

OVERSIGHT OF THE U.S. DEPARTMENT OF  
HOMELAND SECURITY

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HEARING

BEFORE THE

COMMITTEE ON THE JUDICIARY  
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED EIGHTEENTH CONGRESS

FIRST SESSION

WEDNESDAY, JULY 26, 2023

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- Materials submitted by the Honorable Matt Gaetz, a Member of the Committee on the Judiciary from the State of Florida, for the record
- An article entitled, “U.S. suspends asylum appointments in Texas border city after extortion reports,” Jun. 12, 2023, Reuters
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  - A document entitled, “DHS Intelligence Report Cribs Andy Ngo Article,” Weekly Dometic OSINT Report, 10DEC2022 to 16DEC2022, Tripwire
  - An article entitled, “DHS’s Newest Target: Atlanta ‘Cop City’ Activists,” Jun. 13, 2023, Just Security
  - A State Warrant and Mittimus, Affidavit, Dec. 15, 2022, Clerk of Superior Court DeKalb County
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- Remarks by President Biden and Vice President Harris in a Meeting on Immigration, Mar. 24, 2021, The White House, submitted by the Honorable Wesley Hunt, a Member of the Committee on the Judiciary from the State of Texas, for the record

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- DHS data on U.S. Immigration and Customs Enforcement, submitted by the Honorable Becca Balint, a Member of the Committee on the Judiciary from the State of Vermont, for the record
- A graph entitled, “Border Apprehensions, October 2015 through June 2023,” American Immigration Council, submitted by the Honorable Veronica Escobar, a Member of the Committee on the Judiciary from the State of Texas, for the record
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- No response at time of publication

# OVERSIGHT OF THE U.S. DEPARTMENT OF HOMELAND SECURITY

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Wednesday, July 26, 2023

HOUSE OF REPRESENTATIVES

COMMITTEE ON THE JUDICIARY

Washington, DC

The Committee met, pursuant to notice, at 10:01 a.m., in Room 2141, Rayburn House Office Building, Hon. Jim Jordan [Chair of the Committee] presiding.

*Members present:* Representatives Jordan, Issa, Buck, Gaetz, Johnson of Louisiana, Biggs, McClintock, Tiffany, Massie, Roy, Bishop, Spartz, Fitzgerald, Bentz, Cline, Gooden, Van Drew, Nehls, Moore, Kiley, Hageman, Moran, Lee, Hunt, Fry, Nadler, Lofgren, Jackson Lee, Cohen, Johnson of Georgia, Schiff, Swalwell, Lieu, Jayapal, Correa, Scanlon, Neguse, McBath, Dean, Escobar, Ross, Bush, Ivey, and Balint.

Chair JORDAN. The Committee will come to order.

Without objection, the Chair is authorized to declare a recess at any time.

We welcome everyone to today's hearing on Oversight of the Department of Homeland Security. We welcome the Secretary here.

The Chair now recognizes the gentleman from Texas to lead us in the pledge.

ALL. I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

Chair JORDAN. The Chair is now recognized for an opening statement.

After 2½ years of the Biden border crisis, here is what administration officials have to told us:

The Biden Administration's policies have led to more national security threats. The Biden Administration's policies make it less likely—less likely—that enforcement actions will be taken against criminal aliens.

ICE officers have been reassigned from their duties locating and arresting aliens to simply processing illegal border crossers, if they report to ICE, as they were ordered to when they were released at the border.

ICE officers are attempting to arrest fewer aliens because of the Biden Administration's enforcement priorities memo.

According to the IG, we know that even aliens who illegally cross the border who are on the Terrorist Watchlist can be released into the United States, free to board an airplane, and head to the U.S. city of their choice.

We know that record numbers of illegal aliens, terrorists, and fentanyl have crossed our Southwest border during the 2½ years of this administration.

We know that not only are communities on the Southwest border overwhelmed, so are cities 2,000-plus miles away from the border.

With the current rate of removals and the current number of nondetained aliens who have been ordered removed from the United States at over 1.2 million, it would take 20 years for removal of those individuals.

Criminal aliens who could have been removed under previous administrations are likely not subject to removal today under the Biden Administration.

We know that Border Patrol does not specifically check the home country criminal history of aliens it encounters at the border.

We know that the Biden Administration's open border policies have led directly to the deaths of Noel Rodriguez and Kayla Hamilton, the violent assault of a teenaged girl in Alabama, and the victimization of countless other American citizens.

We know that this administration repeatedly violates the law under the guise of instituting safe, orderly, and humane policies, but nothing about the Biden Administration's policy is safe, orderly, or humane.

In fact, there have been more than 5.6 million illegal alien encounters across the Southwest border since the start of the Biden Administration, and that doesn't include the over 1.5 million gotaways.

Millions of foreign nationals have indebted themselves to the smuggling cartels to get to this country. Millions of foreign nationals have subjected themselves to assault, robbery, or worse, on the way to the border, because they know that, more likely than not, they will be allowed to stay in the United States once they get here.

I know that today Secretary Mayorkas is going to try to paint a rosy picture of this disastrous mismanagement of our border, but the numbers don't lie. As of June, border encounters were down from record highs of 252,000–145,000. Only this administration and my Democrat colleagues would call it a success when monthly encounter numbers are near 150,000.

In fact, from Fiscal Year 2014 to the beginning of the Biden Administration, there were only four months with an apprehension number higher than 100,000. Under the Biden Administration, there have now been 29 straight months—29 months in a row—with more than 100,000 border encounters, illegal encounters on our borders.

DHS was created in the wake of September 11, 2001, after the terrorist attack. It was created to help ensure Americans' safety. Admittedly, this is an enormous task, and it is one in which this Secretary has completely failed.

Instead of building off the previous administration's success, this administration has abandoned any semblance of border security and immigration enforcement. Americans are paying the price and they demand accountability.

With that, I yield to the Ranking Member, the gentleman from New York, for an opening statement.

Mr. NADLER. Thank you, Mr. Chair.

Mr. Chair, we are, once again, far afield from the work this Committee should be doing. The Department of Homeland Security was born in the wake of the September 11th attacks and exists to protect our Nation from new and emerging threats. That work is serious business.

In years past, under the leadership of Chair of both parties, when we welcomed the Secretary of Homeland Security into this hearing room, we took our responsibilities seriously. To be sure, some of the questions we posed in those past hearings were tough. Debate is often heated when we discuss important topics like immigration and the security of the Nation. Our work on both sides of the aisle was grounded in a good-faith effort to advance the mission of the department and to keep our country safe.

How times have changed. A few weeks ago, desperate for votes on the debt ceiling deal, Speaker McCarthy promised the extreme MAGA wing of his party that they could pursue the impeachment of Secretary Mayorkas.

As Representative Marjorie Taylor Greene put it, if she was going to vote for the debt ceiling bill, she wanted some, quote, “dessert.” As she so eloquently put it, “Everyone loves dessert and that’s impeachment. Someone needs to be impeached.”

Like many of her colleagues, she seemed not to care who was impeached, so long as they could engage in the political exercise of impeaching somebody in the Biden Administration. She singled out Secretary Mayorkas as, quote, “the lowest hanging fruit.”

Unfortunately, as we have already heard from the Chair, today’s hearing will not be about legitimate Congressional oversight or finding out the facts. Instead, the Chair and his colleagues in the majority will use today’s hearing as a predicate for a completely baseless attempt to impeach Secretary Mayorkas. They will do so at the behest of the most extreme MAGA Republicans. It will be one more exercise in political theater for the right-wing outrage machine before the August break. Sadly, the outrage will be entirely evidence-free.

Don’t just take my word for it. In October 2022, before the Republicans took the majority, and before any investigation had started, Chair Jordan said that Secretary Mayorkas deserves impeachment.

More recently, he said, quote, “It is not a matter of if; it’s a matter of when.” That’s right, who needs high crimes and misdemeanors? Chair Jordan thinks the DHS Secretary should be impeached because he, quote, “deserves it.”

To be clear, Republicans have not established any legitimate grounds to impeach Secretary Mayorkas. They have not uncovered evidence of wrongdoing or malfeasance of any kind. They have policy disagreements with the Secretary, and so do we, but policy disagreements and personal grudges are not a basis for impeachment.

Throughout this hearing, you will hear more of the same bogus claims that we have been hearing for the past six months—some of it dangerous; some of it petty; none of it true.

First, Republicans will say that, as a result of, quote, “invasion” of migrants at our Southern border, we no longer have a country.

Second, they will say that Secretary Mayorkas opened our borders deliberately and is willfully violating our immigration laws.

Third, they will say that all migrants are suspect because they are smuggling drugs, especially fentanyl, across our Southern border.

Fourth, they will say, without evidence, that Secretary Mayorkas lied to Congress.

Not one of these claims is true. Let's address each one in turn.

The invasion narrative some Members push in this hearing room is bigoted, fact-free, and dangerous. Next month, we will commemorate the fourth anniversary of the El Paso shooting. In 2019, a domestic terrorist walked into a Walmart in El Paso, Texas and murdered 23 people and injured 22 others. He posted a hateful and racist manifesto online prior to the attack, espousing White nationalist theories, like the great replacement theory, and claiming that there was a, quote, "Hispanic invasion." He told investigators that he was targeting Mexicans.

We can draw a straight line from the hateful rhetoric we hear from some Congressional Republicans to that horrific tragedy. Our words matter. I implore my colleagues to be careful about how we discuss these issues today.

I hope we can stick to the actual facts. Opened our borders? The reality is that Secretary Mayorkas is aggressively enforcing our immigration laws. The administration has issued a new asylum regulation that just yesterday a court determined was too restrictive. The administration has also opened additional legal pathways for migrants to come via refugee processing on a case-by-case parole determination.

No matter what you think of these policies, they appear to be working. As of now, border numbers are at their lowest point since February 2021, with border apprehension numbers down 70 percent—down 70 percent—from they were just 10 weeks ago.

Further, the Biden Administration has deported or expelled over 2.5 million people in the last two years. This is nearly as many people as President Obama deported in his entire eight years in office.

These are not the policies of an open border or an administration not executing our laws. They are the opposite.

As we have discussed, drugs are, in fact, coming into this country. However, as every expert seems to agree, they are coming largely through ports of entry. According to CBP's own data, they are being brought in overwhelmingly by U.S. citizens.

Last, no, the Secretary did not lie to Congress. Nobody believes that Secretary Mayorkas knowingly and willfully misled Congress during last year's testimony, and any assertion to the Congress is flat-out false.

Thank you for being here today, Secretary Mayorkas. I hope the good men and women of the department will not be disheartened by what they hear today. I have confidence that they will not let these baseless attacks deter them from their commitment to the work that is so essential to the safety of our Nation.

With that, I thank the Chair and I yield back.

Chair JORDAN. The gentleman yields back.



Without objection, all other opening statements will be included in the record.

Chair JORDAN. We will now introduce today's witness, the Hon. Alejandro Mayorkas. Mr. Mayorkas is Secretary of the Department of Homeland Security. He was sworn in on February 2, 2021.

We welcome our witness and thank him for appearing here today.

We will begin by swearing you in. Will you please rise and raise your right hand.

Do you swear or affirm under penalty of perjury that the testimony you're about to give is the truth and correct, to the best of your knowledge, information, and belief, so help you God?

Let the record reflect that the witness has answered in the affirmative.

Mr. Mayorkas, you know how this goes. You've done this several times. You get approximately five minutes for an opening statement. We got your written statement last night. I read through it. We'll look forward to your remarks, and then, we'll go right into questioning.

#### **STATEMENT OF THE HON. ALEJANDRO MAYORKAS**

Secretary MAYORKAS. Thank you very much, Mr. Chair, Ranking Member Nadler, distinguished Members of this Committee.

I'm immensely proud to be here to discuss the work of the United States Department of Homeland Security. Every day, members of our extraordinary workforce—260,000 selfless, dedicated, and talented public servants across the country and around the world—make sure that travelers reach their destination safely; protect our shores and harbors; keep fentanyl and other deadly drugs from entering our country; help families rebuild after the devastation of a natural disaster; protect our ability to safely and securely turn on our computers, faucets, and lights, and secure our border, despite the broken and outdated immigration system in which we operate.

These heroic men and women are meeting challenges that have grown more complex and dynamic throughout the 20 years since our department was established. As the threats have evolved, so, too, has our department—innovating and advancing, as we secure our homeland and keep the American public safe.

We are leading an unprecedented effort to interdict the flow of fentanyl into our communities, which has escalated for more than five years. We seized nearly two million pounds of narcotics last fiscal year. Operations Blue Lotus and Four Horsemen alone stopped nearly 10,000 pounds of fentanyl from the U.S.; led to 284 arrests and yielded invaluable insights into the transnational criminal organizations wreaking this death and destruction on our communities.

When our department was created after the tragedy of 9/11, foreign terrorists were our primary terrorism-related focus. While that concern certainly persists, the most prominent terrorism-related threat we now confront is from lone offenders and small groups already present here and radicalized to violence, based on ideologies of hate, antigovernment sentiments, false narratives, and personal grievances.

Thanks to support from Congress, we have developed grant programs and distributed more than \$50 million in funds to help communities prevent acts of targeted violence and terrorism.

Our approach to managing the border securely and humanely, even within our fundamentally broken immigration system, is working. Unlawful entries between ports of entry along the Southwest border have consistently decreased by more than half compared to the peak before the end of Title 42.

Under President Biden's leadership, we have led the largest expansion of lawful, safe, and orderly pathways for people to seek humanitarian relief under our laws, at the same time imposing tougher consequences on those who, instead, resort to the ruthless smuggling organizations that prey on the most vulnerable.

We secured the first increase in Border Patrol Agent hiring in more than a decade, and our campaign to disrupt and dismantle human smuggling networks has resulted in the arrest of nearly 14,000 smugglers.

We have taken bold and decisive action to counter the cybersecurity threat from Nation-States like the People's Republic of China, Russia, Iran, and North Korea, and from cyber criminals around the world who targeted our critical infrastructure and seek to hold schools, hospitals, police departments, and other institutions vital to our daily lives hostage for ransom.

We have seen the recent devastation that increasingly severe and frequent extreme weather events have brought to Kentucky, Florida, Vermont, Oklahoma, New York, and many other States. Our department, through FEMA, is working with partners across the Federal Government to support communities impacted by unprecedented natural disasters and help them strengthen their long-term recovery and resilience through grant funds, technical assistance, and on-the-ground support. This and so much more.

The DHS workforce does all of this with honor, integrity, and the resolve to safeguard our people, our homeland, and our values. They perform bravely, despite public attacks on their character and service; despite unfair and inadequate pay, and despite, as front-line agents repeatedly tell me, threats made against them and their families.

These public servants deserve better. Supporting the men and women of DHS has been my top priority since taking office. We have expanded departmental efforts to solicit and incorporate feedback from personnel across all components and all levels; worked to ensure that every employee works in a high-quality facility; made new resources available across the department for employee mental health and well-being, and earlier this week, facilitated long-overdue pay fairness for TSA personnel.

Our department and this Congress need to work together as partners to address the threats and challenges America faces. We must fix our broken immigration system; fund the continuing protection of local communities; disrupt and dismantle transnational criminal organizations and implement the latest technologies to advance our mission.

Americans are safer today on the border, in the air, at sea, across the country, and around the world because of the Department of

Homeland Security. Serving with the personnel of DHS is the greatest honor of my life.

I look forward to continuing to work together on their behalf, and I look forward to your questions.

[The prepared statement of the Hon. Mayorkas follows:]



TESTIMONY OF

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

BEFORE

Committee on the Judiciary  
United States House of Representatives

ON

“Oversight of the U.S. Department of Homeland Security”

July 26, 2023  
Washington, DC

**Introduction**

Distinguished Members of this Committee:

I am proud to submit this testimony on behalf of the 260,000 people across our nation and across the world who make up the Department of Homeland Security.

Our workforce makes sure that travelers reach their destinations safely; they protect our shores and harbors; they help families rebuild after the devastation of a natural disaster; they guarantee our ability to safely and securely turn on our computers, faucets, and lights; they keep deadly drugs off of our streets and away from our children; and they work to secure our border, despite the broken and outdated immigration system in which they operate.

The men and women of DHS are our most important and vital resource. Serving alongside them is the greatest honor of my life, and supporting them has been my top priority since taking office. I am immensely proud of our expanded Departmental efforts to solicit and incorporate feedback from personnel across all components and all levels, our focus on ensuring every employee works in a high-quality facility, and our work making new resources available across the Department for employee mental health and well-being. Our collaboration with Congress has been essential for these successes, including our efforts to fully fund TSA's employee pay initiative and ensure each of TSA's 65,000 employees is paid at a level comparable to their counterparts on the General Schedule pay scale.

Together, we are enabling our workforce to effectively prevent, prepare for, and respond to the increasingly diverse and complex threats and challenges facing our country.

The most urgent and lethal of these threats to American communities today is fentanyl. The devastation of fentanyl has been escalating over at least the past five years. Drug deaths nationwide reached a record high last year, driven by transnational trafficking organizations intent on bringing death and destruction to our communities. Through U.S. Customs and Border Protection (CBP), the U.S. Coast Guard (USCG), Immigration and Customs Enforcement (ICE), and the Transportation Security Administration (TSA), we are leading an unprecedented effort against these criminals. We are screening people, cargo, and vehicles at our ports of entry more efficiently and effectively, and we seized nearly two million pounds of narcotics last fiscal year thanks to new technologies and our robust partnerships with federal, state, tribal, and local law enforcement agencies.

Combatting the scourge of fentanyl is just one of twelve priorities I set to advance the wide-ranging mission of our Department. Each priority reflects the evolving threat landscape our country faces, and is yielding real results for the American people.

We are eager to work with Congress to continue innovating and to expand our capabilities to confront the threats and challenges facing our communities. To give one example, Unmanned Aircraft Systems (UAS) can be used to convey narcotics across borders, as well as to violate Secret Service protective operations, disrupt airport operations, and conduct kinetic

attacks. It is vital that Congress act this year to extend and expand the Department's counter-UAS (C-UAS) authorities to protect against this malicious drone activity.

The terrorism-related threat to the United States now predominately comes in the form of lone offenders and small cells, for instance, so DHS has, in response, announced \$2 billion in preparedness grant funding for this fiscal year, including \$305 million for the National Security Grant Program to support nonprofit organizations' preparedness activities and enhance broader state and local preparedness efforts. DHS has also invested more than \$50 million over the past three years to help communities prevent acts of targeted violence and terrorism, and we have done so in a way that respects civil rights and liberties, and privacy protections. We are grateful for Congress's funding of these grant programs.

We must address the flawed foundation on which our immigration system is built: there remains an approximately two million case backlog in our immigration courts; two million Dreamers still lack immigration status and cannot fully contribute to their communities; and our immigration laws provide for just 140,000 immigrant visas each fiscal year for noncitizens to come to the United States for work, despite ten million open jobs in the U.S. labor market.

Within the confines of that broken system, our Department's approach is working. Under President Biden's leadership, we have led the largest expansion of lawful, safe, and orderly pathways for people to come to the United States in decades, and we have, at the same time, imposed tougher consequences on those who choose not to use those pathways – consequences that have resulted in the return, removal, and expulsion of more than 665,000 people in the first half of this fiscal year. We secured the first increase in Border Patrol Agent hiring in more than a decade, adding 300 in FY2023 and asking for 350 in FY2024. We launched an unprecedented campaign to disrupt and dismantle human smuggling networks, resulting in the arrest of nearly 14,000 smugglers. We launched regional advertising campaigns and broadcast our message to would-be immigrants across the Hemisphere: that our borders are not open, and people who cross our border unlawfully and without a legal basis to remain will be promptly processed and removed. America needs an immigration system for the 21st century, and only Congress can provide a sustainable one.

Natural disasters are intensifying. While we cannot eliminate the climate threats we face as a nation, DHS is working with partners across the federal government to support communities impacted by unprecedented extreme weather events and help them strengthen their long-term recovery and resilience.

Urgent and unforeseeable challenges continue to threaten international trade and travel. To ensure we are prepared to respond rapidly when these challenges arise, DHS has established first-of-their-kind Department-wide incident management teams to lead all-of-government responses. The results of this commitment to Departmental cohesion and improved mission execution can be seen in the success of our efforts to vaccinate millions of Americans against COVID-19 and provide protection for fleeing Ukrainian citizens through Uniting for Ukraine.

Finally, as the world has grown exponentially more connected over the last 20 years, so too has the ability of malicious actors to exploit these connections. Nation states like the People's

Republic of China (PRC) and Russia are now capable of threatening any community in the world.

In response, DHS is working collaboratively with our partners across government, at home and abroad, and with industry and academia, to manage these security risks. We are addressing cyber risks through the Cybersecurity and Infrastructure Security Agency's (CISA)'s Joint Cyber Defense Collaborative (JCDC), which was recently expanded to include major energy and financial sector firms. Through the Cyber Safety Review Board (CSRB), experts from the public and private sectors develop actionable recommendations to strengthen our collective security, and our Cybersecurity Performance Goals (CPGs) provide businesses and critical infrastructure owners with a roadmap to protect themselves and the people they serve.

We are looking to the future. I have directed a 90-day Department-wide sprint to assess how threats posed by the PRC will evolve, and how DHS will best position itself to guard against future manifestations of these threats. I have also directed the creation of our Department's first Artificial Intelligence (AI) Task Force, which is driving specific applications of AI to advance our homeland security missions – from deploying AI to more ably screen cargo and identify the importation of goods produced with forced labor, to better detecting fentanyl shipments and interdicting the flow of precursor chemicals.

With our daily work touching each of these priority areas and more, the Department of Homeland Security's mission has never been more vital to the safety and well-being of our nation. Our components are collaborating more closely than ever before. Americans are safe today because of the work – on the border, in the air, at sea, and across the country and around the world – that the Department of Homeland Security performs every day.

### **Combating Terrorism and Targeted Violence**

Since this Department's inception, the threat landscape has evolved dramatically. DHS has remained agile and vigilant to address all terrorism-related threats to the homeland.

#### *Foreign Terrorist Threats*

Our assessments indicate that foreign terrorist organizations (FTOs) will continue to maintain a highly visible presence online and prioritize messaging focused on inspiring homegrown violent extremists (HVEs) to conduct attacks in the United States. Media branches of designated FTOs, including the Islamic State of Iraq and ash-Sham (ISIS) and al-Qa'ida, continue to target U.S. and Western-based audiences with their media releases. These releases address a variety of topics, including operational and communication security guidance, such as warning their supporters about the risks of engaging with associates online, and encouraging the use of violence by their supporters. ISIS and its supporters continue to call for attacks in the United States, and supporters often share tactics and techniques for increasing the effectiveness and reducing the likelihood of detection. Additionally, ISIS-Khorasan (ISIS-K) continues to hone its external operations capability – including using social media to contact potential supporters – and continues to represent a threat that requires close coordination and cooperation with our international allies.

We continue to see that Iran, a state sponsor of terrorism, and its partner, Lebanese Hezbollah, pose an enduring threat to the homeland, evidenced by Iran's public statements threatening retaliation in the United States for Islamic Revolutionary Guard Corps Quds Force (IRGC-QF) Commander Qasem Soleimani's death and arrests of IRGC and Hezbollah members plotting operations in the United States. In the past several years, U.S. law enforcement has arrested numerous individuals for spying on Iranian dissidents in the United States and for acting as agents of influence for the Iranian Government. In August 2022, federal prosecutors unsealed charges against an IRGC member for plotting to assassinate a former U.S. official. In January 2023, prosecutors announced charges and a new arrest in connection with an assassination plot directed from Iran. Members of an Eastern European organized crime group are alleged to have plotted to murder a U.S. citizen of Iranian origin in New York City who has publicly opposed Iran's government. Given its capabilities, Iran could advance an attack plot targeted at the United States with little to no warning. DHS continues to work closely with other law enforcement agencies and the Intelligence Community (IC) to remain aware of ongoing threat streams and take preventative actions, as appropriate.

DHS works closely with our law enforcement, national security, and IC partners to continuously improve our ability to identify individuals who pose a national security or public safety threat and who seek to travel to the United States or receive an immigration benefit. In FY 2022, the National Vetting Center (NVC), managed by DHS, expanded support to DHS and the Department of State (DOS) for the vetting of refugee applicants and all non-immigrant visa applicants worldwide. Through technology advancements, the NVC has increased efficiencies in vetting processes, improving our ability to identify potential threats.

We continue to build partnerships with foreign governments that increase our information sharing and vetting capabilities. DHS is constantly striving to increase our ability to engage in biometric comparison with our foreign partners, and recently added a new requirement to the Visa Waiver Program (VWP) to require participating countries to enter into an Enhanced Border Security Partnership (EBSP). Under EBSP, DHS and VWP member countries will be able to conduct biometric checks against each others' biometric data to authenticate the identity of individuals seeking to travel under the VWP, and to receive information with regard to whether nationals of individual VWP countries traveling to the United States or to our VWP partners represent a threat to the security and welfare of the homeland or our partners.

As a key part of the interagency approach to countering all threats, DHS's Office of Intelligence and Analysis (I&A) is uniquely positioned to provide timely and accurate intelligence to the broadest audience at the lowest classification level possible. DHS, the Intelligence Community (IC), and our state, local, tribal, territorial, and campus (SLTTC) partners rely on I&A's contributions and unique authorities to share this information. DHS will continue to leverage our deployed intelligence professionals to ensure the timely sharing of information and intelligence with DHS components and SLTTC partners, in accordance with applicable law and privacy, civil rights, civil liberties, and intelligence oversight policies. These activities, as well as the information that I&A collects around the country about the fentanyl trade, human smuggling, and other serious threats to the homeland, yield unique insights that are invaluable to our DHS and IC partners with related missions.



*Violent Extremism and Targeted Violence*

The evolving threat to the homeland also includes lone offenders or small groups motivated by a wide range of ideologies and personal grievances, which DHS and the Federal Bureau of Investigation (FBI) assess to be the primary terrorist threat to the homeland. These can include individuals inspired by FTOs and domestic violent extremists (DVEs) based and operating primarily in the United States who seek to further political or social goals wholly or in part through unlawful acts of force or violence without direction or inspiration from an FTO or foreign power. DVEs are motivated by various factors, including biases against racial and religious minorities, grievances towards women, perceived government overreach, and conspiracy theories promoting violence.

In June 2023, DHS and the FBI jointly assessed that a wide range of DVEs continue to pursue attacks against a diverse set of targets, including democratic institutions, government officials, critical infrastructure, and soft targets in pursuit of their social or political goals. DVE reactions to flashpoint events likely will contribute to violence or criminal activity carried out primarily by lone actors – with a potentially heightened threat environment during the 2024 election cycle – and DVEs will use evolving conspiracy theories to justify threats of violence.

Among DVEs, DHS assesses that racially or ethnically motivated violent extremists (RMVEs), such as those who advocate for the superiority of the white race, present the most lethal DVE threat to the homeland. In many cases, prior to their planned attacks, threat actors have spent inordinate amounts of time online viewing violent material and engaging with like-minded individuals. RMVEs often have the most persistent and concerning transnational connections because adherents to this ideology are present throughout the West. They frequently communicate with each other and, at times, have inspired attacks. Such connectivity with overseas violent extremists might lead to a greater risk of U.S.-based RMVEs mobilizing to violence.

DHS has invested more than \$50 million over the past three years in communities across the United States to help prevent acts of targeted violence and terrorism through the Targeted Violence and Terrorism Prevention (TVTP) Grant Program. Managed by the DHS Center for Prevention Programs and Partnerships (CP3) and the Federal Emergency Management Agency (FEMA), this program provides funding for SLTTC governments, nonprofits, and institutions of higher education to establish or enhance capabilities to prevent targeted violence and terrorism. Last September, DHS announced 43 TVTP grant awards to entities in 20 states, totaling \$20 million for FY 2022. These awards fulfill the grant program's focus on prioritizing the prevention of domestic violent extremist acts, while respecting individuals' privacy, civil rights, and civil liberties.

DHS also provides security funding to support facility hardening and other operational and physical security enhancements for nonprofit organizations, including religious institutions, at risk of terrorist attacks through the Nonprofit Security Grant Program (NSGP). The Department is grateful that Congress supported this critically important program by providing \$305 million in the FY 2023 Consolidated Omnibus Appropriations Act, an increase of \$55 million from FY 2022 levels. The President's FY 2024 Budget proposes a further increase to

\$360 million. These funds are in addition to the resources provided by DHS to our state and local partners through the Homeland Security Grant Program (HSGP), in which DHS designated Combating Domestic Violent Extremism as a “National Priority Area” for both FY 2021 and FY 2022. As a result of this designation, between FY 2021 and FY 2022, states and local governments across our nation spent over \$111 million in grant funding on capabilities to detect and protect against these threats.

Through the Presidential Threat Protection Act of 2000, Congress formally authorized the U.S. Secret Service (USSS) to establish the National Threat Assessment Center (NTAC) to conduct research, training, and consultation on threat assessment and the prevention of targeted violence. NTAC leads the field of targeted violence prevention by producing world-class research examining all forms of domestic terrorism, targeted violence, mass casualty attacks, and attacks against K-12 schools.

