSWER PART-7: The Coast Guard can operate the MH-60T from seven of its 13 Famous Class Medium Endurance Cutters (270 feet long) and from all its National Security Cutters (NSC). Additionally, the Coast Guard designed its newest medium endurance and polar ice-breaking cutters, the Offshore Patrol Cutter (OPC), and the Polar Security Cutter (PSC), to enable MH-60T operations. The Coast Guard will configure its entire MH-60T fleet to be blade-fold, tail-fold capable to ensure that deployed MH-60Ts will fit into hangars on both the NSC and the OPC. Though the Coast Guard will replace the Medium Endurance Cutters with OPCs, the Service will continue to support cutter-based missions on legacy major cutters primarily via the Helicopter Interdiction Tactical Squadron (HITRON) which will continue to operate MH-65E aircraft until the final phase of the rotary-wing fleet transition in the mid-2030's. The Coast Guard is evaluating alternatives for space-constrained hangars at five legacy MH-65 air stations.

QUESTION PART-8: Do both the MH-60 and the Coast Guard's Unmanned Aircraft System (UAS), ScanEagle, fit on board Coast Guard ships together? Has the National Security Cutter deployed and operated with a MH-60 helicopter and ScanEagle UAS? If not, what equipment will be left onshore and what would be the impact to a cutter that is not fully mission capable?

ANSWER PART-8: It is possible for a NSC to deploy with both an MH-60T and a ScanEagle UAS without sacrificing capability. To date, the Coast Guard has not deployed a National Security Cutter with both an MH-60 helicopter and ScanEagle UAS.

QUESTION PART-9: Occasionally aviation fleets are grounded due to safety or maintenance concerns. Does the Coast Guard have a plan to cover all statutory missions Coast Guard helicopters are used to support if the single helicopter fleet is grounded?

ANSWER PART-9: Over 4,000 H-60 variants are operated by all branches of the U.S. Military and by the armed forces in over 30 countries worldwide. The global proliferation of the H-60, its durable domestic supply chain, and extensive operational and sustainment record make the aircraft very resilient to maintenance or safety concerns that may ground smaller fleets. Additionally, Coast Guard operational commanders will leverage the Coast Guard's nationwide search and rescue (SAR) system, consisting of an overlapping network of surface, aviation, and shore-based assets, to withstand stressors and maintain SAR response posture at units throughout the Country.

QUESTIONS FOR THE RECORD
SUBCOMMITTEE HOMELAND SECURITY
U.S. HOUSE COMMITTEE ON APPROPRIATIONS
Wednesday, April 19, 2023
Hearing:
“U.S. Coast Guard FY 2024 Budget Request”
Witness: Admiral Linda Fagan, Commandant, U.S. Coast Guard

Representative Rutherford

QFR #1: MH-60 HELICOPTER TRANSITION

BACKGROUND: From Congressman Rutherford - The Coast Guard has stated its plan to transition to an all MH-60 helicopter fleet, acquiring used helicopters from the Navy. For this transition, the FY24 budget requests \$30 million, and the Coast Guard received over \$200 million in FY22 and over \$166 million in FY23. This plan would mean that the Coast Guard has only one type of larger helicopter.

QUESTION PART-1: What is the difference in annual operating costs of the current mixed fleet vs. an all MH- 60 helicopter fleet?

ANSWER PART-1: The current mixed fleet of 98 MH-65's and 48 MH-60T's costs \$1.32 billion to operate. An all MH-60T fleet of at least 127 aircraft is expected to cost \$1.455 billion to operate (in 2022 dollars).

QUESTION PART-2: For H-60 aircraft acquired from the Navy, what is the average hours on the airframes and what do they cost? Are these aircraft ready for operations upon delivery or are there additional refurbishment costs?

ANSWER PART-2: The Coast Guard MH-60T transition plan includes hulls acquired from the Navy. These hulls have on average 8,430 flight hours. The aircraft are not ready for operations upon receipt and require hull configuration changes as well as dynamic component and wire harness recapitalization, all at an approximate cost of \$25 million per aircraft.

QUESTION PART-3: The MH-60s require more personnel to operate than other Coast Guard helicopters. Do you have enough personnel and what is the additional staffing cost of an all MH-60 fleet?

ANSWER PART-3: While an MH-60T helicopter requires approximately six more personnel than required to support an MH-65E, anticipated outyear personnel growth and costs are based on the aircraft delivery year and location which the Coast Guard is working to finalize. The FY 2024 President's Budget requests 92 personnel and \$21.1 million to transition Air Station Ventura, CA to the MH-60T and increased capacity at its Aviation Training Center in Mobile, AL.

QUESTION PART-4: Can the MH-60 operate on all of the Coast Guard's ships? If not, what are the Coast Guard's plans for those ships that cannot accommodate the MH-60 helicopter?

ANSWER PART-4: The Coast Guard can operate the MH-60T from seven of its 13 Famous Class Medium Endurance Cutters (270 feet long) and from all its National Security Cutters (NSC). Additionally, the Coast Guard designed its newest medium endurance and ice-breaking cutters, the Offshore Patrol Cutter (OPC), and the Polar Security Cutter (PSC), to enable MH-60T operations. Though the Coast Guard will replace the Medium Endurance Cutters with OPCs, the Service will continue to support cutter-based missions on legacy major cutters primarily via the Helicopter Interdiction Tactical Squadron (HITRON) which will continue to operate MH-65E aircraft until the final phase of the rotary-wing fleet transition in the mid-2030's.

QUESTION PART-5: Do both the MH-60 and the Coast Guard's Unmanned Aircraft System (UAS), ScanEagle, fit on board Coast Guard ships together? Has the National Security Cutter deployed and operated with a MH-60 helicopter and ScanEagle UAS?

ANSWER PART-5: It is possible for a NSC to deploy with both an MH-60T and a ScanEagle UAS without sacrificing capability. To date, the Coast Guard has not deployed a National Security Cutter with both an MH-60 helicopter and ScanEagle UAS.

QUESTION PART-6: Will the Coast Guard need more and/or larger land-based hangars to house the MH-60s?

ANSWER PART-6: The Coast Guard's transition from the MH-65E to the larger more capable MH-60T will require minor hangar modifications at most legacy MH-65 air stations. The Coast Guard is evaluating alternatives for space-constrained hangars at five legacy MH-65 air stations.

QUESTION PART-7: Which air stations do not currently have facilities that could currently house a fleet of H-60s?

ANSWER PART-7: The Coast Guard is evaluating alternatives for space-constrained hangars at five legacy MH-65 air stations, specifically Air Stations Detroit, Houston, Humboldt Bay, North Bend, and Port Angeles.

QFR #2 PROPOSED:

NOAA – NORTH ATLANTIC RIGHT WHALE (NARW) – VESSEL SPEED RULE

BACKGROUND: From Congressman Rutherford - Last year NOAA proposed a rule that would require all boats longer than 35 feet to go 10 knots for up to half of the year, up and down the Atlantic Coast. While the economic implications of this rule would be huge, I also have some safety concerns with this rule. Since the Coast Guard is tasked with maritime safety, I wanted to get the Coast Guard's perspective on this rule.

QUESTION PART-1: Could a 10-knot speed requirement cause safety concerns for people on boats over 35 feet?

ANSWER PART-1:

NOAA's proposed rule, Amendments to the North Atlantic Right Whale Vessel Strike Reduction Rule, would retain the current safety deviation provisions within the existing regulations with a few proposed changes, including: (1) expansion of the safety deviation provision to include emergency situations that present a threat to the health, safety, or life of a person; and (2) inclusion of a new

provision for vessels less than 65 feet in length to operate at speeds greater than 10 knots when transiting in areas where a National Weather Service Gale Warning (34 knots/39 miles per hour) or other National Service Warning (e.g., Storm Warning, Hurricane Warning) for wind speeds exceeding the threshold for a Gale Warning.

QUESTION PART-2: Could the enforcement of this rule take away from other important missions the Coast Guard has?

ANSWER PART-2:

Enforcement of this rule is unlikely to take away from other Coast Guard missions; however, the Coast Guard is currently reviewing and internally discussing the potential operational impacts of the proposed rule. NOAA is the agency responsible for enforcement of the rule. The Coast Guard currently assists, and would continue to assist, NOAA in the enforcement of their regulation.

QUESTION PART-3: Seems like the Coast Guard will be tasked with enforcement of this rule. Was the Coast Guard consulted in the writing of this rule?

ANSWER PART-3:

Yes. Prior to NOAA's publication of the proposed rule, NOAA requested certain information from Coast Guard to inform the content of the proposed rule. Input provided by the Coast Guard included: information on the regulatory limits of AIS carriage requirements; small craft advisories; and vessel master's authority versus that of a pilot when the vessel is in pilotage waters.

WEDNESDAY, APRIL 19, 2023.

U.S. CUSTOMS AND BORDER PROTECTION

WITNESS

TROY MILLER, ACTING COMMISSIONER, U.S. CUSTOMS AND BORDER PROTECTION

Mr. RUTHERFORD [presiding]. The Subcommittee on Homeland Security will come to order.

We welcome Acting Commissioner Miller. Thank you for joining us today as we discuss the Customs and Border Protection fiscal year 2024 budget submission. I will give an opening statement here very quickly.

The work agents and officers of U.S. Customs and Border Protection do every day has immense importance to both our national and economic security. But simply, their collective job is to keep bad things and bad people from entering the country illegally. However, our agents and officers jobs are made harder by the President's fundamentally unserious budget request for CBP.

Unfortunately, the fiscal year 2024 request is full of inexplicable gimmicks, and I will explain those later, but, for example, the President proposes \$174 million for additional surveillance towers, but fails to adequately provide adequate funding to maintain the ones we already have in the field.

The budget request calls for an additional 350 Border Patrol agents, and at the same time cuts funding for Border Patrol pay by \$63 million. We talked about this yesterday. There is not a single dollar in the CBP request to counter the small drones that the cartels are flying across the border to conduct surveillance on our agents and deliver drug loads. In fact, the holes that Congress would have to fill just to maintain the level of capability we have today totals nearly \$400 million due to these gimmicks. If we funded CBP at the requested level, the border would be less secure. And I know you don't want to that, and neither do we.

The fiscal year 2024 request for CBP is disappointing, because the men and women in the field need more funding to do the very difficult job that we have given them. They need more agents, more officers, and more processing coordinators. We have fewer than 19,000 agents in the field, the lowest level in years, and we continue to lose seasoned agents at an unsustainable rate.

They need more advanced technology to detect illicit activity and prevent fentanyl from devastating the lives of our fellow Americans throughout the country, and they need more physical infrastructure. But instead, this budget asks that we spend existing barrier money on environmental remediation instead of a new fencing barrier. The President's budget request is a mere \$4.2 million above

last year's level, despite the record number of crossings we have had over the last 2 years.

If you factor in the high inflation we have seen over the last few months, the administration is essentially cutting the CBP budget at a time of border crisis. Budgets communicate priorities, and it is clear by this request that the President's priority is not securing our border, not providing the men and women in the field the means to hold the line.

With title 42 about to end, the situation on the border could easily go from bad to much, much worse. Make no mistake, our adversaries, the transnational criminal organizations who control every inch of the Mexican side of the border, want to do everything in their power to continue to traffic narcotics and people, fueling violence and human suffering.

I look forward to working with my colleagues on both sides of the aisle to properly fund CBP and our border security efforts.

I will now turn to my colleague, Mr. Cuellar, for any opening remarks he may have.

Mr. CUELLAR. All right. Thank you, Mr. Chairman.

And again, it is a pleasure seeing you again, Acting Commissioner, Mr. Miller.

Again, you are the head of one of the most dynamic agencies in the Federal Government. And each day, you and your workforce are called upon to address new and increasingly complex issues. I think all the folks need to look at is the day in the CBP life, and it is incredible the number of trucks and cars and passengers, and arrests that you all make, and it is so many laws that you have to enforce. So I appreciate that.

I also appreciate that you started your career back in 1993, with the U.S. Customs Service as a customs inspector, to now heading the agency. And you bring years of experience, trust, and integrity to this role. And I would say, despite all the pressures that you face every day, you have demonstrated exceptional professionalism and leadership, and we appreciate the work that you do.

And again, I note—I say that you are a career official, not in a political capacity. And I think for some jobs, with all due respect to Democrats and Republicans, we should have more career folks like yourself. So we appreciate what you do.

And as you know, homeland is certainly a priority to me as the rest of the members. As I always say, I don't just visit the border, I live there. My family is there. I breathe the air, I drink the water, and it is a place I call home.

And I appreciate the work that y'all do because, in fact, my hometown, Laredo, if you look at the crime statistics, they are about three, four times safer than Washington, D.C., is. So I appreciate all the work that law enforcement does there.

Again, the border is important. Security is important. But at the same time, we have got to make sure that we also rely a lot on trade and tourism. In fact, with Mexico, there is over \$863 billion of trade every—billion dollars every year. That is \$1.8 billion every single day. So trying to find that balance between security and trade and tourism is important.

Laredo, as you know, we are the largest inland port. I think in February we surpassed L.A., which means we are the largest port

in the whole country. So we appreciate all the good work Albert Flores and everybody that does the work down there in the area.

Also, I do want to talk about a couple things. Operational control—and I will be asking a question about that—was defined by the Secure Fence Act in 2006. No administration has been able to achieve it, not President Bush, it passed under him; not President Obama; not President Trump; and certainly not President Biden also. So I certainly want to talk to you about the work that—what we need to do, not political, but how do we work in a practical way, Democrats and Republicans, to get this work done. So I certainly want to work with my colleagues to address this.

Also, the same thing, talking about budgets. I do want to emphasize that the last 2 fiscal years we actually have added over \$2.4 billion to the CBP budget authority. That is an over 15 percent increase, more than the prior administration. So I want to emphasize that we have added over \$2.4 billion from the prior administration.

With that, we have been able to leverage funding, more Border Patrol agents, more CBP officers, intel specialists, trade enforcement staff, and other personnel, along with the technology in ports of entry and, of course, making sure that we have technology between ports of entry also. I know sometimes, you know, some folks believe in the 14th century solution called the wall, but I think we got to look at the 21st century technology.

And again, it is important to understand that in south Texas, the border, we believe in private property rights. Private property rights. So if you have been a landowner for generations, you don't want the big bad government to come over and take your property that certainly takes away the water access to cattle and wildlife and other things that we have. So I appreciate that.

And let me just say in conclusion, Commissioner Miller, I know there is a lot of work. There are some funding gaps that we have to look at. And certainly, I am hoping that we can work together to address some of the funding gaps that y'all have and address those issues.

So, with that, I say welcome. And, Mr. Chairman, thank you so much for your time.

Mr. RUTHERFORD. Thank you, Mr. Cuellar. And I would be remiss if I didn't mention that I am not Chairman Joyce.

Mr. CUELLAR. Well, you got the gavel, so you are a chairman.

Mr. RUTHERFORD. He is delayed at another hearing, but he will be here as soon as he can, Commissioner.

And, with that, Commissioner Miller, without objection, your full written testimony will be entered into the record. And with that in mind, we would ask for you to please summarize your opening statement in 5 minutes. Thank you.

TESTIMONY OF TROY A. MILLER

Mr. MILLER. Chairman Rutherford, Ranking Member Cuellar, and members of the subcommittee, I am honored to testify today on behalf of the nearly 65,000 dedicated employees of U.S. Customs and Border Protection who protect our Nation day and night from every evolving criminal and terrorist threats, while also enforcing trade compliance and facilitating the safe and efficient flow of lawful travelers and commercial goods across our borders.

This year marks the 20th anniversary of the Department of Homeland Security and the creation of CBP. We will not forget how the events of 9/11 changed our Nation and led to the creation of the world's first comprehensive border security agency. This year also represents a personal anniversary. I began my Federal career nearly 30 years ago with the U.S. Customs Service.

Over the course of my career, I have overseen many of CBP's complex responsibilities related to trade, travel, and national security. I know firsthand that CBP has an immensely difficult job, and I am constantly amazed at the perseverance of the men and women of CBP and the commitment to our mission.

I am grateful for this subcommittee's recognition of the physical and mental pressures that affect CBP employees and their families. Tragically, CBP lost 11 employees to suicide in 2021 and another 15 in 2022. These distressing figures are further compounded by a record number of line of duty deaths. The well-being of all CBP employees remains my top priority, and I am thankful for the critical resources Congress has provided towards our shared commitment to the welfare of the CBP workforce.

As you know, CBP considers considerable operational challenges on the southwest border, and the men and women of CBP continue to be up to the task. Specifically, CBP continues to counter the dynamic of threat of sophisticated transnational criminal organizations engaged in human and drug smuggling, including the production and trafficking of illicit fentanyl, an extremely lethal synthetic opioid.

We also continue to respond to the historic flow of migration in the Western Hemisphere. The United Nations recently estimated that there are approximately 660,000 migrants currently in Mexico, including over 200,000 Haitian and Venezuelan nationals, in addition to 287,000 internally displaced Mexican nationals. Many of these individuals could attempt to enter the United States in the near term.

Taking actions to address another near-term challenge, CBP continues to prepare for the transition from title 42 to full Title 8 immigration processing, in coordination with the Department of Homeland Security and other Federal partners. Our preparations align with CBP's overall strategy to prioritize national security, strengthen our border operations, protect the American people, provide for the safe and humane processing of migrants, and administer consequences for unlawful entry, including removal and prosecution.

And this approach continues to produce results. In fiscal year 2022, Border Patrol agents intercepted more than 12,000 individuals with prior criminal convictions, and CBP officers arrested more than 15,000 individuals wanted for criminal activities at our ports of entry. And nationwide, CBP seized nearly 656,000 pounds of illicit drugs, including 15,000 pounds of fentanyl.

Every seizure matters. And I cannot give enough credit to the valuable efforts of our frontline personnel. Just 2 days ago, CBP officers in Otay Mesa seized 776 pounds of fentanyl in one single event.

Our partnerships are also invaluable to our enforcement efforts. For example, through Operation Blue Lotus, CBP and our Home-

land Security Investigations partners are surging our intelligence analysis and enforcement capabilities to not only target and seize illicit fentanyl, but also pursue investigations and take down criminal networks.

Since the operation's implementation just 1 month ago, we have made 80 arrests and more than 66 seizures of fentanyl, totaling nearly 3,700 pounds. Through a concurrent operation between the ports of entry, the Border Patrol has seized an additional 825 pounds of fentanyl.

We have also enhanced our enforcement operations in the trade environment, including those to combat global forced labor by applying new authorities Congress provided through the Uyghur Forced Labor Prevention Act. Since its implementation 9 months ago, CBP has intercepted more than 3,500 shipments for forced labor concerns.

The President's fiscal year 2024 budget for CBP builds on these accomplishments by supporting continued investments in border security technology and personnel, ensuring we continue to expand our situational and domain awareness, respond to emerging threats, detect and intercept dangerous drugs and contraband, and provide efficient processing and safe humane conditions for migrants while in CBP custody.

Additionally, the budget supports our commitment to workforce care, such as expanding onsite clinician availability and enhancing suicide prevention, chaplain, and peer support programs.

In closing, I want to thank the members of this subcommittee who have traveled to the border to observe CBP's critical operations and dedicated frontline workforce.

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

[The information follows:]

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TESTIMONY OF

Troy A. Miller
Acting Commissioner
U.S. Customs and Border Protection

BEFORE

U.S. House of Representatives
Committee on Appropriations
Subcommittee on Homeland Security

ON

“Fiscal Year 2024 Request for the U.S. Customs and Border Protection Agency”

April 19, 2023
Washington, D.C.

Introduction

Chairman Joyce, Ranking Member Cuellar, and Members of the Subcommittee, I'm honored to appear before you today to discuss the critical mission of U.S. Customs and Border Protection (CBP) and how the Fiscal Year (FY) 2024 President's Budget — hereafter also referred to as the "Budget" — supports our operational priorities.

It is a privilege to be here today on behalf of the nearly 65,000 dedicated and talented men and women of CBP who protect our Nation from ever-evolving threats by land, sea, and air, while also promoting economic prosperity and the flow of commercial goods. CBP operates around the clock to prevent the entry of inadmissible persons and contraband into the United States at and between our nation's ports of entry (POEs), ensuring the safe and efficient flow of commerce into the United States and enforcing nearly 500 U.S. trade and travel laws and regulations on behalf of 49 Federal agencies. These are complex and difficult responsibilities that CBP personnel take seriously and perform proudly with honor.

Last month, we marked 20 years since the creation of the Department of Homeland Security (DHS) and CBP. The anniversary was a reminder of how the events of September 11, 2001, fundamentally changed our way of life and solidified our mission. The anniversary was also an opportunity to reflect on how the threats facing our borders have evolved and become more diverse and complex. CBP faces many intensely challenging and unique problem sets across our operational environments, and throughout our mission spaces, including irregular migration, the threat of transnational criminal organizations (TCOs) engaged in human and drug smuggling, emerging agricultural risks, and the evasion of and noncompliance with trade laws. We continue to address these complex and dynamic challenges with unwavering commitment and resolve.

Despite immense challenges, CBP's dedicated agents, officers, and specialists continue to protect our borders; prevent terrorist and criminal elements, drugs, and dangerous goods from harming our communities; maintain the flow of legitimate travel and commerce; and respond to increased volumes of migrants with dignity and humanity.

I would like to acknowledge and extend my sincere thanks to the Members and staff of this Subcommittee for your consistent support of, and commitment to, CBP's mission, our operations, and our workforce, as well as for the resources you have provided to us in the FY 2023 Consolidated Appropriations Act to ensure we continue to do our part to protect this country. Today I will discuss how CBP is making use of those critical resources and detail how the FY 2024 President's Budget supports CBP's enduring mission priorities: countering terrorism, combatting transnational crime, securing the border, streamlining lawful trade, protecting revenue, and facilitating lawful travel.

I could not be prouder of the dedication, innovation, and perseverance of the CBP workforce during the past year. The men and women of CBP have worked tirelessly and made countless advancements in our efforts to secure our borders and identify those who wish to do us harm, facilitate travel and trade, stop the flow of illicit drugs and other contraband, combat forced labor in supply chains, and rescue and assist those in distress. Leaning into technology, we have reduced processing times for trucks from minutes down to seconds, integrated a touchless facial biometric entry process at all U.S. airports, and expanded the use of mobile passport and customs inspections. We have introduced these and other technological improvements to serve as a force

multiplier for our workforce, allowing us to be more efficient and effective in meeting our broad array of complex security and facilitation responsibilities.

FY 2022 and FY 2023 Investments and Accomplishments

The enduring support of this Subcommittee has enabled CBP to build a strong operational foundation. Investments and assistance provided by Congress in FY 2022 and FY 2023 have allowed CBP to adjust to rapidly changing needs in a diverse set of environments, while continuing to make significant progress and advancements in CBP's various missions.

Workforce Care

I am grateful for this Subcommittee's recognition of the physical, mental, and emotional stress that affects CBP employees and their families. Tragically, CBP lost 11 employees to suicide in 2021, and another 15 employees in 2022. These figures are distressing alone but are further compounded by CBP's concurrent record number of line-of-duty deaths. The wellbeing of all CBP employees and their families remains my top priority and I am thankful for the critical funding Congress provided in the FY 2023 Consolidated Appropriations Act in support of CBP's ongoing commitment to enhancing our resilience and support programs.

CBP implemented multiple employee initiatives in FY 2022, including the establishment of a Workforce Care Directorate, providing leadership, oversight, resourcing, and operational perspective to support, develop and maintain a resilient workforce. To support the growth and development of CBP's workforce care programs, senior leaders collaborated closely with the Administration and Congress to support funding for our workforce care programs, resulting in a \$23 million investment in the FY 2022 Enacted Appropriations. The FY 2023 Enacted Appropriations recurred that amount and added additional funding for program personnel, providing a total of \$30 million.

With these funds, we've continued to invest in programs that benefit all our employees and enhance training across the Agency. To date, we funded the Childcare Subsidy Program, Backup Care Program, Employee Assistance Program (EAP) Core services, and the EAP Onsite Clinician Program that currently provides 32 onsite clinicians in 26 CBP operational locations. We developed and distributed a new suicide prevention train-the-trainer initiative attended by 206 CBP chaplains, peer support members, veteran support members, and professional staff. This new cadre of instructors are required to provide in-person suicide prevention training to all CBP employees by the end of Calendar Year 2023. We funded chaplain and peer support classes, delivered Resilience Skills and Training, deployed Traumatic Incidents and Events Response (TIER) teams in response to critical incidents, improved guidance, education, and information on other support services for CBP employees and their families, and delivered mental and medical health care services to CBP's frontline veteran workforce stationed along the Southwest Border in partnership with the U.S. Department of Veterans Affairs, Veterans Health Administration. Additionally, we hired specialized personnel, including field-based operational psychologists, who bring operationally relevant experience and expertise to augment field management to support the mental and physical wellbeing of our employees.

Border Security and Management

Thanks to this Subcommittee's support, the Nation's long-term investment in border security has produced significant and positive results. Because there is no single tool or capability that can detect all suspected threats in all situations and environments, CBP uses a multifaceted approach

that includes highly skilled frontline personnel; advanced detection and inspection technology; domestic and foreign partnerships; and intelligence and information sharing. Using this approach, CBP continues to combat the growing reach and influence of TCOs by disrupting these networks, imposing consequences on those engaged in these criminal activities, and enhancing technology and efforts to interdict illicit drugs and contraband.

At our Ports of Entry

At the POEs, CBP performs a full range of critical inspection, intelligence analysis, examination, and law enforcement activities relating to the arrival and departure of persons, conveyances, and merchandise. With funding provided by Congress in the FY 2022 and FY 2023 Enacted Appropriations, CBP continued to make significant investments and improvements in our POE border security operations, and particularly in our drug detection capabilities and interdiction technology.

CBP has deployed more than 350 large-scale and 4,500 small-scale non-intrusive inspection (NII) X-ray and gamma-ray imaging systems to detect the presence of illicit substances, including synthetic drugs such as fentanyl. This technology enables detection of these illicit substances hidden within passenger belongings, cargo containers, commercial trucks, rail cars, privately owned vehicles, as well as Express Consignment Carrier (ECC) and international mail parcels. In FY 2022, CBP officers used large-scale NII systems to scan more than 7.6 million conveyances, which resulted in the interdiction of more than 100,000 pounds of narcotics and approximately \$2 million of undeclared U.S. currency.

CBP continues to focus on further closing the vehicle scanning capacity gap and increasing the probability of interdiction. With funding provided by Congress, CBP has made progress toward implementing new drive-through NII systems, located in pre-primary inspection versus secondary, that would transmit the image to an officer remotely located in a command center. This work builds upon prior automation and transformation initiatives, leveraging advancements made to scanning and imagery analysis capabilities. At locations where additional pre-primary systems are being deployed, CBP expects an increase in FY 2023 to NII scans of passenger vehicles and fixed occupant commercial vehicles crossing the Southwest Border to as much as 40 percent and 70 percent respectively. Overall, this approach will strengthen CBP's detection and inspection capabilities and increase both the effectiveness and efficiency of our enforcement and facilitation operations.

In FY 2022, CBP seized nearly 656,000 pounds of illicit drugs, including nearly 2,000 pounds of heroin, 175,000 pounds of methamphetamine, and more than 70,000 pounds of cocaine. We also made nearly 1,500 seizures of illicit fentanyl, totaling 15,000 pounds of the dangerous synthetic opioid. We are on track to seize just as much, if not more this year. Additionally, CBP seized 2374 weapons, and \$57.93 million in U.S. currency. Every single seizure is critical. Seizures remove dangerous drugs and weapons from illicit supply chains, deny TCOs valuable profits, and keep them out of our communities. Seizures also give us valuable information through post-seizure analysis to identify networks moving loads and to support partner agencies' investigations and prosecutions.

Along with our Homeland Security Investigation (HSI) partners, CBP leads Operation Blue Lotus, a new coordinated surge operation targeting the smuggling of fentanyl. The Operation includes an increase in targeted inspections by CBP officers and HSI agents, canine units, and

advanced technology at locations along the border. Operation Blue Lotus leverages the advanced analytics and intelligence capabilities and joint enforcement efforts of CBP and HSI to facilitate effective inspections and swift initiation of investigations. Furthermore, CBP's Forward Operating Labs at POEs conduct real-time analysis of suspected substances, providing vital scientific information in support of intelligence gathering and investigations. Since its implementation on March 13, 2023, Operation Blue Lotus has led to 74 arrests and the seizure of approximately 2,500 pounds of fentanyl, 3,600 pounds of methamphetamine, 919 pounds of cocaine, and 42 pounds of heroin.

CBP is responsible for keeping dangerous people from entering the United States while facilitating lawful travel. CBP processes nearly a million travelers at POEs every day. In FY 2022, utilizing both primary and secondary inspections and a multi-layered vetting process, CBP arrested 15,010 individuals wanted for criminal activities and denied entry to 502,473 inadmissible persons, including potential national security and public safety threats.

Between Ports of Entry

Between the POEs, CBP continued to prioritize national security and deploy resources that strengthen our border security operations and protect the American people from acts of terrorism and criminality. In FY 2022 The U.S. Border Patrol (USBP) intercepted 12,028 individuals with prior criminal convictions, prevented 751 gang members from entering the United States, and seized 112,000 pounds of drugs, including 2,200 pounds of fentanyl, 18,300 pounds of methamphetamine, and 12,500 pounds of cocaine.

CBP made substantial investments in autonomous technologies that improve Border Patrol agent efficacy and safety. Examples of these investments include deploying additional Autonomous Surveillance Towers and next generation communications solutions, while continuing to equip the workforce with body worn cameras. CBP also closed 55 gates and gaps in the border barrier to date, and we are working to close an additional 74 gates and gaps along with life, safety, environmental and other remediation activities at incomplete border barrier projects.

In addition, CBP's Innovation Team transitioned counter-unmanned aerial system (C-UAS) technologies to USBP for the detection of illicit cross-border activity of small unmanned aerial systems (UAS), commonly referred to as "drones," to complement the rest of their border security capabilities. CBP continues to experience high numbers of incidents involving illicit use of drones to facilitate unlawful movement of people and narcotics across the Southwest Border. Nationwide, C-UAS trained operators detected more than 8,300 confirmed, counter-surveillance cross-border incursions by UAS in FY 2022. CBP's C-UAS authorities enable CBP to take responsible action against systems that pose a credible threat to covered facilities or assets along the Southwest border. In FY 2022, trained C-UAS operators used this specialized technology to mitigate 25 drones contributing to the seizure of more than 1,950 pounds of narcotics and the arrest of 3,200 individuals.

CBP also strengthened our engagement with the Government of Mexico (GOM) to dismantle TCOs that profit from smuggling activities involving people, illicit goods, and narcotics. Both CBP and the GOM commit resources and personnel to conduct regular, coordinated patrols, air and marine surveillance, counter-network operations, and joint enforcement actions along our shared borders. Through CBP's Joint Security Program (JSP), CBP officers and agents coordinate with the GOM on admissibility/immigration and criminal non-citizen referrals; drugs,

money, and organized crime; and migrant smuggling, special interest aliens, and terrorism-related targets.

Human smuggling is an inhumane and grievous criminal activity. Launched in 2016 as a joint effort between USBP and the GOM, "Se Busca Información," which translates to "Information Wanted," identifies individuals associated with TCOs wanted for crimes associated with human and drug smuggling on both sides of the border. The "Se Busca Información" initiative promotes binational unity and encourages the public to anonymously report information about known smugglers. CBP has also taken the lead on Operation Sentinel, a major U.S. interagency effort supported by the GOM that aims to cut off access to TCO profits from human smuggling by denying these criminals the ability to engage in travel, trade, and finance in the United States.

CBP engages in information and intelligence sharing with GOM related to smuggling routes, weapons/cash/drug caches, TCO operational trends, and operational successes. CBP leads anti-TCO and border security focused capacity building and training under the auspices of CBP's Office of International Affairs' Anti-TCO and Border Violence Prevention Inter-Agency Agreement with the Department of State's Bureau of International Narcotics and Law Enforcement Affairs.

CBP's ongoing partnerships leverage the capabilities of our partners to stop cruel and profit-driven human smugglers and save lives at the border and beyond.

As the data clearly shows, CBP has experienced elevated levels of irregular migration since 2019. In FY 2022, along the Southwest Border, USBP encountered 2,206,436 migrants, including 482,962 individuals in a family unit and 149,093 unaccompanied children. Thanks to this Subcommittee's support, CBP has accelerated ongoing efforts to improve processing operations by deploying additional non-uniformed support personnel; expanding capacity and improving conditions at processing facilities; investing in virtual and mobile processing technologies; and strengthening coordination with partner agencies and organizations.

Thanks to the FY 2023 Consolidated Appropriations Act enacted by Congress, as well as robust support Congress has provided over the past several years, CBP has hired more than 1000 Border Patrol Processing Coordinators (BPPCs) with more finalizing training and deployment. We have also expanded the use of contract personnel along the Southwest Border to include nearly 430 contract security personnel for the Centralized Processing Centers (CPCs) and 565 contracted processors to handle data entry and management tasks, with more coming onboard.

To accommodate the intermittent increase of individuals in CBP custody, we renovated and reopened the Rio Grande Valley CPC in McAllen, Texas, in March 2022 and opened two new soft-sided facilities in El Paso and San Diego sectors in January 2023, as well as additional soft sided facilities opened previously in priority locations. These facilities include wrap around service contracts that provide sanitation, food, and medical services necessary to improve CBP's ability to process migrants efficiently, and to ensure appropriate conditions for migrants and frontline personnel. Deployed in conjunction with other processing capabilities, such as virtual and mobile processing technology, these facilities provide operational flexibility, streamline operations to ensure the safe and humane processing of migrants, and relieve agents of non-enforcement duties.

Getting agents back on the front line is unquestionably important for security, but it is also invaluable to saving lives. Smuggling organizations are abandoning migrants in remote and dangerous areas, leading to a dramatic rise in the number of rescues CBP performs. In FY 2022, CBP conducted nearly 22,500 rescues nationwide, which is 69 percent higher than the total number of rescues in all of 2021. In response, CBP launched a new heat mitigation effort to develop and deploy heat stress kits and go-bags containing helpful items to mitigate potential heat stress injuries and illnesses for agents and migrants alike. The new kits were deployed to 500 agents operating in the Tucson Sector as temperatures rose during the hottest part of the summer. CBP looks forward to expanding this effort to other areas across the Southwest Border.

Trade Enforcement and Facilitation

CBP's commitment to protecting human lives extends into the trade environment. CBP is a global leader in the prevention of forced labor and is one of the few government agencies in the world granted legal authority to take enforcement action against imported goods sourced from entities using forced labor to produce them. Thanks to the support of Congress, in 2022, CBP gained a new tool in its arsenal to combat forced labor with the passage of the Uyghur Forced Labor Prevention Act (UFLPA). The UFLPA establishes a rebuttable presumption, which became effective June 21, 2022, that any goods mined, produced, or manufactured, either wholly or in part, in the Xinjiang Uyghur Autonomous Region (XUAR) in the People's Republic of China or by an entity identified on the Forced Labor Enforcement Task Force UFLPA Entity List, are prohibited from importation and not entitled entry to the United States. The UFLPA was passed to address the well documented and systemic use of forced labor by the Chinese Government against Uyghurs and other ethnic minorities, particularly in the XUAR. In FY 2022, CBP stopped 3,605 shipments valued at \$816.5 million for forced labor concerns, including 1,592 entries valued at nearly \$500 million stopped under the UFLPA.

In addition to enforcing hundreds of trade laws and regulations, CBP also facilitates compliant trade, collects revenue, and protects the U.S. economy, industries, and consumers from harmful imports and unfair trade practices. For example, in FY 2022, we conducted more than 20,812 seizures of goods – valued at more than \$2.9 billion – that violated intellectual property rights. CBP agriculture specialists, with their extensive training and expertise in biological sciences and agriculture inspection, conducted about 930,000 inspections of prohibited plant materials, meat, and/or animal byproducts at U.S. POEs, intercepting more than 91,000 instances of agricultural pests. CBP also launched its Green Trade Strategy in 2022. The strategy is a framework to incentivize green trade, strengthen CBP's environmental enforcement posture, accelerate green innovation, and improve climate resilience and resource efficiency.

The scope and importance of CBP's role in protecting the economic security of the United States cannot be overstated. Collecting \$111.9 billion in duties, taxes, and fees in FY 2022, CBP remains the second largest collector of revenue in the Federal Government. Additionally, CBP processed more than 33.4 million cargo containers, which equates to more than 39.1 million international trade transactions worth \$2.4 trillion in imports and another \$1.4 trillion in U.S. exports.

Keeping legitimate trade moving is critical to the U.S. economy. With the support of this Subcommittee, CBP continues to invest in innovative tools and partnerships to enhance our trade enforcement capabilities, while simultaneously facilitating the movement of legitimate cargo, a responsibility that is critical to our nation's economic prosperity. For example, in FY 2022, CBP

fully implemented the Truck Manifest Modernization capability in the Automated Commercial Environment. This new capability allows for seamless integration between CBP systems for NIL, passenger processing, targeting, examination findings, and commercial processing. Today, more than 99 percent of the 45,000-50,000 trucks CBP encounters daily clear primary processing in less than 30 seconds.

Collaboration with federal and international partners is an inherent part of CBP's trade operations. In FY 2022, CBP partnered with 13 federal agencies to implement a Global Business Identifier pilot program to test the concept of a single business identifier solution to improve the U.S. government's ability to efficiently identify high-risk shipments and facilitate legitimate trade. CBP also entered into several bilateral understandings with foreign customs administrations, including those of Uruguay, Guatemala, and Brazil. These agreements establish platforms for the exchange of information and recognition of respective administration's supply chain security programs and confirm the parties' joint commitment to combating customs and trade offenses.

Traveler Processing and Travel Security

In FY 2022, CBP officers processed nearly 317 million travelers at air, land, and sea POEs, including nearly 96 million travelers at airports. While international traveler arrivals are still less than FY 2019, the numbers are continuing to rebound as the travel industry recovers from the effects of the pandemic. With the support of Congress, CBP has taken action to do our part to welcome travelers and improve the post-pandemic traveler experience.

To facilitate enrollment in CBP Trusted Traveler Programs, CBP reopened enrollment centers in the United States and continued to respond to the high demand for Global Entry membership through opportunities such as Enrollment on Arrival. CBP's Trusted Traveler Programs topped 10 million members in March 2022 and received 3.7 million applications in FY 2022, the most CBP has ever received in a single year. Growth in these programs with the deployment of technological and biometric innovations facilitate the processing of known, low-risk, vetted travelers arriving to the United States, permitting CBP officers additional time to focus on travelers who pose unknown or higher risk.

As part of our travel process enhancement efforts, CBP expanded its Mobile Passport Control program to include the Montreal, Toronto, and Vancouver Preclearance locations and its Simplified Arrival process, which uses biometric facial comparison technology, to automate the manual document checks that are already required for admission into the United States. This process provides travelers with a safe, secure, and more streamlined travel experience while fulfilling a longstanding Congressional mandate to biometrically record the entry and exit of non-U.S. citizens. Furthermore, in FY 2022, the National Vetting Center (NVC) successfully deployed vetting support to several key U.S. Government travel and immigration programs. By utilizing the NVC's unique technology and processes, several supported programs saw a decrease in processing times while increasing national security. The NVC's importance will continue to increase as demand travel or immigration benefits continue to grow.

While conditions are improving, the residual effects of the pandemic continue to impact international air travel, causing a decline in user fee collections for CBP's largest accounts (customs and immigration inspection fees). We are thankful for this Subcommittee's provision of emergency funds in the FY 2023 appropriations to mitigate the declines. To continue to meet

mission needs during this time of fiscal constraint, CBP has leveraged user fee carryover, additional Congressionally enacted funds, and has reduced costs to the greatest extent possible while still meeting our vital mission.

FY 2024 President's Budget and Strategic Funding Priorities

Building on these accomplishments and efforts, the President's FY 2024 President's Budget includes more than \$16.5 billion in net discretionary funding for CBP, including more than \$1 billion for investments in effective and modern port and border security, including the modernization of facilities; enhancements in border security technology and assets; improvements in mission capabilities; care and support of our workforce; and efforts to ensure the safe and humane treatment of migrants in CBP custody.

CBP is focused on establishing a long-term operational strategy and structure that prioritizes the support and resilience of our dedicated and vital workforce. Building on investments to workforce care programs in FY 2022 and FY 2023, the Budget requests \$34 million to sustain and expand existing programs, while simultaneously supporting the efforts necessary to institutionalize workforce care at CBP. These efforts include expanding EAP Core Services, the EAP Onsite Clinician Program, Childcare Subsidy Program, and Backup Care Program; enhancing training and development for suicide prevention, chaplain, peer support, TIER, and resilience skills; and improving educational opportunities and other support services for CBP employees and their families. CBP's dedicated workforce is the reason for every agency accomplishment, and, with this Subcommittee's support, we intend to integrate workforce care considerations into every aspect of our planning and operations, as well as in the development of our investments and resource priorities.