NTAC’s experts provide training and guidance for professionals from a wide range of agencies and institutions on establishing threat assessment frameworks and targeted violence prevention programs unique to their organization’s missions and needs. In FY 2022, NTAC delivered over 280 trainings and briefings to over 28,000 participants, including state and local law enforcement, government officials, educators, mental health professionals, faith-based leaders, and workplace security managers. The number of events and participants reached by NTAC in FY 2022 represents the highest total in the Center’s history.

On January 25, 2023, NTAC released its most comprehensive analysis of mass attacks to date, titled *Mass Attacks in Public Spaces: 2016 – 2020*. This study analyzes 173 attacks perpetrated from 2016 through 2020 in public and semi-public locations in the United States, including businesses, restaurants, retail outlets, schools, houses of worship, open spaces, and other public locations. On the day of the release, NTAC hosted a virtual training event to highlight the report’s findings. Over 21,000 public safety officials from across community sectors registered for the event, representing all 50 states and over 80 foreign countries.

The Department continues to see threats to federal employees and the targeting of federal facilities. The Federal Protective Service (FPS), a law enforcement agency within the Department, leads our efforts to provide integrated law enforcement and security services to protect more than 9,000 federal facilities across the nation, safeguarding the more than 1.4 million federal employees and visitors to these facilities. FPS works closely with federal, state, and local law enforcement across the country to investigate these threats and respond to incidents at federal facilities.

To prepare for this threat, the Department has embraced a community-based approach to preventing terrorism and targeted violence by building trust, partnerships, and collaboration across every level of government, the private sector, non-governmental organizations, and the communities we serve, while respecting First Amendment protections. We must make it harder to carry out an attack and reduce the potential for loss of life; one important way we do that is by helping to prevent mobilization to violence.

CP3 uses a public health-informed approach to targeted violence and terrorism prevention. Our efforts focus on creating evidence-based prevention resources and helping prevention providers build strengths, such as social cohesion, trust, and awareness at the individual, family, and community levels to decrease the risk of terrorism and targeted violence, such as school or workplace violence, premeditated hate-fueled violence, and terrorism. The focus of a public health-informed approach is on the health, safety, and well-being of entire populations. This approach employs strategies that have been used in other forms of violence prevention for decades, backed by program evaluations and research in areas like public health, psychology, and criminology. CP3 partners with independent research organizations to collect data, evaluate programming, and gather lessons learned from across the United States to continually improve the evidence base for terrorism and targeted violence prevention. CP3 holds privacy, civil rights, civil liberties, and the First Amendment as pillars of its prevention mission. CP3 routinely engages with DHS's Privacy Office and Office for Civil Rights and Civil Liberties to ensure all public-facing prevention resources, grants, and training materials respect Americans' privacy, civil rights, and civil liberties.

#### *Weapons of Mass Destruction*

Although terrorist capabilities to conduct large-scale attacks have been degraded by U.S. counterterrorism operations and policies, terrorists remain interested in acquiring and using weapons of mass destruction (WMD) in attacks against U.S. interests and the homeland. DHS will continue its efforts to secure the homeland from the enduring threat of terrorist use and proliferation of WMD, which poses profound and, in some cases, existential dangers to the United States. This threat continues to evolve due to advances in science and technology and as dual-use knowledge, goods, materials, and technology applicable to WMD continue to proliferate. We cannot rule out the risk of unsecured or vulnerable fissile and other source materials in the United States. DHS will help maintain a multi-layered defensive domestic network for detecting nuclear and radiological material out of regulatory control in order to disrupt WMD terrorism threats and prevent nuclear terrorism from occurring within the United States. DHS will continue developing, acquiring, and providing equipment and training to federal, state, and local partners to prevent, detect, and mitigate the impacts of these threats.

#### **Cyber Threats**

Our interconnectedness and the technology that enables it—the cyber ecosystem—expose us to a dynamic and evolving threat environment, one that is not contained by borders or limited to centralized actors, and one that impacts governments, the private sector, civil society, and every individual. As a result, cyber threats from foreign governments and transnational criminals remain among the most prominent threats facing our nation. Hostile nations like Russia, China, Iran, and North Korea, as well as cybercriminals around the world, continually grow more sophisticated and create more adverse consequences.

Within the past three years, we have seen numerous cybersecurity incidents impacting organizations of all sizes and disrupting critical services, from the SolarWinds supply chain compromise to the widespread vulnerabilities generated by open source software like Log4j. Further, ransomware incidents—like those affecting JBS Foods, Kaseya, a major pipeline

company, the Common Spirit hospital system, and the recent exploitation of the managed file transfer solution, MOVEit Transfer—continue to increase. We continue to believe there is significant under-reporting of ransomware incidents, and we assess that ransomware attacks targeting U.S. networks will increase in the near and long term. Cybercriminals have developed effective business models to increase their financial gain, likelihood of success, and anonymity.

The Department is committed to keeping Americans safe from the devastating effects of cybercrimes. Cyber criminals' primary motivation is financial gain, and criminals show little regard for whom they target. Cybercrime investigators at the USSS and HSI are dedicated to seizing and returning stolen funds to the victims and arresting those responsible. Cybercrimes are often transnational, with the criminal actors, their infrastructure, and their victims spread across the globe. The USSS was recognized by the Attorney General for its contributions to the dismantling of the Hive ransomware infrastructure used to communicate with other criminals and disrupting the group's ability to attack victims. USSS and HSI continue to partner with federal and SLTT law enforcement and with international and foreign law enforcement in combating cybercrimes.

The Department plays an important role in helping to protect our nation's critical infrastructure from these attacks. The private sector, which owns and operates most of the nation's critical infrastructure, plays a vital role in working with CISA and other Sector Risk Management Agencies (SRMAs), such as TSA and USCG, to ensure that we are aware of new attack campaigns and intrusions. That awareness in turn helps CISA advise other potential victims—increasing the nation's collective cyber defenses through our collaborative efforts.

In March 2022, President Biden signed the Cyber Incident Reporting for Critical Infrastructure Act of 2022 (CIRCIA) into law. CIRCIA marks an important milestone in improving America's cybersecurity. The increased number of incident reports that will be received from our private sector partners as a result of this new law will enable CISA, in partnership with other federal agencies, to build a common understanding of how our adversaries are targeting U.S. networks and critical infrastructure. This information will fill critical information gaps and allow us to rapidly deploy resources and render assistance to victims suffering cyber intrusions where appropriate, analyze incoming reporting across sectors to spot trends, and quickly share that information with network defenders to warn other potential victims. We are grateful to Congress for passing this historic bipartisan legislation, marking a critical step forward in the collective cybersecurity of our nation.

#### *Cyber Threat Mitigation and Resilience*

To respond to evolving cyber threats and increase our nation's cybersecurity and resilience, DHS has established several vehicles, including:

- The Joint Cyber Defense Collaborative (JCDC) develops and executes joint cyber defense planning with partners at all levels of government and the private sector to prevent and reduce the impacts of cyber intrusions and to ensure a unified response when they occur.

- The Cyber Safety Review Board (CSRB) is a groundbreaking public-private advisory board dedicated to after-action review of significant cyber incidents. The CSRB published its first report last summer addressing the risk posed by vulnerabilities in the widely used “Log4j” open-source software library. Its second review of the recent intrusions associated with Lapsus\$, a global extortion-focused hacker group, is nearing completion. We are asking Congress to strengthen the ability of DHS to carry out comprehensive reviews of significant cyber incidents in ways that will allow us to learn from past experience and strengthen our response to future threats.
- The Cybersecurity Performance Goals (CPGs) are voluntary practices that outline the highest-priority baseline measures businesses and critical infrastructure owners and operators of all sizes can take to protect themselves against cyber threats. In March 2023, based on a rigorous process involving stakeholders from all critical sectors and our government partners, CISA published an initial update to the CPGs. The CPGs are now categorized around the NIST Cybersecurity Framework (CSF) functions to help organizations more easily prioritize investments as part of a broader cybersecurity program built around the CSF. They include updated goals regarding multifactor authentication and recovery from cyber incidents. By clearly outlining measurable goals based on easily understandable criteria such as cost, complexity, and impact, the CPGs are designed to apply to organizations of all sizes.
- The Cyber Incident Reporting Council (CIRC), which includes 33 Federal departments and agencies, is working to coordinate, deconflict, and harmonize Federal cyber incident reporting requirements, including those issued through regulation.
- Security Directives and Emergency Amendments issued by TSA to surface transportation owners and operators and certain TSA-regulated aircraft operators and airports require the implementation of critically important and urgently needed cybersecurity measures to address persistent cybersecurity threats against these sectors.

### **Emerging Technology Threats**

#### *Unmanned Aircraft System (UAS) Threats*

UASs, or drones, offer tremendous benefits to our economy and society, but their misuse poses real security challenges. The rapid proliferation of drones and their expanded use by hobbyists, professionals, and threat actors have required DHS to shift its response efforts to mitigate smaller, more agile, and less attributable dangers across all mission areas while still supporting the lawful use of these advanced technologies within our nation. Drones around the world have conducted kinetic attacks with payloads of explosives or firearms, caused dangerous interference with manned aviation, disrupted airport operations (causing significant economic harm), and disrupted and damaged critical infrastructure. Nearly every day, transnational criminal organizations (TCOs) attempt to use drones to convey illicit narcotics and other contraband. TCOs also use drones to conduct hostile surveillance of law enforcement and guide human smuggling across the border.

I thank Congress for extending existing law that provides DHS’s C-UAS authority through September 30, 2023. Ensuring that the existing authorities did not lapse was vital to our mission, including protecting the President and Vice President, patrolling the Southwest border,

securing certain federal facilities and assets, and safeguarding the public. DHS has exercised its current C-UAS authority by successfully executing C-UAS operations at mass gatherings, Special Event Assessment Rating (SEAR) events, and National Special Security Events (NSSEs), including the 2022 World Series, the Indianapolis 500, the United Nations General Assembly, the Democratic and Republican National Conventions, the State of the Union address, the MLB All Star Game, the New York City Marathon, and the Boston Marathon. At all times, DHS engages in these activities consistent with applicable law and in a manner that protects individuals' privacy, civil rights, and civil liberties.

To ensure the Department can continue its C-UAS activities, including protecting the 2026 World Cup events, both the Department and the Administration remain committed to a multi-year extension as well as an expansion of existing authorities. Any lapse in DHS's current C-UAS authority would entail serious risks for homeland security, as DHS would have to cease or curtail existing C-UAS operations that protect the homeland. Additionally, the Department and the Administration look forward to working with Congress, including this Committee, to expand C-UAS authority to address critical gaps in the current law, such as a lack of protection for U.S. airports and the inability of DHS to partner on C-UAS activities with SLTT enforcement officials or critical infrastructure owners or operators. To further close the gap with our SLTT law enforcement partners, we have requested, on a pilot basis, authority for a limited number of SLTT partners to detect, identify, and under appropriate federal oversight and training – including privacy, civil rights, and civil liberties protections – to mitigate drones posing a credible threat to their jurisdictions or at their facilities, respectively.

Congressional action is required, as DHS's authority to detect and counter drone threats will expire on September 30, 2023. A lapse in this authority and failing to close known vulnerabilities by expanding C-UAS authority could have catastrophic implications for homeland security.

#### *Cryptocurrency*

While most cryptocurrency is used legitimately, cryptocurrency has attributes that have already been exploited by criminals, terrorists, and other adversaries to facilitate their operations. Most notably, as it has become easier to access and more widely used in general commerce, many transnational ransomware operations are using the cryptocurrency ecosystem to obfuscate illicit requests and to facilitate the receipt of ransoms.

Many components within DHS are focused on the rising illicit use of digital assets, developing and providing training, investigating, and collaborating with interagency partners. Pursuant to the President's Executive Order 14067, *Ensuring Responsible Development of Digital Assets*, the Department contributed to the whole-of-government effort to address concerns with respect to digital assets.

For example, with domestic and international law enforcement partners, the USSS has achieved notable successes in combating cyber-enabled financial crimes, including dismantling two centralized virtual currency providers that supported extensive criminal activity, and the

successful investigation of a Russia-based criminal scheme attempting to defraud cryptocurrency exchange customers of \$16.8 million.

HSI has offices in over 50 countries and works to combat cybercrimes, including by providing training to international partners and analytical assistance in tracing digital assets. HSI investigations related to virtual assets have risen from one criminal investigation in 2011 to over 530 criminal investigations in FY 2022—seizing over \$4 billion in virtual assets this last fiscal year. HSI has also trained law enforcement partners in more than 20 countries on dark web and cryptocurrency investigations, and regularly works with victims to remediate vulnerabilities before they are exploited.

#### *Artificial Intelligence (AI)*

AI will drastically alter the threat landscape and augment the arsenal of tools we possess to succeed in the face of these threats. DHS will lead in the responsible use of AI to secure the homeland and in defending against the malicious use of this transformational technology. As we do this, we will ensure that our use of AI is rigorously tested to avoid bias and disparate impact and is clearly explainable to the people we serve.

Malicious actors are increasingly using more advanced AI, powered by more data, more accessible computing resources, and more advanced machine learning algorithms. To counter these threats, DHS's use of trustworthy AI can help us more effectively and efficiently accomplish our mission to secure the homeland. DHS has taken several steps, including:

- Establishing the Department's first AI Task Force to drive specific applications of AI to advance our critical homeland security missions. The Task Force is working to enhance the integrity of our supply chains and the broader trade environment by deploying AI to more ably screen cargo, identify the importation of goods produced with forced labor, and manage risk. It is also charged with using AI to better detect fentanyl shipments, identify and interdict the flow of precursor chemicals around the world, and target for disruption key nodes in criminal networks.
- Tasking our Homeland Security Advisory Council to study the intersection of AI and homeland security and deliver findings that will help guide our use of it and defense against it.
- Working with other responsible partners—domestically and internationally—to share best practices and develop standards.
- In response to requirements from the 2023 National Defense Authorization Act (NDAA) and Executive Order 13960, DHS is finalizing policies and procedures for trustworthy AI acquisition and use with due consideration of risks and impacts associated with AI. This includes the evaluation of privacy, civil rights, and civil liberties impacts and misuse, degradation, and non-operability risks.
- Convening leading experts, academics, advocates, and others to understand evolving adversary AI capabilities that could be used to exploit or overcome security measures at our physical borders, in cyberspace, in election systems, and beyond.

### **Counternarcotics**

DHS employs a multi-layered approach to mitigating and countering narcotics trafficking and threats of all types using our extensive liaison networks, domestic and foreign partnerships, personnel, and technology deployments such as Non-Intrusive Inspection (NII) capabilities. The increased production and trafficking of synthetic opioids from Mexico have prompted the interagency to implement a whole-of-government approach, including a number of DHS components and efforts, to combat these threats.

With the support of Congress, CBP continues to make significant investments and improvements in drug detection and interdiction technology to detect the presence of illicit drugs, including illicit opioids, in all operating environments, while CBP's National Targeting Center uses advanced analytics and targeting capabilities to identify critical logistics, financial, and communication nodes, and exploit areas of weakness in opioid trafficking networks. Leveraging these investments, CBP seized 11,200 pounds of fentanyl in FY 2021 and 14,700 pounds in FY 2022, as compared to 2,804 pounds in FY 2019. Thus far in FY 2023, CBP has seized 19,821 pounds of fentanyl by applying these same investments.

CBP seeks to prevent drug trafficking through POEs, which is where most synthetic drugs enter the United States. Recent DHS Office of Intelligence and Analysis reporting indicates that Mexico-based drug traffickers involved in both drug and human smuggling rarely exploit migrants to smuggle fentanyl into the United States. Analysts continue to assess that the vast majority of fentanyl that enters the United States moves through U.S. POEs, and CBP data indicates that U.S. citizens were responsible for transporting the fentanyl seized in 77 percent of seizures in FY 2023 to date. Personal vehicles remain, by volume, the primary method of conveyance for illicit drugs entering the country over land, with notable increases within commercial truck conveyances for methamphetamine. The NII Systems Program provides technologies to inspect and screen cars, trucks, railcars, sea containers, as well as personal luggage, packages, parcels, and flat mail through either X-ray or gamma-ray imaging systems. CBP officers use NII systems to effectively and efficiently detect anomalies in an effort to prevent contraband, including drugs, unreported currency, guns, ammunition, and other illegal merchandise, as well as inadmissible persons, from being smuggled into the United States, while having a minimal impact on the flow of legitimate travel and commerce.

CBP also robustly enforces the Synthetics Trafficking and Overdose Prevention (STOP) Act to prevent trafficking by mail. CBP operates within major international mail facilities to inspect international mail and parcels arriving from more than 180 countries. CBP and the U.S. Postal Service are working to increase the amount of advance electronic data received on international mail. This advance information enables HSI and other agencies to identify networks of foreign suppliers and domestic importers that are responsible for smuggling fentanyl into the United States, enhancing our investigative capabilities.

HSI plays a critical role in countering narcotics trafficking by exchanging information, coordinating investigations, and facilitating enforcement actions with law enforcement partners abroad to deter the ability of TCOs to smuggle drugs, people, and contraband into and out of the United States. FY 2022 statistics reveal HSI conducted 11,535 narcotics-related criminal arrests



and seized roughly 1.87 million pounds of narcotics, which included 20,981 pounds of fentanyl. Additionally, HSI Special Agents seized more than \$210 million in total currency and assets through their narcotics enforcement efforts.

One of HSI's most significant tools to combat TCOs engaged in fentanyl trafficking domestically are the Border Enforcement Security Task Forces (BESTs). BESTs eliminate the barriers between federal and local investigations and close the gap with international partners in multinational criminal investigations. BESTs continue to be a primary vehicle used to carry out HSI's comprehensive, multi-layered strategy to address the national opioid epidemic. For example, in response to the exploitation of international shipping routes to transport illicit drugs and dual use chemicals, HSI increased the number of BEST units at international mail facilities (IMFs), express consignment hubs (ECC), and international airports that act as IMFs.

Recognizing the unprecedented epidemic of deaths from illicit opioids, HSI recently developed and began implementation of its *Strategy for Combating Illicit Opioids*. The *Strategy* builds upon many of HSI's core investigative authorities and capabilities in combating TCOs and focuses efforts on four core goals, all of which align with the National Drug Control Strategy. They are 1) reduce the international supply of illicit opioids; 2) reduce the domestic supply of illicit opioids; 3) attack the enablers of illicit opioid trafficking: illicit finance, cybercrime, and weapons smuggling; and 4) conduct outreach with private industry. Through this strategy, HSI aims to make important strides in reducing the harm illicit opioids have on U.S. communities.

One of HSI's primary international tactics in the fight against fentanyl is the Transnational Criminal Investigative Unit (TCIU) program. The TCIU Program was created to help facilitate the exchange of information between the United States and its foreign partners. This enhances the host country's ability to investigate and prosecute individuals involved in transnational criminal activities, threatening the stability and national security of the region and posing continuing threats to the homeland security of the United States. HSI TCIUs are comprised of foreign law enforcement officials, customs officers, immigration officers, and prosecutors who undergo a strict vetting process conducted by HSI to ensure that shared information and operational activities are not compromised. These units work to identify targets, collect evidence, share information, and facilitate the prosecution of TCOs both in-country, among other foreign partner nations, and through the U.S. judicial system. HSI TCIUs prioritize criminal investigations related to weapons trafficking and counter-proliferation, money laundering and bulk cash smuggling, human smuggling, human trafficking, illegal drug trafficking, intellectual property rights violations and other customs fraud, child exploitation, cybercrime, and other violations of law within HSI's investigative purview. The current HSI TCIU footprint consists of over 500 personnel assigned to 12 TCIUs and two International Task Forces in 14 countries around the world. HSI expanded the program to one additional country in FY 2023 and anticipates expanding the program further in FY 2024. Colombia and Guatemala are the two largest international TCIUs, with more than 150 vetted individuals. HSI's Strategy aims to increase training of TCIU members, focused on the methodologies surrounding chemical and pill press machinery acquisition.

HSI has also launched targeted enforcement campaigns to combat illicit narcotics, particularly fentanyl. From March 13, 2023 to May 9, 2023, CBP and HSI launched Operation

Blue Lotus to facilitate and increase fentanyl interdictions primarily at POEs and develop criminal cases along the Southwest border. Focusing operations at the ports of San Ysidro, CA, Otay Mesa, CA, and Nogales, AZ, Operation Blue Lotus aimed to curtail the flow of illicit fentanyl smuggled into the United States from Mexico, while simultaneously illuminating the TCO networks. Upon its conclusion, Operation Blue Lotus, which spanned 60 days, resulted in the seizure of more than 4,700 pounds of fentanyl, more than 4,600 pounds of methamphetamine, more than 1,050 pounds of cocaine, and more than 72 pounds of heroin, in addition to over 250 arrests by CBP and HSI.

On June 5, 2023, CBP launched Operation Artemis, the next phase in CBP's counter-synthetics strategy, leveraging intelligence derived from Operation Blue Lotus for targeted operations to counter the emerging fentanyl epidemic. The focus of Operation Artemis is to further disrupt and degrade the flow and supply chains that feed the production of fentanyl and other synthetic drugs through coordinated enforcement, investigative, interdiction and scientific identification efforts. The operation's end goal is to stem the flow of fentanyl, its precursors, and enabling paraphernalia such as pill presses and dies through strategic enforcement actions not only at the Southwest land border, but with expansion to the express consignment, IMFs, air and sea cargo environments. This six-week operation is an integrated law enforcement enterprise that utilizes personnel with specialized skill sets: CBP Officers, CBP Import Specialists, Intelligence Analysts, Chemist and Forensic Scientists from the CBP Laboratories and Scientific Services, and HSI Special Agents.

Additionally, on June 12, 2023, HSI launched Operation Blue Lotus 2.0 to build on the success from the first phase of Operation Blue Lotus by strategically leveraging its administrative, civil, and criminal law enforcement authorities. Operation Blue Lotus 2.0 will deploy 65 Special Agents and smaller numbers of support staff, such as Criminal Analysts, via temporary duty assignments to support fentanyl suppression efforts.

The United States Coast Guard (USCG) leads maritime interdictions of narcotics in the Western Hemisphere. The USCG disrupts illicit trafficking where it is most vulnerable – at sea in the transit zone, often far from U.S. shores – before bulk quantities reach the shore and are divided into small, hard-to-detect loads. The USCG is continuing to enhance cooperation with partner nations in South and Central America to combat the flow of narcotics before they reach U.S. shores. USCG intelligence personnel and Coast Guard Investigative Service Special Agents are fully integrated across the Department and at the Joint Interagency Task Force (JIATF) South, allowing for maximum counterdrug coordination across the hemisphere. These efforts directly enable target identification and development that prioritize law enforcement investigations—perpetuating the interdiction continuum, the removal of multi-ton quantities of drugs from the supply chain, and the collection of critical evidence for the prosecution of TCO members. In FY 2022, the USCG removed approximately 152 metric tons of cocaine, 60,000 pounds of marijuana, and 7.7 metric tons of other narcotics, including methamphetamines, heroin, and hashish. In addition to these drug removals, a USCG-led multi-agency effort in FY 2022 tied their maritime law enforcement operations to the indictment and extradition of a consolidated priority organizational target to Puerto Rico for prosecution.

The Department appreciates Congress extending for two years the statutory authority to establish and operate Joint Task Forces (JTFs) in the FY 2023 NDAA. JTFs provide a direct operational coordination layer to enhance the multi-faceted challenges facing DHS. Today, JTF-East is responsible for ensuring Departmental unity of effort in the southern maritime approach to the United States and demonstrates the tangible, positive impacts that JTFs can have on enhancing DHS-coordinated operations for national security, public health, and protecting the homeland.

### **Border Security and Immigration**

#### *Securing the Border*

Through the Southwest Border Coordination Center, established in February 2022, DHS led a comprehensive whole-of-government planning effort for more than 18 months to prepare for the termination of the Title 42 public health Order. This effort included record deployments of personnel, infrastructure, and resources to support our frontline personnel, as well as the development of a series of policy measures intended to disincentivize unlawful entries at the land border while incentivizing migrants to use safe, orderly, and lawful processes and pathways to come to the United States. In the weeks since May 12, 2023, DHS has continued to lead a successful whole-of-government effort to ensure the safe, orderly, and humane management of our nation's borders and the continued enforcement of U.S. immigration laws.

The end of the Title 42 Order allowed DHS to fully return to processing all noncitizens under its longstanding Title 8 immigration authorities. Consequently, DHS has been able to impose significant consequences for those who are apprehended crossing the border without prior authorization, who are now subject to the Circumvention of Lawful Pathways rule on asylum eligibility. Under this rule, migrants who do not use the expanded lawful pathways and processes to come to the United States in a safe and orderly manner are subject to a rebuttable presumption of asylum ineligibility unless they meet an exception or are able to rebut the presumption.

These measures build on our broader efforts to secure and manage our borders while building a safe, orderly, and humane immigration system. In April 2022, I issued the DHS Plan for Southwest Border Security and Preparedness, laying out a six-pillar plan to manage an increase in encounters once the Title 42 public health Order was no longer in effect. DHS updated this comprehensive plan in December 2022 and continues to build upon the impact DHS has seen as a result of these efforts. Under this plan, DHS:

- Surged personnel to reinforce the more than 24,000 USBP and Office of Field Operations (OFO) personnel at the border, with approximately 1,000 law enforcement officers from across the DHS network and other federal agencies, thousands of contract personnel, 1,500 active-duty military personnel, and hundreds of volunteers from across DHS and the interagency.
- Enhanced surveillance capacity by adding 81 new autonomous surveillance towers since the start of FY 2022, for a current total of 223.

- Expanded CBP temporary holding capacity at the border by nearly 50 percent, from 13,230 in January 2021 to over 19,000 today.
- Made available several thousand detention beds in the ICE network by updating guidelines to reflect the latest Centers for Disease Control and Prevention guidance regarding congregate settings in detention facilities.
- Increased contracted medical personnel by 75 percent since the start of FY 2022.
- Arrested nearly 14,000 smugglers and disrupted thousands of human smuggling operations, such as raiding smuggler stash houses, impounding tractor trailers that are used to smuggle migrants, and confiscating smugglers' information technology.
- The President's FY 2024 budget also requests more than \$500 million in border security technology.

We are also supporting local governments, nongovernmental organizations (NGOs), and faith-based organizations in border and interior cities that are receiving noncitizens in their communities. In June 2023, FEMA and CBP stood up the new Shelter and Services Program, awarding more than \$290 million to 34 non-federal entities for temporary shelter and other eligible expenditures for migrants who have been processed and provisionally released from DHS custody while awaiting the outcome of their immigration proceedings. An additional \$73 million will be made available later this summer. Since passage of the Consolidated Appropriations Act of 2023, DHS has allocated more than \$400 million to support communities receiving migrants across the country, including \$332.5 million in May 2023 and \$75 million in December 2022 under the Emergency Food and Shelter Program – Humanitarian (EFSP-H).

As a result of the Department's preparations, unlawful entries between POEs along our Southwest border have decreased by more than 50 percent compared to the peak of 10,800 prior to the lifting of Title 42. We are cognizant, however, that conditions driving unprecedented numbers of people to leave their homes and make the dangerous journey to other countries, including towards our Southwest border, are still present. Furthermore, we understand that TCOs and human smugglers will continue to spread disinformation in order to prey on the desperation of these migrants. We will not get complacent. DHS will continue to fulfill our duty to secure America's borders to the best of our ability, making adjustments to ongoing efforts as needed.

#### *Expanding Lawful Pathways*

DHS has taken innovative policy steps that seek to change the calculus for intending migrants. These measures impose consequences on certain individuals who cross the border without prior authorization, while significantly expanding the availability of safe, orderly, and lawful pathways to come to the United States, to incentivize noncitizens to use such pathways without having to put their lives in the hands of smugglers. As part of these efforts, we have overseen the largest expansion of lawful pathways in decades even as we have set records for repatriations.

In order to combat sharp increases in the encounters of Venezuelan nationals from FY 2021 to FY 2022, in October 2022 DHS developed—in close coordination with the Government of Mexico—an innovative approach that provided Venezuelans with a safe, orderly way to come to the United States and imposed new consequences on those who crossed without

authorization. Through this new process, eligible individuals are able to receive advance authorization to travel to an interior POE to seek a discretionary grant of parole for a period of up to two years, on a case-by-case basis. Venezuelans who did not use this new process and were encountered at the Southwest land border could be returned to Mexico.

Building on the success of this process, in January of this year, DHS announced and implemented a similar process for Cubans, Haitians, and Nicaraguans (collectively, the CHNV processes). Nationals of these countries who do not avail themselves of this pathway and attempt to enter the United States without authorization will generally be returned to Mexico. As a result of this new process, encounters between POEs of nationals from Cuba, Haiti, and Nicaragua have declined from a daily average of 952 per day the week ending January 5, 2023—when the new process was announced—to a daily average of 25 per day the week ending July 11.

While encounters between POEs at the Southwest border have plummeted, thousands of nationals from these countries have successfully followed the process for lawful entry. The processes described above have allowed more than 155,000 individuals who have U.S.-based supporters and have passed the requisite national security and public safety vetting to travel directly to the United States. The successful use of these parole processes and the significant decrease in illegal crossing attempts clearly demonstrate that noncitizens prefer to utilize a safe, lawful, and orderly pathway to the United States if one is available, rather than putting their lives and livelihoods in the hands of ruthless smugglers. Combining accessible lawful pathways with consequences for those who fail to use those pathways works.

When it comes to expanding additional lawful pathways, we have:

- Significantly expanded the number of temporary work visas available for migrants in the region, especially in the Northern Central American (NCA) countries of El Salvador, Guatemala, and Honduras, through the H-2A and H-2B programs. As of June 23, 2023, 19,005 H-2B visas were issued to nationals of El Salvador, Guatemala, Honduras, and Haiti. This is a 300 percent increase compared to the entire FY 2019.
- Dramatically expanded refugee resettlement in the Western Hemisphere, working in conjunction with the Department of State. We resettled 2,485 individuals in FY 2022, a 521 percent increase over FY 2021 and an eight-year high for the region. As of April 30, 2023, we have already resettled 3,443 refugees from the Western Hemisphere—a nearly 40 percent increase over the entire FY 2022, with five months left in the fiscal year. With the establishment of Safe Mobility Offices in South and Central America, we will significantly increase the number of individuals processed for refugee resettlement in the coming months and years.
- Significantly expanded capacity to process noncitizens at land POEs on the Southwest border. In particular, the CBP One mobile app, which is available for free download to a mobile device, allows individuals of any nationality in Central or Northern Mexico to schedule an appointment to present at a POE along the Southwest border in a safe and orderly manner. The advance biographic and biometric information captured by the app allows CBP to significantly streamline its processing of noncitizens once they arrive at a POE, which, in turn, has contributed to CBP's ability to increase its capacity to process inadmissible individuals at land border POEs compared to its 2014-2019 pre-pandemic

average. On June 30, CBP expanded the number of available daily appointments to 1,450 per day—almost four times the number of noncitizens processed at POEs prior to the pandemic. These individuals have presented in a safe and orderly manner at a POE each day during their scheduled appointment time. As of June 30, more than 144,000 appointments have been processed thus far at POEs along the Southwest border. This app, available in English, Spanish, and Haitian Creole, effectively cuts out the smugglers, decreases migrant exploitation, and improves safety and security in addition to making the process more efficient.

The United States cannot and should not do this work alone; hemispheric challenges require hemispheric solutions. Twenty-one countries endorsed the Los Angeles Declaration on Migration and Protection in June of last year, affirming that it is our collective responsibility to address the factors causing irregular migration throughout our hemisphere. DHS is working closely with the Department of State and partner countries—including Mexico, Guatemala, Costa Rica, Colombia, Ecuador, and Panama—to expand efforts to humanely secure borders and remove individuals without a lawful basis to remain, counter human smuggling organizations, increase labor mobility, and expand protection and lawful pathways for intending migrants.

We are strengthening our relationships with partners in Mexico and Central and South America to ensure a holistic response to this challenge, including the following actions:

- In October 2022, DHS announced joint actions with Mexico, reinforcing our coordinated enforcement operations to target human smuggling organizations and bring them to justice. That campaign includes new migration checkpoints, additional resources and personnel, joint targeting of human smuggling organizations, and expanded information sharing related to transit nodes, hotels, stash houses, and staging locations.
- DHS officials have traveled throughout the region to strengthen partnerships with our counterparts. As Secretary, I have traveled to Mexico four times, including most recently with the President for the North American Leaders' Summit in January to discuss regional cooperation on migration, security, and other vital issues. I have visited Honduras, Guatemala, Panama, Ecuador, Colombia, and Costa Rica to advance our bilateral and regional partnerships and forge strengthened cooperation on migration management.
- We are also working with regional partners to implement the U.S. Strategy for Addressing the Root Causes of Migration and the hemispheric Los Angeles Declaration on Migration and Protection with historic U.S. Government investments, totaling nearly \$1 billion in assistance, according to the Department of State. We have also concluded bilateral arrangements with Costa Rica and Panama, agreeing to humane border security measures, support with counter-smuggling, and repatriation assistance. The United States is planning to offer additional assistance to support regional partners to address the migration challenges in the Darién.
- DHS and the Department of State are continuing to deliver on our commitments by establishing Safe Mobility Offices (SMOs) in South and Central America. In Guatemala and Costa Rica, processing through SMOs began on June 12, 2023, and shortly after on June 28, 2023, processing began in Colombia. SMOs enable eligible individuals to begin

the process of accessing protection and other lawful pathways to the United States or other partner countries, including Canada and Spain.

#### *Enforcing Our Immigration Laws*

Under our immigration laws, noncitizens present in the United States can request asylum and other humanitarian protection and, if they qualify, may be granted such protection. Individuals who are not eligible for protection or other relief from removal generally are ordered removed. On May 12, 2023, after a robust regulatory process that included responding to more than 50,000 comments from the public, DHS and the Department of Justice (DOJ) began implementing the Circumvention of Lawful Pathways rule, which is designed to build on the success of the CHNV processes.

The rule is designed to cut out of the process the TCOs that prey on migrants, making migration safer and more orderly. Its provisions incentivize migrants to use the new and existing lawful processes that DHS has established and disincentivize dangerous border crossings by placing a commonsense condition on asylum eligibility for those individuals who fail to do so, and who do not otherwise qualify for an exception.

Under the rule, individuals who circumvent the expanded lawful, safe, and orderly pathways into the United States—including the CHNV processes, the significant expansion of refugee processing and temporary work visas, and the use of the CBP One mobile app to schedule a time and place to arrive at a POE—and also fail to seek protection in a country through which they traveled on their way to the United States, are subject to a rebuttable presumption of asylum ineligibility in the United States unless they meet specified exceptions. Individuals who cannot establish a valid claim to protection under the standards set out in the rule are subject to prompt removal under Title 8 authorities, which carries at least a five-year bar to admission to the United States and the potential to be criminally prosecuted for repeated unlawful entry.

DHS has made clear through these efforts that there are consequences for entering without authorization. From May 12 to July 2, 2023, DHS repatriated over 72,000 noncitizens under Title 8 authorities, including single adults and families, to more than 110 countries.

When it comes to our enforcement priorities, in September 2021 I issued guidance to focus immigration apprehension and removal on the greatest threats to the homeland, which yielded positive results. For example, while the guidance was in place and before it was vacated by a federal court, ICE arrested an average of 855 aggravated felons per month, compared to a monthly average of 687 during the four years of the prior Administration. We applaud the Supreme Court's recent ruling on immigration enforcement and DHS looks forward to reinstating the September 2021 guidelines.

#### *Humanitarian Protection*

Finally, we have also responded to humanitarian crises around the world and at the same time returned to the administration of our immigration laws in a manner keeping with our nation's values by:

- Implementing a historic effort across the federal government to support vulnerable Afghans, including those who worked alongside us in Afghanistan for the past two decades, first through Operation Allies Welcome (OAW) and now continuing such support through Enduring Welcome. Afghan nationals paroled under OAW underwent an interagency screening and vetting process that began overseas and was supported by intelligence, law enforcement, and counterterrorism professionals from DHS, DOS, FBI, NCTC, and additional U.S. Government partners. The federal government is leveraging every tool available to ensure that no individuals who pose a threat to public safety or national security are permitted to enter the United States. The continuous screening and vetting process is ongoing to ensure the continued protection of public safety and national security.
- Creating Uniting for Ukraine (U4U), a lawful and orderly process to enable certain eligible Ukrainians and their immediate family members fleeing Russia's unprovoked war of aggression to apply for advance authorization to travel to the United States to seek parole for a period of up to two years. As of the end of June, over 175,000 Ukrainians have been authorized to travel to the United States through this process, which includes interagency screening and vetting both prior to authorizing travel to the United States and upon arrival at a POE. Through available lawful pathways, to include immigrant and nonimmigrant processes, over 349,000 Ukrainians have arrived in the United States since the conflict began.
- Providing Temporary Protected Status (TPS) benefits to nationals of 16 countries, including new designations, redesignations, or extensions for Afghanistan, Burma, Cameroon, Ethiopia, Haiti, Somalia, South Sudan, Sudan, Syria, Ukraine, Venezuela, and Yemen. We rescinded the prior Administration's termination of TPS designations for four additional countries (El Salvador, Honduras, Nepal, and Nicaragua) and extended those designations for 18 months. In addition, President Biden announced Deferred Enforced Departure (DED) for certain Liberian nationals and Hong Kong residents.
- Restoring the historical understanding of a "public charge" ground of inadmissibility that had been in place for decades, so as not to penalize individuals for using the health benefits and supplemental government services available to them.
- Preserving and fortifying the Deferred Action for Childhood Arrivals (DACA) policy through issuance of a final rule codifying the policy, working with DOJ to defend it against legal challenges, and effectively addressing significant processing backlogs inherited from the prior Administration. Despite our efforts, the program remains under threat and hundreds of thousands of Dreamers continue to live their lives from one court decision to the next, with great uncertainty.

We have also sought to ensure just outcomes through the Interagency Task Force on the Reunification of Families, which I proudly chair and which has reunited more than 745 children separated from their families at the Southwest border under the Trump Administration's Zero Tolerance policy. We also initiated the Immigrant Military Members and Veterans Initiative, improving support for noncitizen military members, including returning to the United States previously removed veterans who honorably served our nation so they can return to their families and lives here and access certain Veterans Affairs benefits to which they are entitled as a result of their service.



### **Human Trafficking and Child Sexual Exploitation and Abuse**

Combating the abhorrent crimes of human trafficking and child sexual exploitation and abuse (CSEA) are top priorities for the Department. These crimes target the most vulnerable among us, offend our most basic values, and threaten our national security and public safety.

According to the United Nations' International Labor Organization, human traffickers victimize an estimated 28 million people worldwide, with 80 percent subjected to forced labor and 20 percent in sex trafficking. The United States is no exception. Many trafficking cases in the United States involve workers in agriculture, landscaping, construction, factories, in homes as nannies or other domestic workers, restaurants, elder care, and more — essentially in jobs with low pay and few legal protections in the underground economy and the service industry.

Almost every office and agency in the Department plays a role in our counter-human trafficking mission. The DHS Center for Countering Human Trafficking (CCHT), which was codified by the Countering Human Trafficking Act of 2021, coordinates the counter-trafficking efforts of 16 DHS agencies and offices, reflecting our commitment to combat this heinous crime from every angle: investigations and enforcement, intelligence, public education and prevention, policy innovation, victim protection and support, and more.

HSI and CBP are the primary DHS law enforcement entities that ensure perpetrators are held accountable. HSI leads criminal investigations into sex trafficking and forced labor, making 3,655 human trafficking-related arrests during FY 2022, an increase of more than 50 percent over the previous fiscal year. Our human trafficking investigations led to 638 convictions, an increase of more than 80 percent over the previous year.

CBP is charged with rooting out forced labor-made goods from U.S. supply chains by preventing the importation of such illicit merchandise into the United States. CBP carries out this mission by investigating allegations of forced labor in supply chains and, where allegations are corroborated, issuing Withhold Release Orders (WROs) and forced labor findings pursuant to section 307 of the Tariff Act of 1930. CBP issued six WROs, two findings, and one WRO modification in FY 2022. In June 2022, CBP also began enforcing the landmark Uyghur Forced Labor Prevention Act (UFLPA), enacted by Congress in December 2021.<sup>1</sup> Together with the DHS Office of Strategy, Policy, and Plans, which chairs the interagency Forced Labor Enforcement Task Force (FLETF), and other interagency members including the Departments of Labor, State, Justice, Treasury, Commerce, and the United States Trade Representative, CBP led the UFLPA's successful implementation and is committed to fully enforcing this law to prevent the importation of goods produced, wholly or in part, with forced labor in the Xinjiang Uyghur Autonomous Region in the PRC.

DHS employs a victim-centered approach across all missions, including the Department's programs and operations to counter human trafficking and CSEA. This approach seeks to

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<sup>1</sup> UFLPA established a rebuttable presumption that the importation of any goods, wares, articles, and merchandise mined, produced, or manufactured wholly or in part in the Xinjiang Uyghur Autonomous Region of the People's Republic of China, or produced by certain entities, is prohibited by Section 307 of the Tariff Act of 1930 and that such goods, wares, articles, and merchandise are not entitled to entry to the United States.

minimize additional trauma, mitigate undue penalization, and provide needed stability and support to victims. This approach is not only critical to helping survivors begin to repair their lives. It also enables law enforcement to better detect, investigate, and prosecute perpetrators. For this reason, in FY 2022, DHS expanded the HSI Victim Assistance Program (VAP), increasing the number of victim assistance personnel, including victim assistance specialists (VASs) and forensic interview specialists (FISs), by 40 percent. In FY 2023, HSI will grow the program by another 60 percent. These investments have led to increases in the identification of victims of human trafficking, referrals for social services in local communities, and forensic interviews using trauma-informed, victim-centered methods to elicit accurate and complete information while minimizing distress. The VAP assisted 3,326 victims worldwide in FY 2022, including 1,138 victims of child exploitation and 765 human trafficking victims.

Public education is also a critical component of our counter-trafficking work. To name just a few of our achievements in this mission in FY 2022, the DHS Blue Campaign, the Department's national human trafficking public awareness initiative, trained more than 215,000 federal government, NGO, law enforcement, industry, and public participants on how to recognize the indicators of human trafficking. Our Federal Law Enforcement Training Centers trained more than 3,300 law enforcement officers, representing over 90 federal law enforcement agencies, on how to recognize and respond to potential trafficking cases.

The Department is also redoubling efforts to combat online CSEA, which has increased dramatically in scope and severity in recent years. New forms of CSEA have also emerged and grown exponentially, including the live streaming of child sexual abuse and sophisticated sextortion and grooming schemes. The National Center for Missing and Exploited Children (NCMEC), the nation's clearinghouse for child sexual abuse material (CSAM), received over 32 million cyber tips in 2022, corresponding to more than 88 million images and videos of child sexual abuse—a roughly 75 percent increase in just five years. What is worse, these numbers represent only CSAM on the open web; they do not include the massive amount of child sexual abuse content produced and shared on the dark web.

In response, we are strengthening our HSI Cyber Crimes Center (C3), including the Child Exploitation Investigations Unit (CEIU), a global leader in counter-CSEA law enforcement operations. The CEIU Victim Identification Program (VIP) utilizes state-of-the-art technologies combined with traditional investigative techniques to identify and rescue child victims throughout the world. Since its establishment in 2011, the VIP has identified and/or rescued more than 11,000 child victims of sexual exploitation. The CEIU also detects and apprehends producers and distributors of CSAM and perpetrators of transnational child sexual abuse, employing the latest technology to collect evidence and track the activities of individuals and organized groups who sexually exploit children via websites, chat rooms, peer-to-peer trading, and other internet-based platforms. CEIU's Operation Predator targets child sexual predators on both the open web and dark web, and in FY 2022 led to the arrest of 4,459 perpetrators for crimes involving child sexual abuse. During this same period, the CEIU Angel Watch Center issued 4,527 notifications regarding international travel by convicted child sex offenders, resulting in more than 1,073 denials of entry by foreign nations.

The DHS Science & Technology Directorate also develops and deploys leading-edge forensic tools and technologies that enable CEIU agents and other national and international law enforcement partners to identify and locate child victims of online sexual exploitation. These tools include livestream capabilities, advanced facial recognition technologies, and speech and language technologies.

We are also expanding our policy, public education, and strategic engagement infrastructure to elevate and enhance the Department's counter-CSEA capabilities. DHS remains steadfast in advancing and leveraging our full breadth of authorities and resources to end these heinous crimes, and we urge you to support our efforts to expand this critical work to fight the rapidly escalating crisis of online child sexual exploitation and abuse.

**Conclusion**

I am grateful to this Committee for your continued support of DHS, both from a resource perspective and for the provision of key authorities that allow the Department to adapt to an ever-changing threat landscape. I look forward to our continued work together and to answering your questions.

Chair JORDAN. Thank you, Mr. Secretary.

The Chair now yields to the gentleman from California, Mr. McClintock.

Mr. MCCLINTOCK. Mr. Secretary, what is the maximum number of illegal migrants you believe we should admit into this country?

Secretary MAYORKAS. Congressman, it is our responsibility to enforce the laws that Congress has passed, and that is, indeed, what we are doing. Individuals who do not have—

Mr. MCCLINTOCK. So, is there a limit? Yes or no?

Secretary MAYORKAS. Congressman, individuals who make a claim for relief under our laws and who do not succeed—

Mr. MCCLINTOCK. Well, you've already released more than 2.1 million illegal immigrants into this country since you took office. That's a population the size of the State of Nebraska. While the Border Patrol has been consumed by taking names and changing diapers at the border, 1.5 million known gotaways have illegally entered the country as well. That's an additional illegal population the size of the State of Hawaii.

So, once again, I would ask you, what is the limit? Or is there one?

Secretary MAYORKAS. Congressman, last year, we expelled or removed approximately 1.4 million people who did not have a legal basis to remain in the United States, the largest number in recent history.

Mr. MCCLINTOCK. Well, actually, you testified that 72,000 illegal migrants were removed in 2022. In 2019, there were 267,000 removals. So, removals are down under your administration by more than 75 percent.

Meanwhile, in 2019, there were 458,000 border encounters. Yet, under your policies, we're now up to 2.3 million encounters. That's five times as many.

So, while encounters were up five times, removals are down by 75 percent. How do you account for this?

Secretary MAYORKAS. Congressman, a few points.

(1) Our approach of expanding lawful pathways for people to reach the border and delivering consequences for those who arrive at our border irregularly is working. The number has dropped.

You'll also recall, Congressman, that last year Title 42—

Mr. MCCLINTOCK. Well, whoa, whoa.

Secretary MAYORKAS.—the public health authority was in place. Under that authority, we could not remove individuals or expel them.

Mr. MCCLINTOCK. Well, again, I'm short on time.

You announced the CBP One app this year. It allows migrants to bypass the Southern border and enter directly into the United States at ports of entry. This program began with up to a thousand illegal migrants a day. It's been amped up to as many as 1,500 a day. That's more than 540,000. That's the population equivalent of adding a new State of Wyoming every single year.

That's why the numbers are dropping. Instead of them coming in through the Southern border, you're bringing them directly into ports of entry. So, please don't, don't dissemble.

Now, I've got a very important concern for the people of my region. In January, a family of six people were executed in the rural

town of Goshen. That's not far from my district. According to the Tulare County Sheriff, it was a cartel hit. The victims ranged from age 72 down to a 10-month-old who was shot in his mother's arms.

Two weeks ago, the FBI Director warned us in this Committee that the open border is a "huge driver" of cartel presence in the United States. Those were his words—"huge driver."

The Jalisco, a new generation of cartels, now established hubs in Los Angeles, Denver, Phoenix, and Chicago. Millions have fled from Mexico to escape these conditions, and the cartels have followed them into the United States.

So, how long before we can expect the same kind of gun battles here as have become routine in Mexico?

Secretary MAYORKAS. Congressman, we are taking it to the transnational criminal organizations, the cartels, that peddle in death and destruction, to an unprecedented degree. We have—

Mr. MCCLINTOCK. They're following the mass migration into this country. That's what the FBI Director told us.

Secretary MAYORKAS. We have a number of lawful investigative actions and operations that are disrupting and dismantling those transnational criminal organizations.

Mr. MCCLINTOCK. Director Wray also testified that we have no idea how many terrorists are among the 1.5 million known gotaways that have entered under your policies, but that there's been a significant increase in terrorists apprehended at the border.

When your administration abandoned Afghanistan, it released 5,000 terrorists that were being held at Bagram. Ten days later, one of them killed 13 U.S. servicemembers at Kabul Airport. Wray said we don't know where the other 5,000 are. It's clear to me that we're in growing danger of a coordinated terrorist attack because of your policies.

Have you given any thought to how you're going to explain yourself when that happens?

Secretary MAYORKAS. Congressman, the safety and security of the American people is our highest priority. That is what is the genesis of the creation of the Department of Homeland Security.

Mr. MCCLINTOCK. Well, obviously, it is not your highest priority. The numbers speak for themselves.

Secretary MAYORKAS. It most certainly is, Congressman.

Mr. MCCLINTOCK. I yield back.

Chair JORDAN. The gentleman yields back.

The Chair recognizes the Ranking Member, Mr. Nadler.

Mr. NADLER. Mr. Secretary, I want to address some of the outlandish claims my colleagues have made and put them to rest at the outset of this hearing.

My Republican colleagues claim that the border is open. Is the border open, Mr. Secretary?

Secretary MAYORKAS. No, it is not.

Mr. NADLER. Thank you, Mr. Secretary.

The border is not open, and to say so is not only false, but it is really an insult to the brave men and women of the Border Patrol who work every day to keep us safe.

Next, Mr. Secretary, my colleagues on the other side of the aisle have been extremely focused on an exchange you had with Mr. Roy the last time you appeared before this Committee. They claim that

you liked to the Committee about whether we have operational control of the border. The Homeland Security Committee even wrote about it in Phase 1 of their investigation into potentially impeachment.

It is my understanding that DHS and its components use different definitions the term “operational control.” For example, the U.S. Border Patrol previously defined “operational control” as “the ability to detect and interdict illegal activity.”

CBP, in their 2020 U.S. Border Patrol Strategy, defined “operational control” as, quote,

The ability to perceive and comprehend the operating environment; mobilize assets, infrastructure, and barriers to prevent criminal activity, and respond to and resolve any illicit cross-border incursions.

Furthermore, in May 2023, a transcribed interview, Chief Patrol Agent Aaron Heitke of the San Diego Sector affirmed that, quote,

Border Patrol has operated under different definitions of operational control than what is listed in the Secure Fence Act.

So, can you describe what happened in that exchange last year?

Secretary MAYORKAS. Ranking Member Nadler, the Congressman did not allow me to complete my answer. The Secure Fence Act, specifically, the statute, defines “operational control” as “not having one individual cross the border illegally.” Under that statutory definition, no administration has achieved operational control.

Last year, we had approximately 1.7 million different individuals cross the border, the Southwest border. So, under that definition, no administration, under the Secure Fence Act, no administration has achieved operational control. We have provided data with respect to the number of encounters experienced at the Southwest border every month to Congress.

Mr. NADLER. Last, my Republican colleagues claim you are abusing your authority. However, Congress gave the executive branch wide latitude over immigration laws, including writing a provision in the Immigration and Nationality Act that allows for individuals to be paroled into the United States for urgent humanitarian or public benefit purposes.

For more than 70 years, administrations of both parties have used parole for categories of people. Some of my colleagues have criticized these programs, as well as the ones recently implemented by the Biden Administration for Haitians, Venezuelans, Cubans, and Nicaraguans, alleging that parole is not being granted on a case-by-case basis. Is that particular criticism accurate, Mr. Secretary?

Secretary MAYORKAS. Congressman, I very well know in my 22 years of Federal service, including 12 years as a Federal prosecutor, that we are a Nation of laws, and I take our obligation to follow the law scrupulously. I adhere to it strictly.

Our parole authority is being used consistent with the law. It is a discretionary authority that the statute provides. We exercise it on a case-by-case basis, and our parole program has at least three significant benefits.

- (1) It has driven down the number of encounters at the Southwest border.
- (2) It allows us to screen and vet individuals before they arrive at the Southwest border.

(3) Very importantly, we are cutting out the smuggling organizations that wreak such tragedy and trauma on the lives of vulnerable individuals.

Mr. NADLER. It appears to me that the administration is merely saying certain categories of people are eligible to be considered for parole. Is that correct?

Secretary MAYORKAS. Yes. We evaluate parole on a case-by-case basis.

Mr. NADLER. Our adjudicators still conduct a case-by-case determination to see if to grant parole is appropriate. You just said that. This is very much in line with historical use of parole by administrations of both parties?

Secretary MAYORKAS. To my knowledge, yes, Congressman.

Mr. NADLER. Thank you. I yield back.

Chair JORDAN. The gentleman yields back.

The gentleman from California is recognized, Mr. Issa.

Mr. ISSA. Mr. Secretary, we've known each other for a long time, including your time as a U.S. Attorney. I'm going to ask you some tough questions and they go back all the way to that time and before.

Was the immigration system—well, you said it in your opening statement; “it was broken.” Was the immigration system broken when you were a U.S. Attorney?

Secretary MAYORKAS. Congressman, it is broken. It has been broken for as long as I can remember.

Mr. ISSA. Does broken include the fact that there's virtually no penalty for being a coyote or for entering this country illegally; that, for all practical purposes, it's a slap on the hand and that U.S. Attorneys, historically, have a difficult time justifying their time, when, in fact, it's a revolving door for people who come into this country illegally and the coyotes who bring them? Isn't that one of the challenges you face?

Secretary MAYORKAS. Congressman, if you are referring to my time as a Federal prosecutor—

Mr. ISSA. No, I'm not referring to you personally. I'm referring to the broken, the broken immigration law. You said it was broken; I agree it was broken. I agree that it's broken today. I just want to make sure that, for the record, we get into what's broken.

I asked you a specific question. You might remember that dismissal of Carol Lam, when she said that it just wasn't worth prosecuting coyotes who weren't carrying weapons because they were going to be back out in weeks. So, isn't one of the problems that there is no real penalty for human trafficking, and there certainly is virtually no penalty for coming here illegally?

Secretary MAYORKAS. There are penalties for immigration violations. Title 8 of the United States Code, Section 1324, deals with smuggling of individuals—

Mr. ISSA. Right, and isn't it true, isn't it true that, within a matter—if you come here illegally, you're going to, essentially, be sent back out of the country in a very short period of time? If you traffic without weapons or drugs, you're going to be removed again.

Let me go on to something else. A broken immigration system. Isn't one of the biggest parts of the broken immigration system the part that we've all been talking about, at least on this side of the dais; the fact that, if you present yourself at the border and make

a claim—one, often, that has been taught to you by your smugglers, taught to you by NGO's—if you make a claim, more than nine out of ten of those claims are false? You will get into the country, and you will be here for an extended period time.

Isn't, in fact, a system that allows the vast majority of people making a claim to be lying, to be knowingly giving you a false story, one that, after adjudication, is proven to be false, isn't letting them in the country inherently part of our broken system?

Secretary MAYORKAS. Congressman, let me—

Mr. ISSA. That was a yes or no.

Secretary MAYORKAS. No, let me, let me—

Mr. ISSA. Give me a yes or no, and then, give me the rest.

Secretary MAYORKAS. Congressman, I respectfully disagree with your data, the statistic you cited. One of the problems in our broken immigration system is the length of time it takes between the time of the encounter—

Mr. ISSA. I understand the length of time. Isn't it true that most countries do not simply admit and release people, waiting, and tell them to come back when they adjudicate them? Aren't we an exception, for the most part, around the world?

Secretary MAYORKAS. Congressman, we are not alone in some of the infirmities of the immigration system that we have.

Mr. ISSA. So, today, as the Chief Security Officer for the United States, would you say that it is reasonable to release people for months or years rather than adjudicating them immediately at the border? Isn't it true that, if we were doing our job in Congress, and you were able to do your job, people would be adjudicated before they came into the United States? Those found to be credible would be admitted; those not found to be credible would be discarded back to the countries they came from, as appropriate?

Secretary MAYORKAS. Congressman, in the absence of Congressional action, we have actually issued a regulation, the first of its kind, that has reduced the time between encounter at the border and the final adjudication of an asylum claim.

Mr. ISSA. OK. For the record, there has been, in fiscal year, let's say, 2020, you had three at the Southwest border encounters with people on the Terrorist Watchlist. So far this year, it's 140. Can you give us the whereabouts of those 140? Are they all incarcerated? Have they all been removed? Or is it a mixture of incarceration, removal, and release?

Secretary MAYORKAS. Congressman, let me say this: The safety and security of the American people is our highest priority—

Mr. ISSA. So, prove it to me. What is the status of those 140?

Secretary MAYORKAS. Individuals who present a national security or public safety threat are detained and are priority removed—

Mr. ISSA. By definition, Mr. Secretary, if you're on the Terrorist Watchlist, you represent a threat. So, 140 people on the Terrorist Watchlist so far this year. For the record, would you please give us the status of each of those individuals, so we know what you did with people who were on a Terrorist Watchlist, who were apprehended—many got away—but were apprehended, where they are today? So that Congress can know.



Secretary MAYORKAS. Congressman, I would be pleased to provide you with that information with respect to the individuals encountered at the service women.

Mr. ISSA. Thank you.

I yield back.

Chair JORDAN. The gentleman yields back, but could the Secretary answer that question? What is the status of those 140?

Secretary MAYORKAS. Mr. Chair, I communicated—

Ms. JAYAPAL. Mr. Chair, what is the—

Mr. ISSA. Point of order.

Ms. JAYAPAL. By what authority—or point of order.

Chair JORDAN. The gentlelady will State her point of order.

Ms. JAYAPAL. Mr. Chair, under what authority are you speaking right now? Whose time? Whose time is it? Are you being recognized for five minutes?

Chair JORDAN. I was just asking what I thought would be a question—

Ms. JAYAPAL. Mr. Chair, it's not, it's—

Chairman JORDAN. —every single Member of Congress would want to know.

I'll do it on my time or some other time.

Ms. JAYAPAL. Thank you. I appreciate that. Thank you.

Mr. ISSA. Point, point of, point of—Mr.—

Chair JORDAN. He had asked the question and there wasn't an answer to the status of the 140 people apprehended—

Ms. JAYAPAL. Mr. Chair, he did—

Chair JORDAN. —on the Terrorist Watchlist—

Ms. JAYAPAL. The witness provided an answer. If you want to use your five minutes—

Chair JORDAN. I don't think he did, but I'll do it on my time.