Serving as workforce multipliers, strong investments in border security technology are especially critical to CBP's efforts to maintain domain awareness and take swift action to respond to dangerous threats, such as the threat of fentanyl. While most of our fentanyl seizures still occur at POEs, as CBP becomes more efficient and effective at detecting and intercepting illicit drugs, TCOs and other bad actors may alter their concealment tactics. CBP is constantly adapting to these changes, and thanks to strong investments in border security technology and domain awareness, CBP is well equipped to counter evolving threats.

Strengthening Border Security Capabilities and Management

CBP's resource priorities in the FY 2024 President's Budget to enhance border security operations include increasing staffing and technology; strengthening domain awareness; and increasing CBP's ability to detect and prohibit illegal goods and drugs, particularly fentanyl, from entering the country. These investments will enhance and expand CBP's operational capabilities by increasing our ability to quickly detect and interdict illegal activity along U.S. borders, at POEs, and in the air and maritime domains.

Modernizing Port of Entry Technology

CBP, with the support of Congress, continues to prioritize investments to disrupt TCO drug smuggling activities by enhancing and expanding our drug detection capabilities and technology used at POEs. Our highly trained officers use a variety of technologies to detect the presence of illicit drugs, including illicit opioids, in all operating environments.

CBP's NII systems continue to demonstrate their value as part of CBP's layered enforcement strategy to screen for illicit goods and substances, including illicit drugs, entering through land POEs. To enhance enforcement, while facilitating secure and compliant trade, CBP must continue to close its scanning capability gaps. The FY 2024 President's Budget includes \$305.4 million to identify, procure, and deploy enhanced inspection capabilities to interdict emerging threats in the land and mail environments. Funding for NII will provide the resources needed to execute required civil work activities to deploy the drive-through NII systems at remaining Southwest Border land POEs. The Budget also funds the procurement and deployment of 10 systems to enhance narcotic detection at nine locations in the Southwest Border region.

CBP recognizes increased scanning will result in a substantial increase of images that require analysis and adjudication. To address this area, the FY 2024 President's Budget supports CBP's ongoing work with industry partners to develop artificial intelligence and machine learning capabilities to reduce the need for a trained CBP officer to analyze each image. Without such capabilities, the expansion of pre-primary NII operations beyond current rates would require a significant increase in staffing to review images without adverse impacts to the free movement of legitimate commercial vehicles. The Budget supports continued development of narcotic detection algorithms to increase the efficiency and effectiveness when adjudicating anomalies, while establishing a library to adapt to emerging threat and enhance interdiction of precursor chemical substances, with primary focus on fentanyl detection.

Enhancing Border Security Technology, Efficiencies, and Assets

For CBP, the use of technology in the border environment is an invaluable force multiplier that provides our frontline personnel increased situational awareness and improves our ability to meet the daily challenges of a dynamic border threat environment.

With the support of Congress, CBP deploys the necessary technology, infrastructure, and personnel needed to maintain situational awareness and address current and emerging operational challenges.

The FY 2024 President's Budget supports CBP's plan to expand and enhance domain awareness capabilities through continued investments in USBP's Common Operating Picture (COP). The USBP COP ensures all accessible sensor data are transmitted, monitored, and recorded at a Command-and-Control Center at a USBP station providing a more efficient method to view the activity at the nation's borders. COP improves USBP information management, situational awareness, and decision-making capabilities. Furthermore, CBP has been working for the past few years to expand and integrate COP into fragmented Command-and-Control Centers that will integrate surveillance feeds into a smaller number of centers and utilize artificial intelligence, requiring fewer personnel to monitor feeds. The FY 2024 President's Budget includes \$66.4 million for testing, training, and transitioning to Initial Operational Capability (IOC) status for COP installation at the Douglas, Arizona, USBP facility and three additional USBP locations.

Supporting an ongoing modernization effort will provide a more consistent and efficient enforcement workflow for USBP field agents and leadership, a critical need given 21st century border threats. The FY 2024 President's Budget supports \$27.2 million for the continued modernization of the Border Enforcement Coordination Network (BECN), the follow-on system to the legacy Border Patrol Enforcement Systems (BPES). BECN consists of systems, services, and equipment that help USBP detect, deter, identify, classify, and resolve illegal border activity

and to manage its resources effectively. BECN contributes to situational awareness and enhances operational decision-making by enabling real-time information sharing, data analysis, and visualization. Funding will support the IT systems, equipment, and services needed to sustain system development, including hardware and software, shared services and cloud hosting costs, business intelligence and architecture support, and program management.

Aerial surveillance capabilities are a vital component of CBP's domain awareness, especially in the land environment along the Southwest Border. To ensure we continue to meet operational needs for aerial surveillance, the Budget includes \$13 million for the replacement of eight obsolete, out-of-production, and expensive to support aircraft sensor integrated mission systems and \$30 million to fund the acquisition and missionization of one Land Interdiction Multi-Role Enforcement Aircraft (MEA). The MEA is the optimal manned aircraft, equipped with advanced sensors for surveillance operations in regions such as the Northern and Southern Borders as well as maritime environments where water, terrain, weather, and distance pose significant obstacles to border security operations between POEs and in the littorals. In addition to detection and surveillance, the MEA serves as a force multiplier for law enforcement and emergency response personnel because the MEA provides rapid-response deployment of equipment, canines, and personnel. Funding the Land Interdiction variation of the MEA will greatly increase the security posture of the United States against drug and human trafficking and unauthorized entries along the Northern and Southern land borders.

While advanced technology multiplies workforce capabilities, it cannot replace it. To support CBP's ongoing and rigorous human resource efforts, the FY 2024 President's Budget supports the hiring of 350 new Border Patrol Agents, 150 new CBP Officers, 310 Border Patrol Processing Coordinators; and additional Mission Support Staff for Border Patrol and the Office of Field Operations to supplement those staffing additions. These additional field positions will bolster situational awareness, respond to increased levels of migration along the Southwest Border, improve agent safety, and ensure the efficient processing, safety, and care of migrants while in our custody.

Reinforcing Mission Capability and Mission Support

The President's FY 2024 President's Budget recognizes the importance of ensuring CBP personnel work in secure, safe, and functional facilities and operate modern mission-critical vehicles that facilitate their complex and critical daily activities. The Budget includes funding for design, construction, and renovation projects to ensure operational effectiveness is not hampered by a lack of adequate facilities.

For example, the FY 2024 President's Budget provides funding for a new USBP Station in Houlton, Maine, that will reduce the distance from the facility to the patrol area, accommodate existing staff plus allow enforcement flexibility for up to 50 agents, reduce overcrowding, and provide adequate equipment storage facilities, vehicle parking spaces and a safe working environment for station personnel, detainees, and visitors. The Budget also addresses administrative and storage space deficiencies at the current location of the Air and Marine Operations (AMO) Tucson Air Branch caused by a substantial increase in aircraft and personnel since the site was originally designed. Tucson Air Branch has the highest number of flight hours in the Southwest Border region and the largest volume of narcotics and currency seizures. The FY 2024 President's Budget also includes funding for facility construction and improvement

costs associated with the additional Office of Professional Responsibility agents that were funded in the FY 2022 Consolidated Appropriations Act.

Ensuring the security of our Nation's borders is USBP's highest priority and the effectiveness at which this is accomplished, is attributed in large part to USBP having the requisite number of reliable vehicles in its fleet available for agents to deploy when needed. USBP has a significant number of vehicles in its fleet operating beyond their lifecycle and eligible for replacement. The FY 2024 President's Budget also funds the replacement of approximately 470 additional mission-critical vehicles for USBP.

Conclusion

In the conduct of all our operations, CBP remains committed to maintaining the highest level of transparency and trust by Congress and the American people.

As prudent stewards of taxpayer money, we intend to ensure that taxpayer-funded investments are made in a smart and cost-effective way, while still meeting border security requirements and complying with appropriations statutes. We will continue to maximize the investments already made as part of our comprehensive strategy to secure and protect our borders.

Day after day the men and women of CBP persistently safeguard the economic interests and public health of the American people by ensuring travelers and goods move safely and efficiently across U.S. borders, that migrants and visitors are properly processed, and that trade laws, regulations, and related international agreements are enforced.

We are absolutely committed to balancing the need to maintain border security, properly care for those in our custody, and keep the American people and our workforce safe.

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

Mr. RUTHERFORD. Thank you, Commissioner.

And I will now recognize myself, for Mr. Joyce, and ask my questions.

As I mentioned in the opening statement, the President's budget significantly underfunds, I believe, the current level of border security capabilities that we have in the field today. So my first question: How do the cuts to border security technology programs like the ASTS, the surveillance towers, how does that impact the agency? And if Congress decided to accept the President's budget as is, what kind of consequences would there be for border security operations?

Mr. MILLER. So, Mr. Chairman, thank you for your question. Certainly, I recognize the structural deficiencies in the 2024 budget due to timing and some other administrative concerns. That being said, I would look forward to working with Congress to ensure that those structural deficiencies are corrected.

Mr. RUTHERFORD. Absolutely. And we look forward to working with you on that as well.

And kind of following up along that same vein of questioning, among the cuts, this budget proposes a \$63 million dollar reduction to Border Patrol pay, even while we are trying to bring new officers on.

How harmful would that be if Congress doesn't fix the hole that is created by this request?

Mr. MILLER. Yeah. So for the pay, as you know, we continue to work—and I can talk more about this at length—but we continue to work on our hiring to actually bring our staffing up to the appropriated levels that Congress is funding us for, as you know. We haven't be able to hire Border Patrol agents, additional Border Patrol agents, above the 19,555 since 2011. We were appropriated an additional 300 agents last year, an additional 350 agents this year.

So we are making strides and really looking at our hiring pipeline to ensure that we are increasing recruiting, that we are fixing our academy and our attrition rates, and a number of other issues. So, you know, we are confident that we have the funds right now going into next year to hire the additional agents.

Mr. RUTHERFORD. Do you have a percentage of authorized positions that were filled that—you know, with your throughput at the academy?

Mr. MILLER. So right now, we are sitting at about 19,000 agents. And again, we are authorized 19,855.

Mr. RUTHERFORD. But how many agents are you putting through the academy in a year when those positions are authorized, like the 350?

Mr. MILLER. So we are continuing—I don't have the exact number. I can get back to you on that. But we are continuing to—so if I could, I will take just a second.

Mr. RUTHERFORD. Sure.

Mr. MILLER. Number 1, we looked at our academy, and our attrition rate at the academy was over 30 percent. So we worked with the chief of the academy to look at why the attrition rate was what it was. And without changing the requirements of the academy, we resequenced some of the testing, got additional mentors for the chief counsel, the legal training. In addition, we took the physical

fitness aspect, and we used the entire 117 days to get from A to Z, instead of right about the 6-month or the halfway mark.

So that has allowed us to get the attrition rate down to 9 percent.

Now, on the front end, we have ramped up our hiring. So we need to really get to about 6,000 applications a month, and we were around 4,000. So for the last 2 months, our applications have really driven and we are getting close to that level. So that is at the front end. That is on the back end.

In between, we are looking at our HRM process, through our expertise, we have learned with the Office of Field Operations when we had a similar hiring surge. So we are confident. And we thank Congress, for the flexibility you gave us in the 2023 budget, which allowed us to hire Border Patrol processing coordinators while we fix our hiring pipeline.

So that is not a direct answer, but we are working on it.

Mr. RUTHERFORD. No. Listen, as a training center director myself for a very large law enforcement agency, what you did was great management. So thank you for that.

Last question I think for this round: Commissioner, is CBP ready for a migrant surge? You know, we talk about the numbers of people currently waiting in Mexico. When title 42 goes away, can you talk about the impact that that is going to have going from 6,000 encounters a day to up to 18,000 maybe? Can you—and can you also tell me, in the—well, let's just leave it there because I don't think you will have time to answer the second part of that.

Mr. MILLER. So, if I may, to start with, what we are doing to surge resources to the southwest border, obviously, May 11, title 42 is going away. We do know that there is a large amount of folks on the north of Mexico. So, really, in the last 12 months or so, we have brought on 1,100 Border Patrol processing coordinators. We have let the contract to bring in contract processing coordinators. So we have brought on 590 processing coordinators. We have doubled our transportation contract.

We have the first ever air transport contract in the history of Customs and Border Protection. On top of that, we have increased our capacity across the southwest border to over 6,000 for holding capacity, and we will have an additional 2,500 added to that in the near future. I just took a trip down to Panama and Colombia last week to work with the Panamanians and the Colombians on an agreement to slow down the flow through the Darien. I have a Border Patrol team onsite working with the Panamanians this week.

So we are doing a whole host of things to prepare for the ending of title 42. Obviously, we are working with our other government partners through the volunteer force, through law enforcement personnel, to get those folks to the southwest border. I can tell you our efforts over the last year have allowed us to get a significant amount of badges back to the border, Border Patrol agents in between the ports of entry, and we have actually seen the results of that through the results of our operations against fentanyl.

Mr. RUTHERFORD. Thank you, Commissioner. And thanks for the efforts to stop them from getting to our border to begin with. That is where the real answer is at, not processing them faster when they get there.

With that, I will yield to the ranking member, Mr. Cuellar.

Mr. CUELLAR. Thank you, Mr. Chairman.

Commissioner, again, I want to talk a little bit about operational control measures. As you know, that trend was defined in the Secure Fence Act of 2006 as, quote, the prevention of all—and the key is “all”—unlawful entries into the United States, including entries by terrorists and other unlawful aliens, and instruments of terrorism, narcotics, and other contraband.

Keep in mind, as I said during my opening statement, that the last 2 fiscal years, more than the prior administration, we have added over \$2.4 billion to the CBP budget authority. That is over a 15 percent increase.

Now, can you tell me how many of the 1,954 miles that we have with Mexico are under, quote, operational control? And I want you to go by the Bush administration, the Obama administration, the Trump administration, and the current administration.

Mr. MILLER. Well, thank you, Ranking Member. You know, I don't believe that we have ever had operational control by that definition.

Mr. CUELLAR. Under Bush?

Mr. MILLER. Under any, since the definition was published in 2006.

Mr. CUELLAR. Yeah. Bush, Obama, Trump, or even all that. And again, you know, I know that metric can be hard to achieve, but I think we all want to work with you to try to reach that goal. I think it is a goal that we need to reach, and whatever way we can help you with the right resources, please let us know.

Now, I want to follow up on what the chairman said right now. I believe that we—you know, using football as an example. I hate playing defense on the 1 yard line called the U.S.-Mexico border. A lot of times, people want to emphasize everything on the 1 yard line, but I rather play defense on their 20 yard line.

So I think there is three things, in my opinion, if you all implement it correctly, if you implement it correctly, I think it should work to address what is going to happen on May 11.

One, the agreement with Colombia, Panama, and the U.S., if you all work on that, you should be able to stop a lot of folks from coming in there. It is a 60-day, but hopefully you all can keep it longer than 60-day. I assume it is a pilot program. Number one.

The asylum officers that will be now—is the right word “embedded” in CBP Border Patrol facilities, where they can do the expedited decisions. And as you know, that is important, because if you have a hundred people asking for asylum, 88 to 90 percent are going to be rejected. So I don't think we ought to be letting a hundred percent in. So those asylum officers, if we do it correctly, should work.

And then finally, the new rule, which I am hoping will come out before May 11. And I know that there are some folks—more progressive folks might not like it, but I like two parts of it.

One, if somebody is asking for asylum, they should not come in between ports of entry, because I have got a lot of landowners that don't like that one bit at all. And they should go through the port of entry without disrupting trade and tourism, which are so important to us. And then, the other thing is the third party, third coun-

try, it is something that I have been advocating for many years, even before the Trump administration; tried to add that in the appropriations, but I wasn't successful. But that basically means that if somebody has a fear and they pass through another country where they could have asked asylum, then that fear is gone. The U.S., we welcome people, but the U.S. is not the only place where you take the fear away.

So the rule hopefully will be coming out, but if you can talk about those three things. And again, I believe in law and order at the border, but at the same time respect the rights of the legitimate asylum—folks that are asking for asylum, should I say.

Mr. MILLER. Thank you, Ranking Member. So a couple things. Couldn't agree more on the collaboration with our foreign partners, whether, you know, the regional strategy, whether it is visa policies that are the same throughout the region, whether it is working with our Panamanians and Colombian partners, to ensure that they are stopping the transnational criminal organizations from trafficking these vulnerable people through the Darien. So we continue to work with a number of foreign countries, including Panama, Colombia, Mexico, and South America.

As you pointed out, we have made some modifications to our facilities so that we can do enhanced removal—and this is important—enhanced expedited removal from CBP facilities of single adults from easy-to-remove countries. As you know, we are not a long-term detention facility for families and the like. We have deployed 600-plus interview booths with video/audio capability to our facilities, and we are working with CIS and EOIR on the video and audio capabilities. We have been testing out this process in RGV last week and across the southwest border last week—last week in RGV and across the southwest border this week. So we continue to work out the kinks.

And lastly and most importantly, you know, I truly believe in what you said is that we need both a pathway and a consequence.

Mr. CUELLAR. Without consequences, as you know, Mr. Chairman, they will see—folks will see the border as a speed bump, and we need to have consequences.

Thank you, Mr. Miller.

Mr. RUTHERFORD. Absolutely. Good point, Mr. Cuellar.

And now we will turn to my good friend, Mr. Newhouse.

Mr. NEWHOUSE. Thank you, Acting Chair Rutherford.

And, Acting Commissioner Miller, thank for being here. Very much appreciate it. And just let me say, if you could convey the committee's thanks to all the men and women that you work with to secure our border. Difficult job, and we stand as a partner with you to help accomplish that.

As has been mentioned, over the last couple of years, this committee has provided, and I might say with strong bipartisan support, significant resources for force multiplying border technology that is used between the ports of entry. We heard—we have heard directly from Border Patrol sector chiefs as well as agents about the value of an autonomous surveillance tower, innovative technology that leverages autonomy to serve as that force multiplier for those agents that are stretched so thinly.

In fact, we even had, just recently, the Secretary, Mr. Mayorkas, testify, and I think I can almost quote him saying, harnessing these innovations including exploring how we can use AI to be a force multiplier for our brave, heroic personnel.

So just, first of all, a question. Could you share with us how the increased deployments of autonomous technology has actually supported agents in the field? Are we getting—what are we getting for our investment there?

Mr. MILLER. Well, first of all, I will relay your thank you to the men and women of CBP, and we do appreciate it.

And second of all, the technology that we have deployed along the southwest border has been extremely valuable to the men and women of CBP, when you are talking about autonomous surveillance towers, when you are talking about ISTs, the remote towers, the mobile towers; the UGS, the underground sensors; the cameras with autonomous technology on them that will identify events. And when you are talking about the autonomous, that means we don't have to have a person evaluating every single image, obviously every single radar signature and the like. And what we have been able to do through the funding is take that autonomous capability and bring it in—and again, thank you for the funding—to a COP, a common operating picture, with less people.

So in the past, we used to have nine screens looking at nine different feeds from nine different towers, and a person trying to figure out which each one of these—which each one of these events were. Now, with the autonomous technology, it brings it all together, very few people, one screen, and it gets it to people, agents, out in the field on their handheld, and tells them where they have to go. And it directs them to where they are, so we don't have to have—so, number one, our command and control center isn't filled with people and screens. And number two, we are getting that information to our agents real time so they can respond to that threat.

So the technology that has been provided to the men and women of CBP has been extremely valuable in allowing us to get out there and look at those events that we need to.

Mr. NEWHOUSE. Awesome. Good. Thank you.

So similar to my colleague, Mr. Cuellar, I live on the northern border. And CBP's figures tell us that in 2021, just over 27,000 aliens were encountered. By 2022 that figure had gone up to, I believe, 109,000. And just through the end of January of this year, the encounters have been at 56,000 on the Canadian line. So I would guess, following that trend, we are going to be over 200,000 by end of the fiscal year, at a double of where we were last fiscal year.

So my understanding in Blaine in the State of Washington, there is only one mobile surveillance capability, which is basically a truck-mounted surveillance system. I know you can't easily move fixed assets, but given the increase that we have seen and that which we are anticipating, wouldn't it make sense to reallocate and acquire more assets to focus on the over 5,000-mile long border that we have with Canada? So I didn't see any request for resources to do that in this document. So could you talk about that?