Ms. JAYAPAL. I think that's great. Thank you.

Chair JORDAN. That's fine.

We recognize the gentlelady from California.

Ms. JAYAPAL. Thank you, Mr. Chair.

Ms. LOFGREN. Thank you, Secretary Mayorkas, for being here today and for your service to our country, first, as a U.S. Attorney and now as Secretary of Homeland Security.

We all know that Congress has not acted in many, many years to update our immigration laws. In fact, it's been, really, if you want to take a look at it, we're still operating under the outlines of the 1965 Act, which no wonder it doesn't work that well for the United States of America in 2023.

So, I'd like to ask, first, do you agree that it would be better to have a legal framework wherein people could actually enter the United States with visas, and the like, instead of a mishmash of asylum claims, and the like, at the border?

Secretary MAYORKAS. Congresswoman, I do. I see other countries with systems that are more advanced than ours that actually can match the need for labor with the supply for labor. In fact, Canada is one of those countries immediately to the North.

Ms. LOFGREN. I would just note that the Canadian government has now opened-up an official government effort to poach the most educated and the most talented postdocs and doctors in the tech-

nology field in Silicon Valley. Ten thousand of the best and the brightest applied on the first day. So, that is a loss to our country.

I'd just like to note that we have a bill, bipartisan bill, called the Farm Workforce Modernization Act, that would streamline the H-2A program and regularize the status as an agricultural worker visa for farm workers, half of whom are here without their papers.

Do you think that would help regularize our situation at the border?

Secretary MAYORKAS. I do. I do, Congresswoman. There are approximately, I believe, 10 million open jobs in need of workers. I hear from executives across this country about the need for labor. It is proven that lawful labor pathways cause a reduction in the number of irregular arrivals at our border.

Ms. LOFGREN. I'd like to just touch again—the Ranking Member has mentioned the use of parole. It's one of the few tools that you have under the existing Immigration and Nationality Act. I note that it's been used by Presidents of both parties over many, many years.

President Eisenhower oversaw parole of over 30,000 Hungarian refugees escaping communism. President Ford and President Carter oversaw the parole of hundreds of thousands of Vietnamese fleeing the communists. We have used parole for people fleeing communism in Cuba, in fleeing communism in Nicaragua, and now, fleeing communism in Venezuela.

Would you say that the use of parole today by category, but then, case by case, is any different than what prior administrations have done?

Secretary MAYORKAS. Congresswoman, we have used our parole authority consistent with the law and consistent with past practices of different administrations.

Ms. LOFGREN. I'd just like to note that the idea that we should cutoff this way to rescue to people who are trying to escape from communism today is completely wrong and contrary to our history as a country. We have always welcomed those who are fleeing from communist oppression, going back many decades. I will strongly object if we turn our back on those refugees from communism today. That would be very wrong.

I just want to talk briefly about the refugee process. As we know, in the last administration, basically, the refugee program was destroyed. How are we doing in rebuilding the refugee processing, as well as the processing centers in the United States and the nonprofits who are helping refugees come into the United States? Can you tell us how we're rebuilding the refugee process?

Secretary MAYORKAS. Congresswoman, we, under the President's leadership, have recommitted ourselves to the refugee process. It is a process that benefited my family in fleeing the communist takeover of Cuba, and it's what drove me, quite frankly, to public service, the opportunities that this country provided for my parents, my sister, and me.

Ms. LOFGREN. I yield back, Mr. Chair. My time is expired.

Chair JORDAN. The gentlelady yields back.

The gentleman from Colorado is recognized.

Mr. BUCK. Thank you, Mr. Chair.

Secretary Mayorkas, last time you were here, I told you that my constituents consider you a traitor. Today, I'd like to explain why they believe this and ask you a few questions.

I'd like to introduce, first, my constituent Stephanie Granados. She lives in Loveland, Colorado with her mother Monica and younger brother Axel. She is 24 years old, bilingual in English and Spanish, a Christian woman who works as a restaurant server, and is a loyal friend to those around her.

Unfortunately, Mr. Secretary, that's only what I wish I could tell you about Stephanie. Stephanie is dead. A year ago, this young woman was poisoned. She never made it to age 24. Her mother's only glimpse of her now is in old photographs, and her brother misses his older sister.

Stories like that are normal conversations in Colorado. Stories like this begin with fentanyl. Where does fentanyl begin? Many times, it starts among chemical manufacturing firms in China—companies like the recently indicted Hebei Sinaloa Trading Company from the Hebei Province in China.

It manufactures and advertises the drug's ingredients to buyers in Mexico, using common mail and import fraud tools, like forged customs documents and falsely labeled packages. Firms ship the product, on purchase, to drug dens in cities like Guadalajara.

After preparation, these facilities finish the product and smuggle it by truck, by car, and by humans across our Southern border—chopped into counterfeit pills that are pressed to look exactly like legitimate pharmaceuticals, are mixed with cocaine or other substances. Americans buy those drugs, and it's like a walking mine field. These illegal drugs are, then, used to kill American citizens.

According to the CDC, over 150 people are dying every day because of synthetic opioids like fentanyl. The CDC's National Center for Health Statistics reported 79,770 opioid-involved overdose fatalities in 2022, and over 80 percent of opioid deaths are attributed to fentanyl.

In my home State of Colorado, fentanyl deaths remain near record levels. According to *The Denver Post*, more Coloradans have died of ingesting the drug in 2022 than overdosed on all drugs in 2016.

According to the Department of Justice's latest report on the subject, 64 percent of Federal arrests involve noncitizens committing crimes, despite them comprising only seven percent of the population.

Secretary Mayorkas, I'm going to ask a couple of questions and answer them for you before I give you a chance to respond.

Is China responsible—oh, I'm sorry. Recently, you spoke at the Aspen Security Forum and stated that China bears responsibility for this.

Is China responsible for keeping the Southern border open to smugglers? No.

Is China responsible for the Mexican cartels' emboldened attitude in the American drug trade? No.

Is China responsible for the impunity of more and more illegal aliens committing crimes in America? No.

Is China responsible for the record high 98 aliens on the Terrorist Watchlist crossing the Southwest border in 2022? No.

Is China responsible for the 856 illegal aliens who died while crossing the Southwest border last year? No. That's more than 300 deaths, by the way, in 2021, and more than three times as many in 2020.

Is China responsible for the 9,200 aliens with criminal convictions crossing the border illegally just this year to date? No.

Is China responsible for the estimated 1.5 million illegal alien gotaways that crossed the border undetected under your watch? No.

Is China responsible for the 1.2 million removable aliens who have been told by a judge that they must leave the U.S., but insist on staying?

Secretary Mayorkas, it is your responsibility to secure our border against fentanyl trafficking. The fentanyl killing thousands of Americans every year is a direct result of your dereliction. When people die of fentanyl poisoning, it is your fault.

What would you say to Stephanie Granados' family if they were here right now?

Secretary MAYORKAS. Congressman, we grieve the loss of any life as a result of the toxicity, the devastation of fentanyl. The challenge of fentanyl is not new. It has been escalating for more than five years. I believe there were more than 50,000 overdose deaths from fentanyl in 2020.

This is a scourge that all of us have to work together to combat. We in the Department of Homeland Security, with our Federal partners, are taking it to the traffickers to an unprecedented degree through innovative operations targeting criminals.

I stand by my statement at Aspen that China does bear responsibility, because many of the precursor chemicals and the pill press equipment that are used to manufacture fentanyl does originate from there.

This is a complex problem. We are taking it to the criminals, and I look forward to working with you, Congressman, to address this challenge, which has been only building over many years in this country.

Mr. BUCK. I yield back, Mr. Chair.

Chair JORDAN. The gentleman yields back.

The gentlelady from Texas is recognized.

Ms. JACKSON LEE. Good morning, Mr. Secretary.

You have repeatedly been before us and indicated your humble beginnings and the passion and commitment in which you serve America and take very seriously your job here as Secretary of Homeland Security.

On that basis, I have a number of quick questions, and I'm going to ask for a sense of urgency in wrapping this, so that I can assure that all have been answered.

First, I want to make clear that this is an oversight hearing, not an impeachment hearing. This is a hearing to address the questions of the work that has been done.

So, to that end, just as a factual basis, there's been a lot of hollering about the entry on the border, operational control. I'm asking for—a brief question: We know that the Federal Government ended Title 42. Have crossings gone down?

Secretary MAYORKAS. Yes, they have. The approach that we have taken, Congresswoman, of expanding lawful pathways, safe, orderly, and lawful pathways for individuals, and at the same time delivering consequences to those who do not take advantage of those lawful pathways has been working.

Ms. JACKSON LEE. Part of that—

Secretary MAYORKAS. The challenge, of course, remains.

Ms. JACKSON LEE. My numbers suggest 70 percent that they've gone down. It also suggests that the Biden Administration has put in stricter requirements for asylum, is that correct?

Secretary MAYORKAS. We did. We are delivering consequences for those who do not take advantage of the lawful pathways.

Ms. JACKSON LEE. You still believe in the humane infrastructure of America that started with the Statue of Liberty, and realizing people flee persecution, political dynasties, if you will, that cause violence and the forcing of leaving. Is that, is that part of our thinking here in the country?

Secretary MAYORKAS. Congresswoman, our laws, our refugee laws, our asylum laws, are one of our proudest traditions as a country of refuge.

Ms. JACKSON LEE. So, would you say, having been asked this over and over again, that the United States, the President of the United States, the Secretary of Homeland Security, and all the hardworking men and women at the border have operational control or have a form of presence that they are aware of what's going on at the border, and that they're working to secure the border every single day?

Secretary MAYORKAS. As we define that term, Congresswoman, we do.

Ms. JACKSON LEE. CISA has been called all things, maybe even not American. Is it an important element of securing elections, as it did in the 2020 election and 2022?

Secretary MAYORKAS. The security of elections, our election system is a component of our country's critical infrastructure. To protect the safety, security, and integrity of the election process is a significant priority of this government. The Cybersecurity and Infrastructure Security Agency works very closely with election officials in State and local jurisdictions to ensure the safety and security of the election system.

Ms. JACKSON LEE. I have two more questions, and I must quickly move forward.

The ADL has indicated that there have been 3,697 antisemitic incidents, a 36 percent increase, from 2021. What is your Department doing to protect the Jewish community, and within the New U.S. National Strategy to Counter Antisemitism, what kind of commitments have you made?

I have another question, but I think this is extremely important.

Secretary MAYORKAS. Congresswoman, there has been a rise in antisemitism in this country, the rise in other ideologies of hate. Our responsibility, as the Department of Homeland Security, is when there is a connectivity between an ideology, whatever that ideology might be, and violence. It is the prevention of violence that really prompts our engagement with local communities around the country.

Ms. JACKSON LEE. Thank you. I want to keep in touch on those issues. We all face communities who are, certainly, targets of that kind of violence.

I want to suggest that immigration is a national and Federal authorized responsibility. We see States like Texas and Florida that have spent billions in Texas; that have bused individuals to the Vice President's home and to other places.

Can you tell me how detrimental and questioning States getting involved in immigration issues, and how confident you feel that you are protecting the American people?

Incidents like that, including incidents at the border—which I'll put in the record, "Texas Trooper Alleges Inhumane Treatment of Migrants by State Officials along the Southern Border."

How are you responding to that responsibility that you have?

Secretary MAYORKAS. Congresswoman, the safety and security of the American people is our highest priority. Law enforcement is most effective when it is executed collaboratively in cooperation.

Chair JORDAN. The time of the gentle—

Ms. JACKSON LEE. Wait. I'd like to ask unanimous consent, Mr. Chair, to place into the record the *CBS News*, July 18, "Texas Trooper Alleges Inhumane Treatment of Migrants by State Officials along the Southern Border."

Chair JORDAN. Without objection.

Ms. JACKSON LEE. *The Washington Post*, "Southern Border Eerily Quiet after Policy Shift on Asylum Seekers." I ask unanimous consent to place that into the record.

Chair JORDAN. Without objection.

Chair JORDAN. The Chair now recognizes the gentleman from Florida for five minutes.

Mr. GAETZ. Two million encounters and releases under your watch. So, not including the Title 42 expulsions, not including violent criminals, of those two-million-plus that you've encountered and released, how many have you told to go home?

Secretary MAYORKAS. Congressman, individuals who are released are placed in immigration enforcement proceedings under the law, where they can make their claim for relief. If their claim for relief is not satisfied, they are subject to removal from the United States—

Mr. GAETZ. Right. "Subject to removal" sounds very different than actually removed. So, I'm not interested in the process. I'm not interested in what people are subject to. Two million people encountered and released—not the expulsions under Title 42, not the criminals—how many of those people have you deported?

Secretary MAYORKAS. So, Congressman, a few points. No. 1—

Mr. GAETZ. Just how many of the people? I just want to know how many. Just a number.

Secretary MAYORKAS. Congressman, we are dealing with a completely broken immigration system.

Mr. GAETZ. I get it. No, no, Mr. Secretary, I'm not going to let you burn my five minutes.

Do you know the answer? Do you know the number of people, out of that two million, that you've removed that aren't criminals?

Secretary MAYORKAS. I do know that we have removed more aggravated felons than—

Mr. GAETZ. Right. I'm not asking about them. I've caveated that away.

Because here's what I'm sort of getting and what your non-responsiveness is demonstrating. The Mayorkas doctrine is this: If you show up at the border and get released into the country, if you don't commit a specific aggravated felony—which, by the way, doesn't include a lot of assault and battery; doesn't include a lot of bad domestic violence—but if you're not one of the people who commit those crimes, you get to stay forever. Is that a fair characterization of your doctrine?

Secretary MAYORKAS. No, that is false.

Mr. GAETZ. Then, tell me how many you're sending home.

Secretary MAYORKAS. No, that is false.

Mr. GAETZ. OK, well, but you don't know the number of how many you've sent home.

Here's another number: 1.2 million people today have been through your entire process, right? They've been through what you call a removal proceeding. It's just an amnesty dance. Because after the 1.2 million people get an order from the judge saying that they don't have a basis to be here, you still don't remove them. Like what's your plan to remove those people?

Secretary MAYORKAS. Congressman, that is false.

Mr. GAETZ. OK. Well, how many of them then? Just give me the number.

Secretary MAYORKAS. Congressman, in this country—in this country—there are between 11–12 million undocumented—

Mr. GAETZ. Right, but I'm asking about a subset that you won't send home. The reason you're smirking about it, and the reason you won't answer my question, is because everybody gets the joke. The sad thing is it's not just us here. It's the cartels who get the joke, too.

So now, what you've done to execute this Mayorkas doctrine—where so long as you don't commit a crime, you get to stay here and burden our hospitals, burden our schools, burden our social services, burden our jails—you've sent the message to the cartels, and then, you've taken this app and you've digitized illegal immigration and you've scaled it to the moon.

Like this app that you've got everybody downloading is like the Disney FastPass into the country, never to be subject to actual removal; just removal proceedings, as you call them. That app doesn't do any search of their criminal history in their home country, does it?

Secretary MAYORKAS. Congressman, I disagree with everything you have said.

Mr. GAETZ. Well, I'm sure, but just answer the question: Does the app that you are out there promoting do any search of people's criminal history in their home country?

Secretary MAYORKAS. Congressman, Customs and Border Protection screens and vets individuals whom they encounter early—

Mr. GAETZ. Your app, it either has the functionality to test their criminal history in their home country or it doesn't. By the way, if it did, you would have already told me. It doesn't.

Then, the other epic failure of this that's empowered the cartels is that, in these processing centers you've set up in other coun-

tries—so, just wave them all in at a rapid pace—you’ve had to shut them down in Nuevo Laredo because the cartels were standing outside extorting people. Isn’t that right?

Secretary MAYORKAS. Congressman, that is false.

Mr. GAETZ. Oh, really? So, why did you shut down that facility in Nuevo Laredo?

Secretary MAYORKAS. Understand that the point of safe, orderly, and lawful pathways is to reduce the number of encounters at our Southwest border—

Mr. GAETZ. Wait a second. You’ve just shifted those encounters. Because, right now, for the first time in modern history, more people are showing up at the ports of entry than running through some bush in Yuma, Arizona. The reason they’re showing up at the ports of entry is because you’ve got the turnstile open—where, so long as they’ve gone and downloaded this app, you just let them in.

I’ve got one final question for you, and it’s an important one. Is Mexico an ally in this fight against illegal immigration?

Secretary MAYORKAS. Yes, it is.

Mr. GAETZ. So, it’s hilarious and somewhat troubling that you say that, because, like, I’m looking at the El Chapo trial, where President Nieto took a \$100 million bribe from the Sinaloa cartel. Do you think that the subsequent Presidents following Nieto weren’t offered a bribe by the cartel, or didn’t take the bribe?

Secretary MAYORKAS. Congressman, I disagree with everything you have said.

Mr. GAETZ. Right, but—

Secretary MAYORKAS. I have worked—

Mr. GAETZ. You can disagree all you want, but what you won’t provide is any number. When you sit there and just kind of ostensibly disagree without any facts, it shows people what the real gig is.

The Mexican government is captive to the cartels. They are doing the bidding of the cartels, and based on your response today, so are you.

Mr. COHEN. Thank you, Mr. Chair.

Welcome, Mr. Ambassador. Appreciate your service and appreciate your testifying today.

Last week Director Wray sat in the hot seat. By the way, is it still warm or did you bring some potholders?

Secretary MAYORKAS. I am prepared to answer the questions of this Committee—

Mr. COHEN. Thank you, sir.

Secretary MAYORKAS. —Congressman.

Mr. COHEN. Director Wray testified that a lot of the animus that has been conjured up against government, in this Congress particularly, but around the country, have given White supremacists of the belief that their actions may be justified, and it has hurt morale at his agency, and it has jeopardized the lives of some of his agents. A situation in Cincinnati where a man went out and—he didn’t kill anybody, but he tried to; was going to go to the Cincinnati base. There have been others. Has your division of government, Homeland Security, been affected, the employees’ morale been affected by these White supremacist threats and statements



and have you been the—any of your agents and sites been the victim of violence?

Secretary MAYORKAS. Congressman, it is the antigovernment sentiments and their connectivity to violence that is the subject of my discussions with many of our front line personnels—personnel and the threats that they have encountered as a result.

Mr. COHEN. Has there been any violence directed at any of your sites?

Secretary MAYORKAS. There has. We have an agency within the Department of Homeland Security, the Federal Protective Service; remarkable men and women in uniform who protect Federal facilities and the personnel who work in them.

Mr. COHEN. There was a court ruling yesterday, and I didn't get into depth, but I believe it suspended a program that the President; and that includes you, tried to have for border entry and who could come to this country and seek asylum and limit it to some extent. It was stayed I believe by a court. Is that correct?

Secretary MAYORKAS. Yes, Congressman. It's the Circumvention of Lawful Pathways Regulation that we promulgated as part of our process to expand lawful pathways for individuals and at the same time deliver consequences for those who do not use those pathways.

Mr. COHEN. Were there similarities to the program that President Biden and you had stayed that President Trump had also tried to implement, or did implement?

Secretary MAYORKAS. It is a different program than the one that President Trump implemented, Congressman.

Mr. COHEN. OK. Did it have any parts of it?

Secretary MAYORKAS. No, the—and I will not speak much about this, Congressman, because the matter is the subject of litigation, but President Trump issued a transit ban on individuals, and our regulation is not a ban. It shifts the evidentiary burden. It raises it and creates a rebuttable presumption, which is quite distinct from a ban.

Mr. COHEN. Could you say that was a middle ground between what President Trump had and what the Court maybe wanted because the Court stayed it and didn't allow it to occur?

Secretary MAYORKAS. Congressman, I'm able to comment any further given the fact that it's a matter of pending litigation.

Mr. COHEN. Thank you, sir. I have had a problem which is more local in nature, I guess, constituents who have complained that the opportunity to get certified by the Global Entry Program in Memphis, Tennessee has been thwarted, that they have been told they need to go to Jackson, Tennessee. Memphis is a city of over a million people. Jackson is a city of about 100,000. Why our folks would have to go to Jackson to get their global entry form is hard for me to comprehend. They said they had to travel there.

We tried to get in touch with the people at Global Entry. I think we got a phone call Friday. We found it very difficult to get in touch. The phone number that we were given by some people with TSA as a kind of speedy number, the number we need to get action. My staff said that they—the phone was hardly ever answered. They mostly stayed on hold.

Could you ask the folks, because they come under you, at Global Entry to look into why citizens in Memphis have to go to Jackson?

They were told it was because some of their people have to work to help FedEx. Everybody should help FedEx. Besides that, they need to help the citizens of Memphis get their global entries as well. So, can you look into that for me?

Secretary MAYORKAS. I will, Congressman. The Global Entry Program is one of two trusted traveler programs. Global Entry is under U.S. Customs and Border Protection and PreCheck is under the Transportation Security Administration. Those are two very successful trusted traveler programs that enhance the security of travel in the United States, as well as facilitate that travel. I'd be pleased to look into that issue.

Mr. COHEN. Thank you, sir. Are you from Miami?

Secretary MAYORKAS. No, I was born in Cuba and fled the communist takeover of Cuba to the United States.

Mr. COHEN. You didn't come to Miami at all?

Secretary MAYORKAS. I did. We lived in Miami for a couple years before my father found work elsewhere.

Mr. COHEN. Thank you. Well, I am in the same status except I didn't go to Cuba first. I did go to Miami and then my father found better employment elsewhere. Thank you and appreciate your work. Yield back.

Mr. ISSA. Mr. Chair, I would ask unanimous consent that the regs of the Secretary's agency dated March 29, 2022, be placed in the record in which a quote contained says,

Full 83 percent of the people who were subject to removal between 2014–2019 were referred to an immigration judge and in fact were not found to have a credible fear.

So, when the Secretary said that I was wrong about the majority, he was wrong. It is 83 percent according to his own documents in the period 2014–2019. Perhaps it is improved, but I doubt it. Yield back.

Chair JORDAN. Without objection.

Chair JORDAN. The Chair now recognizes the gentleman from Louisiana.

Mr. JOHNSON of Louisiana. Secretary Mayorkas, we have the frustrating responsibility on this Committee of providing oversight of your agency, but I have to be honest and tell you I am not sure exactly what you do at the Department of Homeland Security other than great harm.

On your watch the data is pretty clear. We have had record levels of illegal immigration, a rapid decline in deportations, skyrocketing fentanyl deaths across our country. The Secret Service, which is a DHS component, can't determine who left cocaine at the White House.

In the middle of all this you created the Cybersecurity and Infrastructure Security Agency, CISA, which is a division of your—of DHS. It is one of the Biden Administration agencies that colluded with and coerced the social media companies to censor Americans' protected free speech online. That is specifically detailed in a 155-page Court Opinion that came out of the Federal court in Louisiana in the landmark litigation of *Missouri v. Biden*.

Have you read that Court Opinion?

Secretary MAYORKAS. Congressman, I have not. The Cybersecurity and Infrastructure Security Agency does not censor speech.

Mr. JOHNSON of Louisiana. OK. Well, the court found otherwise. It is really curious to me—actually it is quite alarming that you haven't read the opinion because your agency is listed in this opinion. The Federal court looked at volumes of evidence over months of litigation and they determined, among other things, that if the allegations made the plaintiffs, the States in this case, are true—and hold on. The preliminary injunction was granted against your agency, sir, and other Biden Administration agencies, including the DOJ and FBI. The court said it involves the most massive attack against free speech in United States history. You are telling me this opinion issued July 4th has not reached your desk? No one has briefed you on it?

Secretary MAYORKAS. I have been briefed on the *Missouri* litigation.

Mr. JOHNSON of Louisiana. OK. You haven't taken the time to read it yet?

Secretary MAYORKAS. Congressman—

Mr. JOHNSON of Louisiana. No, hold on. Have you read it or not?

Secretary MAYORKAS. I have read parts of it, Congressman.

Mr. JOHNSON of Louisiana. Oh, parts of it? Did you read the parts where it said that this is Orwellian and dystopian and that your agency is involved in a massive coverup of specifically conservatives' free speech online?

Secretary MAYORKAS. Congressman, the Cybersecurity and Infrastructure Security Agency is not involved in such conduct.

Mr. JOHNSON of Louisiana. OK. Well, the court found otherwise. You stand here under oath and you give us these answers that we know are not true, because this is demonstrably untrue. I am suggesting to you that you are saying things to us under oath that are proven by the record to be untrue.

Let me ask you about this specifically: CISA was created to—we call it the Misinformation and Disinformation Subcommittee of CISA. Are you familiar with that?

Secretary MAYORKAS. Congressman—

Mr. JOHNSON of Louisiana. MDM. The MDM Subcommittee. You are familiar with that?

Secretary MAYORKAS. Congressman, I am very well aware of the threat of disinformation emanating from adverse Nation States.

Mr. JOHNSON of Louisiana. Are you familiar with the Subcommittee? Just answer the question.

Secretary MAYORKAS. I am.

Mr. JOHNSON of Louisiana. OK. Does it still exist?

Secretary MAYORKAS. Congressman, are you speaking of the—

Mr. JOHNSON of Louisiana. Does the MDM Subcommittee still exist?

Secretary MAYORKAS. I would have to get back to you on that.

Mr. JOHNSON of Louisiana. OK. All right. Kind of a big deal in your agency. I am kind of shocked that you don't know the answer to that.

Can you define what misinformation is?

Secretary MAYORKAS. Congressman, misinformation is false information that is disseminated to—

Mr. JOHNSON of Louisiana. Excellent. Who determines what is false?

Secretary MAYORKAS. Congressman, our focus—

Mr. JOHNSON of Louisiana. No, who determines what is false in your agency?

Secretary MAYORKAS. Congressman—

Mr. JOHNSON of Louisiana. If you are going to pull something off the internet and collude with a social media platform to make sure Americans don't see it, who determines what is false?

Secretary MAYORKAS. Congressman, we don't do that.

Mr. JOHNSON of Louisiana. That is not true. That is not true. That is not what the court has found. This is not a Republican talking point. This is what the documents show. We have had people testify under oath that say—and you just defined the term. You are telling me that you don't know who determines what is false?

Secretary MAYORKAS. Congressman, what we do at CISA, the Cybersecurity and Infrastructure Security Agency, is identify the tactics that adverse Nation States use to weaponize disinformation—

Mr. JOHNSON of Louisiana. OK. What is disinformation? What is disinformation?

Secretary MAYORKAS. Disinformation is inaccurate information—

Mr. JOHNSON of Louisiana. Who determines what is inaccurate? Who determines what is false? You understand the problem here? The reason the Framers of our Constitution did not create an exception for, quote, “false information” from the First Amendment is because they didn't trust the government to determine what it is. You have whole committees of people in your agency trying to determine what they determine, they define as false or misinformation.

Secretary MAYORKAS. That is not true.

Mr. JOHNSON of Louisiana. Well then what is true?

Secretary MAYORKAS. What we do—

Mr. JOHNSON of Louisiana. Please enlighten us.

Secretary MAYORKAS. —is what we do is we disclose the tactics that adverse Nation States are utilizing to weaponize disinformation.

Mr. JOHNSON of Louisiana. No, sir. No, sir. The court found specifically—it is a finding of fact that is not disputed by the government defendants: The Biden Administration, your agency, the FBI, or DHS. Not in the litigation. They determined you made—you and all your cohorts made no distinction between domestic speech and foreign speech. So, don't stand there and tell me under oath that you only focused on adverse adversaries around the world.

Secretary MAYORKAS. Congressman—

Mr. JOHNSON of Louisiana. Foreign actors. That is not true.

Secretary MAYORKAS. Congressman, the *Missouri* case, the litigation to which you refer, is the subject of continuing litigation.

Mr. JOHNSON of Louisiana. The facts were not disputed. I so, so regret that I am out of time. I hope I get some more yielded. I yield back.

Chair JORDAN. The gentleman yields back.

The Chair recognizes the gentleman from Georgia.

Mr. JOHNSON of Georgia. Thank you, Mr. Chair.

I don't trust the government of Florida to tell teachers how to teach history, particularly Black history, wanting to put a revisionist idea that somehow slaves benefited from being slaves. I

don't think that that is the truth, but I will tell you my friend Donald Trump will have his folks thinking that that is the truth.

At any rate, MAGA Republican extremists want to sell us on an apocalyptic fantasy. They want the American people to believe that the border is out of control, that drugs are flowing in freely, that September 11th-style terrorists are infiltrating with impunity, and that Latino immigrants are coming to rape, rob, and murder our families. In reality the greatest threat facing our homeland is White nationalist ideology that lies beneath such rhetoric.

Experts agree that dangerous speech from elected officials creates a climate that foments violence and threatens public safety. Republicans in the 118th Congress have amplified the White nationalist invasion conspiracy theory over 80 times in their official capacity. Eleven Members of this very Committee pedaled this dangerous anti-Semitic, racist conspiracy theory.

Dr. Heidi Beirich, co-founder of the Global Project Against Hate and Extremism, has said, quote,

When migrants are described as invaders, that leads to violence because how else does one stop an invasion.

Mr. Secretary, as the Ranking Member mentioned, next month is the anniversary of the El Paso shooting. The shooter was inspired by White nationalist theories like the great replacement theory and claimed that there was a Hispanic, quote, "invasion." He drove hundreds of miles to, as he admitted, target Hispanics and to murder 23 people. He is far from the only person inspired to kill as a result of these theories.