Mr. MILLER. Yeah. I mean, most certainly along the northern border, technology is a force multiplier across the northern border, and we need to continue to look at what assets we have up there and get the appropriate assets. I will have to get back to you on exactly what our plan is to get the right technology on the northern border. But a hundred percent with you, we have to get that technology up there as a force multiplier for the men and women.

Mr. NEWHOUSE. Yeah. I agree. We are not nearly the numbers that we are seeing in the southern border, but certainly the trend is not good, and we need to get ahead of it. So thank you very much.

Mr. Chairman, I yield back.

Mr. RUTHERFORD. Thank you, Mr. Newhouse.

And we will now turn to the gentlelady, Ms. Underwood.

Ms. UNDERWOOD. Thank you, Mr. Chairman.

Mr. Miller, as a nurse, one of my focuses on this subcommittee has been healthcare and safety of CBP agents and migrants in your care. Over the last 4 years, I have been able to visit CBP facilities at the U.S.-Mexico border, and I have seen the health operations, from intake assessments to the medical supplies and teams onsite.

I was proud to secure funding for CBP to switch to electronic medical records, and I am very glad to see that your most recent budget overview reports that this has, quote, markedly improved medical documentation, resulting in significant enhancements to patient care and safety as well as operational efficiency.

It is critical that no matter what the migration levels are or whether our immigration system is operating under title 42 or title 8, health and safety remains a top priority at CBP.

So, Mr. Miller, with the anticipated end of title 42, what actions has CBP taken, and what plans do you have in place to ensure the health and medical needs of both migrants and CBP personnel are fully met?

Mr. MILLER. Well, thank you. Number one, I appreciate your continued support for the medical support of the men and women and the migrants alike. I will start with the current situation where we are at with medical support and what we are doing to ensure that we have appropriate medical support.

So as you know, we have approximately 1,400 medical professionals along the southwest border today. So we are at the numbers that we were looking to be at. We are looking at adding additional child caregivers in order to do that. We are looking at a contract modification so that we can up the pay that we are paying the child caregivers, as we found a little bit of a tough time recruiting, but we still have 109 per shift across the southwest border which, as you know, is a significant improvement.

We continue to work with the chief medical officer from the Department of Homeland Security to have those RFAs available, should we need additional support, whether it is from HHS, continuing to work with our U.S. Coast Guard partners as well.

So, you know, I think we are well suited, number one, with the people we have at the border and, number two, with the partnerships we have developed over the last 2 years to ensure that we

have the appropriate medical support for the migrants in our custody.

On the CBP front, the money that has been allocated to the Customs and Border Protection over the last really 3 years—2 years, and with the request for \$34 million in fiscal year 2024, you know, we have really made huge strides in what we are doing to take care of our workforce. We have got behavioral clinicians, 30-some onsite. We will have 50 onsite by the end of this year.

Ms. UNDERWOOD. Great.

Mr. MILLER. The psychologist. We have 13 psychologists on board across the southwest border this year. We have increased our training for all of our supervisors, called live works, I believe, which ensures that they know what the science looks like. As my colleague, the deputy commissioner, always states, we want to get to the left of it, we want to be able to identify those indicators before they get to that point.

Ms. UNDERWOOD. Yup.

Mr. MILLER. So we are working also with Veterans Affairs, who has been really a force multiplier along the southwest border. We are working with an NGO that is providing a specific service in El Paso right now. I think that is going to be hugely beneficial as well.

And then really, going forward, we continue to have a trust deficit with our employees. We want our employees to use the services that we are putting out there. And what do I mean by that? As we are looking at the voluntary alcohol treatment program, we want individuals to know that they can sign up for that, and they can come back and they have a job after they are finished. While the same—

Ms. UNDERWOOD. Great.

Mr. MILLER [continuing]. If there is a mental health issue.

So we are working with the union to update our policies and our procedures to ensure that the men and women are using the services that this committee has been so kind to put forth to us the last 2 years and now 3.

Ms. UNDERWOOD. Thank you. Well, as we know, in the news, there is a series of budget cuts that have been proposed by Republican leadership, and the plan would revert spending levels to fiscal 2022, which means DHS would see a \$3.4 billion cut.

Can you explain how the funding cuts—the proposed funding cuts to DHS would impact the health and safety of CBP personnel, migrants in U.S. custody, and our entire border management system?

Mr. MILLER. Thank you for the question. Certainly, at Customs and Border Protection, we could not sustain that cut for operations or for the health, safety, welfare of the migrants. I think from the American public standpoint, we would not be able to surge resources to the southwest border to attack the fentanyl problem. We would most likely have to cut back on our medical contract. We would probably have to take down some of the soft-side facilities where we are providing the wraparound care.

Certainly, our Border Patrol processing coordinators—contract processing coordinators, we would no longer be able to employ, which means we would have less agents in between the ports of entry doing their border security work. On the trade side, you

know, the trade and travel at our ports of entry would be decimated. We would have long lines and cargo containers would be sitting in ports of entry for a longer amount of time. Our Uyghur Forced Labor Act, we would probably not be able to enforce it the way we are enforcing it today. So there is a whole host of issues that would happen if we would go backwards with the budget.

Ms. UNDERWOOD. I yield back.

Mr. RUTHERFORD. Thank you, Ms. Underwood.

And now we call on Mrs. Hinson.

Mrs. HINSON. Thank you, Mr. Chair.

Thank you, Acting Commissioner, for coming before us today. I appreciate, again, the hard work of the men and women at the CBP.

I just want to follow up on something really quick. When did the soft-sided facilities pop up? When did we start enacting those at the border to handle the surge?

Mr. MILLER. It would—I believe fiscal year 2021. I can't remember the exact day we put the first one up.

Mrs. HINSON. Right. So I visited the border in late spring, early summer at Eagle Pass and had a chance to see that. How much is that costing every quarter?

Mr. MILLER. So the soft-side facilities right now are about \$991 million year.

Mrs. HINSON. A year. So nearly a billion dollars a year going to these soft-sided facilities that could be eliminated if we would control the southern surge at our border.

And I know CBP is stretched thin. I would rather see those resources go toward stopping forced labor materials from coming into our country, interdicting those drugs. And this could all be eliminated with a different posture toward immigration at our southern border.

I think that is a goal of mine at this committee is we want you to be able to strengthen CBP's efforts at our southern border. You have been stretched thin. The challenges you are facing surge at a historic level we haven't seen that has been under this administration since 2021. Exponentially worse than we have ever seen.

And I am extremely concerned about the number of known terrorists and criminals who have come across our southern border as a result of the weakness, not as a weakness at CBP, but as a weakness of policy at our southern border.

And nearly a year ago, I actually wrote to you and ICE Acting Director Johnson, asking for answers about how a suspected member of the terror watch list was able to not only get into our country but be released by CBP into the homeland, and ICE as well. So I never got an answer from either agency. Very disappointed in that. And I would ask you to respond to how this disastrous situation could have occurred in the first place, and what are we doing with the funding that we are giving you to make sure that this does not happen again?

Mr. MILLER. So, ma'am, thank you for the question. I am not aware of the particular instance, but I can tell you, you know, how the process does work.

Mrs. HINSON. This was a person who was apprehended in Arizona, released into the interior, and then apprehended again in

Florida. But this is a person who was on our terror watch list. So we can't let this happen, right? I mean, this is a vulnerability for the safety and security of our country, is it not?

Mr. MILLER. Well, so I concur that we cannot allow it to happen, but I can tell you how the process works.

Mrs. HINSON. Please explain.

Mr. MILLER. Yeah. So when an individual—well, number one, we have developed a number of—so I am not aware of this individual's citizenship, but we have established a number of partnerships throughout the Western Hemisphere, whether it is biometric-sharing partnerships or sharing of information of folks entering the hemisphere. So we are continually monitoring that information and working with our foreign partners. But when the person crosses the southwest border and is apprehended, we will take the biometrics and we will run the biometrics in—

Mrs. HINSON. And I have seen that in person, the intake.

How are you communicating, then, with these other agencies under Department of Homeland Security?

Mr. MILLER. So I used to run the National Targeting Center, which does all the coordination for CBP. So what will happen is the Border Patrol agent will apprehend the individual. And if the person is on the terrorist watch list, they are mandated to call the National Targeting Center, and they will coordinate with the Terrorist Screening Center, the Threat Screening Center to determine if that person is a possible match or not a match.

Mrs. HINSON. So where did this weakness come, then, where this person was not caught in that—

Mr. MILLER. So again, I am not aware of the particular instance. I am more than willing to walk through that particular case. But I can tell you, if the person is a match, then we would turn that person to ICE ERO, and they would put them into removal proceedings. It could have been an instance where that person was determined not to be a match and later on additional information came into the system where it was identified to be a match. And we are continually vetting those individuals. So we would have identified that and coordinated with ICE ERO to apprehend that person, pick them up, and put them into removal proceedings at that point.

So we do have a layered approach. If somebody is released, we will identify them and we will go apprehend them. And I am more than happy to look at this particular case and determine exactly what happened. But like you—

Mrs. HINSON. Yeah. I think that is my goal is to make sure this does not happen again. And obviously, this IC is just a massive hole in our security, and anything we can do to make sure that we are not releasing these kinds of people into our country, I mean, it makes us all less safe, and that is what keeps me up at night. I have got 10- and 12-year-old boys. The last thing I want in my community is to be less safe and secure, and we know that people are literally going all over the country. So a huge concern.

And I am almost out of time, but real quick wanted to ask a question about the CCP, because we have seen an increased influx in Chinese nationals obviously coming across our southern border as well. Can you touch on what the CBP is doing to counter kind

of that initiative from the CCP in exploiting the weaknesses or vulnerabilities, whatever they are doing, to obviously take advantage of that to get more people into our country?

Mr. MILLER. Yes, ma'am. So we work very closely with the Joint Terrorism Task Force and the Counterintelligence Task Force led by the FBI, number one. Number two, with the Chinese migrants specifically coming across the southwest border, it is the third largest migrant population in the United States. And historically, we have seen a number of, you know, surges up and down with Chinese nationals, both at our ports of entry, in between our ports of entry. And I can tell you with—as you pointed out, the oppressive regime, the religious persecution, and the fact that these folks couldn't travel for the last 3 years because of the COVID lockdown, it is not a—we expected that we would see more Chinese migrants coming into this hemisphere.

So what I can tell you is we will identify how they enter the hemisphere. We will work with Department of Justice Joint Task Force Alpha and HSI to identify the networks that are smuggling these individuals into the hemisphere. We will work with the Colombians and the Panamanians, because we know that they are coming through the Darien. And we will try to disrupt these transnational criminal organizations.

When they do get to our southwest border, we will ensure that we are running them with our partners, LE and IC partners, against the databases, and then we will do the—we will take appropriate action based on those results.

Mrs. HINSON. Thank you. And I am out of time. I will yield back. Thank you, Mr. Chair.

Mr. RUTHERFORD. Thank you, Mrs. Hinson.

Next up is Mr. Guest.

Mr. GUEST. Mr. Miller, thank you for being here today. I know we had the opportunity to speak by phone a week or so ago.

Just earlier this week, we saw DHS released encounter numbers for the month of March, national encounters, 257,000. That marks the 12th straight month of 200-plus encounters along the border. The 24th straight month of 185,000-plus encounters. We know that fiscal year 2021, we set a record with 1.9 million. That record was broken in fiscal year 2022 with 2.7. And we are on pace in fiscal year 2023 to break that record once again.

I think clearly that we are seeing a humanitarian crisis along the southwest border. That is one not caused by CBP. You and your agents are doing the best job that you can to manage a very difficult situation. And I applaud you for your budget request asking for additional agents. I think those agents and more are much needed. And I think the agents that work along the southwest border are underpaid and that we need to recognize the incredible work that they do each and every day under a very difficult situation.

But as we see the border at historic levels—matter of fact, Chief Ortiz in March testified before the Homeland Security Authorizing Committee that five of the nine sectors along the southwest border, in his opinion, were not secure. And we see the budget that has been presented. And if I am reading the figures correctly, it appears to me that Customs and Border Patrol, that we are—that the

President's budget is asking for a 7.5 percent decrease from the funds that were received last Congress.

And so as we talk about all of the issues that we are facing, how—should this not be one of the agencies that Congress should invest and invest robustly in because we know, and you mentioned it very briefly, title 42 goes away in less than a month, that we expect a surge along the southwest border—I think you told me, and correct me if I am wrong, that there are individuals that you have intelligence on or groups of individuals who are in Mexico waiting for title 42 to expire before they attempt to enter the country.

Is that correct, or did I misconstrue something that you said?

Mr. MILLER. No, sir. That is correct.

Mr. GUEST. And you also spoke about the Darien Gap and the number of individuals that come across the Darien Gap. CNN did a recent article on that—I don't know if you saw it. I think it came out maybe earlier this week—about individuals that were making that trek through the Darien Gap.

They said last year—and again, these are CNN numbers, so they are not CBP numbers—but said that roughly 250,000—so a quarter million people—came through the Darien Gap last year, that that was twice the number the year before, that that was 10 times the average of 2010 through 2020, and that so far year-to-date, based on their figures, we were six times higher in the first few months of the year, first quarter of the year, I guess, than what we saw last year.

And so it seems to me that the numbers of encounters along the southwest border are—they don't seem to be going down. If anything, based on the information I received—and correct me if I am wrong—we are expecting that 250,000, which was what we saw last month with title 42 going away—do you expect that number to increase at least through the next several months?

Mr. MILLER. The number of encounters between the ports of entry last month on the southwest border was about 163,000. Still, you know, historic numbers.

Mr. GUEST. And you are right. I think it was 191 last year on the southern—or last month, in March, for the southern border, and the total for the northern and southern was 257. So, yeah, just looking at the southern border, this month, 191,000, which was up from 153,000 the month before, but down from the all-time high of a quarter of a million in December.

So the numbers along the southwest border, particularly as we get into the warmer months—because we know traditionally that January and February, the number of encounters along the southern border are generally, just because of the temperature, that those numbers are generally down, and they begin increasing in March continuing through the end of the year.

With title 42 going away, do you see that trend continuing again?

Mr. MILLER. Yes, I do. I do expect the numbers will go up after May 11.

Mr. GUEST. And you talked a little bit, and you said something about you recognized some sort of structural deficiencies in the budget request. Explain to me what you were meaning when you talk about structural deficiencies within the budget request.

Mr. MILLER. Sir, thank you for the question. And really mostly the deficiencies I am seeing is the O&S, the operation—the O&S funds to continue operating some of the technology that we have requested and received the last 2 years. So some of the very same towers I think it was alluded to, some of the very same towers we are talking about.

So, obviously, our goal is to work with this committee to ensure that we sustain what we have already been given before we purchase new.

Mr. GUEST. And last question—I don't have a clock, Mr. Chairman, so I apologize if I am over.

Mr. RUTHERFORD. You are way over.

Mr. GUEST. Okay. With that time, I will yield back and wait for the second round.

Mr. RUTHERFORD. Okay. Thank you, Mr. Guest.

And Mr. Trone has joined us. We will go to you next, sir.

Mr. TRONE. Sorry I am late. Got too many things going on. You are always over, though. He is consistently over.

Hey, thanks for joining us, Commissioner Miller. Appreciate it.

The challenges facing CBP are substantial, complex, requiring more effective technologies to maximize your resources. Your innovation team has been successful in identifying and demonstrating some new promising technologies, but we need to increase our return on the investment by transitioning successful stress-tested technologies into the base budget as soon as possible.

So for your experience at the National Targeting Center, you understand the long-term value of leveraging precision targeting capabilities over casting a wider net. So this let's us use our resources much more effectively, both on this northbound, but also on the southbound flow of guns and cash.

So expanding these preprimary scanning would close the scanning capacity gap and could be a game changer on contraband interdiction. So as of now, those scanned images at the port of entry are sent to an officer in a common center, and CBP is not adequately deploying the AI and machine learning to maximize interdiction capabilities of the NII systems.

Can you discuss your role on the rollout and how you are going to use artificial intelligence and ML technology more effectively?

Mr. MILLER. Thank you, Congressman, for the question. And, again, thanks to the committee for the funds that we have received on the southwest border, in particular to the nonintrusive technology, as we deployed across the southwest border so we can screen more vehicles, both passenger vehicles and commercial vehicles, at our ports of entry.

So, sir, directly to your point, in January, we—and thank you for your support of our INVNT team, by the way. So in January, our Office of Information Technology and our Innovation Team had a conference with 68 companies to discuss just that, our requirements for artificial intelligence, machine learning, so that we can process these images before primary and get that information to our officers and agents to make an informed decision.

We discussed our requirements, our challenges, what we were looking for with those companies. We put out an RFP. That RFP is due back to us at the end of this month. And through some of

the procurement vehicles we have, when we get that written response at the end of April, we will be able to act on some of that new emerging technology that is out there. And we will continue to work with this committee for funds to fund additional technology as it becomes available. But thank you for your question.

Mr. TRONE. Now, when you look at the total number of multi-energy and low-energy portals ordered, how many of them have been paid for fully or partially?

Mr. MILLER. 138 have been paid for fully.

Mr. TRONE. Would you describe the agency as being on track with respect to deployments of these systems?

Mr. MILLER. So as you know, sir, there have been some delays, a number of different things. As you know—you have been to the southwest border—each port is not equal. It is not the same. Some, we have challenges with the distance. So remember, we are fundamentally changing the way we do business on the southwest border in that we are trying to do the scans prior to primary. Some of these locations don't have the space before primary. Some of these locations have other technology that interferes with the NII and it doesn't make it useful.

So we have done a study across the southwest border. We have procured the equipment. We are working with GSA and the bridge owners on construction. Mexico itself has also purchased additional scanning technology for their side of the border that we will be working with them on. So by 2024, we believe that we are going to at least have started to put all of that technology in the ground at the same time, to your previous question, developing that artificial and machine learning to get it on top of it.

Now, I am with you, I want to do it quicker, and we are going to do it as quick as possible. But this is a once in, you know, my lifetime chance to change the way we are doing business and really getting all that information to our officers and agents real time so they can make the best decision.

Mr. TRONE. Seventy-three million cars coming across the border at legal ports of entry, 200,000 a day, you know, we have really got to use technology, or we have got no shot.

And I want to just stress—I know my time has run out, but follow my Republicans' lead—stress the importance of the southbound. I mean, the Mexican Government is obsessed with the southbound flow of guns going into the cartels, which has made the country so unstable and leading to immigration issues, et cetera.

You know, we have got to make sure we work on that 30 million CBP got in 2023, and make sure that happens again in 2024, and we work on the southbound gun issue.

I yield back.

Mr. MILLER. Thank you, sir.

Mr. JOYCE [presiding]. The chair will recognize Mr. Cloud.

Mr. CLOUD. Thank you, Chairman.

And thank you, Acting Commissioner, for being here. And just want to echo the sentiments that we certainly appreciate what the boots on the ground are doing and what your Department's tasked with.

You know, I live in south Texas, and so, I got the opportunity, of course, to tour, as many people have, and shake hands a know

many of the people who work in the communities and what have you. And it is a yeoman's effort in very difficult circumstances, and so, certainly appreciate that.

A lot has been said about what operational control is, and I will read the definition again. It has been read already, but in this section, the term operational control means the prevention of all unlawful entries into the United States, including entries by terrorists and other unlawful aliens, instruments of terrorism, narcotics, and other contraband.

And you have said, you know, by that definition, we do not have operational control, neither has anyone since this definition was meant.

It seems to me that the hang-up is on the word "all," in the sense, like, until we get that number to zero, we will never have—you know, and I would just like to ask you: Why do you think that word "all" is there, and what is the purpose of that?

Mr. MILLER. I can guess. I mean, it is certainly an aspirational goal that we would all like to attend.

Mr. CLOUD. Yeah. It would seem to me like that is meant to make very clear what the goal is, as opposed to being some sort of get-out-of-accountability-free card when members come before us in the sense of, you know, we shouldn't be creating exclusions or exceptions or creating—redefine parole and all these different kind of things, that we need to do what the law says and not make exceptions to what the law says.

I wanted to ask you about the budget. You are advocating for the hiring of 100 more Border Patrol agents, yes?

Mr. MILLER. I believe it is 350, yes.

Mr. CLOUD. Oh, 350? Okay. Oh. That is—I am sorry. Border Patrol—that is Border Patrol agents and processing, or—and support, or that is just the agents?