In October 2018, a domestic terrorist infiltrated the Tree of Life Synagogue in Pittsburgh, Pennsylvania and murdered 11 congregants during Shabbat services. That man targeted Jewish—he targeted a Jewish community because he believed in the great replacement theory. Unfortunately, this has become a repeated pattern which includes the attack in Poway and Buffalo. Regardless of political views we should all stand for the principle that hate is unacceptable.

Mr. Secretary, what kind of impact does this White nationalist rhetoric of invasion or replacement have on minority communities?

Secretary MAYORKAS. Congressman, when an act of hate occurs, it's not just the community that is impacted. The adverse impact is felt across this Nation. One of the most prominent terrorism-related threats that we face in the homeland is what we term domestic violent extremism. It is—

Mr. JOHNSON of Georgia. It is White nationalist extremism, is it not?

Secretary MAYORKAS. Congressman, there are diverse ideologies that underlie the acts of violence. White nationalism is one of them. We do not focus on the ideology itself. We focus on its connectivity to violence and our effort to prevent that violence. We see a diverse range of ideologies of hate. Antigovernment sentiment, personal grievances, false narratives fuel acts of violence in this country. It is the connectivity to violence.

Mr. JOHNSON of Georgia. Well, when elected officials repeat great replacement rhetoric, including the language of invasion, are they putting a target on the backs of immigrants and people of color?

Secretary MAYORKAS. It certainly fuels the threat landscape that we encounter in the—

Mr. JOHNSON of Georgia. What kind of dangers does this rhetoric impose on law enforcement?

Secretary MAYORKAS. We have seen the number of ambushes of law enforcement officers increase year over year recently. I could provide that data to you.

Mr. JOHNSON of Georgia. Thank you. My time is about to expire, and I will yield it back.

Chair JORDAN. The gentleman yields back.

The gentleman from Arizona is recognized.

Mr. BIGGS. Thank you, Mr. Chair.

Secretary, who must take responsibility for the creation of the Disinformation Governance Board, you as the Secretary of Homeland Security or President Biden?

Secretary MAYORKAS. Congressman, the Disinformation Governance Board, which has been mischaracterized—

Mr. BIGGS. So, did President Biden tell you to do it or did you guys decided to do it? Did you take responsibility for creating that?

Secretary MAYORKAS. Congressman, it is my responsibility, and I will share with that—

Mr. BIGGS. Very good. So, the last four days 5,300 people have been encountered in the Tucson sector. Last four days. Fifty-three hundred. In the last week over 9,000 in the Tucson sector. That is not my made-up numbers. That is from Sector Chief Modlin. Who must bear responsibility for that? You or President Biden?

Secretary MAYORKAS. Congressman, our approach—

Mr. BIGGS. Is it you or President Biden? Who made the policies that—let's get there. Did President Biden tell you to open-up the border or did you?

Secretary MAYORKAS. The border is not open, Congressman.

Mr. BIGGS. Oh, so that is why there is 5,300 in the last four days that illegally tried to enter the country?

Secretary MAYORKAS. Congressman—

Mr. BIGGS. That doesn't include the got-aways in that sector, which is the No. 1 sector three to one. You are saying it is somebody else's fault. It is not open.

Well, let's talk about this then: Recently retired CBP Chief Raul Ortiz has testified under oath that the U.S. does not have operational control of the border as required. Is it your responsibility or President Biden's responsibility to make sure there is operational control?

Secretary MAYORKAS. Congressman—

Mr. BIGGS. These are not hard questions. It is either your responsibility or President Biden's. Whose is it?

Secretary MAYORKAS. Congressman, the men and women of the Department of Homeland Security work tirelessly—

Mr. BIGGS. So, look, I am going to tell you I get down to the border. I love the CBP agents. You know what they keep saying? We just want to enforce the law. So, who is preventing from enforcing the law? Is it you or President Biden? It is that simple. Because your policies are allowing millions of people to get through, across this border. So, since January 20, 2021, millions of illegal aliens have cross the Southern border and have been released by DHS

into the interior of the U.S. Did you implement this catch and release program or was it President Biden?

Secretary MAYORKAS. Congressman, individuals who pose a public security—

Mr. BIGGS. So, look, you and I have had this song and dance before. You never want to answer the question. You never want to answer the question. Look, there is a whole side over there. They want to feed you pabulum so you can say whatever you want, but I think the American people know it is either you or President Biden. I want to know is President Biden giving the directions on the implementation of these policies or are you the one that is creating this?

So, let's go to some of this stuff that you have written. September 30, 2021, you issued guidance that we had a Senior DHS official come and tell this Committee that your guidance from September 30, 2021, led to ICE officers not submitting, quote, "through their chain of command as many cases as they would have submitted previously." It was under your name. Did President Biden tell you to write that memo or is that your policy?

Secretary MAYORKAS. Congressman, the memo that you refer to is the Enforcement Priorities Memo.

Mr. BIGGS. Did you—

Secretary MAYORKAS. Priorities that—

Mr. BIGGS. Is that your policy then or is that President Biden's?

Secretary MAYORKAS. The priorities that we established in that memo—

Mr. BIGGS. I will take it that it must be yours I guess that is all we can take then.

OK. So, since we have been sitting here, since 10, that is the number of drug overdoses due to fentanyl in the country. So, my question for you is who is responsible? Is it Joe Biden as President of the United States or is it you as Secretary of Homeland Security for the open border where fentanyl is coming across and we have American citizens dying? That is since 10 a.m., Eastern Time.

Secretary MAYORKAS. Congressman, the border is not open. The challenge of fentanyl is one that has been escalating for more than five years.

Mr. BIGGS. Look, let's just—you cited a figure that was 50,000. Since you came in it has been more than double every year. Who is responsible for that? Is it you and your policies or is it President Biden? It is a simple thing. You don't want to answer it because you know it is you. You know it is your policies. You are driving it. On October 27, 2021, you issued guidance that restricted the ability of ICE officers to arrest aliens in protected areas such as courthouses where they knew aliens to be. That has made it more difficult and dangerous for ICE officers to go and enforce the law. These are people had already had—generally, many of them had already had their day in court. Did President Biden order you to issue that guidance?

Secretary MAYORKAS. Congressman, our policies are driven to protect the American people, safeguard—

Mr. BIGGS. Who issued that policy? Was it the President? Were you following the President, or did you create the policy?

Secretary MAYORKAS. Congressman—

Mr. BIGGS. Or will you ever give us an answer?

Secretary MAYORKAS. —that is a policy—

Mr. BIGGS. Yield back. Disgusting.

Mr. JOHNSON of Georgia. Mr. Chair—

Chair JORDAN. The gentleman from—

Mr. JOHNSON of Georgia. —I have a unanimous consent to enter into the record.

Chair JORDAN. The gentleman is recognized.

Mr. JOHNSON of Georgia. Thank you. Data from the U.S. Sentencing Commission which shows that 88 percent of the people conflicted for fentanyl trafficking crimes are United States citizens, not immigrants crossing the border.

Charm JORDAN. Without objection.

The Chair now recognizes the gentleman from California.

Mr. SCHIFF. Mr. Secretary, welcome to the Committee. It is wonderful to see you. You and I served together in the U.S. Attorney's Office in Los Angeles now some 30 years ago. I had great admiration and respect for your integrity and your work ethic then and I do today. I am grateful for you taking on what may be the most difficult job in the U.S. Government today. So, thank you for being here. My colleagues have a lot of questions for you, but they don't seem to want to give you the time to answer them.

I would like to ask you about the Cyber Information—Cybersecurity and Infrastructure Security Agency. In 2016, the Russians intervened heavily in our election to try to elect Donald Trump. They intervened with a massive social media campaign run out of St. Petersburg. They intervened by hacking the Democratic Party and its emails and releasing them through cut-outs.

In 2020, the Cybersecurity Agency, having learned from the experience of 2016, I think did an admirable job in protecting our elections infrastructure. Its primary sin, although the Republicans won't say it, is that its then Director asserted after the election that it was the most secure election in our history. That was the sin of the agency, doing its job and doing it well.

As we look forward to the next Presidential election, I want to ask you about what you see as the threats to our elections infrastructure or the threats of misinformation/disinformation from whatever source.

I am particularly concerned about YouTube's recent decision—I think the Republican badgering has had an effect and this is part of the effect. YouTube recently decided to, quote,

Stop removing content that advances false claims that widespread fraud, errors, or glitches occurred in the 2020 and other past U.S. Presidential elections.

YouTube has not decided it is not going to remove content it knows to be false. Other social media platforms like Twitter have decided to fire those that would be in the business of security or looking for misinformation/disinformation campaigns from whatever sources.

So, in light of that changed environment what do you see as the principal threats to our elections in 2024?

Secretary MAYORKAS. Congressman, I would identify at least three threat streams:



- (1) The threat of disinformation propagated by the Nation states of Russia, China, North Korea, and Iran.
- (2) Would be the cybersecurity threat, something that we are always vigilant in guarding against. It is because of that threat that we seek to build redundancies in our election systems to best protect them.
- (3) Third is something that we saw manifested last year, and that is the threat of physical intimidation of individuals at the voting booth.

Those are three threat streams that I can identify right off the bat. We are very focused on each of them. Of course, the physical security is not something that we ourselves provide but work in collaboration with local jurisdictions and give them advice as to how they can best secure the facility and the integrity of the voting process.

Mr. SCHIFF. Today you may have seen it was reported that Rudy Giuliani has acknowledged in a court filing that the statements he was making about these Georgia election workers were just patently false. Those election workers' lives were put at great risk. Some of your own personnel, their lives have been put at great risk by those who would attack our elections or attack efforts to prevent misinformation and disinformation.

What efforts can you make to protect election workers and your own staff from these relentless falsehoods advanced to facilitate the campaigns of some of my colleagues' Presidential hopeful?

Secretary MAYORKAS. Some of the things that we do, Congressman, is we provide information to State, local, Tribal, territorial, and campus law enforcement with respect to the threat streams that we are observing. We also have protective security advisors in each State that give advice to local communities about how best to secure facilities and make them safe areas for people to vote. Those are two examples of the work that we perform.

Mr. SCHIFF. I appreciate what you do, Mr. Secretary, and I hope that these constant and unfounded attacks on you, on your agency, on the Cybersecurity and Infrastructure Security Agency don't make your work that much more difficult. We are grateful to you. With that, I yield back.

Chair JORDAN. The gentleman yields back.

The gentleman from Wisconsin is recognized.

Mr. TIFFANY. Mr. Chair, I want to issue a quick correction here. As we started it was mentioned earlier that Congress has not acted in decades to security the border. This House of Representatives in this session of Congress did act. We passed H.R. 2 to secure the border.

How many Afghans, Mr. Secretary, have been admitted to the United States through parole since the fall of Kabul two years ago?

Secretary MAYORKAS. Congressman, I would be pleased to provide you with that data. I don't have it—

Mr. TIFFANY. There were 70,192 Afghans that were brought into the United States. They were brought here on parole for two years. Will you be reviewing each individual status on a case-by-case basis as this expiration happens?

Secretary MAYORKAS. Congressman, you're referring to what we termed Operation Allies Welcome, a program that we are very proud of that we instituted to provide refuge for individuals, many of whom—

Mr. TIFFANY. Will you be reviewing those—they came in on parole. Will you be reviewing them on a case-by-case basis?

Secretary MAYORKAS. We reviewed them on a case-by-case basis. When those parole periods are subject to renewal, we will do so again.

Mr. TIFFANY. The commander down at Fort McCoy in my State, when I interviewed him two years ago, he said they were not interviewed on a case-by-case basis. In fact, in the terror hotbed of the world, Afghanistan, which should have a special immigrant visa process—the previous administration used that to make sure to fully vet—not one of those people that came in from Afghanistan were sent through the special immigrant visa process. They were simply given parole.

Do you know how much damage was done to Fort McCoy during that period when those 12,000-plus Afghans came in?

Secretary MAYORKAS. Congressman, the individuals who benefited from Operation Allies Welcome were indeed screened and vetted by government personnel.

Mr. TIFFANY. They were brought in categorical parole, Mr. Chair. There was \$145.6 million of damage that was done to Fort McCoy. Did you realize that?

Secretary MAYORKAS. Congressman, we're very—

Mr. TIFFANY. The place was virtually destroyed.

I want to move on. The poster behind me. We are seeing all sorts of very serious, very serious criminal threats that come from across the border. That was two weeks ago from FBI Director Wray, in other words saying the border is out of control. You say it is under control. Who is lying, you or FBI Director Wray?

Secretary MAYORKAS. Congressman, we are very proud of our efforts to secure the border. We are relentless in our efforts to strengthen—

Mr. TIFFANY. FBI Director Wray said it is becoming more and more of a priority for us, under oath, just two weeks ago. Who is lying to us, Director Wray or you?

Secretary MAYORKAS. Congressman, we work very closely with the FBI to ensure the safety and security of the American people. That is your highest priority.

[Video plays.]

Mr. TIFFANY. Cartels are the winners. Sheriff Mark Dannels under questioning here a few months ago before this Committee, Cochise County down on the border of Arizona, he said the open border has led to a significant increase in the amount of fentanyl coming into this country. Do you agree with his assessment?

Secretary MAYORKAS. Congressman, we have taken it to the cartels—

Mr. TIFFANY. Do you agree with his assessment? He said the amount of fentanyl has gone up significantly as a result of the open borders policy implemented by this administration January 20, 2021. Is he lying to us? Did Sheriff Dannels lie to us?

Secretary MAYORKAS. Congressman, I respectfully disagree with Sheriff Dannels, whom I know well. I can say—

Mr. TIFFANY. So, Sheriff Dannels is lying to us?

Secretary MAYORKAS. That is not what I said, Congressman, and let me share with you—

Mr. TIFFANY. Someone is not telling the truth here, Mr. Secretary. Someone is not telling the truth. It is either Dannels or it is you.

Secretary MAYORKAS. Congressman, we have interdicted more fentanyl at the ports of entry than in the prior administration.

Mr. TIFFANY. Mr. Chair, I will go to close here.

The most urgent lethal threat in America was in this man's testimony. There is one person in America who can reduce the number of fentanyl deaths in America. By the way, the term fentanyl overdoses are used. That is not the case anymore, is it? It is fentanyl poisonings. We have had them here. The Rachwal family from my State of Wisconsin.

When you hear of fentanyl poisonings here in America, there is one person that can do something about it, and he sits right before us today.

You, sir, are responsible for reducing fentanyl deaths in America. Will you ever do anything about it. I yield back.

Chair JORDAN. The gentleman yields back.

Mr. JOHNSON of Louisiana. Mr. Chair, I have got a unanimous consent request quickly.

Chair JORDAN. The gentleman from Louisiana.

Mr. JOHNSON of Louisiana. Two things actually: I wanted to enter into the record a report, a *Fox News* report, April 27, 2022, which details the testimony of Mr. Mayorkas that created the Disinformation Governance Board within DHS to combat alleged disinformation and misinformation, terms that he is not able to explain here.

The second document is the public statement on the Hunter Biden emails with the 51 former intel agents. That has now been debunked, but they also refer to misinformation. So, it is an important term. Enter those into the record.

Chair JORDAN. Without objection.

The Chair now recognizes the gentleman from California.

Mr. LIEU. Thank you, Chair Jordan.

The House Judiciary Committee is responsible with helping to ensure the rule of law. Unfortunately, the Chair of this Committee ignored a bipartisan Congressional subpoena. The actions of the Chair have undermined the credibility of all Congressional Committees in seeking information from witnesses and damaged the rule of law.

Secretary Mayorkas, thank you for your public service. I would like to discuss with you the history of the Southern border. In September 1969, a few years before Watergate consumed this Presidential Administration, the President launched Operation Intercept which basically shut down the Southern border. Less than three weeks later that operation was stopped because it largely failed to address the issues at the border.

Secretary Mayorkas, who was the Republican President in 1969?

Secretary MAYORKAS. Congressman, I have to think back sequentially in reverse chronology, but I'm sure you know the answer—

Mr. LIEU. He resigned.

Secretary MAYORKAS.—immediately.

Mr. LIEU. I will give you a hint: This Republican President resigned.

Secretary MAYORKAS. Congressman, I know the President, President Nixon.

Mr. LIEU. Thank you. After Nixon resigned in 1974, his Vice President became President, but the issues at the border continued, and in 1976 the President stated, quote, “80–90 percent of the heroin that comes into the United States today comes across from our Southern border.”

Secretary Mayorkas, who was the Republican President in 1976? The Vice President to Nixon.

Secretary MAYORKAS. I’m sorry?

Mr. LIEU. He was the Vice President to Richard Nixon.

Secretary MAYORKAS. Gerald Ford are you speaking of?

Mr. LIEU. Yes, that is correct.

Secretary MAYORKAS. Yes, I’d—

Mr. LIEU. Then—

Secretary MAYORKAS. Congressman, I’d prefer not to answer questions of history right now. My focus is on the—

Mr. LIEU. Right. I am going to help you with it.

Secretary MAYORKAS. —work of the Department of Homeland Security.

Mr. LIEU. I am going to help you with this. In the 1980s the Republican President had promised morning in America again, but the issues at the Southern border continued prompting him to offer a partial shutdown of the border in 1985. This operation aptly named Operation Intercept II was stopped after only a few days because it also failed to address the issues at the border. This was a President that knew about these issues because he was a former of Governor of California.

Secretary Mayorkas, who was the Republican President in 1985?

Secretary MAYORKAS. Ronald Reagan, Congressman.

Mr. LIEU. Thank you. The border issues continued into this century. In 2006, the President, who was also familiar with the border because he was a former Governor of Texas, declared that, quote, “for decades the United States has not been in complete control of its borders.”

Secretary Mayorkas, who was the Republican President in 2006?

Secretary MAYORKAS. President Bush, Congressman.

Mr. LIEU. OK. In the prior administration the Republican President tried to solve the issues at the border and he failed. I would now like to show a video of what was actually happening during the prior administration in 2018.

[Video plays.]

Mr. LIEU. In May 2019, the situation got even worse. *Politico* published an article on June 5, 2019 that was titled, “Border Arrests Rose to Nearly 130,000 in May as the Border Surge Continues.”

Secretary Mayorkas, who was the Republican President in 2018 and 2019?

Secretary MAYORKAS. President Trump, Congressman.

Mr. LIEU. Now we are here in 2023. Secretary Mayorkas, last month in June border crossings declined to the lowest level in over two years, correct?

Secretary MAYORKAS. I’m sorry. Can you repeat the—

Mr. LIEU. Border crossings last month declined to the lowest level in over two years, correct?

Secretary MAYORKAS. Yes.

Mr. LIEU. OK. *Politico* published an article last week that stated approximately 99,545 individuals were apprehended last month, the first time the figure dropped below 100,000 in more than two years. That data is largely correct, right?

Secretary MAYORKAS. I believe so, yes, Congressman.

Mr. LIEU. All right. So, based on the facts that you have testified to here is this chart. Shows that under Trump there were 130,000 border apprehensions in May 2019, and last month under the Biden Administration there were less than 100,000 border apprehensions. The facts show the Southern border is doing better last month than it was under Trump in May 2019.

Thank you, Secretary Mayorkas, for your public service. Now that the Republicans want to impeach you, good luck with that one. I yield back.

Chair JORDAN. The gentleman yields back.

The gentleman from Texas is recognized.

Mr. ROY. I thank the Chair.

Secretary Mayorkas, on April 28, 2022, I asked you, quote, “Will you testify under oath right now do we have operational control, yes or no?” You responded with, quote, “Yes, we do.” I then asked we have operational control of the borders? You responded, quote, “Yes, we do.”

Followed up. I read to you the definition of operational control. I actually held up this chart. Operational control as defined under the Secure Fence Act. Put it for plain reading, plain as day. I put up the second part of the same statute which defines operational control. Means the prevention of all unlawful entry into the United States including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband.

I said to you do you stand by in your testimony that we have operational control in light of this definition? You responded with, quote, “I do.”

Earlier you testified I didn’t give you a chance to finish, yet you specifically when asked—and held up a statute defining exactly what operational control meant under the Secure Fence Act you said, quote, “I do.” I believe that was purposeful. I believe you want the American people to believe we have operational control of the border when we very clearly do not. Less than a month later in Homeland Security you testified, quote, “Under that strict definition this country has never had operational control.”

This year House Homeland Security. Then Border Patrol Chief Raul Ortiz testified before the Homeland Committee that DHS did not have operational control of the border either by the statutory definition or not. Now, that is an honest answer.

In the Senate Judiciary Committee shortly thereafter you testified with respect to the definition of operational control, I do not use the definition that appears in the Secure Fence Act. The Secure Fence Act provides statutorily that operational control is defined as preventing all unlawful entries into the United States, and by that definition no administration has ever had operational control.

If you will recall when you testified here in front of me, when I asked that question, when you very clearly stated we do have operational control. When presented with the actual definition of operational control, you didn't hesitate. You said I do. You, in fact, then referred back and said I believe that my predecessors would have said the same thing.

I asked Chad Wolf that question in this room and Chad said,

Well, no, we didn't use that framing to say we have operational control. We are striving to achieve operational control.

You didn't do that. You looked straight at the American people, straight at me, straight at every person on this Committee, and said, "we have operational control." Why?

Secretary MAYORKAS. Congressman, two points: (1) You did not let me complete my answer.

Mr. ROY. Hold on. Or give me your second point. Go ahead.

Secretary MAYORKAS. Thank you. (2) The Secure Fence Act defines operational control as not a single individual crosses the border—

Mr. ROY. I am aware. I read it. I read it to you. You read it. In fact, you said, "I do." You didn't hesitate. You didn't say I do. I need to explain what I mean by I do. You said I do over and over again.

Here is the problem with that: This is a pattern. Did you lie another time when you said on September 24, 2021, at a press conference, quote,

We know that those images painfully conjured up the worst elements of our Nation's ongoing battle against systemic racism.

When responding to the alleged whipping incident by the bipartisan agencies who report to you, when in fact on October 22, 2022, it was reported that 2½ hours before that press conference Marsha Espinosa, Assistant Secretary of DHS Public Affairs emailed you and CC'd other DHS leadership alerting you all that the photographer who took the images did not see any whipping occur invalidating the initial claim?

It wasn't until May of this year that you corrected the record to say well, let me just correct you right there because actually the investigation concluded the whipping did not occur.

Don Rosenberg in this very room testified a few weeks ago that you lied. It is a perpetual pattern. The fact is, there are real people that are impacted by that.

We have now since you testified, we have had something like 200 people a day dying from fentanyl death, which would amount to 90,000 people. I showed you before when you were here the lost voices of fentanyl, the hundreds, the thousands of Americans that continue to die. Ninety thousand since you came into this Committee and lied to us saying we have operational control. I yield back.

Chair JORDAN. The gentleman yields back.

The gentleman from California is recognized.

Mr. SWALWELL. Mr. Secretary, you have a serious job and occasionally you have to deal with some very unserious MAGA colleagues of mine. Your serious job is to secure the border of the greatest country in the world, a country that is neighbor to some

of the most violent and economically insecure countries in the world where people are willing to risk everything to come here. Somehow you have to secure the border, but also make sure we are not pushing little girls back into the river so they can drown.

It is a hard job. If it was an easy job, we wouldn't have asked you to do it, but you were asked to do it because you are qualified, you are competent, you care, you show compassion, and you show up every day and you deal with this.

Frankly, sir, I think sometimes you are too nice because if I had a Chair who failed to honor his own lawful subpoena about 500 days after it was submitted to him, I would say catch me when you are serious. Come talk to me when you are going to follow the law about whether you think I follow the law. That is not how you are. You take your job seriously even in front of a lot of unserious people.

In fact, the Chair that you are sitting in, you may not know this, but the last person who sat in that Chair was called by the Chair an anti-vaxxing, anti-Semitic witness, in RFK, Jr. So, you have brought immediate credibility to the Chair that you are sitting in by just being here.

They are not serious people. They chide people for their pronouns, they obsess and display in this Committee and other Committees a private citizen's nonconsensual nude images. We are not talking about serious people. We are not talking about people who are on the level.

So, what do we want to do? We want to acknowledge the seriousness of your job and hopefully one day in the majority give you the tools to deliver on what we believe ultimately can put us in the most secure place, which is comprehensive immigration reform.

In the spirit of that I want to as you, because I believe in that and my colleagues believe in that, in January, DHS established a new set of processes for lawful entry of Cubans, Haitians, Nicaraguans, and Venezuelans that drastically reduced encounters of those nationals at the Southern border. This freed up department resources to combat drug trafficking and other cartel crimes. Democrats applauded the measure while Republicans scrambled to find a new way to turn it into campaign fund raising emails.

Last Congress Democrats proposed increases to funding for CBP personnel to patrol the Southern border and investments in technology to interdict smuggling through ports of entry. Again, my Republican colleagues failed to support common-sense measures to secure the homeland. My colleagues on the other side of the aisle, they don't have solutions. They want the chaos.

So, Mr. Secretary, they have put forth proposals to defund the CBP One app, which has helped alleviate strained manpower at the Southern border. What impact would that have on our homeland security?

Secretary MAYORKAS. Congressman, the CBP One app is one element of our approach of building and expanding lawful pathways for people to reach the United States in a safe, orderly, and lawful way, as well as delivering consequences at the border for those individuals who do not use them.

The CBP One app,

- (1) Reduces the number of irregular encounters at our Southern border.

- (2) Critically, cuts out the smuggling organizations that impose such tragedy and trauma on vulnerable individuals purely for the sake of profit.
- (3) Allows us to screen and vet individuals before they arrive at our border.

It is of tremendous utility to us, and its results have proven productive.

Mr. SWALWELL. Thank you, Mr. Secretary. As I said, you have a serious job. Border crossings are down despite my MAGA colleagues constantly saying we have an open border which only invites people South of the border to believe that they should try and come here. They are rooting for that chaos. You are trying to bring solutions to stop that. Fentanyl seizures are up. Congratulations to the brave men and women who wear the badge every day and walk the beat at CBP. That should be celebrated, but rather it is used by my MAGA colleagues as a political weapon to suggest that they would rather the fentanyl get past CBP, past the ports of entry and into our schools and our communities. You have got a tough job, you are a serious person, and we are grateful that you are doing it. I yield back.

Chair JORDAN. The gentleman yields back.

The gentleman from Kentucky is recognized.

Mr. MASSIE. I thank the Chair.

Secretary Mayorkas, the Department of Homeland Security issued a national terrorism advisory system bulletin this year in February. It said the United States remains in a heightened threat environment fueled by several factors including an online environment filled with false or misleading narratives and conspiracy theories and other forms of mis-, dis-, and malinformation. Can you define malinformation for us?

Secretary MAYORKAS. Congressman, we're dealing with false information that is used for a particular purpose.

Mr. MASSIE. Isn't malinformation actually true information that may be inconvenient to the establishment orthodoxy?

Secretary MAYORKAS. I'm sorry, Congressman.

Mr. MASSIE. Isn't malinformation a made-up word that refers to information that is actually true, but just inconvenient to the government narrative?

Secretary MAYORKAS. That is not true, Congressman.

Mr. MASSIE. Let me ask you this: You said that the proliferation of false or misleading narratives sow discord and undermine public trust in U.S. Government institutions. Is it illegal to undermine public trust in U.S. Government institutions?

Secretary MAYORKAS. Congressman, we become involved as we believe in the First Amendment right, and we have safeguards to protect it. We actually have a statutorily created Office for Civil Rights and Civil Liberties. We become involved not with respect to a particular ideology. We are ideology-neutral. It's the connectivity to violence.

Mr. MASSIE. Isn't larger government an ideology, the bigger government? Let me ask you my original question: Is it illegal to undermine public trust in U.S. Government institutions?

Secretary MAYORKAS. Congressman, we understand First Amendment principles. We embrace and protect them.

Mr. MASSIE. Doesn't the—



Secretary MAYORKAS. Individuals can espouse whatever ideology they believe it.

Mr. MASSIE. So, it is—

Secretary MAYORKAS. That is a—

Mr. MASSIE. So, let me ask you the question. If you would just answer it directly. Is it illegal to undermine public trust in U.S. Government institutions? Isn't that in fact what we are doing here today when we point out that you have released a million or two million people into this country without trying to deport them? Are we in fact undermining trust in U.S.—in your institution? Aren't we doing that? Isn't that actually healthy when we point that out?

Secretary MAYORKAS. Congressman, may I share with you what the Department of Homeland Security does with respect to ideologies?

Mr. MASSIE. I need to ask you another question since you haven't answered any of these yet.

You say that there is widespread online proliferation of false or misleading narratives regarding COVID-19. Is the claim that natural immunity is real—is that a false or misleading online narrative?

Secretary MAYORKAS. Congressman, we do not evaluate particular ideologies or particular narratives. We're focused—

Mr. MASSIE. How about the claim that vaccines don't stop the spread of the virus? Was that a false or misleading COVID narrative?

Secretary MAYORKAS. Congressman, what we do is we are involved when there's a connectivity between an ideology, whatever that ideology—

Mr. MASSIE. I am not talking about ideology. I am talking about COVID-19. Is the notion that masks were ineffective in stopping transmission—was that a false or misleading narrative?

Secretary MAYORKAS. Congressman, allow me to repeat. What we engaged in is a connectivity to violence. It is our responsibility to prevent violence from occurring. We work very closely—

Mr. MASSIE. I want you to give me an example of a false or misleading narrative that encouraged violence. You say that there were grievances associated with these themes inspired violent extremist attacks during 2021. Did hydroxychloroquine—did that inspire violent extremist attacks? What are you talking about in this document when you say that false or misleading narratives about COVID-19 inspired violent extremist attacks during 2021? Can you give us a single example? I have given you some questions. Was it the narrative that this may have leaked from a lab in China? Was that the thing? If so, what did it inspire? What is the violence?

Secretary MAYORKAS. Congressman, would you like an example?

Mr. MASSIE. Yes.

Secretary MAYORKAS. Yes. COVID-19 is caused by 5G cell towers, an attack on a cell tower. That attack on a cell tower triggers the involvement of the Department of Homeland Security. That is an example. It is the connectivity to violence. We do not condone violence—

Mr. MASSIE. You think COVID-19 caused attacks on cell towers?

Secretary MAYORKAS. Congressman, that is a—

Mr. MASSIE. I think you are chasing ridiculous things.

Mr. SCHIFF. Mr. Chair?

Mr. MASSIE. People watching this at home—

Mr. SCHIFF. Mr. Chair?

Mr. MASSIE. —they have got to be just amazed that you would espouse this.

Mr. SCHIFF. Mr. Chair, can the witness be allowed to answer?

Mr. MASSIE. He is not—he said that false or misleading narratives about COVID-19 need to be censored. He is implying that they need to be censored because getting out this information—free speech is somehow dangerous to our country—

Mr. NADLER. Mr. Chair, he didn't say that.

Mr. MASSIE. —in the context of COVID-19. I completely disagree. He didn't give us an example.

Mr. SCHIFF. Mr. Chair, can he answer—

Mr. MASSIE. I yield back the balance of my time.

Mr. NADLER. Mr. Chair, can he answer the question because he is being misquoted.

Chair JORDAN. The time belongs to the gentleman. He has yielded back. The time now goes to—and before I yield to the gentlelady from Washington, I am sure she will be willing to yield to you, Mr. Secretary.

We have been going almost two hours. If you need a break, just let us know, but we will keep going.

I will yield to the gentlelady for her five minutes. If you want to respond to Mr. Massie in that five, go right ahead. The gentlelady from Washington is recognized.

Ms. JAYAPAL. Thank you, Mr. Chair.

Mr. Secretary, thank you for coming here today. I am going to give you a brief opportunity, because I have a full five minutes, but a brief opportunity to respond to the gentleman.

Secretary MAYORKAS. I don't even know where to begin with the grotesque distortion of information. I just don't even know where to begin.

Ms. JAYAPAL. Mr. Secretary, I want to thank you for your service, for your leadership. I am sorry what you are—for what you are experiencing today. As the Ranking Member of the Immigration Subcommittee, I want to take a step back and just remind everyone of the mess that you inherited from the previous administration and the steps that your department under your leadership is taking to move us in the right direction.

Let's be really clear: The Trump Administration considered every undocumented immigrant a priority for removal. The Trump Administration separated children from their parents. Perhaps what escaped attention the most was that the Trump Administration simply did not believe in legal immigration. The previous administration enacted over 400 changes designed to shut down legal immigration.

The truth is that it is our job in Congress to fix this. We have not updated the immigration system in over three decades. In that time America's population has grown by 80 million people. The economy is five times larger. Our inability to modernize American laws, immigration laws has resulted in record-level backlogs for the legal immigration system making it nearly impossible to come to the United States.

A decade ago, the U.S. Senate passed with 68 bipartisan votes a comprehensive immigration reform bill only to be stymied by Republicans in the House who refused to bring it up for a vote because they knew that it would pass if they did. Today, thanks to a concerted Republican strategy to vilify immigrants, it is hard to imagine a bill like that garnering that kind of bipartisan vote in either chamber.

So, given that the Republican-controlled House will not move forward meaningful reform, Mr. Secretary, you and the Biden Administration have used your legal authorities granted by Congress to add additional legal pathways. Much to some of my colleagues' chagrin, with much success. You are working to provide order and relief to immigrants.

The administration announced the opening of regional processing centers across the Western Hemisphere that will allow migrants to have their protection and benefits claims assessed in a humane way without having to make the dangerous journey to the U.S.-Mexico border.

The administration has embraced the use of parole following a bipartisan tradition of Presidential Administrations going back 70 years. In addition, the administration also formally announced new family reunification parole processes for El Salvador, Guatemala, Honduras, and Columbia. These are modeled after the Cuban family reunification process which Republicans have supported in the past.

In addition, you have increased the number of appointments that will be available under the CBP One app, which, while far from perfect, will increase CBP's ability to process more migrants.

As you know, Mr. Secretary, I have serious concerns about some policies including a new asylum regulation which was just declared unlawful in Federal court that I fear undermine due process and right to seek asylum. Despite that, despite that I am very clear about the Republican opposition to any sensible and humane immigration system and who the good guys are in this situation.

That is you, Mr. Secretary. The good guys are you, the Democrats, and this administration who understand the great importance of immigration to America on every level and are determined to take steps to expand pathways for entry and move us forward. For that I am tremendously grateful to you and I thank you for your service and for your leadership.

Now, Mr. Secretary, Republicans projected terrible things after Title 42, but in fact *Politico* has called it the migrant crisis that still hasn't arrived.

Mr. Chair, I seek unanimous consent to enter an article into the record with that exact title.

Chair JORDAN. Without objection.

Ms. JAYAPAL. Can you talk about the administration's attempts to expand legal pathways and why you think it is so important?

Secretary MAYORKAS. Congresswoman, our approach is to expand lawful pathways so that individuals who qualify for relief under the laws of this Congress do not have to place their lives and their life savings in the hands of unscrupulous smugglers who only exploit them for profit, to bring greater security and strength to our border, and to allow our agencies to screen and vet individuals before

they arrive here in the United States. Those are three very significant benefits of our lawful pathways.

I know you and I disagree on the other element of our approach, which is to deliver consequences for those who do not use those lawful pathways.

Ms. JAYAPAL. I thank you, Mr. Secretary. I hope we always hold up the Constitution and I thank you for your service.

I yield back, Mr. Chair.

Chair JORDAN. The gentlelady yields back.

The Chair recognizes himself.

Mr. Secretary, you know what the number is, don't you, the number that Mr. Gaetz was trying to get an answer—get a response from? You know what that number is, right?

Secretary MAYORKAS. Congressman, I would—

Secretary MAYORKAS. Congressman, I would be pleased to provide this Committee, you, Mr. Chair, with—

Chair JORDAN. You don't know now? You don't know what that is? I mean, again just to—because what Mr. Gaetz is trying to get at, I think what the country would like to know is, we know that there's been an influx of people coming in, over two million encountered in our Southern border, inadmissible aliens on our Southern border.

We know that number has come in since Joe Biden has been President. We know it's a big number. All he was asking was: How many of that two-point something, over two million, how many have went through the adjudication process and actually been removed?

Secretary MAYORKAS. Mr. Chair—

Chair JORDAN. You're telling the Judiciary Committee today you don't know what that number is?

Secretary MAYORKAS. Mr. Chair, what I am sharing with you is that we will provide you with whatever data you request.

Chair JORDAN. No, no, that's not what—I want to go right—that's a simple—we've had kind of two simple questions that you didn't get an answer to. I just want to know—give you a second chance here if you'll do it. What is that number out of that two-point something universe of inadmissible aliens encountered on our Southern border who have come into the country, been released in the country. How many have gone through the adjudication process and then been removed?

Secretary MAYORKAS. Mr. Chair, I'd be pleased to provide you with that.

Chair JORDAN. Can you guess?

Secretary MAYORKAS. Mr. Chair, it is—

Chair JORDAN. Can you give an estimate?

Secretary MAYORKAS. Mr. Chair, I will not—

Chair JORDAN. Why will you not give an estimate to the American people? Because they would like to know because that sort of frames it. Here's what's come in. Here's who you've allowed in since Joe Biden has been President. Here's the ones who've actually been removed.

Secretary MAYORKAS. I would say two things, Mr. Chair. First, I will provide that data to you. We will do so.

Chair JORDAN. You're not really good at that because you've said that other times here, and you don't give us the data. We asked that information about the disinformation governance board and all we get is redacted documents. So, you're not really good about that.

It's a simple question and frankly a question we ask you to be prepared for. We wrote you two letters in the last several weeks to be prepared to answer that kind of question. I think probably that specific question, and you won't give us an answer.

Secretary MAYORKAS. Mr. Chair—

Chair JORDAN. So, the fact that you won't is bad, and the fact that you don't know is just as bad because it's the one question the country kind of would like to know what's really happening. When you say all these pathways and things and border security and all the things you say, we kind of like to know what's really happened with the two-point something million people who've been released into the country since Joe Biden has been presented. How many have gone through the adjudication process and been removed?

Secretary MAYORKAS. So, now I—

Chair JORDAN. Simple question.

Secretary MAYORKAS. So, now I have three points.

(1) We will provide the data to you.

Chair JORDAN. God bless you.

Secretary MAYORKAS. Two—

Chair JORDAN. God bless. I hope you do it this time.

Secretary MAYORKAS. (2) We have been cooperating with this Committee. We have made countless documents and people available to you. We have provided briefings.

Chair JORDAN. Yes, and here's what those—by the way, just so you know, I'll let you finish with your third point. Here's what those documents look like. Here's the one you sent to us. It's Policy and Responsibilities in the Departments, Information Manipulation Mission.

That sounds scary enough, Information Manipulation Mission. It's all redacted. This is the kind of stuff you gave us when we were trying to figure out who was responsible for putting together the Disinformation Governance Board and I think my colleague, Mr. Johnson, was asking.

Now, we're asking a simple question about a number. The fact that you won't give it to us or don't know it is a concern for all of us. I would say both sides because the Democrats probably want to know too. That's something that should be so obvious, and you won't communicate it. Make your third point.

Secretary MAYORKAS. Mr. Chair, we'll provide that information to every Member.

Chair JORDAN. Will it be like this or will be a real number? Will be like that? Will it be a real number?

Secretary MAYORKAS. Mr. Chair, the third point I—

Chair JORDAN. Let me ask really quick. Can you get that number to us, like, tomorrow? Or do you have to go back and is it going to take weeks and months and haggling back and forth and all the letters we do? Congress writes letters to agencies, and we haggle back and forth, all that dance we have to do. Or can you just get us the number?

Secretary MAYORKAS. Mr. Chair, we'll provide that data to you as promptly as possible.

(3) Would be the most fundamental point of all when we speak of immigration. We are dealing with a fundamentally broken system. We have between 11–12 million—

Chair JORDAN. OK. I've got 50 second. So, I appreciate that. You've said that before, so I got that point. Don't mean to cut you off, but I got to get this.

Now, in your testimony, you said you've arrested 14,000 smugglers. Seems like a big number to me. What happened to those guys?

Secretary MAYORKAS. Those individuals, Mr. Chair, are, if the evidence so supports, prosecuted for smuggling.

Chair JORDAN. You've referred them to DOJ. You've arrested them. You've given them over to DOJ. What's happened to them? Have they been indicted, taken to trial, found guilty? Are they in prison somewhere? What's the status?

Secretary MAYORKAS. Let me—

Chair JORDAN. That is a huge number, 14,000 smugglers. God bless you for getting them. I'd like to know what happened to them.

Secretary MAYORKAS. I'm very pleased to provide that data to you. Let me provide some examples.

Chair JORDAN. You just told us a couple minutes ago you work closely with the FBI. We'd like that information, too. That's important. Have you arrested any of them multiple times?

Secretary MAYORKAS. Congressman, I'll provide that information.

Chair JORDAN. You think there's a possibility some of those smugglers you've arrested more than once?

Secretary MAYORKAS. Congressman, when I prosecuted immigration crimes in the 1990s, we saw individuals who had repeated violations of criminal laws of the United States and repeated removals from the United States and prosecuted—

Chair JORDAN. You think a smuggler, you catch someone smuggling people, smuggling drugs, you wouldn't—that guy would be prosecuted, and you'd think you would again know that answer too.

Ms. JAYAPAL. Mr. Chair—

Chair JORDAN. We hope you get those answers to us. I yield now to—

Ms. JAYAPAL. Unanimous consent request, Mr. Chair.

Chair JORDAN. Oh, gentlelady from Washington is recognized.

Ms. JAYAPAL. Thank you, Mr. Chair. I wanted to ask unanimous consent to enter into the record *The New York Times* article called, "Burning Cell Towers Out of Baseless Fear They Spread the Virus." This is a conspiracy theory linking the spread of the coronavirus to 5G wireless technology that spurred more than 100 incidents in just one month.

Chair JORDAN. Without objection.

Ms. JAYAPAL. Thank you, Mr. Chair.

Chair JORDAN. The Chair now recognizes the gentleman from California.

Mr. CORREA. Thank you, Mr. Chair and Secretary. Welcome. Thank you for a good job. I really believe you have a thankless job. You've done a hell of a job.

When I became Ranking Member of the Homeland Security Border Subcommittee, I made it my priority to visit every major port of entry on the Southern board. I visited, met with men and women and uniform, both blue and green uniforms. Wanted to see what the job was about, what the challenges were.

Mr. Secretary, let's talk refugees. COVID-19 has changed the world. Today, we're probably seeing the biggest movement of refugees in recent history, if not in the history of the world.

Title 42, when Title 42 was about to be lifted, everybody was expecting total chaos at the border. A week before that, a few days before that event, I went to San Ysidro, myself and the Border Port Director, visited Mexico. We met with Mexican officials, Federal, State, local, as well as Mexican stakeholders interested in making sure everything went well at the border.

Everybody expected chaos. Title 42 was lifted, no chaos. Everything went unexpectedly well. I think you were the architect of that policy, carrots and sticks. You made sure that people had a pathway, had incentives to come legally. You also put criminal sanctions on those that would break those laws.

Of course, you also worked with some of our partners South of the border to make sure that this job was not just United States, but that the burden was shared with other people like Mexico, Columbia, and other Nations around the world. Mr. Mayorkas, you're doing a good job. So, my question to you today is how can we, U.S. Congress, assist you in doing a better job for the United States?

Secretary MAYORKAS. Congressman, thank you. We are taking the actions that we think will strengthen the security of our border, uphold our values as well to the best of our abilities, operating within a broken immigration system. The most fundamental benefit that we could receive from Congress is legislative reform.

Mr. CORREA. I'd like to see us move to immigration reform. You were trying to say earlier we have 12 million undocumented workers working in this country, some having been here for 10, 20, or 30 years. No hope of an adjustment of status. We have another 10 million job openings in this country today.

Let's quickly, my last minute or two, talk about fentanyl. It's ruining Main Street back home, deaths. The 80-90 percent of the fentanyl comes through our ports of entry, yet right now you only have enough funding to maybe inspect two percent of the vehicles coming through our ports of entry. Does that sound about right?

Secretary MAYORKAS. Congressman, we have harnessed advanced technology, most notably the nonintrusive inspection technology, to be a force multiplier for our personnel. We rely on funding from Congress for not only that technology but also the personnel who operated the extraordinary people of U.S. Customs and Border Protection, both our Border Patrol agents and our Office of Field Operations personnel and—

Mr. CORREA. Mr. Secretary, if we wanted to stop more fentanyl from coming into the country, I'd say you need more personnel, more technology, more of those drug sniffing dogs that are so effective. You need more funding. You want to go from two percent of inspections to 4-10 percent of those vehicles being inspected. You need the funds.

Secretary MAYORKAS. We do, Congressman. It is a two-part challenge. It is addressing the supply which your question is focused on, of course. We also have to address the issue of demand in this country.

The scourge of drugs has been a long enduring one. I will say I prosecuted many narcotics trafficking cases in my time as a prosecutor. The toxicity of fentanyl is something I've never seen before.

Mr. CORREA. Mr. Secretary, thank you very much for your good work. We want to partner with you to make sure we protect America on those negative elements coming into this country. Mr. Chair, I yield.

Chair JORDAN. The gentleman yields back. The gentleman from North Carolina is recognized.

Mr. BISHOP. Thank you, Mr. Chair. Mr. Secretary, let me focus on CISA a moment and something very specific. Jen Easterly, the Director of CISA, testifying before an appropriation's Subcommittee here in the House earlier this year said, quote,

We don't flag anything to social medial organizations at all. We are focused on building resilience to foreign influence and disinformation.

Is that true or false that CISA does not flag anything to social media organizations at all?

Secretary MAYORKAS. I believe that is true, Congressman. I will verify that, but I believe that is true.

Mr. BISHOP. Are you familiar with Brian Scully. Do you know who that is?

Secretary MAYORKAS. I do not, Congressman.

Mr. BISHOP. He was, the MDM—person responsible for MDM as you call it. He testified about switchboarding, that CISA was engaged in switchboarding, in which, for example, it was essentially an audit official to identify something on social media that they deemed to be disinformation aimed at their jurisdiction. They could forward that to CISA, and CISA would share that with the appropriate social media companies.

Now, that was a quote from his testimony. That sounds like flagging to me, flagging to social media companies, and all his testimony was of similar import. How does that reconcile with what you just said Ms. Easterly correctly answered before the appropriations Subcommittee?

Secretary MAYORKAS. Congressman, a few points on switchboarding.

Mr. BISHOP. No, no, no, no, no. Would you—

Secretary MAYORKAS. Yes?

Mr. BISHOP. Would you reconcile those two statements, please?

Secretary MAYORKAS. Yes.

Mr. BISHOP. I don't really have enough time to go from dissertation.

Secretary MAYORKAS. Yes, I will.

Mr. BISHOP. OK.

Secretary MAYORKAS. If you'll allow me.

Mr. BISHOP. Quickly, thank you.

Secretary MAYORKAS. That practice—my understanding is that practice was in 2018, in 2020 is no longer employed by CISA. What it amounted to was serving as an intermediary between election of-



officials and social media companies. We were not making a judgment. Back in 2018 or 2020—

Mr. BISHOP. I get your point. I get your point. I know you were going to elaborate, and I appreciate that. I think the point you just said, and I'd like to inquire further, you said is no longer the practice. When did it stop?

Secretary MAYORKAS. I'd be pleased to provide that information to you, and I will defer to the Director Easterly. We will provide that information to you.

Mr. BISHOP. You do not know when they stopped doing it?

Secretary MAYORKAS. I do not.

Mr. BISHOP. You have said in your testimony here today several times that we are taking it to the cartels to an unprecedented degree dismantling those criminal organizations. Those are two things you said. Have Mexican drug cartels become stronger or weaker during your tenure as Secretary?

Secretary MAYORKAS. Congressman, we are taking it to the cartels to an unprecedented—

Mr. BISHOP. You already said that. In fact, I just repeated it to you. Have they become stronger or weaker on your watch?

Secretary MAYORKAS. Congressman, the cartels have been a challenge for not only this country, but many countries around the world.

Mr. BISHOP. Are you not able to say whether they're stronger or weaker on your watch?

Secretary MAYORKAS. We through our efforts, our efforts have weakened those cartels by the investigations and prosecutions that we have conducted with our international—

Mr. BISHOP. The cartels are weakened under your tenure?

Secretary MAYORKAS. When we—

Mr. BISHOP. Is that what your testimony is, sir?

Secretary MAYORKAS. When we disrupt a cartel, when we arrest an individual with our partners, we have weakened them. That is what the men and women of the Department of Homeland Security are dedicated to doing.

Mr. BISHOP. How much revenue have the cartels received during your tenure?

Secretary MAYORKAS. Congressman, I don't have that data.

Mr. BISHOP. You have no estimate about that whatsoever that you bear in your mind what revenues Mexican drug cartels have received during your tenure as Secretary?

Secretary MAYORKAS. Congressman, the cartels are very profitable. They were very profitable three years ago, and they were very profitable six years ago.

Mr. BISHOP. Are they making more or less revenue under your tenure now that under previous administrations?

Secretary MAYORKAS. I will tell you this, that we are unrelenting in our attack against the cartels.

Mr. BISHOP. More or—I understand your effort, sir. What I'm talking about are your results. Are they making more or less revenue under your tenure than your predecessors?

Secretary MAYORKAS. We have arrested more criminals involved in cartel activity than in the prior—

Mr. BISHOP. Do you not know whether they're making more revenue? Or are you simply evading my question?

Secretary MAYORKAS. Congressman, I believe I answered your question that I do not have that data.

Mr. BISHOP. Our drug deaths—

Secretary MAYORKAS. I will say this.

Mr. BISHOP. —due to penetrating the Southern border the United States increased or reduced during your 30-month tenure over prior periods?

Secretary MAYORKAS. The cartels outside of the United States have also stretched their jurisdiction to other countries around the world.

Mr. BISHOP. How does your record on achieving operational control compare to other administrations, worse than any other?

Secretary MAYORKAS. No, Congressman. The approach that we are taking, expanding lawful pathways—

Mr. BISHOP. You've had larger numbers of entries in violation of that statutory definition, have you not, sir?

Chair JORDAN. The time of gentleman—

Secretary MAYORKAS. Congressman, the approach that we are taking of expanding lawful pathways and delivering consequences for those who do not use them are proving results. It continues to be a challenge as the border has been in the absence of legislative action. We are achieving results.

Mr. BISHOP. I yield back, Mr. Chair.

Chair JORDAN. Gentleman yields back. Mr. Secretary, we'll go a few more rounds, if that's all right, then we'll get a break.

Mr. GAETZ. Mr. Chair, I have unanimous consent.

Chair JORDAN. Unanimous consent from gentleman from Florida.

Mr. GAETZ. Yes, from *Reuters*, "U.S. Suspends Asylum Appointments in Texas Border City After Extortion Reports." From *U.S. News & World Report*, "U.S. Halts Online Asylum Appoints at Texas Crossing After Extortion Warnings." The *Associated Press*, "U.S. Halts Appoints Using Migrant Phone App at Texas Border Crossing," seems to be in direct contradiction of the Secretary's testimony. I seek unanimous consent to enter it.

Chair JORDAN. Without objection. The Chair now recognizes the gentlelady from Pennsylvania.

Ms. SCANLON. Thank you, Mr. Chair. Thank you, Secretary Mayorkas, for being here. As you well know, immigration and border security are complicated issues that require comprehensive solutions to address national security, humanitarian concerns, workforce issues, gun and drug smuggling in both directions, and fidelity to the rule of law which is, of course, the foundation of our country.

Our colleagues across the aisle have made clear with their tone and questions today that their primary interest is in scapegoating you and the Biden Administration for the consequences of Congress failing for decades to address either the root causes of immigration at our Southern border, including climate change, corruption, and poverty, or the underfunding and all but complete collapse of the U.S. immigration system which hasn't been updated for decades to respond to current conditions. Instead of investigating and proposing real solutions to these immigration issues, our colleagues

prefer to push and sometimes create apocalyptic scenarios to scare Americans. So, chaos, anger, and fear with heated rhetoric and political theater designed to cast blame rather than solve problems.

So, this is allegedly an oversight hearing, and there's an issue I would like to address. First, I appreciate your clarity and your nuance even when responding to some of the more outrageous rhetoric from our colleagues. Can we just clarify one more time in case it's gotten lost? Have you or the Biden Administration ever tries to adopt an open border policy?

Secretary MAYORKAS. No, we're not.

Ms. SCANLON. OK. I didn't think so. Just wanted to make sure we were clear there. In the interest of conducting actual oversight and finding solutions, I'd like to turn your attention to an issue that I've been following since I first participated in a multi-year ABA investigation on the topic almost 20 years ago, and that's access to counsel by immigrants when they're seeking legal entry into our country.

It's critical to ensuring the fidelity of our country to the rule of law as well as improving functioning of the asylum system. Studies have consistently shown that access to counsel is critical to successfully navigating our laws. Those seeking asylum are often unable to access counsel even if they can afford a lawyer or volunteers are willing to take their cases. This past spring when your agency launched expedited asylum screenings at Border Patrol facilities, a commitment was made to provide access to such counsel to all immigrants.

According to recent reporting by advocates, that promise has remained unfulfilled. The thousands of migrants screened at these facilities, only a small number have been able to consult, however unpredictably, with attorneys by phone. Even fewer have been able to complete formal legal representation.

So, I know that the failure to ensure uniform or consistent access to counsel when available is not a new issue. The problem appears to be worsening despite commitments to do better. So, moving forward, is your agency able to better guarantee attorney access for asylum seekers screened at Border Patrol facilities or held in detention facilities?

Secretary MAYORKAS. Congresswoman, when we built this approach of lawful pathways and the delivery of consequences, one element of it was the screening of individuals in Border Patrol facilities. A sub-element of that effort was, in fact, to safeguard access to counsel. I have visited the border approximately 20 times.

My last visit, I saw the consultation booths that we developed, we built in a Border Patrol processing facility deliberately to provide that access to counsel. I am aware of the concerns that some have raised with respect to our success in ensuring access to counsel. We are reviewing those concerns.

Ms. SCANLON. I appreciate that, and I echo Mr. Correa's offer to please let us know how we can assist you in making sure that your efforts are more effective and what we as Congress need to do at this belated time to help address the issue at the Southern border. Mr. Chair, I would request unanimous consent to insert into the record an article from *The New York Times* titled, "Lawyers Say Helping Asylum Seekers in Border Custody is Near Impossible."

Chair JORDAN. Without objection.

Ms. SCANLON. Thank you. I yield back.

Chair JORDAN. Gentlelady yields back. The gentleman from Texas, Mr. Gooden.

Mr. GOODEN. Thank you, Mr. Chair. Countless NGO's, non-government organizations, provide ways and means to illegal immigrants to cross the border and stay here indefinitely. Some of the ones that we are most familiar with because they're the biggest and have the largest presence are Jewish Family Services, Lutheran Immigration and Refugee Services, and Catholic Charities.

Secretary, you've often spoken about your partnership with these NGO's. Many of these are activity encouraging and enticing poor illegal immigrants to cross our border with the promise of assistance. They promise to provide financial, logistical, and transportation assistance in the form of money, food, lodging, and transportation to anywhere in the country.

I've seen this with my own eyes. I've been to these organizations, facilities, and our borders. They are welcoming folks and sending out the message that the border is open and that we'll provide assistance. Their help comes even with legal guidance and cheat sheets for what to do when they get to wherever it is they'd like a free plane ticket to. My question to you, since they seem to not be interested in respecting our laws, are you aware of who's funding them?

Secretary MAYORKAS. Congressman, the pernicious enticement of individuals to come to the border at great danger is perpetrated by the smuggling organizations. They are the ones that traffic in misinformation and seek to exploit vulnerable people exclusively for profit.

Mr. GOODEN. So, you didn't open-up an operation where you're saying if you get here, we'll pay for your way to wherever you want to go? We'll put you up in a hotel. We'll give you debit cards with money on it. You don't think that's an enticement?

Secretary MAYORKAS. Congressman, I believe that you are mischaracterizing the work of nonprofit organizations.

Mr. GOODEN. So, they don't do that. So, is it your testimony that nonprofit groups at the border do not provide financial assistance? They do not provide transportation across the United States, and they don't put them up in housing?

Secretary MAYORKAS. That is not my testimony, Congressman. As I have said—

Mr. GOODEN. OK. So, you agree that they do. Let me go back to my original question which was who's paying for this? Are you aware of who's funding these NGO's?

Secretary MAYORKAS. Congressman, to what NGO's do you refer? Because if—

Mr. GOODEN. I'll give you an example, Catholic Charities, Jewish Family Services, Lutheran Immigration and Refugee Services. My question is are you aware of who is funding them and their operations at the border?

Secretary MAYORKAS. Congressman, we are grateful—

Mr. GOODEN. Are you aware of who's funding them was my question.

Secretary MAYORKAS. Yes, and I'm answering your question.

Mr. GOODEN. OK. Who's funding them?

Secretary MAYORKAS. We are grateful for the appropriations that Congress have issued.

Mr. GOODEN. So, the United States taxpayer is funding them is what you're saying. Just to be specific, Catholic Charities received over 1.4 billion dollars from the United States taxpayers for their operations encouraging illegal immigration. Lutheran Immigration and Refugee Services reported it received 179 million dollars in U.S. Government grants.

That makes over 80 percent of their total support. So, let me ask you this question. Since they're receiving this money, do you believe the number of grants and contracts awarded to NGO's is something that should be made known to the American taxpayer? Should that be public information? Should we know how much money they're receiving for their operations?

Secretary MAYORKAS. Congressman, we do make that information public. What we do is when an individual makes a claim of credible fear under the asylum laws of the United States—

Mr. GOODEN. So, the American should know how many grants and contracts are awarded to the NGO's. That's a fair request, right?

Secretary MAYORKAS. As I mentioned, we do make that information—

Mr. GOODEN. So, the American taxpayer should be aware of that information, right?

Secretary MAYORKAS. Yes.

Mr. GOODEN. OK. Let me ask you this. If I wanted to know where these NGO's are sending illegals that coming across that they're helping facilitate with financial support, is that a fair ask? Is that something the American people should know, where these folks are going?

Secretary MAYORKAS. Congressman, you are mischaracterizing—

Mr. GOODEN. No, no. I'm not characterizing anything. I'm asking a question. Should the American people, should we know where they're being sent when they're entered into these organizations that are providing the assistance? Is that a fair ask?

Secretary MAYORKAS. Congressman, your question misstates the underlying facts. If I can explain what occurs.