Mr. MILLER. I believe it is 350 agents, 300 Border Patrol processing coordinators, and 150 OFO officers.

Mr. CLOUD. Okay.

Mr. MILLER. And I have got a lot of numbers in my head, so—

Mr. CLOUD. Okay. 350 agents, 350 border processing?

Mr. MILLER. 350 agents, 300 Border Patrol processing coordinators, and 150 CBP officers for our ports of entry, I believe.

Mr. CLOUD. Okay. That is great.

There has been a good number of—a good amount of attrition lately. Could you speak to what you are seeing and why?

Mr. MILLER. So there is a number of issues that affect attrition, frankly. With our Office of Field Operations, the folks at the ports of entry, they got a law enforcement status in 2008, which means, in 2028, we are going to have a large retirement surge. And Congress tasked us with a study to do what we needed to do.

The southwest border, very much the same. We have had hiring surges in the last 20 years, so a lot of these folks are now available for retirement, when we are talking about Border Patrol agents, so certainly that is part of the attrition rates.

Mr. CLOUD. I know a number of people that I talked to—a number of agents I talked to were very concerned that, at the same time the administration was talking about getting rid of title 42, it was placing a new COVID testing regime on the agents, using,

ironically, tests that were imported from China that had agents on—on the testing.

Basically, they had to put a carcinogen in their nose to test. I asked about this before. The director at the time didn't know that was even happening.

Is that testing regime still in place?

Mr. MILLER. No.

Mr. CLOUD. Okay. Thank you. I am happy—happy to know that.

Have the agents that were falsely accused of being whipped been—been apologized to?

Mr. MILLER. Not to my knowledge.

Mr. CLOUD. Okay. Have they been reinstated to their former role?

Mr. MILLER. So the process is still ongoing.

Mr. CLOUD. It is still ongoing? And how long has it been?

Mr. MILLER. Let's see. About 18 months or so. Is that right?

Mr. CLOUD. Do you think actions like being falsely accused of doing something that you are not doing, when you are doing your stated mission, leads to low morale?

Mr. MILLER. So the—the investigation is ongoing, and most certainly, you know, we are concerned about the morale of the Customs and Border Patrol folks.

Mr. CLOUD. Okay. My time is up. I just saw that. Finally figured out where the clock was, and so, I will save the rest of my time—

Mr. JOYCE. It is not as fancy down here as it is upstairs. We have a clock.

Mr. CLOUD. Maybe buzzers and bells are—would help.

Mr. JOYCE. No worries.

Dr. Harris.

Dr. HARRIS. Thank you very much.

I am just going to ask one question. I will yield the balance of my time.

Global entry—CBP is in charge of global entry. Is that right? Global entry program?

Mr. MILLER. Yes, sir.

Dr. HARRIS. Yeah. So I have got a lot of complaints in my office, my district office, that it takes literally years to book an appointment for global entry. Is that true, to book an interview?

Mr. MILLER. No, that is not true.

Dr. HARRIS. So—so is there—and I will follow up—now that you say it, I will follow up with my person in the district. But what is the maximum acceptable time in your mind that you should have to wait for an interview?

Mr. MILLER. So, if I may, we have established a number of additional venues to be able to complete your interview, and one of, I think, the best ways to do it is enrollment on arrival, so you can actually complete your interview when you arrive from international travel.

Dr. HARRIS. Right. But if you are planning to do it—I mean, again, I live in a rural area. I mean, my people don't take a lot of international flights, but what is the maximum time you think someone should wait for—to have to wait for an interview?

Mr. MILLER. Well, again, if they are—I mean, I am not trying to be difficult, but if you are not traveling internationally, global entry—

Dr. HARRIS. Well, they are traveling internationally, but, you know, I—they have to go to Dulles or BWI from the Eastern Shore of Maryland. You know this little bridge over there sometimes has a lot of traffic. You know, so it is—when they call to set up their appointment for an interview in the future—not on arrival—what is the allowable amount of time that you think they should be having to wait for that interview?

Mr. MILLER. So right now, it is approximately 6 months. You know, we would like to get that process down to maybe 30 to 60 days.

Dr. HARRIS. Okay. So you think it shouldn't be more than 6 months. Okay. Thank you very much. I yield the balance of my time to Mr. Guest, because I know he has got a lot of questions, but they are good questions.

Mr. GUEST. Thank you.

Walk me through this and tell me if my figures are correct. I show that the CBP fiscal year 2024 request to be \$16.87 billion. Is that number accurate?

Mr. MILLER. Yes, sir.

Mr. GUEST. And this would be a \$1.37 billion decrease from fiscal year 2023 levels?

Mr. MILLER. No. The—

Mr. GUEST. Because I have fiscal year 2023 being 18.374 billion.

Mr. MILLER. So I think what you are referencing is that also includes the Border Management Fund that we received last year. This year, that is covered by the Contingency Fund.

Mr. GUEST. Okay. And so the Contingency Fund is money that is really not going to hire agents, invest in technology, build walls. I mean, that money is going to transport migrants, medical care, alternative to detention, processing, kind of what we have seen over the last 2 years where we are investing money not really in anything of any substantial nature, but really just investing money to process people through the system quicker. Is that correct?

Mr. MILLER. So the contingency funding will cover things like Border Patrol processing coordinators, as we talked about, doubling our transport, the medical support, the soft-side facilities, and the capacity to hold individuals as we are doing enhanced expedited removal.

We have also put in some of the booths that we talked about. So there is a number of different things that we will continue to do with those funds.

Mr. GUEST. Is any of that money going—from the Contingency Fund—and this is separate. I know you are talking about trying to hire 350 new agents and 300-plus new processors. But, from the Contingency Fund, none of the money from the Contingency Fund is going to hire new agents, correct?

Mr. MILLER. Correct.

Mr. GUEST. And none of the money is going into technology as far as ports of entry, screening processes, as far as things of that nature?

Mr. MILLER. Correct.

Mr. GUEST. All right. And so, overall, is it your testimony that you are asking for an increase from last year's budget, or a decrease, because, again, the numbers I am getting were the numbers that I relayed to you, which were a budget decrease?

But the total numbers, are you saying, is an increase from last budget year?

Mr. MILLER. The total number is almost exactly the same.

Mr. GUEST. Okay. So you are asking for basically level funding?

Mr. MILLER. Yes, sir.

Mr. GUEST. Okay. And, based on what you are asking for, on the historic nature of what we have seen and the fact that we expect another surge to be coming when title 42 ends, are you saying that that money is adequate for Customs and Border Patrol to do the job that they are tasked with doing?

Mr. MILLER. Well, sir, to start, I mean, I think I relayed that we do have some structural shortfalls that we are going to have to fix in our budget to ensure that we sustain the technology that we received in the last—last several years.

And, secondly, you know, given the flow of migrants across the southwest border, we are certainly going to hit the triggers for the Contingency Fund.

Mr. GUEST. I yield back.

Mr. JOYCE. Thank you, Mr. Guest.

I apologize for being late, Acting Commissioner Miller, but I would like to ask you: Do you believe that physical barriers are an important border security tool?

Mr. MILLER. Yes, sir. I believe personnel, technology, and infrastructure is very important for CBP.

Mr. JOYCE. The President abruptly canceled contracts to build physical barriers. And, while the Secretary has authorized closing some gates and gaps, no substantial amount of physical barriers have been built since January of 2021.

Does the agency need additional physical barriers to help secure the border and buy time for agents to apprehend migrants who cross the border illegally?

Mr. MILLER. Sir, you know, I believe, as I stated, we need additional infrastructure, technology, and personnel to ensure that our agents have the tools that they need to respond.

Mr. JOYCE. Okay. Well, last Congress, my bill, the PREVENT Act, was signed into law to require CBP to provide the frontline personnel with containment devices to prevent secondary exposure to illicit narcotics in the line of duty, including fentanyl and other potentially dangerous substances. Has CBP moved to procure or provide these containment devices? Where is the CBP in the process of ensuring our officers and agents on the front lines of the opioid epidemic have access to these containment devices?

Mr. MILLER. Sir, first of all, thank you for the Act. I am aware of the Act. And, you know, secondly, obviously, the physical well-being of our agents and officers, hugely important to us. So obviously you know that we have—we have given them PPE. We have given them the appropriate training. We have given them the Naloxone and, you know, provided them with containment training and the like.

And we are working very closely, you may or may not know, but with our Office of Science and Technology to look at the containment technology, and we will procure it in conjunction with S&T if determined to be viable technology.

Mr. JOYCE. Sir, it exists, and it is not having to look at it. It exists. And, if one of these—if powder form had exploded in one of your offices, it would kill everybody in your office.

Mr. MILLER. No. Again, sir, we are working very closely with S&T, and as you know, we have our forward operating labs to ensure we are containing appropriately, and we look for additional technology as it becomes available to ensure our officers and agents are safe.

Mr. JOYCE. Thank you.

Mr. Cuellar.

Mr. CUELLAR. Thank you, Mr. Chairman.

Border wall, 14th century solution. If you look at the 11, 12 million undocumented aliens, whatever the number is in the U.S., the last figure I saw—and I was just double-checking this again—maybe you have better figures—two-thirds of them were visa overstays. And at that time, the number one violator was Canada.

Now, I don't know if my friends are talking about putting a fence at the northern border, which I hope they are not. And so I—I just want to make sure that we secure the border and believe in a 21st century technology, AI, other things that are important. I think it is the way to look at.

And, also, I would like to remind my friends that, in the last 2 years, from the prior administration, \$2.4 billion have been added to the CBP budget authority. That is a 15 percent increase of dollars.

So we want to find a way, working together, to secure the border, including the northern border.

And I remind that 9/11 terrorists didn't come through the southern border, but they actually came through the northern border.

One of the things that I also want to look at also is the fact on the south-sided facilities, let's keep in mind that Border Patrol facilities were set up to handle small amounts, mainly male adults—in the old days, they were coming from Mexico to come and do a little bit of work, and then they would go back.

So the border facilities—Border Patrol facilities were not set up to handle a lot of folks. So the south side, which I think the first one—I think it was year 2019. President Trump was the President. The Senate, I think at that time, was Senate controlled by Republicans, and of course the House by Democrats.

So it was set up to handle—because Border Patrol facilities don't have that.

Now, having something different—and, again, I don't want to—if you have heard me say—I don't want to—I don't want to have the border just be a processing center. I want to make sure that we keep whoever is supposed to stay here and go back. Usually the numbers are 88 to 90 percent of the people that ask for asylum are going to be rejected.

And, by the way, looking at some of the latest numbers, China was the one that was getting the biggest asylum granted, 16.2; then Venezuela was 14.5; and then you have other folks.

By the way, who are the largest folks who have been—the number sector folks who have been staying here lately? It is India and China, right? Isn't it?

Mr. MILLER. Excuse me. Repeat the question.

Mr. CUELLAR. Where is China and India in number of folks who are being—coming into the U.S. or staying here in the U.S.?

Mr. MILLER. Oh, I think the migrant population, India is number two, and China is number three.

Mr. CUELLAR. Number 3. And No. 1 are Mexicans.

Now, one of the things that I want to look at is—and, by the way, I want to thank—you remember David Higgerson? He was the one that gave me the idea about border processing centers. We need to use agents to do their job, but there are certain jobs that I think the support staff or border processing or whatever you want to call them, are important. So, you know, we want to get agents, but we also want to get the support staff. And that includes ICE also to make sure.

Now, one of the things that concerns me is—and I agree with my friends—the attrition. We have been losing folks. You know Border Patrol sometimes—at one time, we were losing more folks than we were actually hiring. So anything you can do to speed up the hiring process, and I would appreciate that. But one of your former Border Patrol chiefs gave me some numbers that are alarming.

He said that, besides the regular attrition, the mandatory retirements coming up, for fiscal year 2024, 800 Border Patrol folks that would be hit by mandatory retirements; fiscal year 2025, 1,500; and then fiscal year 2026, 2,200 mandatory retirements.

Now, that worries me, because, besides regular attrition and the time it takes, we have got to do a better job. So let us know what we can do to help you in that aspect.

Mr. MILLER. Yeah. No. Thank you so much. I mean, I think a lot of the things that—the flexibility that this committee has given us to spend our money, certainly on retention bonuses; hiring bonuses; you know, what we are doing to, as we already discussed, shorten the timeframe, but, you know, we have to continually look at that and continue and also look at potentially some waivers for folks as they hit those caps.

So there is a number of different things we have to do to ensure that we continue to not only hire—fix the hiring process, but keep the folks that we have to the point of your colleagues.

Mr. CUELLAR. And, Mr. Chairman, I know this was at—when you were out, but Mr. Miller is a career individual.

Mr. JOYCE. Okay.

Mr. CUELLAR. And 30 years, right, this year?

Mr. MILLER. [Nonverbal response.]

Mr. CUELLAR. And I know sometimes there is political appointees by Democrats and Republicans, but we really should look a lot to these career folks that know and know the trends and have seen it before. Something new might be something that has been tried. So I really appreciate the career folks like Mr. Miller.

Thank you, Mr. Chairman.

Mr. JOYCE. I think we all agree, Mr. Cuellar.
Sheriff Rutherford.

Mr. RUTHERFORD. Thank you, sir.

Commissioner, I presume that CBP has either general orders or SOPs or training manuals for how to vet individuals that they run across. Is that correct?

Mr. MILLER. Yes, sir.

Mr. RUTHERFORD. Okay. I would like to request through the chair, if we could—I would like to see those documents, the training that they get, the processes that they are supposed to go through.

And I am going to tell you why. And it goes back to the questioning that Ms. Hinson had earlier as well, and I keep—I keep bringing this case up.

My question is: So we have an individual who crosses the border, no ID. We go to vet them. They are not in the biometrics system. They have no documents. We have no way of knowing who they are.

What is the default policy of CBP with an individual like that?

Mr. MILLER. So there would be a number of questions I would have to ask, number one. You know, certainly, just like you said, we would do the biometric, biographic checks. And certainly, if it is a minor or—

Mr. RUTHERFORD. They go to HHS.

Mr. MILLER. They go to HHS.

Mr. RUTHERFORD. And they go through the same vetting process.

Mr. MILLER. Right.

Mr. RUTHERFORD. Now, here is my question, because the individual that Ms. Hinson spoke of was later determined somehow, through vetting, to be on the terrorist watch list.

Mr. Ulloa, who went to Jacksonville, Florida, and killed one of my citizens, one of my constituents, he actually came across and used a fake name and fake ID—I am sorry. Not a fake ID. Just a fake name and fake date of birth that made him a juvenile.

CBP couldn't tell who he was, so they—but, since he used a date of birth that made him a juvenile, they turned him over to HHS. HHS couldn't tell who he was, so they sent him to Jacksonville because he has got a relative there allegedly, who turns out not to be a relative, because they didn't vet him either.

He gets—he murders my constituent. Then we find out who he is. How did we not—so here is my question: If he can go into a—if he can go into the Duval County jail and eventually we could identify who he is, how did we not identify who he was before we shipped him to Jacksonville?

So my question is: Is the default policy of CBP, if you can't tell who they are, let them in, because that is what it appears to be.

Mr. MILLER. No, sir. That is not the default policy. Again, I have spent my career trying to increase information sharing, vet individuals against all available databases, whether they are IC-held databases, LD-held databases.

Mr. RUTHERFORD. And we are doing all we can in that regard. But, when you can't tell who they are, what do we do with them?

Mr. MILLER. So, in the case of a minor, we are mandated by the TV—

Mr. RUTHERFORD. You don't know that he is a minor.

Mr. MILLER. Well, they claim to be, so I am just telling you, we follow—we have to follow the law, too, which is the TVPRA, and

we have to turn a minor over to Health and Human Services. And, as discussed at length—

Mr. RUTHERFORD. But there is my question. How do you know he is a minor?

Mr. MILLER. We have to use all available information that we have, and we have to make that determination.

Mr. RUTHERFORD. So we take whatever they tell us, and we are making—we are making decisions about the security of this country based on what somebody that just illegally crossed the border is telling us.

I have serious problems with the way we vet—we are vetting people. And the fact that we can't tell who they are at the border, yet when he gets sent—when he gets arrested in Duval County, we find out who he is—he is doing 60 years now. Why couldn't we determine that before they sent him to Jacksonville? Why couldn't we determine that—what—what changed? How did they determine who he was later?

Mr. MILLER. You know, again, sir, you know, first of all, my condolences to the family in your community.

Mr. RUTHERFORD. Look, I—I understand completely. And I am not blaming you. I am just saying it looks like the default policy is to let them in.

Why wouldn't we say, No, I can't prove who you are, so you are not coming in. Why wouldn't—should that not be our policy, or is that our policy?

Mr. MILLER. Well, again, when somebody comes in, we are going to use all the available information that we have, so the biometrics, to the facial comparison.

Mr. RUTHERFORD. You can't tell who they are, because they are not in any system. What do we do with them?

Mr. MILLER. And so we are going to coordinate—

Mr. RUTHERFORD. We are letting them in.

Mr. MILLER. Or we are going to coordinate as appropriate.

Mr. RUTHERFORD. We are letting them in.

We need to look at that policy, because we are letting killers into this country. That has got to stop.

I yield back.

Mr. JOYCE. Thank you, sir.

Mrs. Hinson.

Mrs. HINSON. Thank you.

And thank you, Sheriff, for bringing that up, because that is a true concern in my district. And I am pretty sure I—let's see if it stays on. Can you hear me?

Okay. This is the finicky one from earlier, I want to echo my colleague's concerns about the attrition at CBP. And you talk about the 25 suicides in the last 2 years.

And that is truly heartbreaking, that people are facing these challenges and they feel like there is no other way out. And we want to do everything we can to make sure your workforce feels supported.

But can you talk a little bit more about the morale? And, you know, I think that it is very clear something has got to change with policy, because people feel like they have no other option but to ei-

ther quit, or take their own life. And we don't want to put people in that position.

Can you talk about what policies should change at DHS to make sure that we don't face these major problems with our CBP agents?

Mr. MILLER. Well, first of all, thank you, you know, for the support for the men and women of Customs and Border Protection. It is much appreciated.

Second of all, thank you for the funding we have received the last couple of years. Number one, we have to take care of our folks.

But, you know, No. 2 you know, I think one of the things we have done over the last 6 months, specifically for the Border Patrol agents, well, the last year or so, is really making a concerted effort to get the men and women of CBP, or Border Patrol in particular, back in between the ports of entry.

Mrs. HINSON. Back to actually fulfilling their mission, not processing people, but back in the field?

Mr. MILLER. Back to, yeah, in between the ports of entry. And we have made significant strides with the Border Patrol processing coordinators, that we have got over a thousand. We have additional classes. And, in fact, those folks are being—becoming our biggest recruiting pipeline that folks who want to do that same job that the Border Patrol agents are—

Mrs. HINSON. And then you might feed them into those positions more quickly?

Mr. MILLER. Exactly.

Mrs. HINSON. We are happy to hear that, obviously, but, I mean, you still have a pretty good delta to get to your full force. So can you speak a little bit—you know, obviously you are asking for these new agents.

And I asked Acting Director Johnson the same question with ICE, right? You have got this need, and you have got a gap here, over 800 open slots that you currently have, and you are asking for more.

Can you tell me more about how you are going to get these people into these slots so we can actually keep our border under control?

Mr. MILLER. Yes. So thank you, ma'am.

So, again, I think the flexibility has helped us. Certainly getting the hiring engine back up and running was extremely important. So our application numbers are going up. So we are getting more people into the pipeline.

The Border Patrol processing coordinators are actually one of our top recruits. We have looked at the back end, and we spoke at this at length, and Sheriff Rutherford actually mentioned as well at the Academy, and fixing our attrition rate, or our—

Mrs. HINSON. Changing the testing, yes.

Mr. MILLER. Changing the testing. So, in between, we are looking at our HRM processes to try to—really for me, it is yield rate, the number of folks coming into the pipeline, making it to Border Patrol agent and the time to hire, so we have to fix those two things. It is about 260 days right now from the time somebody applies for the job to the time that they get hired. So we need to shrink that, and my challenge to the team is in half. And we are

doing that by looking at the processes and procedures of our HRM staff.

Mrs. HINSON. Well, because I think—when I was down there—I have been down there twice to hear directly from folks. And it was shocking to me to see how many people were being pulled from other areas of DHS, including FEMA, to help with these positions. And that is just unacceptable. These should be CBP agents, not FEMA agents. FEMA should be dealing with hurricanes in Florida and flooding in Iowa, not our southern border.