Mr. GOODEN. Let me explain to you what occurred. I have requested for years, over two years, this information from Homeland. I've requested this information from Catholic Charities, Jewish Family Services, Lutheran Immigration and Refugee Services, FEMA, three different airlines, and even hotels.

Each request has gone unanswered. It seems to me that if our taxpayer dollars are being used to fund an operation whereby we're encouraging illegal immigration, we're encouraging through funding these organizations people to make these deadly treks across our Southern border, it seems to me that we should be able to get some answers to questions. I'm really disappointed that I can't get answers to those questions. I can't even get acknowledgment from you about what's happening there when you've stated that you're partners with these organizations, and I yield back.

Chair JORDAN. Gentleman yields back. If you can, Mr. Secretary, we'll go two more fives and then we'll take a break if that's OK

with you guys? So, let's go—I think the gentlelady from Pennsylvania is next.

Ms. DEAN. Thank you, Mr. Chair. I appreciate that. Thank you, Secretary Mayorkas. Please express my thanks to all the good people under your watch and under your guidance in the Department of Homeland Security for what you do to keep us safe.

Three hundred people a day, in this country on average, 300 people a day die of overdose. We know that 80 percent of those, fentanyl poisoning. We have a serious problem.

I thank you for taking it seriously and doing what you can to interrupt and interdict the poisoning of Americans and interdict illicit drugs coming across our country. It wasn't so long ago; it was back in May that I joined Representative Escobar at the border in El Paso. Got to meet with really terrific folks doing this work. What I'd like to say is we have a serious problem. We don't have folks on the other side of the aisle serious about solving it.

When they blame you, you are responsible for every one of the fentanyl deaths, what a disservice and a disgrace to the families in my district have lost children and who will lose children to this fentanyl poisoning. It is a disgrace for folks to just demonize you, demonize those coming across our border seeking refuge. Can you tell us on average what are the facts about what's coming across our border through ports of entry in terms of illicit drugs, specifically fentanyl?

Secretary MAYORKAS. Congresswoman, the U.S. Customs and Border Protection data evidence shows that more than 90 percent of the fentanyl that is brought into this country is trafficked through the ports of entry which is why we have surged operations to those ports of entry to increase the interdiction of fentanyl that is causing so much death and destruction in our country.

Ms. DEAN. Who is bringing it across?

Secretary MAYORKAS. I believe the data suggests that approximately 70 percent of the people arrested are U.S. citizens.

Ms. DEAN. Which makes perfect sense. Would you put your resource for the cartels and those who are selling this? Would you put that resource on the back of a migrant likely not to make it across so that you would be able to sell this valuable deadly resource?

It makes perfect sense coming mostly through ports of entry, coming mostly by way of Americans, American citizens. It's shocking. The seriousness that is lacked on the other side, they don't want to hear the facts. They don't want to solve this problem.

They don't want to save lives because if they did, they'd stop demonizing you and they'd stop demonizing the migrant. Can you tell us about what you said in your testimony? In your words, you said fentanyl is one of the most urgent and lethal threats to American communities today. Could you tell us about Operations Blue Lotus and Four Horsemen that stopped nearly 10,000 pounds of fentanyl from entering the U.S.?

Secretary MAYORKAS. Congresswoman, these operations reflect a surge of personnel and technology to enhance or interdiction capabilities and to arrest the perpetrators of this trafficking. I served as a prosecutor for 12 years. I prosecuted cocaine traffickers, methamphetamine traffickers, and even black tar heroin traffickers.

We have not seen a drug as dangerous as fentanyl and other synthetic opioids. Their toxicity makes it extraordinarily challenging as well as the profitability and ease of manufacture. It is because of the extraordinary work of U.S. Customs and Border Protection personnel, Homeland Security Investigations personnel, other personnel throughout the Department of Homeland Security working with our law enforcement and international partners that we have been able to enhance and increase our interdiction and arrest capabilities. We are seeing the results.

Ms. DEAN. I'd like to say again on the topic of seriousness, if my friends on the other side of the aisle were serious about saving lives from this fentanyl crisis, they would've voted for the Infrastructure Investment and Jobs Act, which included 430 million dollars of investment to modernize our ports of entry and to help improve CBP. Maybe they would've—not a single person on the other side of the aisle voted for the 2023 Omnibus Bill, all House Judiciary Republicans opposed. It funded additional staffing for CBP's ports of entry.

They're not serious people. They don't want to solve this problem. I wear this band for Jake, the son of a friend of mine who died from fentanyl poisoning. They said, "please do something about it." I thank you for what you and your Members are doing about it.

Chair JORDAN. The gentlelady yields back. The Chair recognizes the gentlelady from Indiana.

Ms. SPARTZ. Thank you, Mr. Chair. I'll be brief and yield my time since kind of wasting my time here. I'll be honest with you. Secretary Mayorkas, do you take full responsibility for all decisions of action or inaction made at your agency? Do you personally take full responsibility for all the decisions made at your agency?

Secretary MAYORKAS. I am the Secretary of the Department.

Ms. SPARTZ. So, that means yes.

Secretary MAYORKAS. I bear ultimate responsibility for the decisions made.

Ms. SPARTZ. So, yes. Yes, OK. So, you mentioned earlier that in your definition, you have operational control of the border. Can you define what you mean by that?

Secretary MAYORKAS. What we mean because under the Secure Fence Act, it means that not a single individual would cross the border under that definition. No administration has operational control.

Ms. SPARTZ. So, what number do you have, five million, 10, less than five or 10 or let a couple hundred thousand get away? What is your definition?

Secretary MAYORKAS. What we do, Congresswoman, is we—

Ms. SPARTZ. Do you have a number?

Secretary MAYORKAS. What we do is we look at the resources that we have available to us and ask ourselves, are we deploying those resources to achieve the most effective results for the American people. That is what we do, and we are hopeful working with you and other Members of this Committee to increase the funding for the Department of Homeland Security—

Ms. SPARTZ. I've been at the border, and you've been at the border too. How would you grade your job on a scale of zero to ten? How would you grade yourself?

Secretary MAYORKAS. Congresswoman, I am immensely proud—

Ms. SPARTZ. How would you grade yourself?

Secretary MAYORKAS. Congresswomen, I am immensely proud to work with the men and women of the Department of Homeland Security.

Ms. SPARTZ. No, yourself, your job. Not all the women. I'm sure there are a lot of great men and women in your department. How would you rate your job as a head of your agency?

Secretary MAYORKAS. It is the honor of my life—

Ms. SPARTZ. From zero to ten. So, you can't grade it. How about grade your preparedness to this Committee meeting on a scale from zero to ten. We ask information. You—all these promises.

I'm not wasting my time. I'm sorry. I don't want to use bad word, what you can do with all this status because we keep giving money and sending lad. You tell us BS back. So, how would you rate yourself, your preparedness to this Committee?

Secretary MAYORKAS. It is the honor of my lifetime to work with the men and women—

Ms. SPARTZ. From scale zero to ten, how will you say how prepared you came to this hearing?

Secretary MAYORKAS. I will repeat what I said.

Ms. SPARTZ. You're not answering any questions. You're not answering any Republican question. Is it something that your intent to not respond to any questions of Republicans? You came with that intent.

Secretary MAYORKAS. That is incorrect, Congresswoman.

Ms. SPARTZ. You're not answering any questions.

Secretary MAYORKAS. It is—

Ms. SPARTZ. Every time I hear, you say, we will, we will, we shall, yes, I don't know. You don't know any numbers. You don't even know how many people you actually prosecuted, how many people you deported. You have nothing. How can you say you know how your department is run? As an Executive, you don't know those numbers?

Secretary MAYORKAS. Congresswoman, let me share with you—

Ms. SPARTZ. You haven't shared anything useful here.

Secretary MAYORKAS. Let me share with you—

Ms. SPARTZ. I'm sorry to tell you, I'll yield to Chair Jordan because I'm not going to waste any time with this charade and circus. You do not have an intent to do that, and it is a serious national security issue. This border and cartels are stronger.

A lot of money, NGO's are making who knows what and probably a lot of corruption over there. We have a national security crisis. You sit here and say looking at us with a very smiley face. It's unacceptable, but I yield to Chair Jordan.

Chair JORDAN. I thank the gentlelady for yielding. Mr. Secretary, the 140 illegal aliens you've encountered who are on the terrorist watch list, again, this is Mr. Issa's question earlier in the day. What is the status of those 140 individuals?

Secretary MAYORKAS. First, let me allow the record to reflect that I'm not smiling, nor have I smiled. Mr. Chair, will you repeat your question, please?



Chair JORDAN. The 140 individuals who've been encountered on the border who are on the terrorist watch list, what's the status of those individuals?

Secretary MAYORKAS. I believe that question already has been posed. I mentioned to the Chair that we will provide that data to you.

Chair JORDAN. Have any of them been released I guess is another way of framing that?

Secretary MAYORKAS. Mr. Chair, let me say this. Individuals who pose a threat to public safety or national security are detained pending their removal.

Chair JORDAN. Well, that's not what the Inspector General said. He said, CBP released a migrant on the terrorist watch list and ICE faced information sharing challenges planning and conducting the arrest. This is from Mr. Cuffari, the Inspector General, DHS. Do you disagree with Mr. Cuffari?

Secretary MAYORKAS. We respectfully do.

Chair JORDAN. You do? OK. I would yield my time to the gentleman from Louisiana.

Mr. JOHNSON of Louisiana. I've only got 25 seconds. I'll just say I don't have time for a question because you'll be illusive. Just for the record, since we're stating things for the record, I've been in Congress seven years.

I think you're the most dishonest witness that has ever appeared before the Judiciary Committee. I think I speak for a lot of my colleagues. This is such a frustrating exercise for us because our constituents want answers. They're tired of the open border. They're tired of people dying from fentanyl overdoses and it's your fault.

Mr. IVEY. Mr. Chair.

Mr. JOHNSON of Louisiana. It's my time.

Mr. IVEY. Mr. Chair, point of order.

Mr. JOHNSON of Louisiana. No, there's no point of order in the middle of this. This is my opinion. I think it's shared by millions of American people.

Mr. IVEY. Based on the standard that Chair set out in previous hearings. Calling a witness dishonest is over the line that you drew at a previous hearing.

Mr. JOHNSON of Louisiana. I'm not pulling the words down. That speaks for the American people.

Chair JORDAN. The Chair now recognize—is said to the Secretary we would go five more minutes and then give you a break. I know you've been at this 2½ hours. I believe the gentleman from Florida is recognized for five minutes.

Mr. IVEY. I don't have a winter house yet, Mr. Chair.

Chair JORDAN. I knew it was Maryland.

Mr. IVEY. Thank you, Mr. Chair. Secretary Mayorkas, I want to thank you for being here today. I do want to say a couple of things, though. I'm not trying to get too deep into this.

I know this is an oversight hearing. Unfortunately, the larger picture is this is really about the effort to impeach you. I also serve on the Homeland Security Committee.

One of the Members of that Committee talked explicitly about the Republican effort to impeach you, working—the two Committees working in coordination. He said something about, pay atten-

tion. We can get the popcorn and watch this because it's going to be a lot of fun.

Unfortunately, you've been sort of thrust into the middle of that and it's not your doing. That's where we are. There are also efforts obviously to impeach President Biden.

I've seen Articles of Impeaching with respect to that. The articles—the first articles to impeach, you came out two years ago. I'm not even sure you started unpacking in your office yet. I do appreciate the fact that you're doing a very tough job under very difficult circumstances.

I want you to continue working forward on that. There's a couple of things that I hadn't really wanted to get into. My Republican colleagues have made so much about it, and that's this disinformation issue.

I know there are differing views about that. We've done this on Homeland Security as well. I do want to point out that I think there's an important role for the Federal Government to play in dealing with disinformation.

By that, I mean false information. The Republican election deniers including former President Trump, that's disinformation that needs to be addressed by the government. Not just to deal with it in the past, but because of upcoming elections.

I know there are election officers across the country at the State and local level who have been trying to put together a plan to deal with these issues. A lot of the disinformation comes from overseas, but we get some of it here in the United States even by national elected officials. Some are Members here in the Congress.

I think it's important for us to address that to make sure that the elections that are done in 2024 and are done in a way that's consistent with the law and it allows people to base their decisions on real information. Also, I want to say this too. The election deniers and the false information that's been put out there has put a lot of individuals at risk.

Sometimes their lives have been threatened. These people are volunteer election judges, the State and local level across the country. Some of them have had to move. There was one in Arizona I read about who his life had been threatened.

It's not just the election workers either. Nina Jankowicz who actually worked at DHS briefly got the same kind of treatment. So, she came under attack again by in some instances Members of the House Republican Caucus to the point where she ended up having to not only resign her job, but she had to hire a consultant to help her with personal protection, and this is while she was pregnant.

She had to go to some of her appointments with her doctor in disguise because her life had been threatened to such an extent. I'll close with this. I think that there are a lot of things that I would love to see this Commission address.

I made a personal appeal several months ago to my colleagues on the other side of the aisle about gun violence. I think you mentioned an aspect of that which is domestic terrorism that's in some instances let the lone wolves committing mass killings. We've got a larger problem with it than that.

I can't get anybody to help me with the ghost guns issue. I've got a bill about raising the age for assault weapons from 18–21 which

I thought would be a reasonable place to go since we already have the raise the age place for handguns from 18–21 in the previous Congress that got bipartisan support. It would be important, too, to look at some of the other critical issues the country is facing.

Cybersecurity, if we're going to dabble in the Homeland Security world, China just hacked our Commerce Secretary. In May, CISA was breached, Microsoft, and the NSA. So, these are very important issues to the American people.

I hope we can take a look at these. One last point on the immigration piece. I was in a meeting on Friday with a venture capitalist in New York.

One of the things he said was that he's having trouble getting the visas taken care of to bring Talon over from overseas. These are high tech jobs, engineers, and the like. So, since he can't get it done in the United States, he's now setting up offices in Canada because they can get the job done there.

I would love to see us address the immigration issue in a comprehensive way. So, I mentioned H.R. 2 earlier which I thought was kind of funny because Senate Republicans were telling us that was going to be DOA when it got over there. So, we know that's not a real solution. With that, I yield back.

Chair JORDAN. The gentleman from Maryland yields back. Mr. Secretary, we don't have to take a break unless you want it. If you want to keep going, we'll keep going. If you want a short break, we'll take a break.

Secretary MAYORKAS. I defer to the Chair.

Chair JORDAN. OK. Well, we can sit right there and take questions. We appreciate that. The gentleman from Wisconsin is recognized for five minutes.

Secretary MAYORKAS. May I reserve my right to be seated?

Chair JORDAN. Of course.

Mr. FITZGERALD. Mr. Secretary, I want to go back to the operational control issue that came up first by the Ranking Members when Congressman Nadler brought it up. You've addressed it. I know that Mr. Roy worked through that again. It's so important. I think it's such a source of frustration because every time you turn on the TV, there is this imagery that continues which is people coming across the border.

Whether I was in McAllen or in San Diego Sector, wherever I was, when you talk to Border Patrol or you talk to your employees, Homeland Security, none of them say, yes, everything is going well and there is certainly an operational control in place. So, even by the definition which you brought up a couple times, the Secure Fence Act, I don't think anybody asked you again today directly. Do you believe that we have operational control at the border right now?

Secretary MAYORKAS. Under the statutory definition.

Mr. FITZGERALD. Right, under the statutory definition, do we have it?

Secretary MAYORKAS. Under the statutory definition, Congressman, not a single individual can cross the border if one has operational control. Last year, approximately 1.7 million people crossed the border. We provide that information to Congress on a monthly basis.

Under that definition, no administration has had operational control. What we do is ensure that the resources that we have are deployed most effectively to gain the greatest amount of control that we can. I will tell you that the greatest resource that we have are the men and women of the Department of Homeland Security.

Mr. FITZGERALD. What I think I just heard you say was right now. I heard about the previous administrations. You already established, I guess, that there was not operational control. So, right now, we do not have operational control of the border. Can you tell me that right now in this Committee?

Secretary MAYORKAS. Under the definition of the Secure Fence Act—

Mr. FITZGERALD. Right.

Secretary MAYORKAS. —we do not, and no administration has because that means that not a single individual crosses the border.

Mr. FITZGERALD. OK, OK. So, we established that we do not have operational control right now.

Secretary MAYORKAS. Under the definition of the Secure Fence Act.

Mr. FITZGERALD. All right. So, let me ask you a couple other questions because I think there's an—certainly, we're acquiring numbers right now that I think are changing the dynamic of where we're at. Are unlawful entries between the ports of entry down right now do you believe? Or are they being measured differently than they had been prior to Title 42?

Secretary MAYORKAS. Prior to Title 42, the numbers are down, Congressman. That is a function of the approach that we have taken to expand lawful pathways and then deliver consequences for individuals who do not avail themselves of those pathways.

Mr. FITZGERALD. So, is that number only migrants stopped by Border Patrol agents? Is that the number that you're focused on? Or is it a number of individuals beyond those that even have contact with Border Patrol?

Secretary MAYORKAS. When we speak of, for example, the two-weeks—let's just pick a period of time, the two-weeks immediately preceding the end of Title 42 on May 12th. When we take those two weeks and we compare the numbers that we are experiencing now, we include not only the apprehensions in between the ports of entry, Congressman. We also include individuals who are entering through the ports of entry using one of the critical lawful pathways that we include.

Mr. FITZGERALD. Found inadmissible at any ports of entry. Categorical parole, illegal aliens would also be part of that group. Is that not accurate? Then finally, gotaways. So, there's three categories of individuals as well.

Secretary MAYORKAS. We don't—our parole authority which is a discretionary authority codified in statute in the Immigration and Nationality Act is a discretionary authority that we employ on a case-by-case basis. What we do is we define categories of individuals who can access that. We make the parole decisions on a case-by-case basis.

Mr. FITZGERALD. Then so the actual total, these are the numbers that have been presented, 294,000 or 9,500 roughly a day right now are coming across. So, do you think at any point that that number

is being padded? I don't know how else to describe it. Maybe that's not the best term. It's changed significantly than the way things were being counted prior to Title 42.

Secretary MAYORKAS. Congressman, we don't pad numbers. We provide numbers. We act to the Department of Homeland Security with integrity and honor.

Mr. FITZGERALD. I yield back.

Chair JORDAN. Gentleman yields back. The gentlelady from Texas is recognized.

Ms. ESCOBAR. Mr. Secretary, thank you for your honorable and selfless public service to our Nation. As the only representative on this Committee who was born, raised, and has lived on the border her entire life, I can say with absolute certainty that if we want to blame anyone for our broken immigration system, we should blame Congress. Those who yell the loudest about this issue in Congress need to take a long, good look in the mirror.

For 37 years, Congress has failed to address our country's need for comprehensive immigration reform. Instead, we have followed the Republican playbook which focuses on immigration solely as a border issue. We've spent hundreds of billions of dollars securing the border, and it has been an expensive failure.

Amidst an historic hemispheric refugee crisis coupled with Congressional inaction, the situation has only grown more challenging. The longer we wait to pass comprehensive immigration reform, the more challenging this issue will become. It doesn't have to be this way.

Over the past three decades, the Federal Government has chosen to narrow and limit legal immigration pathways which has shifted the pressure to the border and communities like mine. The Biden Administration has proven, however, that when we open up legal pathways for asylum seekers and other migrants, the border can be better managed. The proof is in the data.

The problem we face today is that the majority of my colleagues on the other side of the aisle are only interested in performance, which is why they yell so loudly and try to turn the Nation's attention away from their own lack of solutions. That's what this hearing is ultimately about. While this is an oversight hearing, we know that the spectacle you're seeing on the other side is part of the Republicans ultimate distraction strategy, impeachment.

They aren't just focused on impeaching you, Mr. Secretary, despite the fact that apprehensions at the border are down by 70 percent. They have also promised the extremists in their party that they will impeach Attorney General Merrick Garland and even President Biden. In fact, from the complaints we hear about Catholic Charities, I'm surprised that they aren't trying to impeach the Pope.

Secretary Mayorkas, I'd like a simple yes or no, if possible, on the following questions. I have a chart here from the American Immigration Council that uses CBP data, historical data on border apprehensions. Isn't it true, Mr. Secretary, that according to CBP data, apprehensions of families started significantly climbing around January–February 2019 during the Trump Administration?

Secretary MAYORKAS. Yes, Congresswoman. They did.

Ms. ESCOBAR. Isn't it true according to CBP data that after a drop of apprehensions that were largely a result of COVID closures in 2020, apprehensions began increasing again significantly around May 2020 after the Trump Administration initiated the use of Title 42?

Secretary MAYORKAS. Congresswoman, I would have to defer to Customs and Border Protection—

Ms. ESCOBAR. Well, I have it right here. Actually, I'd like to enter into the record the American Immigration Council's data, border apprehensions, October 2015–June 2023.

Chair JORDAN. Without objection.

Ms. ESCOBAR. Isn't it true—and for the record, May 2020 when we began seeing an increase once again post-COVID, that was a full six months before the 2020 general election, before President Biden's victory, and eight months before President Biden's inauguration. Isn't it true, Mr. Secretary, that opening-up legal pathways as DHS has done via the CBP One app that that has proven successful in helping manage the border?

Secretary MAYORKAS. It is one element of an approach that has proven successful, Congresswoman.

Ms. ESCOBAR. Isn't it true, Mr. Secretary, that the one legislative body that can further open-up legal pathways to best manage the border is Congress?

Secretary MAYORKAS. Yes, Congresswoman.

Ms. ESCOBAR. My Republican colleague, Maria Salazar, and I introduced the Dignity Act which is a bipartisan comprehensive immigration reform bill. I'd encourage my colleagues who are seeking a true solution to join our effort to address our broken system. Anything short of that is a dereliction of Congress' responsibility and obligation. All this scapegoating on the Biden Administration and on you, in particular, Mr. Secretary, is nothing but performance. Mr. Chair, I yield back.

Chair JORDAN. Gentlelady yields back. The gentleman from Oregon is recognized.

Secretary MAYORKAS. Mr. Chair, may I impose and accept your kind offer for a brief break.

Chair JORDAN. Oh, sure, sure, sure, sure.

Chair JORDAN. We'll take a brief five-minute break. We're trying to go as quickly as we can because we got votes and 1:30 p.m. and we'd prefer not to come back. I'm sure that's the same with you. If we have to, we'll come back. So, we'll take a five-minute recess now, and then we'll be back in action.

[Recess.]

Chair JORDAN. The Committee will come to order.

The Chair recognizes the gentleman from Texas for five minutes.

Mr. MORAN. Mr. Chair, I yield my time to the gentleman from Oregon, Mr. Bentz.

Chair JORDAN. The gentleman is recognized.

Mr. BENTZ. Thank you, Mr. Moran.

Mr. Secretary, before I start, I just want to talk briefly about what I heard earlier. One of my colleagues from across the aisle suggested that we Republicans were somehow manufacturing outrage. The phrase was "right-wing outrage machine," was the phrase that he used.

I thought, what? Are the folks across the aisle not outraged about the millions of people that are coming across the border under, of course, your watch, most of whom probably don't qualify for asylum?

Yes, don't you think that all of us should be outraged about the thousands dying from fentanyl that's coming across the border under your watch?

Don't you think that we should be outraged about cartels moving into American cities on this side of the border under your watch?

Don't you think we should be outraged about the billions of dollars the cartels are raising from the most unfortunate and vulnerable from Central America and other places under your watch?

Don't you think we should be outraged about the hundreds dying in the desert?

It's hard to argue that we're manufacturing outrage when we look at these incredible, sad things happening under your watch.

Now, I want to go how we can fix, perhaps, some of that which you've been talking about for the last couple of hours. Because you said earlier, in response to a question from Congressman Issa, that we, the USA, is not, quote, "alone in some of its infirmities in its immigration system." I'm just quoting from you. I scribbled it down quickly. "infirmities in our immigration system." What? Give us a couple.

Secretary MAYORKAS. I'm sorry, Congressman—

Mr. BENTZ. "Infirmities in our immigration system," is how you put it when you were comparing our immigration system to others across the world. Just share two.

Secretary MAYORKAS. Let me give you one example in the economic arena: That the market needs of our country, the economic needs of our country, are not taken into account when we admit economic migrants. We have statutory caps, statutory limits on the number of people we can admit, despite perhaps a greater need at a particular time. We do not calibrate the number according to need.

Mr. BENTZ. Right.

Secretary MAYORKAS. So, for example—

Mr. BENTZ. That's—and I understand what I actually understand what you're saying. Forgive me for cutting you off, but it leads very nicely to how we might address immigration as a comprehensive system.

Don't you think that, politically at least, a secure border is an essential prerequisite to any comprehensive solution? Because what you were just starting to talk about was one of the adjustments, we might make to our visa systems.

By the way, I'm enthusiastic about trying to improve those visa systems. I will tell you this much: If I go back home to all my constituents, as I'm going to be doing this Friday—and I'm going to be talking to them on Monday at a Chamber of Commerce meeting—guess what? They're outraged about the things I mentioned earlier, and they're not going to want to listen to me talk about the details that you just suggested.

So, tell me, how do I—what can we do? Those infirmities, do they include anything when it comes to fixing the border, so it works better?

Secretary MAYORKAS. Yes.

Mr. BENTZ. Tell me.

Secretary MAYORKAS. So, for example, Congressman, one of the measures that we have taken to address this infirmity is to issue a regulation that empowers our asylum officers to make the ultimate asylum adjudication and shrink the time in between an encounter at the border and the ultimate asylum adjudication. That duration now, historically, has been six-plus years.

Mr. BENTZ. Thank you for your thoughts on it.

Secretary MAYORKAS. That is an eternity.

Mr. BENTZ. Thank you for your thoughts on that. I'd like to followup with you on it, if you would. I'm serious. Share with me your thinking on that issue.

Isn't it correct, as we heard—I've been to the border three times. The folks down there suggest that the cartels are extracting between \$3–\$5 thousand, maybe more, per person that presents illegally at the border. Is that true?

Secretary MAYORKAS. Yes, Congressman.

Mr. BENTZ. So, that would mean, as the millions of people come in, we can multiply that times four or five thousand, is that correct?

Secretary MAYORKAS. Congressman, that is correct, which is precisely why one of our efforts is to cut the smugglers out of the equation, because of the profits they make; because of their ruthlessness; because of their criminality. So, while—

Mr. BENTZ. Forgive me for cutting you off, but I agreed to yield the balance of my time to the Chair, Mr.—

Chair JORDAN. I appreciate the gentleman yielding.

Mr. Secretary, is the number of people removed and through adjudication—

Ms. ROSS. Objection, Mr. Chair. This isn't Mr. Bentz's time.

Chair JORDAN. That's right.

Ms. ROSS. It was yielded to Mr. Bentz.

Chair JORDAN. I know. I thought we could get away with it because it was an important question.

[Laughter.]

Ms. ROSS. Well, Mr. Chair, you can have the next person yield.

Chair JORDAN. We're going to do that, yes. All right.

The gentleman yields back.

The Chair now recognizes the gentlelady from North Carolina.

Ms. ROSS. Thank you, Mr. Chair, and that was not done with any ill will. It was out—

Chair JORDAN. No, I knew that from the get-go.

Ms. ROSS. Yes.

Mr. Secretary, I know it's been a long day already. I want you to know that I'm here today to use my five minutes in support of a group of 250,000-plus young people in our country who are referred to as "the documented dreamers." They are a too often forgotten population of talented young adults who are American in every way, except on paper.

As I'm sure you're aware, since we've talked about them a few times, the documented dreamers are dependent children of long-term employment visa holders who are brought to the United States with documentation when their parents move here to work.



Often, these children come to the United States when they're still babies, but because they were not born here, they don't have citizenship or a real path to citizenship before they become 21.

While many of these young adults are in line for green cards with their parents, the backlog at USCIS is so long that they often face a decades-long wait. As a result, they risk having to self-deport when they turn 21 and age out of their dependent visas, if they cannot find another status to stay in the United States legally.

I have a bipartisan, bicameral bill to provide these children and young adults with a pathway to permanent residency protections for aging out of the immigration system. I'm working hard to get that through the House and Senate. We got it through in two different forms last Congress, through the House.

However, today, I want to hear about what your Department is doing to protect these deserving young people and enable them to stay here. We've educated them using our tax dollars, which their parents pay. They often self-deport to countries that compete with us at age 21, after having a few years of college. So, I'll get into at least one of my questions.

In a 2014 decision on whether the Child Status Protection Act requires a priority date for retention for children who have aged out of their visa, the Supreme Court deferred to agency interpretation of CSPA, which does not provide for a priority date retention for most individuals who turn 21 while waiting for green cards sought by their parents.

However, Justice Kagan, writing for the plurality, emphasized that CSPA permits, not that it requires this narrow interpretation of the statute that USCIS currently holds. Allowing documented dreamers to retain their original priority date and keep their place in line after they age out of their dependent visas could significantly improve the lives of this population.

Why has USCIS not adopted a priority date retention for these individuals, given that the Supreme Court determined that the agency possesses this authority?

Secretary MAYORKAS. Congresswoman, I will consult with the Director of the U.S. Citizenship and Immigration Services and get back to you. I'm not familiar with that precise issue.

Ms. ROSS. OK.

I only have about a minute left. So, when I met with the documented dreamers, which I do quite frequently because they have learned how to petition the government for redress of their grievances, I am struck by the love of the country, of this country, and their eagerness to contribute to all our welfare. Their stories are some of the most compelling that I've heard during my time in Congress.