So another thing that the agents pointed out to me is that technology is helpful, you know, and I have been a big supporter of automated surveillance technologies, technical kits, mobile surveillance capabilities. All of those are force multipliers, and I believe that cross-border tunnel detections—you know, I have learned a lot about that technology and how effective that is, especially when we are talking about stopping fentanyl and these transnational gangs and cartels.

Can you talk about the number of encounters with—that CBP is experiencing at the border, the growing number of people that the cartels are bringing across to distract you from doing your mission, right? And I think it is very clear they are doing that.

How valuable are those technologies to your Border Patrol agents?

Mr. MILLER. The technology is—we need the technology. We have to have the technology now. It really—especially with the new automation, machine learning, artificial intelligence that shrinks the number of folks that we need in these command centers to actually look at the screens and try to determine what is happening.

And, to your point, with the tac devices and getting that information directly to our officers and agents so they can respond to those events, it is vitally important. We need the technology. We need the continuing funding. And, you know, I think our Office of Information Technology and Border Patrol is doing a good job to really get that actionable information to the hands of the frontline agents so they can respond appropriately.

Mrs. HINSON. Yeah. And I know I am out of time, but I will submit some follow-up questions for the record, specifically about countering things like new threats, like xylazine that we are seeing as an amplifier for our fentanyl problems that are already a huge challenge. So thank you.

Mr. MILLER. Thank you, ma'am.

Mrs. HINSON. Appreciate it.

I yield back.

Mr. JOYCE. Thank you, Mrs. Hinson.

Mr. Guest.

Mr. GUEST. Commissioner, again, I don't want anything that I say to make you believe that we don't fully support Border Patrol. I support personally—as a new member on this committee, I can tell you that I will fight as hard as I can as a member of this committee to make sure that we are hiring new agents, a number in addition to the ones that you have requested; that we are getting agents pay increases; that we are investing in technology; that we are investing in what we need to vet the individuals coming into the country.

My frustration, and I believe the frustration of many people on this committee, is the amount of tax dollars that we are having to spend every year on processing. The \$4.7 billion Contingency Fund that has been requested, that is roughly 28 percent of the entire budget of CBP. And so, one out of every \$4 would then be going to doing nothing but processing.

And so we are incredibly frustrated. And I don't want you to feel when you leave here that we are intentionally taking our frustration out on you. We know you don't make those decisions, that those decisions are made—you are career law enforcement officer, and we want to thank you for that.

Now, one of the things that the chairman mentioned that I want to talk about as well is physical barriers, wall construction. And we know it is not feasible to build a wall from sea to shining sea, that we are not going to build a wall from RGV to San Diego. But under Secretary Mayorkas, we have had zero wall construction.

If I am not mistaken, there is \$7 million in this budget for wall construction. Is that correct? Or how much is in it? Maybe I should just ask you. It is my understanding that it was seven, but how much money is in the budget request for this physical year for wall construction?

Mr. MILLER. I would have to look. I didn't know that there was money in this budget for wall construction.

Mr. GUEST. Are physical barriers an important component to securing the border?

Mr. MILLER. I will say time and time again, we need infrastructure, we need personnel, and we need technology.

Mr. GUEST. All right. But there is no money in this budget for wall construction?

Mr. MILLER. I don't believe so.

Mr. GUEST. All right. And so do you agree or disagree with that?

Do you think it should be in there? Do you think we should put money in there? If we are going to be writing the budget, should we write money in the budget for wall construction?

Mr. MILLER. I would have to work with, you know, the Border Patrol and their requirements and get back to you on technical assistance on exactly what we need in our budget.

Mr. GUEST. All right. Chief Ortiz—do you know Chief Ortiz?

Mr. MILLER. Of course.

Mr. GUEST. All right. Chief Ortiz testified—

Mr. MILLER. Twenty-plus years.

Mr. GUEST. Chief Ortiz testified before Congress just last month. He testified that five of the nine sectors along the southwest border are not secure.

Do you agree with the assessment of Chief Ortiz?

Mr. MILLER. Well, thank you for the question.

You know, certainly—and I think we discussed this a little bit the other day. In my 29, almost 30 years of experience, I have seen, you know—it is an evolving situation. It is an evolving situation every single day.

Today, we might have a situation in El Paso where we need to surge additional resources because of a surge that we are experiencing. Like I am doing in the southwest, I may surge resources

so I can attack the fentanyl that is coming across the southwest border which that surge is certainly having.

So I guess my answer is, you know, I defer to Chief Ortiz on his expertise. He runs the Border Patrol. It could be three sectors today. It could be five sectors tomorrow. And it has been that way ever since we have had a border.

Mr. GUEST. And final question: title 42 ends May 11. I know we have talked just very briefly about it. The most recent figures that you have seen as far as expected number of immigrants—we saw some numbers that came out in December. It seemed to me that they were somewhere in the—potentially up to 15,000-a-day range, and I could be wrong. And I apologize. I don't have those figures in front of me.

But do you have any recent information as to what we can expect when title 42 ends?

Mr. MILLER. So we are certainly going to see a surge higher than the numbers, you know, and I am doing my best to answer the questions directly. We are going to certainly see numbers higher than we are seeing today. We are going to see a surge in migrants.

We are also going to immediately, when title 42—and, as you know, there are certain court rulings that really are hindering what we can and can't do at the particular moment. So, when title 42 goes down, we will immediately start doing enhanced expedited removal across the southwest border, but it is going to take some time for that consequence to take effect in my opinion.

We are certainly going to see a surge. What that exact number, I don't know what that exact number is. I know I am preparing for, you know, certainly 10,000 or so a day. But again, we will—we can continue to surge resources and look at the intelligence every single day, the—each sector—individual sector every single day, work with the chief of the Border Patrol, Chief Ortiz, the Office of Field Operations, to ensure that we are getting resources down there to respond to the best of our ability.

Mr. GUEST. Thank you, Mr. Chairman. I yield back.

Mr. JOYCE. Thank you, Mr. Guest.

Mr. Cloud is recognized.

Mr. CLOUD. Thank you.

And I do want to echo what Mr. Guest said about we have nothing but appreciation for the members of CBP and appreciation for the understanding and—that we need to get you the resources that you need to do your job, and you are in a very difficult situation.

A lot of the issues we have is with the policy that you are being asked to implement, and certainly recognize that.

I wanted to ask you about visa overstays. By my understanding, there was, in 2020, about 684,499 visa overstays. Does that sound about right?

Mr. MILLER. I am sorry, sir. I would have to get back to you on the particular numbers.

Mr. CLOUD. Okay. Do you know how many gotaways there were last year?

Mr. MILLER. I just looked at the numbers this morning. I can tell you if you give me 2 seconds. I just looked up the numbers this morning, but I don't want to not give you the right number.

Mr. CLOUD. I think it is also 600,000.

Mr. MILLER. Yes.

Mr. CLOUD. Is that correct?

Mr. MILLER. Yep. That is correct. I just wanted to make sure I had them in front of me.

Mr. CLOUD. And that is what we actually call known gotaways, right?

Mr. MILLER. It is.

Mr. CLOUD. Yeah. So do you know how many unknown gotaways we had?

Mr. MILLER. No.

Mr. CLOUD. No, because it is unknown, right? So—and those are not coming through the port of entry, by and large? Is that correct? They are not running the port of entry? That is—the gotaways are coming in between ports of entry?

Mr. MILLER. Yeah, the gotaways are coming in between the ports of entry.

Mr. CLOUD. And so the infrastructure would be helpful in stopping gotaways. Infrastructure, everything you were saying—infrastructure, manpower, technology.

Mr. MILLER. And let's not forget access. Access is one of the—and having—roads access to make sure our agents can get to respond to that technology alert that you are talking about.

Mr. CLOUD. Exactly. And removal of the Caruso gang and everything else, right?

Mr. MILLER. Yes.

Mr. CLOUD. I wanted to also talk to you about the apprehensions, because, if we are looking at last year encounters, we are 200 or 2,300,000-plus. If we go back to 2020, or if we go back to 2020, COVID was certainly allowance for 450,000, but even going back a year before that, we are talking a million, so half of where we are at right now.

Going back to the definition of operational control, I mean, the idea is to be moving toward it, not away from it. It would seem that we are moving away from it.

Now, you gave a pretty bleak picture when someone on the committee mentioned the fact that we are looking at going back to discretionary spending levels back to pre-COVID. So pre-COVID traffic would have us at about half of what we have right now with the budget that they had then.

And I am not suggesting that we need to cut the budget for it. I am for raises for our men and women. But like it has been said, I am not for paying for processing.

And so, you gave a pretty bleak picture, almost a Chicken Little list of all the things that could not happen, yet I am looking at this saying, Well, at the pre-COVID budget, they were able to have a more secure border.

So there seems to be a disconnect there. Could you address that? To me anyway.

Mr. MILLER. Certainly, sir. As we know, agents' salary—let's start with the budget. Seventy-five percent of our budget is salary, and salaries continue to go up. Obviously, inflation continues to go up. Construction costs continue to go up. And I am not only talking when—you know, the Chicken Little scenario.

In between the ports of entry, it is also at the ports of entry as well. So, you know, certainly our CBP officers, the technology that they are using, the technology we are talking at the southwest border, really the civil works projects that we are trying to do along the southwest border, all those costs are going up.

So, if we were to go back to our budget 2 years ago, most certainly, that would affect us across our organization. But to your point, most certainly at the southwest border.

Mr. CLOUD. But we are seeing a lot of the funding go to not protection, but go to processing. Is that correct?

Mr. MILLER. It is correct, but, if I may on the processing, we have made significant advancements in automating our A-file, significant advancements in being able to process people in between the ports of entry through the facial recognition, biometrics. We are testing out where you can actually take a picture of the prints and enroll the individuals, again, making us safe and secure and run against that information, things that we have been talking about. So there is a number of different things that we are talking about when we are talking about processing, sir.

Mr. CLOUD. Okay. But it still seems like we could find some efficient—it is the ROI, if that makes sense, that we are looking for? We are looking for protection, which is actually the P, not processing—CBP, Customs and Border Protection, not Customs and Border Processing. So we are looking for dollars for protection. And the concern here is that we are seeing the border get less secure, and we are spending more money doing it.

And some of that, I know, is no big contracting. The grants processing is very opaque. I would like to see that—and I know we are talking more agency secretary-level on some of this stuff, but we will be working on that.

Thank you, Chairman. Thank you for your being here today, and, again, appreciate your work.

Mr. MILLER. Thank you, sir. Appreciate it.

Mr. JOYCE. Thank you, Mr. Cloud.

Acting Commissioner Miller, all good things must come to an end, and I know you have been having a great time here.

Mr. CUELLAR. We can keep going. Round three.

Mr. JOYCE. Appreciate your tour of duty in the agency and your hard work.

There has been some questions asked that you are going to give answers to or some other things you would get back to us. We would ask that you do that within 15 business days from today. That gives you roughly 3 weeks or so to get those things accomplished.

Any other questions or concerns? With that—

Mr. RUTHERFORD. It was general orders, SOPs, and training documents.

Mr. JOYCE. All the documents you requested.

Mr. RUTHERFORD. Thank you.

Mr. JOYCE. Okay. This meeting is now adjourned.

Mr. MILLER. Thank you.

Mr. JOYCE. Thank you.

[Answers to submitted questions follow:]

QUESTIONS FOR THE RECORD
SUBCOMMITTEE HOMELAND SECURITY
U.S. HOUSE COMMITTEE ON APPROPRIATIONS

Budget Hearing –
U.S. Customs and Border Protection
Wednesday, April 19, 2023

Representative Joyce

Cross-Border Tunnel Detection

To: CBP Acting Commissioner Troy Miller

For over a decade, the United States, through Customs and Border Protection (CBP) and the Department of Defense (DOD), have worked closely with Israel's Ministry of Defense developing counter-tunneling technologies. The U.S. faces numerous subterranean threats on the southern border, the Korean Peninsula, and in various locations in the Middle East. The Department of Homeland Security, specifically CBP, has been working hard to address the tunnel challenge at home where cartels are building and operating tunnels to bring fentanyl, weapons, and other contraband into the United States.

Question 1: Can you expand on the scale of the current tunneling threat at our southwest border?

Answer: Please see separate attachment.

Question 2: Is our technology and overall capacity at the level required to effectively locate, map, and destroy these illicit tunnels?

Answer: NSO collaborates closely with the Cross Border Tunnel Threat (CBTT) Program of Record and DOD counterparts to deploy various technologies needed to effectively combat tunnel threats. Due to the adaptive nature of the mission, CBTT and NSO codified the need for additional solutions beyond Persistent Surveillance Detection (PSD) systems currently in progress. Once approved, additional capabilities outlined within the Mobile Detection Tunnel Toolkit (MDTT) will build user confidence in potential threats and narrow the search area for tunnel adjudication missions. Together, these capabilities represent a technology layering approach enabling the user to use a variety of sensor modalities to detect, localize, and map cross border tunnels.

Question 3a: Much of the funding put towards this initiative is in the R&D space. Are these counter-tunneling technologies operational and ready to be fielded?

Answer: Several technologies developed through the partnership with Department of Defense Special Operations/Low-Intensity Conflict (SOLIC) Irregular Warfare Technical Support Directorate (IWTS) are mature and currently deployed by the NSO and Tunnel Reachback Center operationally. In tandem with those efforts, USBP leverages the CBTT program to focus on mature, commercially, and/or governmentally available technologies with proven operational relevance for this mission space. MDTT is currently going through acquisition lifecycle reviews needed to move forward with procurement and deployment.

Question 3b: If so, where is CBP in that procurement process?

Answer: Last fiscal year, CBTT procured three prototype components (half of a Mobile Tunnel Detection Toolkit (MDTT)) currently available for operational use. Two additional MDTT units will be procured following approval of the Acquisition Decision Event 2A. Additionally, CBTT has one open contract and one Interagency Agreement (IAA) with U.S. Army Corps of Engineers, Engineering Research and Development Center (ERDC) to deliver six miles of PSD system capabilities to achieve the program's Initial Operating Capability.

Question 3c: How much funding would be needed to ensure each mile of the southern border is sufficiently protected?

Answer: CBTT program requires approximately \$189.2 million in Procurement, Construction and Improvements funds to meet the Full Operating Capability (FOC) of 36 miles of PSD system deployment and 4 MDTT units, as captured in the CBTT Life Cycle Cost Estimate (LCCE). Additionally, CBTT requires approximately \$550,000 per mile per fiscal year to sustain those systems once completed, \$2 million per year for tunnel adjudication missions, and \$3 million per year to remediate tunnels upon discovery.

Non-Intrusive Inspection

To: CBP Acting Commissioner Troy Miller

Question 4: CBP's FY2024 Budget Request includes \$305 million for Non-Intrusive Inspection (NII) Procurement, but over \$200 million is for civil works, and only \$65.3 million was requested for just 10 large-scale NII scanners at Southwest Border Land Ports of Entry. Please provide the Committee with CBP's plans to procure the remaining 113 large-scale scanners by Fiscal Year 2026, or if the remaining 113 large-scale scanners were previously procured with prior year appropriations, then please share deployment plans for those 113 systems, as well as the total number of large-scale scanners that will be required beyond 123 systems to fully furnish all Land POEs on both the Southern and Northern borders of the U.S., and achieve 100% Scanning in accordance with Public Law 116-299, the "Securing America's Ports Act."

Answer: CBP is actively working to deploy 123 large Scale NII systems at Land Ports of Entry. The 123 systems were procured with prior year funds.

Please see the attachment, LS NII Deployment Status May 1, 2023, which includes planned deployment locations and projected kickoff timeframes for 123 systems and 12 High-Energy Rail Systems that were also procured with prior year funds.

Table 1 below provides estimated procurement quantities, by equipment type, to achieve 100 percent scanning of commercially owned vehicles (COVs), privately owned vehicles (POVs), and railcars at U.S. Land Ports of Entry (LPOE). The second column indicates the number of systems CBP estimates for 100 percent scanning at all LPOEs (Northern and Southwest Border), and the third column indicates the number of systems CBP has procured with prior year funds. Further details of this estimate are contained within CBP’s FY21 Congressional Report titled, “Large Scale Non-Intrusive Inspection Scanning Plan,” as required by Public Law (P.L.) 116-299.

System Type	# 100% U.S. LPOEs	# Procured in Prior Year
Multi-Energy Portal	65	35
Low-Energy Portal	337	88
High-Energy Rail	32	12
Total	434	135

Question 5: CBP’s FY2024 NII Procurement Budget Request also includes \$12.6 million for Algorithms to Enhance Narcotic Detection. Please provide the Committee with a timeline of when you will have AI and Algorithms in place that will allow for increased efficiency of the recently deployed NII systems and also allow for additional manpower savings?

Answer: CBP is actively working with industry and government partners to assess the effectiveness of applying AI algorithms along with instituting responsible AI practices in line with the DHS/CBP Sensitive Security policies. The broader program goal is to leverage AI technology to reduce manpower hours needed to adjudicate NII images and address mission critical requirement of increased vehicle scanning throughput of existing and emerging NII technology. To meet this goal, CBP is on track to begin supervised machine learning on algorithms in FY23 and conduct a pilot of production data in FY24. The number of officer hours redirected from reading NII scans is not fully quantifiable at this time and is dependent on several factors, not limited to how advanced technology capabilities are, increased vehicle throughput CBP is able to handle, and the ability for AI technology to assess risk and identify anomalies.

Question 6: CBP’s FY2024 NII Procurement Budget Request also includes \$12.1 million for Integration of Systems to enhance the overall effectiveness and efficiency of CBP’s inspection process at POEs.

Please provide the Committee with a timeline of when you will complete the Integration of Systems at all POEs on the Southern and Northern Borders that will allow for increased efficiency of the recently deployed NII systems and also allow for additional manpower

savings?

Answer: CBP is currently conducting civil works installation of NII systems to POEs. Integration of the NII systems along with automation within the CBP infrastructure is scheduled to begin in FY24.

Question 7: This Committee (and the Senate Appropriations Committee) have asked you to address outbound operations, when will we see a plan to increase screening of outbound vehicles and passengers to disrupt the flow of illegal weapons and cash flowing out of our U.S. POEs, which is funding the Transnational Criminal Organizations (TCOs) who are smuggling hard narcotics such as fentanyl into the U.S. through our POEs?

Answer: Though not at the same rate as inbound inspections, CBP has always performed outbound inspections of vehicles and passengers to disrupt the flow of illegal weapons and currency out of the United States..

Throughout the previous fiscal years, the four CBP Southwest Border (SWB) field offices (Laredo, El Paso, Tucson, and San Diego) performed many successful outbound enforcement operations aimed at interdicting weapons, firearms components and ammunition, and currency. These outbound enforcement operations are strategically conducted using a pulse and surge method, based upon analysis and intelligence, and usually in collaboration with the U.S. Border Patrol (USBP), Immigration and Customs Enforcement’s Homeland Security Investigations (ICE I), the Drug Enforcement Administration (DEA), state and local law enforcement agencies, and often with Government of Mexico law enforcement officials. Furthermore, CBP’s specialized resources, including non-intrusive inspection technology and CBP canines, are utilized during these operations.

CBP’s sustained outbound efforts along the SWB in FY22 included 7,057 operations resulting in the seizure of almost \$7 million in U.S. currency, 415 weapons, and over 385,000 rounds of ammunition. CBP outbound enforcement is a standard operating environment as can be seen in previous results: in FY20, CBP seized 355 weapons and in FY21 CBP seized 421 weapons outbound to Mexico. At the mid-way point of FY 2023, CBP has seized 423 weapons and is set to surpass the amount seized during the last three fiscal years.

	FY20	FY21	FY22	FY23 (April 1)
Currency (in millions)	\$17.10	\$14.65	\$7.35	\$4.17
Weapons	355	421	415	423
Ammunition	223,086	160,711	385,418	68,145

CBP BorderStat: Outbound seizures effected by OFO on the SWB only.

Much of the success above for FY23 is attributed to Operation Desert Lightning, a CBP outbound enforcement operation utilizing focused and enhanced analytics and intelligence developed through IHHSI and USBP enforcement actions in furtherance of leveraging relationships with the Government of Mexico (GoM). This operation, led by OFO in collaboration with the National Targeting Center (NTC), USBP, the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), and ICE HSI, identify new targets and encourage robust information and intelligence

sharing to drive both U.S. and Mexican enforcement operations on the SWB.

Operation Desert Lightning plans to execute a phased approach utilizing local field assets as an intelligence gathering venture. Concurrently, GoM conducted operations at locations where OFO is not set up for pulse and surge enforcement actions. This will cover geographic gaps and attempts by TCOs to divert smuggling routes when spotters identify increased enforcement. The first iteration of Desert Lightning was conducted at the Laredo POE and Nuevo Laredo, Mexico, Port in from January 25-31, 2023, and resulted in the following:

- 61 total operational hours dedicated to Op Desert Lightning;
- 129 participating CBP Officers over the duration of the operation;
- 196 secondary referrals;
- 674 travelers interviewed;
- 5 seizures which yielded 7 handguns, 140 rounds of ammunition, and \$169,243.

CBP plans to continue outbound enforcement actions to disrupt the flow of illegal weapons and cash out of the U.S. by TCOs, impacting their operations with enforcement operations planned throughout the remainder of FY 2023.

Question 8: CBP is required by law to maintain 100% of Radiological/Nuclear (R/N) screening of conveyances entering the U.S. at land and seaports of entry, but the DHS Countering Weapons of Mass Destruction (CWMD) Budget Request indicates that CWMD has canceled or delayed indefinitely the Radiation Portal Monitor (RPM) Recapitalization (RAPTER) program because they are waiting on CBP to update and document mission needs/gaps/requirements to replace approximately 1,400 RPM outdated and obsolete RPM systems at U.S. Land and Sea ports of entry. Has CBP identified and provided CWMD with your needs/gaps/requirements to replace or upgrade the outdated RPM fleet? If not, when will CBP provide CWMD with your needs/gaps/requirements to replace or upgrade the outdated RPM fleet?

Answer: CBP worked very closely with CWMD to develop and deliver its radiation scanning mission needs, gaps, and requirements, inclusive of replacing the fixed RPM fleet. Findings from CWMD's RPM Replacement Analysis of Alternatives (AoA), coupled with CBP's operational documents, were utilized to inform a replacement investment strategy that ensures the Department meets the 100 percent radiation scanning mandate. The July 2015, AoA found that replacement of the fixed RPM fleet should be driven by the need for improved functionality – not concerns due to the age of the fixed RPM fleet. This was largely due to robust maintenance support provided through CBP's integrated logistics and sustainment contracts.

CWMD and CBP's joint and agreed upon investment strategy incorporates integrated logistics and maintenance support; periodic and targeted replacement of systems at high priority ports of entry (POE) and decommissioning and re-deploying refurbished fixed RPMs to address POE requirements, including newly constructed POEs. This collective approach ensures the fleet is sustained and modified to maximize performance and efficiency. Investment activities are executed as follows:

- CBP funds integrated logistics and maintenance support of the installed fixed RPM fleet through its Operations and Support appropriations.

- CWMD's RPM Program funds requirements associated with deploying, decommissioning and redeploying refurbished RPMs to address existing and new POE requirements; and evaluating, acquiring, and deploying improvements to fielded fixed RPM systems.
- CWMD's RPM Replacement Program funds requirements associated with replacing a limited number of fixed RPMs to improve effectiveness of the current fleet of fixed RPMs at select, high-priority, POEs.
- CBP does plan to formally transmit mobile RPMs (mRPM) replacement requirements to CWMD in 2023. CBP and CWMD have regular communications regarding the 61 mRPMs that were deployed in 2005 (17 years old), including the overall state of health of the systems. A rapid replacement approach is ideal given the fleet's condition and the operational utility when performing radiation scanning. The systems are utilized to scan cargo at on-dock rail locations, low-volume seaports, and play a crucial role as stopgap emergency stand-ins when fixed RPMs at exit gates are unavailable.

Air Travel

To: CBP Acting Commissioner Troy Miller

All indications point to another record summer travel season. The travel and tourism industry are preparing for the summer travel surge. However, last summer we learned difficult lessons of the importance of planning and operating in a new environment. Air Traffic Controllers, Transportation Security Administration, and Customs & Border Protection staffing need to meet the need and be prepared to provide the government services the traveling public count on so they can make it to their destinations and support economic activity.

Some airports are already seeing the strain of increased passenger volumes and we are not yet at the peak travel season. Long lines and missed flights will shake confidence in our tourism industry.

Question 9: What adjustments has CBP made to ensure that there is a sufficient number of CBP Officers at air ports of entry at domestic airports and preclearance locations this summer?

Answer: CBP continually monitors operations and shifts resources when needed. At POEs this includes using overtime funding to address staffing workload, reassignment of CBP officers from other work units within the port to primary and secondary passenger processing, and meeting with our stakeholders to ensure staffing meets anticipated passenger flow. At the national level CBP can solicit TDY officers and deploy them to ports anticipating staffing shortfalls. CBP also leverages everchanging technology to improve the processing proficiency. CBP has recently deployed Biometric Entry and Exit, which uses facial comparison technology to create entry-exit records for foreign nationals, and upgraded Global Entry kiosks to eliminate issuing paper receipts and leverage mobile officer technology to provide a secure, streamlined, and touchless experience for Global Entry members.

Question 10: Please elaborate on what resources CBP has available to remain flexible and responsive to the summer demand.

Answer: CBP closely monitors passenger volumes and adjusts resource allocation accordingly. During peak summer travel periods, CBP can deploy additional officers to airports to ensure wait times remain reasonable. CBP uses advanced technology to streamline the processing of travelers and reduce wait times. Additionally, our frontline officers receive regular training to ensure they can adapt to changing circumstances. CBP leverages everchanging technology to improve processing proficiency. CBP has recently deployed Biometric Entry and Exit, which uses facial comparison technology to create entry-exit records for foreign nationals, and upgraded Global Entry kiosks to eliminate issuing paper receipts and leverage mobile officer technology to provide a secure, streamlined, and touchless experience for Global Entry members. Overall, CBP's approach to summer demands at airports involves a combination of technology, resource allocation, partnerships, and training.

Question 11: What does CBP consider to be reasonable or acceptable wait times? How is CBP ensuring those wait times are kept at air ports of entry?

Answer: At an enterprise level, CBP does not have goals for wait times at air ports of entry. Field Offices and individual ports of entry work closely with local stakeholders to strive for efficiency and facilitate legitimate travel and trade as expeditiously as possible while carrying out OFO's multifaceted border security mission.

Question 12: How does CBP's budget factor in overtime costs needed to manage operational challenges and competing needs at air, sea, and land ports of entry?

Answer: Overtime is utilized to maximize employee resources, as well as for seizure/arrest processing that goes beyond an officer's regular duty hours. .

The following outlines how OFO currently assigns overtime:

- "Backfills" are assigned to maintain minimum daily staffing levels to address regular and reoccurring workload. Backfills are usually required due to officers who are on leave, attending training and/or are on a temporary duty assignment to another port.
- At non-24 hour ports of entry, overtime is utilized to address after-hours international flight and/or vessel arrivals that require CBP processing.
- During peak seasons (traditionally in the summer), CBP will utilize overtime to augment regular staff to address increased passenger workload.
- To execute special operations that address specific threats (terrorism and/or narcotics), CBP will use overtime to have the appropriate staff available.
- To handle detentions of travelers found to be inadmissible who need to be transported to overnight facilities until they are scheduled to depart on a subsequent date.
- To handle detentions of potential internal narcotics couriers who are transported to a medical facility until they pass all of their ingested contraband.
- To complete the processing of a seizure or arrest that goes beyond a standard tour of duty.

Question 13: How are you working with aviation stakeholders including airlines and airports to ensure the necessary staffing is available and performing at acceptable levels?

Answer: Our teams at international airports meet with key stakeholders (airlines, airports, ground handling agents, etc.) in preparation for peak travel seasons. These meetings focus on current operational conditions, anticipated increases in passenger flow, flights, diversion preparation, resources available, and other factors directly affecting operational conditions. This engagement with our stakeholders allows POEs, based on their stakeholder input, to create projections of workload, staffing, expected staffing needs, overtime considerations, and a plan to meet stakeholder expectations wherever possible.

Question 14a: CBP has been a leader in testing and piloting touchless technology in the aviation environment, how is CBP capitalizing on automation and biometric technology to enhance the passenger experience to address processing times?

Answer: CBP has created a cloud-based service, the Traveler Verification Service (TVS), that uses facial biometrics to compare a live photo of the traveler against photographs from U.S. passports, U.S. visas, or photos from previous DHS encounters that are staged in a gallery prepopulated from advance passenger data. Biometric facial comparison technology is designed to replace the manual travel document comparison process, reducing the need to scan travel documents and take fingerprints of travelers.

Question 14b: What tools can CBP deploy to augment the CBP Officers at air ports of entry?

Answer: CBP leverages mobile technology to augment officers at air ports of entry. Our mobile solutions include a suite of officer-facing applications built by the CBP Office of Information Technology (OIT) used to support traveler processing and enforcement operations and are available for use on any CBP-issued phone or Windows device. A major benefit of the mobile applications is the ability to perform inspections at a location where a CBP workstation is not immediately available. Officers rely on these applications to arrive/depart travelers, run queries, capture biometrics (face and fingerprint), and conduct enforcement inspections. Operational use cases for this technology in the air environment include mitigation of primary system outages, outbound enforcement operations, biometric exit, general aviation, and roving operations.

CBP developed Simplified Arrival (SA), an innovative and modernized primary processing application that leverages the TVS, for primary inspections at entry in the air, land, and sea environments. SA was deployed to all international airports, including 14 Preclearance locations, performing the same function as manual identity verification but significantly faster.

Additionally, Mobile Passport Control (MPC) allows U.S. citizens and Canadian (B1/B2) visitors to submit their passport and customs declaration information through a free secure app on their mobile device, that streamlines the entry process into the United States at 43 international airports, including 10 Preclearance sites. MPC will expand eligibility to Legal Permanent residents before the summer travel season. MPC provides traveler(s), up to a family of 12, with a single Quick Response (QR) code that is scanned once travelers reach the CBP officer. The QR code provides the CBP officer with biometric verification for traveler(s) along with the CBP general declaration responses. In late 2022, CBP partnered with airlines and port authorities to increase awareness of the CBP MPC application. Airline advertising and social media push has resulted in an average increase of 15 percent month over month since December 2022.

Representative Guest

Light Enforcement Helicopters

To: Commissioner Miller

For 35 years, CBP has flown a fleet of about 100 Light Enforcement helicopters, made in Mississippi, in support of border security, counternarcotics, and search & rescue missions. CBP has started replacing the oldest airframes, some which are between 20-35 years old, with new helicopters. However, despite CBP reorganizing these helicopters into the Light Enforcement Platform (LEP) program, your FY24 budget only included \$8 million for one new helicopter in the Light Enforcement Platform (LEP) program.

Question 15: Why did the Department not request more funds to provide CBP with modern, safer, technologically advanced helicopters? At the rate of this request, CBP would take 75 years to replace the current helicopter fleet.

Answer: The President's FY24 Budget funds the second Light Enforcement Platform (LEP) as the program ramps-up to full production. The first two LEPs will be used to conduct initial testing on configuration changes driven by obsolescence and minor requirement changes.

Question 16: What is the Department's plan, now that the Light Enforcement fleet has been reorganized, to recapitalize the fleet with modern, safer, and technologically advanced helicopters?

Answer: CBP intends to standardize the LEP on the H125, of which 26 are already in service as Light Enforcement Helicopters (LEH) which Congress has funded since 2017. If this standardization strategy is approved, CBP hopes to accelerate operational test and evaluation activities in coordination with Departmental oversight.

Question 17: Is CBP's ability to patrol and secure the border affected by operating 20–35-year-old equipment?

Answer: CBP Air and Marine Operations has a rigorous maintenance program that ensures all aircraft, regardless of age are safe to operate.

Non-Intrusive Inspection Program

To: Commissioner Miller

As you know, vehicles are a primary source of drug trafficking. While extremely well resourced over the past five years thanks to Congress's support, CBP has had extreme difficulty evaluating, fielding, and installing vehicle screening systems. It's particularly disconcerting that only 33 percent of passenger vehicle portals will have an under-vehicle screening capability, despite continued indication that this is a primary smuggling area and potentially more effective for

future autonomous detection.

Question 18: CBP awarded three different and distinct configurations of low energy portals for pre-primary passenger vehicle screening. What was the rationale in awarding three separate, but equal contracts?

Answer: CBP identified three solutions which met operational requirements mitigating the risk of procurement delays from a single vendor and lead time to manufacture the equipment, conduct factory acceptance testing, site acceptance testing and ultimately deploy it to the field. Additionally, this shifted responsibility to the vendor to deliver technology in a competitive manner. An additional benefit is future actions can be competed, which has historically reduced pricing significantly, broadening the industrial base to improve CBP's chances of having long-term access to this technology, and allowing CBP to be less dependent on a particular vendor. According to Federal Acquisition Regulation 16.504(c), Contracting Officers must use multiple-award contracts to the maximum extent practicable.

Question 19: Was drug detection performance part of the criteria for selecting screening portal vendors? If so, please indicate how that was weighted in selection criteria.

Answer: Scan Quality was a technical performance parameter evaluated as part of the technical evaluation factor. Performance parameters included functional requirements surrounding system penetration, contrast sensitivity and spatial resolution image quality. CBP measured these image quality requirements in accordance with ANSI N42.46-2008.

The technical factor was evaluated as part of Phase 2 of the source selection process. The evaluation factors that apply for Phase 2 included: Factor 1 – Technical [Sub-factor 1 – Technical Approach; Sub-factor 2 – Management Approach], Factor 2 – Past Performance, and Factor 3 - Price.

The non-price factors above were listed in order of importance. Factor 1 was deemed more important than Factor 2. Subfactor 1 was deemed more important than Subfactor 2. Non-price factors, when combined, are significantly more important than price. The importance of price will increase if more than one offer is considered essentially equal in terms of their technical factors, or if a price is so significantly high as to diminish the value to the government of the proposal's technical superiority.

Question 20: Was cost part of the criteria for selecting screening portal vendors? If so, please indicate how that was weighted in selection criteria and explain how CBP chose to award an equal number of systems to each vendor, given three distinctly different configurations.

Answer: Yes, cost was a factor in the evaluation criteria. Cost is a consideration when we issue requests for quotation to vendors. Selection criteria permits the government to make a best value determination. The technical factor was evaluated as part of Phase 2 of the source selection process. The evaluation factors that apply for Phase 2 included: Factor 1 – Technical [Sub-factor 1 – Technical Approach; Sub-factor 2 – Management Approach], Factor 2 – Past Performance, and Factor 3 - Price.

Non-cost factors above were listed in order of importance. Factor 1 was deemed more important than Factor 2. Subfactor 1 was deemed more important than Subfactor 2. Non-cost factors, when combined, are significantly more important than cost. The importance of cost will increase if more than one offer is considered essentially equal in terms of their technical factors, or if a cost is so significantly high as to diminish the value to the government of the proposal's technical superiority.

The Orders were issued as the initial/minimum buys on the indefinite delivery/indefinite quantity (IDIQ). CBP stated in the IDIQ solicitation that CBP would issue orders for roughly equal system numbers. Part of the idea is that this would assist CBP in fielding the units faster since the production would be split between three vendors and improve production resilience in case one or two vendors could not ultimately produce the units.

Question 21: Is the expectation that all three configurations will detect equally?

Answer: CBP expects all three configurations will meet operational requirements for this technology. However, this does not preclude vendors from exceeding operational requirements.

Question 22: Has CBP evaluated and analyzed port seizures, intelligence of threats at ports of entry, and/or guidance from U.S. drug interdiction experts indicating drug concealment areas? If so, please provide the Committee with information on where contraband is increasingly being concealed and how this procurement helps identify these potential threat areas of the vehicle.

Answer: CBP Office of Intelligence consistently analyzes drug seizure data at and between ports of entry. The vast majority of CBP drug seizures occur at ports of entry in privately owned vehicles and commercial trucks. The loads are typically concealed within the structure and internal environment for privately owned vehicles, typically within door firewalls, gas tanks, car batteries, tire wells, spare tire compartments, within purpose-built hidden compartments, and any natural void that can fit a load. Commercial truck drug loads are typically within the tractor trailer structure, such as walls or ceiling, within the commodity of the trailer both concealed within the physical commodity and storage containers, loaded as rip loads within duffel bags or other easily removed storage in close proximity to the doors for quick removal, and within external compartments such as fire extinguishers, tire wells, and structural voids.

CBP deployed Large-Scale NII to aid in the interdiction of illicit contraband. Low-Energy Portal (LEP) – The LEP is a drive through NII system utilizing low radiation doses to image an occupied vehicle in motion in pre-primary, primary, and secondary. It provides a detailed vehicle images that allows operators to quickly identify organic compounds (drugs, currency, and explosives), high density objects, weapons, and stowaways.

Multi-Energy Portal (MEP) (Fixed) is a drive through NII system utilizing low radiation doses to image an occupied conveyance in pre-primary, post-primary and secondary. The system also has an X-ray feature that provides detailed images of container contents, even when there is heavy shielding. The radiation detection option detects and locates nuclear material, and the optical character recognition (OCR) option identifies containers as they are scanned.

Medium-Energy Mobile system offers high-quality detection capabilities in a compact mobile configuration. The system uses dual-energy transmission imaging to inspect trucks and cargo containers for weapons, explosives, drugs, and other contraband.

High-Energy Mobile system uses dual-energy transmission imaging to inspect trucks and cargo containers for weapons, explosives, drugs, and other contraband. The system itself, along with the associated radiation-controlled zone, is smaller than typical high-energy mobile systems, allowing operators to set up scanning areas at congested USBP checkpoints.

X-Ray undercarriage Inspection is a fixed, in-the-ground system that provides real-time undercarriage and lower vehicle imaging for officers and agents. This system is operationally deployed with MEP systems.

High-Energy Gantry is designed to penetrate dense cargo and conveyance for clear imaging of the presence of contraband, weapons, explosives, and drugs. This high-energy range of scanners is designed to optimize security checks at ports, airports, and border crossings.

Question 23: What percentage of the vehicle does CBP anticipate being scanned with the systems that include an under-vehicle system compared to those without an under-vehicle system?

Answer: Please see separate attachment.

Question 24: Is there a plan to address the lack of scanning coverage applied to the under-vehicle?

Answer: CBP's plan is to continue to utilize small-scale systems, physical search, canine teams, and intrusive tools to identify concealment of illicit substances.

Representative Hinson

Border Security Technology Acquisition

To: Acting Commissioner Troy Miller

The flexibility provided in the "border security pot" has caused lengthy internal reviews and approval processes for associated spend plans. Several technology and security programs are behind schedule or have no plans for acquisition and deployment. Autonomous Surveillance Towers (ASTs), for example, were provided \$70 million in of the \$250 million FY22 border security pot. This funding was delayed by months due to internal review and approval processes for spend plans at CBP; only 16 of the 74 ASTs funded in FY22 have been fielded. The border security funding pot lacks transparency to ensure that CBP is executing funding by Congress in a timely manner and ensure these capabilities are provided to agents in the field as soon as possible.

Question 25: Why does CBP continue to have lengthy delays in contracting and

deploying technology programs from the allocated "border security pot" of funding?

Answer: CBP worked to deploy technology as expeditiously as possible. In FY22 and FY23 the appropriations language required a report to Congress on the plan for all Procurement, Construction, and Improvement funding within 90 days of enactment, which is where the Border Security Technology funding resides. The FY22 DHS Appropriations Act (P.L. 117-103) was signed into law on March 15, 2022, and the FY22 "Expenditure Plan: U.S. Customs and Border Protection – Procurement, Construction, and Improvements" was delivered to Congress on May 31, 2022, (47 days). The FY23 DHS Appropriations Act (P.L. 117-328) was signed into law on December 29, 2022, and the FY23 "Expenditure Plan: U.S. Customs and Border Protection – Procurement, Construction, and Improvements" was delivered to Congress on March 24, 2023 (85 days). \$242 million of the \$276 million enacted for border security technology in FY22 was obligated in the four months that remained in FY 2022. This has been an exceptional 88 percent obligation rate, and CBP is on track to attain a similar obligation rate in FY 2023.

Two hundred and twenty-three (223) of the 282 Autonomous Surveillance Towers (AST) funded through FY22 were operational as of April 22, 2023. The remaining 59 ASTs will be operational by the end of this fiscal year. The additional 51 ASTs will be procured with funding received in FY23 and are planned for operational use by the end of FY24, bringing the total to 333, which is a 131 percent increase from FY21.

CBP is committed to the rapid deployment of technology between the ports of entry. However, several obstacles must be overcome. First, acquiring or gaining access to the real estate of operational relevance to place fixed and relocatable towers must occur. CBP, in partnership with the U.S. Army Corps of Engineers (USACE), is required by law to obtain legal possession of a property before installing technology or any other assets. It is always CBP's preference, in partnership with USACE, to acquire private property through a voluntary sale. The process to obtain legal possession starts with acquiring rights of entry for survey and exploration, followed by appraisal, then the landowner is presented with an Offer to Sell (OTS) which is negotiated. If the landowner(s) and USACE/CBP are unable to reach an agreement on an OTS, the landowner is unknown, or there is the absence of a clean title, it is referred to the local U.S. Attorney's Office (USAO) to initiate condemnation proceedings. The USAO attempts to negotiate an OTS before instituting condemnation proceedings. If unsuccessful, the USAO files a Declaration of Taking (DT) in the U.S. District Court in which the property is located. Upon filing the DT and depositing what the government estimates is just compensation for the property it is acquiring, the government has title to the property. The Government can access the property once the Court grants it possession. While this process has many steps, both CBP and USACE have years of experience with successful acquisition of real estate in accordance with the law, but this process does take time.

In addition, the National Environmental Policy Act (NEPA) establishes procedural requirements, applying that national policy to proposals for major Federal actions significantly affecting the quality of the human environment by requiring Federal agencies to prepare a detailed statement on: (1) the environmental impact of the proposed action; (2) any adverse effects that cannot be avoided; (3) alternatives to the proposed action; (4) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and (5) any irreversible and irretrievable commitments of resources involved in the proposed action. NEPA ensures agencies consider significant environmental consequences of their proposed

actions and inform the public about their decision making, but this process takes time.

Finally, supply chain issues have lengthened the time it takes to deliver technology over the past two years. Despite these challenges, the amount of technology CBP deployed in the last two years is unprecedented. In FY22 and by the end of FY23 CBP will deploy 138 AST (96 percent increase), 56 Counter Unmanned Aircraft Systems (0 at the end of FY21), over 10,000 Incident Driven Video Recording Systems (0 at the end of FY21), 30 Mobile Surveillance Capability Lite systems (0 at the end of FY21) to replace the aging MSC fleet, more than 360 Small Unmanned Aircraft Systems (250 percent increase), nearly 19,000 Team Awareness Kits (0 at the end of FY21), four miles of Cross Border Tunnel Threat Persistent Surveillance Detection system equipment (200 percent increase), and 148 miles of Linear Ground Detection Systems (161 percent increase).

Question 26: Are these delays caused by bureaucracy within DHS or a failure of leadership to execute these funding programs in a timely manner?

Answer: CBP is committed to the rapid deployment of technology between ports of entry. However, several obstacles must be overcome. First, acquiring or gaining access to the real estate to place fixed and relocatable towers must occur. CBP, in partnership with the U.S. Army Corps of Engineers (USACE), is required by law to obtain legal possession of a property before installing technology or any other assets. It is always CBP's preference, in partnership with USACE, to acquire private property through a voluntary sale. The process to obtain legal possession starts with acquiring the rights of entry for survey and exploration, followed by appraisal and then the landowner is presented with an Offer to Sell (OTS) which is negotiated. If the landowner(s) and USACE/CBP are unable to reach an agreement on an OTS, the landowner is unknown, or there is the absence of a clean title, it is referred to the local U.S. Department of Justice (DOJ)/United States Attorney's Office (USAO) to initiate condemnation proceedings. USAO attempts to negotiate an OTS before instituting condemnation proceedings. If unsuccessful, the USAO files a Declaration of Taking (DT) in the U.S. District Court in which the property is located. Upon filing the DT and depositing what the government estimates is just compensation for the property it is acquiring, the government has title to the property. The Government can access the property once the Court grants it possession. While this process has many steps, both CBP and USACE have years of experience with successful acquisition of real estate in accordance with the law, but this process does take time.

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Question 27: How do you envision border operations will be affected in FY24, as the Department's budget does not support the technology investments this Committee provided CBP?

Answer: CBP made strategic decisions to include any reductions across the budget. CBP has identified high priority areas and will prioritize resources to the most critical areas.

Question 28: How can we ensure that these technologies are procured and deployed as soon as possible?

Answer: CBP made strategic decisions to include any reductions across the budget. CBP has identified high priority areas and will prioritize resources to the most critical areas.

Autonomous Technology Between Ports of Entry

To: Acting Commissioner Troy Miller

Most "between the ports" border technology deployed over the last 20 years requires 24/7 manpower to operate. During my trips to the Southern Border, I met with agents and sector chiefs who have told me that leveraging autonomy through programs of record, such as the AST program, is a true force multiplier. Rather than manning legacy cameras in operations centers, autonomy enables agents to focus on safely and effectively performing their security and humanitarian missions.

Question 29: How has feedback from the border sectors (including feedback specifically from the agents and on-the-ground local law enforcement) about the value of autonomy shaped future procurements of between the ports technology, both with the resources Congress has provided as well as future technology procurements?

Answer: USBP envisions that future domain awareness technology will incorporate an autonomous backbone. Current surveillance systems will be enhanced to incorporate autonomy and all future deployments will require autonomy as a key functional requirement. Autonomous systems are capable of consistently executing redundant tasks such as persistent surveillance, enabling agent operators to return to the field. These autonomous features increase situational awareness and achieve greater consistency in meeting our key performance parameters across systems and operational domains. To achieve increasing levels of autonomy throughout all surveillance and intelligence systems, USBP will leverage current and future advances in artificial

intelligence (AI), machine learning, and commercial sensors designed for an ever-evolving, world that increasingly incorporates autonomous systems. USBP deployed 216 Autonomous Surveillance Towers (AST), as of the end of the second quarter FY23.

A total of 333 ASTs will be deployed with funding received to date. In addition, USBP is conducting a pilot for the USBP Common Operational Picture (COP) which will inform the development of functional requirements for the COP acquisition program. Funding received in FY23 will be used to develop and deploy COP to Douglas, Arizona, establishing Initial Operational Capability (IOC). This will include creating a common user interface using WebTAK, creating a unified targeting queue that integrates detections from Integrated Fixed Towers (IFT), Remote Video Surveillance Systems (RVSS), ASTs, imaging sensors, and Linear Ground Detection Systems (LGDS), as well as building out cloud infrastructure and applications, and continuing to work with USBP agents and human factors experts to design and build workflows.

Regarding feedback from the sectors about the value of autonomy shaping future procurements, USBP utilizes its Capability Gap Analysis Process (CGAP) to capture, develop and analyze operational gaps for current and future procurements. Examples of procurements based on such analysis are AST towers, USBP COP, and the Mobile Video Surveillance Systems – Radar (MVSS-R).

Additionally, all southern border sectors and stations completed technology laydown exercises to support their respective plans for achieving operational advantage of the border. The effort was facilitated by USBP Operational Requirements Management Division (ORMD) and included the participation of Sector and Station leadership, key planners and USBP Program Management Office Directorate (PMOD) technology Program Managers. This effort provides a mechanism for developing notional solution and laydowns informed by both operational and programmatic expertise.

Notional exercises inform resource allocation planning and provide a starting point for more comprehensive pre-deployment planning by PMOD. During an exercise, field commanders identify those capabilities required to gain operational advantage within their respective areas of responsibility. Key takeaways regarding the requirement for autonomous technology include the following:

- Field commanders identified autonomous surveillance solutions as a preference to traditional alternatives based on their improved force multiplying value.
- Autonomy allows agents to be more effective at maintaining awareness of border activity while conducting multiple mission essential tasks.
- Autonomous surveillance technology enables sectors that have limited command and control infrastructure the ability to effectively deploy and use persistent surveillance assets.
- Every USBP sector along the southern, northern, and coastal border environments identified ASTs as a solution to meeting persistent surveillance requirements.
- Collected solutions sets are notional in that they are not currently funded and remain subject to refinement by PMOD pre-deployment planning teams.
- Laydowns were built around current or currently expected operational conditions and are subject to change.

- Solution sets were created to reflect overall technology requirements and needs.
- Proposed solutions and laydowns emphasize the containment of illicit activity and compression of operations toward the immediate border to the extent possible.

Lastly, CBP and USBP Innovation Team efforts to identify, adapt, and deliver industry advances with autonomous functionality are a priority based on frontline personnel input upon utilizing these operational capabilities. Feedback on these early autonomous systems indicates enhanced situational awareness, accuracy of detections, and overall improvement in operational efficiencies and coverage.

Cross Border Tunnel Detection

To: Acting Commissioner Troy Miller

Cartels have been increasingly utilizing cross border subterranean tunnels for illicit purposes, such as smuggling drug paraphernalia and funneling drugs and weapons into the homeland at an unknown rate. CBP's Cross Border Tunnel Threat (CBTT) is intended to be a series of sensors to detect, classify, and locate subterranean activities. CBTT has been an established program of record since 2020. Now, three years later, despite at least one technological solution having passed systems acceptance testing as far back and two years ago, CBP has still yet to communicate any plans to deploy this technology to counter the threat.

Question 30: How much of the PC&I funding has CBP set aside for the CBTT program within the appropriated FY22 and FY23 funding allocation?

Answer: In FY22 PC&I funding, CBTT received a total of \$6.731 million. Funding was used for software enhancement, MDTT seed funding, and adjudication support. In FY23 PC&I funding, CBTT received a total of \$7 million. The funding is needed to complete the remaining three miles of Persistent Surveillance Detection (PSD) systems and adjudication support.

Question 31: What will the additional \$5.2 million in Operations and Support funds appropriated in FY23 be used for?

Answer: The \$5.2 million in enacted Operations and Support (O&S) funding supports PSD sustainment and three tunnel remediation projects.

Question 32: Why does the FY24 requested budget not provide support for the CBTT program of record?

Answer: The President's FY 2024 Budget maintains the baseline \$2 million O&S funding.

Non-Intrusive Inspection Reprogramming

To: Acting Commissioner Troy Miller

Reprogramming unused funding within CBP for Non-Intrusive Inspection (NII) technologies would enhance screening technologies to combat the fentanyl and illicit drug trafficking crisis. Procuring and deploying CBP-tested passive scanning systems for secondary inspection at ports of entry should be a priority for countering smuggling. Deploying state-of-the-art cargo scanning systems that utilize muon tomography will support CBP in safely and efficiently conducting a secondary scan of containerized cargo that is naturally dense and/or densely packed. These types of containers are unable to be sufficiently scanned with the primary x-ray inspection technology deployed by CBP today.

Question 33: What is CBP doing to elevate the procurement and deployment of the new, passive scanning systems for non-intrusive inspection at our ports of entry?

Answer: CBP is continuously assessing scanning needs in multiple environments to identify capability gaps within the inspection process. CBP prioritizes needs and aligns those with evolving threats to ensure mission goals are met. Additional items of consideration include manufacture timelines, deployment coordination, funding requirements and test and evaluation results.

Mobile Surveillance Capability

To: Acting Commissioner Troy Miller

Mobile Surveillance Capabilities (MSCs) are critical to countering illegal border crossings and illicit activity between ports of entry. MSCs aid Border Patrol Agents in navigating the vastness of the US land borders and provide them with the support they need at the country's borders.

Question 34: What number of MSCs in the USBP inventory are at or near the end of useful life and require recapitalization to maintain the fleet.

Answer: The MSC program has a total inventory of 100 units (42 MSC-Lites and 58 MSCs). All 58 MSC units are at the end of their useful life. With available FY 2023 funding, the MSC program plans to replace 12 units, leaving 46 MSC systems that require recapitalization in the near term (FY 24-26) to replace with MSC-Lites or other existing truck-based surveillance capability with radar to maintain the same level of domain awareness. Long term (FY26 and beyond), future investment in the next generation of truck-based mobile surveillance system (i.e., Modular Mobile Surveillance System (M2S2)), are needed to leverage advancements in technology, autonomy, and multi-domain mission capability.

Question 35: Can the agency provide an update on the consideration of evaluation of kinetic and non-kinetic UAS payloads on the legacy MSCs or MSC-lites?

Answer: CBP will conduct a technology demonstration of two MSC-Lites that are integrated with a multi-domain (air, ground, and maritime) radar and counter-unmanned aerial systems (C-UAS) non-kinetic mitigation payloads. The purpose of the technology demonstration is to evaluate the effectiveness of an MSC-Lite performing a multi-domain mission and the agent operator's ability to detect, track, identify, classify, and mitigate drone targets with upgraded command and control

software. The technology demonstration will be completed in FY 2024.

Representative Case

Border Patrol Hiring Targets

To: Acting Director Troy Miller

Your Fiscal Year 2024 request would support the hiring of 350 additional border patrol agents. In Fiscal Year 2023, the Committee provided funding for 300 additional agents.

Question 36: Is Border Control on track to recruit 300 additional agents in Fiscal Year 2023? If not, what factors are negatively affecting recruitment and retention?

Answer: CBP has significantly bolstered efforts to increase the number and quality of applicants entering the pipeline by increasing its marketing and advertising spend plan to \$1.5M per month to reach a wide-ranging audience. Key focus areas include providing a consistent value proposition to candidates spanning digital resources, applicant communications, and recruitment outreach. This targeted marketing and advertising (M&A) approach, including paid media buys, production of new creative materials such as social media imagery and videos, virtual recruitment events, and other innovative sourcing methods allowed CBP to take an agile, flexible approach to recruitment. In addition, in FY23, CBP increased the number of National Recruiter Courses to dramatically increase the number of recruiters available to bring applicants into the CBP hiring pipeline. Finally, in FY22, CBP began investing in data-driven recruiting and sourcing decisions to improve the quality of candidates and better understand the return on investment of sourcing activities. These investments have continued in FY23 with the goal of increasing the number of applicants while improving the quality of the applicant.

The U.S. Border Patrol is on track to recruit approximately 60,000 Border Patrol agent applications by the end of FY23. However, due to the increase in departures, both voluntary and mandatory, such as age-related retirements, USBP is likely to have more losses than gains by the end of FY23.

Counter Narcotics

To: Acting Director Troy Miller

Customs and Border Protection in Hawai'i screens international shipments for illegal drugs and other items. Given the large number of air and sea cargo shipments that must be screened, this can sometimes be like finding a needle in a haystack.

Question 37: How does your budget provide the resources and technology needed for cargo and air screening to keep pace with increasing volume?

Answer: We continue investing in our frontline officers and intelligence research specialists. The FY24 President's Budget requests 150 additional CBP officers. We will also pursue new and innovative technology to aid in layered enforcement and identification strategy efforts, to include safety measures for frontline personnel and procurement of advanced detection and identification tools to support our fight against this ever-evolving threat. The FY24 President's Budget requests a \$305.4 million investment in Non-Intrusive Inspection (NII) technology for land border, express, and mail environments to provide additional NII tools to CBP officers helping them keep pace with increased narcotics risk, such as fentanyl, in those environments.

Question 38: What steps has Customs and Border Protection taken to work with the interagency and international partners to pursue bad actors shipping narcotics?

Answer: Please see separate attachment.

Representative Trone

To: Troy A. Miller, Acting Commissioner, U.S. Customs and Border Protection

Non-intrusive inspection (NII)

The challenges facing CBP are substantial and dynamic, requiring the soonest possible access to new, more effective technologies. Over the last few years, Congress has increased the funding for CBP to close the vehicle scanning capacity gap and increase the probability of interdiction. CBP's Innovation Team has been very successful in identifying and demonstrating promising new commercial technologies, but more work is required to capitalize on Congress' investment in innovation by more quickly transitioning successful technologies into CBP's base budget.

Question: 39. How many locations along the Southwest Border have pre-primary systems already been deployed?

Answer: Three Southwest Border Land Port of Entry locations are currently operating NII systems in pre-primary inspection. Brownsville, TX (Veterans International Bridge) has two Multi-Energy Portals (MEP) to scan commercially occupied vehicles and six Low-Energy Portals (LEP) to scan passenger occupied vehicles at Anzalduas, TX, and Donna, TX; both have three LEPs, respectively.

Question: 40. What is the FY23 scale-up plan for pre-primary systems?

Answer: Please see attachment titled, "LS NII Deployment Status May 1, 2023", which includes the status of CBP systems planned for deployment with prior year funds. CBP does not have activities or resources to procure additional systems beyond the unit quantities included in the attachment.

Question: 41. What is the most recent data on NII scans of passenger vehicles and fixed occupant commercial vehicles crossing the Southwest Border?

Answer: The following includes number of scans through April 2023 for El Paso, Laredo, San Diego, and Tucson Field Offices.

Table 2 – LS NII Exams between 10/1/2022 and 4/30/2023 <i>(Selected Field Offices: El Paso, Laredo, San Diego, Tucson)</i>	
Conveyance Type	# of LS NII Exams
Passenger Occupied Vehicles	1,818,436
Commercial Occupied Vehicles	827,059
Bus	81,254
Railcar	1,099,779
Total	3,826,528

Source: Equipment Transactional Platform, accessed on May 4, 2023.

Below are pre-primary Non-Intrusive Inspection scan rates for passenger occupied vehicle (POV) and commercially occupied vehicle (COV) crossings for March and April 2023. At the two locations below, POVs are scanned using three Low-Energy Portals (LEPs) currently operational at Anzalduas, TX, and COVs are scanned using two Multi-Energy Portals (MEPs) currently operational at the Veterans International Bridge in Brownsville, TX.

	Anzalduas (POV/LEP)			Brownsville (COV/MEP)		
	March 2023	April 2023	March + April 2023	March 2023	April 2023	March + April 2023
Total Crossings	131,681	125,712	257,393	22,825	19,248	42,073
Total Pre-Primary Scans (LEP/MEP)	93,663	97,383	191,046	12,888	12,734	25,622
Total Pre-Primary Scan Rates	71%	77%	74%	56%	66%	61%

NII capabilities gap analysis

For large-scale NII systems (Multi-Energy and Low-Energy Portals, and any other advance, large-scale NII that CBP is considering procuring)

Question: 42. Where is CBP currently with regards to the number of systems you have committed to acquire versus the number actually deployed?

Answer: Please see the attachment titled, "LS NII Deployment Status May 1, 2023," which includes the status of CBP systems planned for deployment with prior year funds.

Question: 43. Of the total number of systems ordered, how many have been paid for fully or partially?

Answer: CBP obligated funding to procure all Drive Through NII systems placed on contract (35 Multi-Energy Portal and 88 Low-Energy Portal systems).

Question: 44. To date, CBP has failed to request adequate funding to address unfunded requirements for civil works, installation, and site prep for previously funded NII equipment to

be deployed in pre-primary lanes at LPOEs. Can you explain the FY24 plan to address the total amount of funding needed to successfully install the procured NII and additional NII planned to be procured?

Answer: Through the FY24 President's Budget, CBP requested \$201 million (of \$305.4 million) for civil works activities for drive-through NII deployments. If received, funds will be executed on civil work activities to deploy the drive-through NII systems at SWB LPOEs. The request supports funding required for infrastructure modifications, increases in costs for construction materials, circuit costs, traffic controls, and public information signage. An additional \$79.7 million of the total FY24 request was included to support the procurement of the following NII systems:

- \$65.3 million to procure and deploy 10 systems to enhance narcotic detection at nine locations in the Southwest.
 - o \$36.4 million to procure and deploy four Multi-Energy Portals to increase commercially occupied vehicle scanning at four Southwest Border Land Port of Entry (LPOE) locations.
 - o \$14.6 million to procure and deploy five additional Low-Energy Portals for passenger occupied vehicles (POV) at four Southwest Border LPOEs.
 - o \$14.3 million to procure and deploy one High-Energy Rail system at one ferry seaport with inbound cargo from Mexico.
- \$14.4 million for 17 Advanced Inspection Technology and Algorithm Detection capabilities at approximately 10 Mail and Express Consignment Facilities.
 - o \$13.2 million to procure up to 17 advanced CT scanners for deployment at a minimum of 10 mail and express consignment courier facilities.
 - o \$1.25 million to support automation/machine learning to support de minimis targeting. Funding will be utilized to identify and leverage automated solutions to assist CBP in identifying threats.

Question: 45. To what extent currently do these advanced NII systems incorporate AI/machine learning capabilities?

Answer: Currently the systems do not incorporate any AI/machine learning capabilities.

Question: 46. Can CBP brief the Subcommittee on its current processes for considering investments in new operational technologies and technology services evaluated through the Innovation Team, along with any plans for improving those processes to more timely transition successful technologies to enduring operations?

Answer: Yes, the CBP Innovation Team would be pleased to brief the Subcommittee, and will reach out to arrange the briefing.

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