Does your Department have any plans to protect these deserving young adults who have done everything right, been here legally, and are losing their ability to live in this country through no fault of their own?

Secretary MAYORKAS. Congresswoman, I share your concern for these individuals who have, indeed, contributed so much to this country and who know no other country, but this one. I can assure

you I will followup with vigilance on the questions that you have posed and respond as promptly as possible.

Ms. ROSS. Thank you, Mr. Secretary.

Thank you, Mr. Chair. I yield back.

Chair JORDAN. The gentlelady yields back.

The gentleman from Oregon is recognized.

Mr. BENTZ. Thank you, Mr. Chair. I yield my time to you.

Chair JORDAN. I thank the gentleman.

Mr. Secretary, is the number greater than zero? Can you tell us that? The number of people who have been encountered on the border, over the two million number encountered on the border, put in removal proceedings, adjudicated, and then, removed, is that number greater than zero?

Secretary MAYORKAS. Yes.

Chair JORDAN. Is it greater than a hundred?

Secretary MAYORKAS. Yes.

Chair JORDAN. Greater than a thousand?

Secretary MAYORKAS. Congressman—or Mr. Chair, forgive me—Mr. Chair, as I have stated before, the data that you wish to have we will provide to you as promptly as possible. What I don't want to do is misspeak when it comes to data. I do not want any—

Chair JORDAN. I can appreciate that, but we have a history where we've asked questions before in a hearing, and you told us the same thing, and you don't get it back to us. So, we're trying to get as much as we can on the record in a public hearing. You've now told me it's greater than a hundred, but you don't know if it's greater than a thousand out of the 2.1-something million who've come to the country, been encountered, and put in removal proceedings. So, we know it's greater than a hundred. You say you're going to get back with us, but the history has been not too good on your part in getting us those answers.

Secretary MAYORKAS. Mr. Chair, of course, it's more than a thousand, but what I want to assure you of, because—

Chair JORDAN. Is it more than 100,000?

Secretary MAYORKAS. Because, quite frankly, Mr. Chair, we have been cooperative with this Committee.

Chair JORDAN. No, you haven't.

Secretary MAYORKAS. We have provided you with documents. We have provided you with data.

Chair JORDAN. I can keep putting up the redacted documents, but you have not.

I would yield back to the gentleman—I appreciate the time—so, he can yield to another Member.

Mr. BENTZ. Thank you, Mr. Chair.

I yield my time to Mr. Johnson from Louisiana.

Mr. JOHNSON of Louisiana. Thank you.

Mr. Mayorkas, in answer to my questions earlier today, you defined misinformation and you acknowledged that CISA created, in 2021, the Misinformation and Disinformation Committee.

On April 27, 2022, you testified in the House Appropriations Committee that your Department created, then, another agency, or another subdivision, the Disinformation Governance Board, and you said under oath it was to combat misinformation ahead of the 2022 elections.

Earlier this month, the Federal Court in the landmark case of *Missouri v. Biden* affirmed lengthy findings of fact to justify its preliminary injunction, and in the ruling found at page 94, the White House and your agency pressured and encouraged social media companies to suppress free speech that you determined—you and your employees determined—to be misinformation.

However, a couple of hours ago, when I asked you about this, you said under oath, “We don’t do that.” Which time were you telling the truth, today or on April 27, 2022?

Secretary MAYORKAS. Congressman, we do not suppress free speech.

Mr. JOHNSON of Louisiana. Did you or anyone working for you work with the social media companies prior to the 2022 election to pull things off the internet, suppress things off the internet, that your folks determined to be false or misinformation?

Secretary MAYORKAS. Not to my knowledge, Congressman.

Mr. JOHNSON of Louisiana. So, you had no idea what the Misinformation and Disinformation Committee was doing during that period?

Secretary MAYORKAS. Congressman, I have answered that question previously. Let me assure you that we safeguard the First Amendment rights of individuals. That is what we do.

Let me explain to you what the Cybersecurity and Infrastructure Security Agency—

Mr. JOHNSON of Louisiana. I know all about CISA. What I’m concerned about is this Committee and dystopian Disinformation Governance Board and put Nina Jankowicz in charge of for about three weeks, until the public blew their tops over that, and you—that suddenly disappeared and she resigned.

How were you—how did you instruct Nina Jankowicz to discern what is misinformation and false information that the government should pull off the internet?

Secretary MAYORKAS. You are assuming facts that actually did not exist.

Mr. JOHNSON of Louisiana. Tell me what the facts are. What guidance did you give her?

Secretary MAYORKAS. Congressman, the reality is that disinformation is a tool that adverse Nation-States use to undermine our democracy.

Mr. JOHNSON of Louisiana. OK.

Secretary MAYORKAS. Four adverse Nation-States include—

Mr. JOHNSON of Louisiana. No, no. Hold on.

Secretary MAYORKAS. —North Korea—

Mr. JOHNSON of Louisiana. Hold on. Don’t talk about foreign adversaries because the court and the witnesses on your behalf in the court testified under oath different than what you’re saying today; that they made no distinction between foreign people who put things on the internet and domestic voices. Do you disagree with that statement?

Secretary MAYORKAS. Congressman, can you share with me the context of that statement?

Mr. JOHNSON of Louisiana. It would be awesome if you had read the Federal Court opinion that directly says that your agency is involved in the greatest coverup of free speech in U.S. history.

I'll tell you what the court says. It says people involved with your agency were meeting regularly with the social media platforms and giving them lists of persons and information that they said should be pulled off the internet, suppressed. That means turned down, volume censored, so no one saw it.

The court said millions—millions—of free speech protected postings where not seen by the American people prior to the 2022 election because your employees subjectively determined that they shouldn't see it. That's the problem.

The idea that you would sit here in front of us and pretend like you don't know that was happening is just alarming. I'm out of words to describe how frustrated we are with you and your department.

I'm out of time.

Chair JORDAN. The gentleman from Oregon yields back.

The gentlelady from Georgia is recognized.

Ms. MCBATH. Thank you, Mr. Chair.

Good afternoon, Secretary Mayorkas. It's a pleasure to have you with us today. Thank you so much for your time. We appreciate your patience and your testimony.

Mr. Secretary, as you know, DHS is responsible for the public safety of the United States of America, and the men and the women at DHS work very hard every day, so that Americans can pursue the freedoms of their everyday lives. The mission of DHS is somewhat ubiquitous; be it at airports or disaster sites, that many overlook the fact that much of it is the same Federal agency.

In addition to these crucial areas, DHS has also been active in combating America's gun violence epidemic, which, of course, I am extremely invested in. It's an issue that is very important to me, as many other survivors around the country as well.

Studies have shown that between 70–90 percent of weapons recovered from crime scenes in Mexico can be traced back to the United States of America. With weapons of war commercially available at low levels of individual scrutiny, gun traffickers have been taking immense advantage of our guns lack—our Nation's gun laws, which are very lax, to arm drug cartels that also fuel a lot of organized crime.

In addition, we have seen that payment for these gun traffickers has at times resulted in opioids that have helped our communities be torn apart as well.

DHS has been swiftly, as you have mentioned over and over again today, combating this kind of illicit dealings through its joint efforts with the ATF-led Operation Southbound. Mr. Secretary, DHS has taken a collaborative approach with the ATF-led Operation Southbound. Can you tell us just a little bit more about this operation? I believe a lot of people don't really know that it exists and DHS's role in it. We'd like to hear about that and the results of this operation.

Secretary MAYORKAS. Congresswoman, one of the concerns that law enforcement has is that the firearms that are in the hands of the transnational criminal organizations just South of our border actually emanated from the United States. We in the Department of Homeland Security, through our Homeland Security Investigations, working in collaboration, as you have noted, with other Fed-

eral agencies, are conducting operations to interdict the flow of firearms outside—from within the United States external, to external countries, and to prevent them from reaching the hands of criminals.

I would be very pleased, given the law enforcement sensitivity of the operations, to provide you with greater details about how we are accomplishing that objective.

Ms. MCBATH. Thank you so much.

With weapons of war, such as high-capacity automatic firearms easily available in far greater quantities in the United States than ever before, can you illustrate how these firearms trafficking—how the firearm trafficking contributes to organized crime and gun violence in the United States?

Secretary MAYORKAS. Well, the trafficking in the guns themselves is a criminal activity that is a for-profit activity. So, when the criminal organizations gain greater profits, they only, tragically, expand their criminality.

In addition, the transnational criminal organizations that receive the weaponry from the United States conduct violent acts that impact individuals who seek to enter the United States, as well as Americans themselves.

Ms. MCBATH. Thank you.

Can you tell us a little bit more about how the export of these weapons of war directly relate to the opioid crisis in our communities in the United States?

Secretary MAYORKAS. The criminality of these organizations is inextricably intertwined with one another. They conduct their operations by protecting themselves and addressing law enforcement through criminal means. That includes violent acts, and those violent acts are perpetrated with firearms. Sometimes those firearms originate from the United States.

It is a web of criminality, and we are unrelenting in our efforts to disrupt and dismantle every aspect of that criminality. I'm intensely proud of the men and women who dedicate their lives to their effort in the Department of Homeland Security and throughout our law enforcement partner community.

Ms. MCBATH. Well, thank you so much. We appreciate your dedication and those that serve right along with you in this manner. We really appreciate you.

I yield back.

Chair JORDAN. The gentlelady yields back.

The gentleman from Virginia is recognized.

Mr. CLINE. Thank you.

Mr. Secretary, I have rarely been more gobsmacked by the lack of cooperation and information from a witness than I have by you today. It is truly appalling when you consider that lives are at stake—the lives of children being trafficked across this border who are being sacrificed on an altar of radical policies being pushed by your Department.

You talked about it. You threw out a good one-liner in your testimony about child sex trafficking, human smuggling. Do you know what does immense damage to our efforts to combat human trafficking, sex trafficking, and child sex trafficking? A porous border. Your policies have directly led to that porous border, Mr. Secretary.

This is ridiculous that I have had to sit here and listen to you and your denials, your deflections, and your obfuscations. The mendacity that I am hearing from you is not just appalling to me; it is appalling to my constituents.

I echo the comments from across this country, Members who represent people from across this country, over the last two hours—plus, really echoing their constituents and the frustration that they have actually shown and talked to them about.

Back in April, we had a Committee hearing where there was a witness, a whistleblower, who said that the U.S. Federal Government has, essentially, become a middleman in a multibillion dollar human trafficking operation targeting unaccompanied minors at the Southern border. I'm sure that that makes you upset. It sure as heck made me upset.

But when U.S. Customs and Border Protection encounters 435 unaccompanied minors per day, drug cartels and traffickers exploiting 60 percent of these children in prostitution, forced labor, and child pornography—to make matters worse, in June, the Biden Administration released 344 children to nonrelated adults in the United States, most of whom already had multiple children in their care.

These children are prime targets for traffickers for sex or for labor. In fact, a February *The New York Times* article published showing migrants found laboring, in violation of child labor laws—notably, half of the U.S. Immigration and Customs Enforcement's most wanted criminals for child trafficking, guess where they come from? Mexico. Imagine that.

So, when you actually take actions that reduce operational control of the border, these are actions that are taken in contradiction of your official duty to execute the laws enacted by Congress and your oath to support and defend the Constitution. You have abandoned the successful border policies of the previous administration. You've ignored laws requiring detention of certain aliens; reduced detention capacity; ended migrant protection protocols; halted border wall construction; diverted Border Patrol from law enforcement duties; encouraged a mass illegal immigration with the use of easily exploitable, credible fear processes; illegally expanded parole; reinstated catch and release and provided illegal aliens valid work permits and public benefits during an economic downturn.

You should be ashamed. More so, you should be held accountable. This Committee will do just that, and I am committed to making that happen as well.

With that, I'm going to yield the remainder of my time to the Chair.

Chair JORDAN. I appreciate that, the gentleman yielding. I would yield—well, actually, Mr. Cline, can you yield to Mr. Roy, and then, maybe to Mr. Bishop?

Mr. CLINE. I'll yield to Mr. Roy.

Mr. ROY. I thank the gentleman from Virginia.

Despite enormous levels of encounters—I believe last month it was about 146,000, far, far exceeding what Obama DHS Secretary Jeh Johnson said that crisis of being a thousand a week—we can agree, I think that it's possible there may be a decrease from Fiscal Year 2022 to Fiscal Year 2023 for total Border Patrol encounters,

right? They're going down maybe 20 percent, according to data I see, at current levels. Does that sound right?

Secretary MAYORKAS. I think they, Congressman, I think they're going down further, in light of the approaches that we implemented in a post-Title 42.

Mr. ROY. OK. Well, assuming they're going down, and accepting that they may be going down by Border Patrol encounters, hasn't there simultaneously been a significant and continuing increase at the ports of entry, which more than offset the reductions and illustrate the shell game?

OFO encounters from Fiscal Years 2022–2023, the data I have, at current pace, is a 100 percent increase; Fiscal Years 2020–2023, a 356 percent increase from 241,000 to 1.1 million.

In other words, the American people need to be told the truth about what's actually happening. The total numbers, if you look at the nationwide encounters, Fiscal Years 2020–2021, a 202 percent increase; Fiscal Years 2020–2022, a 328 percent increase; Fiscal Years 2020–2023 at current pace, a 364 percent increase. In the last 24 hours, for Border Patrol alone, nationwide encounters are 6,000.

That's the data I have. Is that correct?

Secretary MAYORKAS. Congressman, our approach of expanding lawful pathways and delivering consequences is working.

Mr. ROY. Is that data, correct? Are those the numbers?

Secretary MAYORKAS. I'd have to confirm the numbers that you have cited.

Mr. ROY. Well, those are the numbers that we have, and this is what the American people are tired of.

I yield back.

Chair JORDAN. The gentleman yields back.

The Chair recognizes the gentlelady from Missouri.

Ms. BUSH. Thank you, Mr. Chair.

Thank you for being here, Secretary Mayorkas.

St. Louis and I are here today, as always, to ask hard questions about real issues. Secretary Mayorkas, I'm concerned that the department, and the Office of Intelligence and Analysis, in particular, encourages the targeting of protesters, activists, incarcerated people, and progressive moments.

For example, in 2020, under the prior administration, Intelligence and Analysis individuals—or labeled individuals protesting police brutality and racial injustice after the killing of George Floyd as domestic violent extremists, and Department leadership instructed officials to create and share intelligence dossiers about, quote, "everyone participating in Portland protests," as part of a discredited effort to link protesters to a nonexistent terrorism plot. These issues still continue to this day.

Secretary Mayorkas, do you acknowledge that the department has referred to opponents of the Atlanta Public Safety Training Center, or what we call "Cop City," as alleged domestic violent extremists and militants, comprising violent far-left occupation? That's a yes or no.

Secretary MAYORKAS. Well, Congresswoman, a few things I must say.

First, I'm immensely proud of the men and women who work in the Office of Intelligence and Analysis under the superb leadership of Kenneth Wainstein. They do tremendous work in making sure the American people are safe and secure.

I am familiar with activities in Atlanta that are lawful, and I am also familiar with activities to which you refer that are unlawful. We do not condone violence. We do safeguard and protect the free expression of speech.

Ms. BUSH. So, what you're saying is that this alleged domestic violent extremist or militants that you're saying that you condemn that language, and you condemn—I'm just, I'm just trying—

Secretary MAYORKAS. Congresswoman—

Ms. BUSH. —to be clear because we can't "both sides it" when people are actually being hurt. I can speak to it as an actual activist myself, and I've been there. I've seen what actually happens to protesters and what actually makes the media, and what actually makes the reports.

So, I just want to make sure that we're saying that we, that you're—are you saying you—domestic violent extremists, because I have the report here. Are you saying that you condemn that or that this is part of the work?

Secretary MAYORKAS. Congresswoman, lawful protest is a proud tradition in this country. There cannot be a connectivity between an ideology and the expression of that ideology through violent means. That is when we get involved to prevent violence.

Individuals are free to express their ideologies, whatever we might think of those ideologies.

Ms. BUSH. OK, OK.

Secretary MAYORKAS. I cannot express any—

Ms. BUSH. Let me—I have limited time—let me reclaim my time. Let me just go to my next question.

So, are you aware that Georgia law enforcement officials have used those characterizations to support their charges of domestic terrorism against opponents of Cop City?

Secretary MAYORKAS. I am not, Congressman. I can't speak to State activities, State law enforcement. What I can do is speak of what we in the Department of Homeland Security do.

Ms. BUSH. Because when we don't call it out, when we don't address it, that's what happens. I get it; you're not a part of the State and you can't tell the State what to do. Or you're not as intricately involved in that. When we don't speak up to it, and we know it's happening, then they are able to do those things. That's what this report is about, and it actually affects real people.

Let me just, also, say the people that show up to protests are usually the ones that care about the issue and are trying to save lives. Folks don't show up to protests, usually, unless they are sent there, and I know that happens, too. Generally, the people that are at the protest, we care. Those folks are showing up because they want to see something done about policing in this community, in this country.

They want to stop the fact that every single year we have a rise in police killings, and nobody is doing the actual work to fix it. So, by saying, "Hey, we're going to show up and put our bodies on the line," and then turning that around to make as though those are



the folks who are violent; those are the folks who are extreme—if you stop the police violence in this community, in this country, then nobody has to show up for a protest. Let me just say that.

Last, I will say, that I'm concerned about the department's policies against, related to immigration enforcement. I will make sure that we get this documentation to you because I am out of time.

Last, I would like, Mr. Chair, I ask unanimous consent to enter into the record all the documents that I just spoke of.

Chair JORDAN. Without objection.

The Chair—the gentlelady yields back. The Chair now recognizes Ms. Lee, and then, we'll go to Mr. Van Drew.

Ms. LEE. Secretary Mayorkas, Florida's Attorney General has sued the Department of Homeland Security in the Northern District of Florida, asserting that the policies of your administration violent existing Federal law. Federal Judge Alan Wetherell, who has heard evidence and testimony related to your policies, described your parole with alternatives to detention policy as follows:

The evidence establishes that the administration have effectively turned the Southern border into a meaningless line in the sand and little more than a speedbump for aliens flooding into the country, by prioritizing "alternatives to detention" over actual detention and by releasing a million aliens into the country—on "parole" or pursuant to the exercise of "prosecutorial discretion" under a wholly inapplicable statute—without even initiating removal proceedings.

Thereafter, after additional proceedings and evidence and testimony, the judge heard about your "parole with conditions" revision, which allows illegal migrants to be paroled into the U.S. under the expectation that they will "check in" in 60 days and receive a Notice to Appear at a hearing, where we can initiate removal proceedings in court.

There, the judge noted that, all totaled, only 18 percent of the aliens released under the parole with conditions policy after it was enjoined by the court have been issued a Notice to Appear and placed in removal proceedings. The additional 82 percent are either awaiting an issuance of an NTA or their whereabouts are unknown.

Secretary Mayorkas, can you tell us, as we sit here today, where are the people who have entered this country and been released under your, what you refer to as, "a parole program"? Where are they today?

Secretary MAYORKAS. Congresswoman, the individuals who are released, because we do not have the detention capacity—we are not funded for the detention capacity to detain everyone. Let me assure you that individuals who pose a threat to—

Ms. LEE. Do you know where they are, Secretary Mayorkas?

Secretary MAYORKAS. Congresswoman, if I may, I want to assure you that individuals who pose a threat to public safety or national security are detained. That is how we prioritize our detention authorities. Otherwise, we place individuals who are not such a threat on alternatives to detention.

Ms. LEE. Do you know where those individuals are?

Secretary MAYORKAS. Those individuals also—

Ms. LEE. That would be a yes or no, Secretary Mayorkas.

Secretary MAYORKAS. Those individuals are supervised—

Ms. LEE. I'll take it that, in this case, you do not.

Now, about those who do not show up for failure to appear proceedings, for these notices to come to court, what are the consequences that those individuals face?

Secretary MAYORKAS. Those individuals face the consequence of apprehension and removal.

Ms. LEE. Is it not true that it would be necessary to know who they are and where they are to actually initiate removal proceedings from the United States?

Secretary MAYORKAS. There are those individuals who we do know where they are, and we do initiate removal proceedings. If individuals abscond, which is a concern that long predates this administration, Congresswoman—we have had absconders for many, many administrations. We have between 11–12 million undocumented people. When those individuals are apprehended, they are also subject to immigration—

Ms. LEE. Secretary Mayorkas, what I will note is this: In addition to it being clear that the department has failed to timely respond to requests for information and data about the policies of this administration and the status of all these individuals who have been released into our country, it is also clear, from reviewing a record of the proceedings in the Florida Federal Court that the department is failing to comply with orders of that court.

With that, Mr. Chair, I yield the balance of my time to the Chair.

Chair JORDAN. Would the gentlelady—would the gentlelady yield to the gentleman from North Carolina?

Ms. LEE. Yes, I will yield the balance of my time to the gentleman from North Carolina.

Mr. BISHOP. I thank the gentlewoman.

Mr. Mayorkas, you've spoken a lot about lawful pathways you've created. I think you rely on your parole authority to do that, is that right?

Secretary MAYORKAS. That is one of the methods, yes, Congressman.

Mr. BISHOP. What other method besides parole? What other source of authority besides parole?

Secretary MAYORKAS. That is the primary, the primary—

Mr. BISHOP. Well, but what's the other one, then, if it's the primary one?

Secretary MAYORKAS. Well, refugee processing is a lawful pathway.

Mr. BISHOP. OK. That's established by statute, the refugee program.

Secretary MAYORKAS. Yes, and the parole authority is also codified in statute. It's a discretionary—

Mr. BISHOP. Right. So, here's what it says. It says,

The Attorney General may in his discretion parole into the United States temporarily under such conditions as he may prescribe only on a case-by-case basis for urgent humanitarian reasons or significant public benefit any alien applying for admission in the United States.

You've spoken today—it was interesting; it really struck my attention—you spoke about case by case being an individual determination. What is the source of authority that allows you to define categories or classes to, then, operate to bring people in, and then, look at them case by case?

Secretary MAYORKAS. Congressman, as I've stated, we exercise that parole authority on a case-by-case basis.

Mr. BISHOP. You define these categories or classes. What allows you to do that? What authority do you rely on?

Secretary MAYORKAS. That defines the perimeter of individuals who may become eligible for the case-by-case adjudications.

Mr. BISHOP. It seems intentioned to me.

I yield.

Chair JORDAN. Yes, good point.

The gentlelady from Vermont is recognized.

Ms. BALINT. Thank you, Mr. Chair.

Before I begin, I ask unanimous consent to request to enter into the record DHS data on U.S. Immigration and Customs Enforcement.

Chair JORDAN. Without objection.

Ms. BALINT. Thank you, Mr. Secretary, for being here. Thank you for your public service.

I'm going to just shift gears a little bit here. As you know, Vermont has recently experienced the worst flooding in our State since the 1920's. Farms, houses, apartments, mobile homes, businesses, and shared community spaces have been devastating, including nearly every single small business in our downtown of our State capital Montpelier. I've seen the destruction firsthand and can tell you the recovery is going to be long and hard.

Related to this, a larger issue I'd like to highlight with my time today is the lack of options for small businesses that cannot take on additional debt to rebuild. SMA loans, of course, are a great help, but they are still loans. We are a rural State made up primarily of small businesses. Of the 79,000 small businesses in our tiny State, 78 percent are independent contractors or nonemployer businesses.

So, it is incredibly challenging for these small businesses to rebuild and take on more liabilities, but their presence in these communities is absolutely vital. We are a rural State made up of small cities and towns and villages—all in these little river valleys which are, essentially, isolated from each other. We need the ability to rebuild these small businesses.

So, I've heard directly from these folks that they're having a really hard time imagining how they will rebuild. FEMA has been incredible. They were on the ground just a few days after the emergency. I was able to tour with FEMA leadership, as well as folks from Region 1. We are grateful for that help, but I want to make sure that over the long term we are committed to working with FEMA and DHS to make sure that we find some long-term solutions for small businesses, in particular, to fill in this gap in the recovery.

Along these lines, Mr. Secretary, what can Congress do to aid DHS and FEMA in continuing to react to natural disasters like this, like the flooding in Vermont, which was supposed to be a 100-year flood cycle, and it happened as recently as 12 years ago. So, what can we do to partner with you to be more prepared for these?

Secretary MAYORKAS. Thank you very much, Congresswoman. I look forward to partnering with you and other Members of the Committee to address the challenges that our Nation faces.

One critical need is, of course, funding for the disaster relief services and assistance that we provide, whether that is financial relief, so that businesses and individuals alike can rebuild and recovery. We also have critical grant programs that really contribute to the resilience of local communities. That is one very significant way in which we can partner together, and I very much look forward to working with you.

Ms. BALINT. Thank you.

Just to put a finer point on it, I was speaking with FEMA Administrator Criswell when she came up to Vermont. Is it accurate to say that FEMA's primary funding source, the Disaster Relief Fund, is going to go into the red as soon as August? Is that correct?

Secretary MAYORKAS. That is correct, Congresswoman.

Ms. BALINT. Can you talk about the importance of DRF funding, especially as we prepare for another hurricane season and these increasingly intense storms that we are bound to see continually, as the air warms?

Secretary MAYORKAS. The Disaster Relief Fund is the nucleus of our efforts to assist communities in recovering from natural disasters, which are only increasing in frequency and severity. That is the core fund through which we provide such needed relief for communities across this country, whether it's for hurricanes, earthquakes, wildfires, flooding, the natural disasters that we are seeing more and more often.

Ms. BALINT. Thank you. Just two more questions.

Is there a role for the agency in mitigating future disasters? We often move emergency supplementals after the fact. Is there value to more focused funding for pre-disaster work, and what would that look like?

Secretary MAYORKAS. Well, one of the takeaways that I had when I visited Mayfield, Kentucky with Congressman Comer following a devastating tornado is assisting communities in revising their building codes, so that they are ready for the weather that we encounter today and not the weather that we encountered 10 years ago. We really, as a Nation, have to reform our infrastructure architecture to be ready for the extreme weather events that we are encountering today and will encounter tomorrow.

Ms. BALINT. Thank you.

I know I'm just about out of time. I just want to make the final point here, is that I think it's going to be important for all of us long term to think about how FEMA, also, can be a partner in dealing with the mental health consequences of these disasters, especially as they're happening more frequently.

Thank you, Mr. Secretary.

Chair JORDAN. The gentlelady yields back.

Mr. Secretary, we'll do one more, and then, we've got to go to votes on the floor, and then, we'll come back after that.

Mr. Van Drew is recognized for five minutes.

Mr. VAN DREW. Thank you, Mr. Chair.

Secretary Mayorkas, we stand here yet again to address a crisis that you've continued to make worse. As Secretary of Homeland Security, the American people have entrusted you with the security of their communities and the security of their Nation. You have failed them.

Our Southern border has been turned into a revolving door for illegal immigration, drug trafficking, human trafficking, and threats to our national security. Is this the America we want—an America where every town is a border town? An America where our communities, infrastructure, and resources are strained under the weight of unchecked illegal immigration? We know the answer. Our constituents know the answer. The answer is no.

The reality is that, under your leadership, you've created the largest border crisis in the history of the United States of America—a crisis so badly handled that the International Organization—and I want everybody to listen to this—the International Organization for Migration labeled our Southwest border as, quote, “the deadliest land crossing in the world.” Unbelievable for America.

Are you aware of how many illegals have been encountered at our border and how many known gotaways have escaped into America? I just want the numbers.

Secretary MAYORKAS. Congressman, you speak of the Southwest border, and—

Mr. VAN DREW. Sir, I just want the numbers.

Secretary MAYORKAS. The challenge of migration that we face at the—

Mr. VAN DREW. Thank you. I appreciate your answer. It's 5.6 million illegal alien encounters and 1.5 million known gotaways.

How about the number of aliens on the terrorist screening data base who've been caught, not the ones who haven't been caught, but the ones who've been caught just in the last nine months? Do you know that number?

Secretary MAYORKAS. I'm very pleased to provide that to you—

Mr. VAN DREW. I do. It's 140. Thank you.

How about the number of unaccompanied minors processed in Fiscal Year 2023? Do you know that number?

Secretary MAYORKAS. Similarly, Congressman, I'd be very pleased to provide—

Mr. VAN DREW. I thank you. I know that number myself. It's 152,000.

We have seen a continuous surge of fentanyl coming from China, being distributed by Mexican drug cartels, and destroying countless American lives. Are you aware of how many Americans died, how many Americans died in 2021 at the hands of fentanyl?

Secretary MAYORKAS. I am aware of those numbers, Congressman.

Mr. VAN DREW. Seventy-one thousand. Seventy-one thousand human souls.

These numbers are staggering, and they are a direct result of your actions as Secretary—actions that have dismantled effective immigration policies and broken the rule of law; your lies to Congress and the American people that put American citizens in danger every single day, and in my mind this makes your actions criminal.

All of us, all of this leaves us at a crossroads, a moment in time where our actions will define the future of the United States of America. This is a call to action; a call to restore sanity at our bor-

ders and safety in our communities; and a call to ensure that every town in America is no longer a border town.

In the words of Ronald Reagan, quote, “A Nation that cannot control its borders is not a Nation.”

The time for action is now. Congress cannot stand by. So, we arrive at an inevitable conclusion that I do not take lightly. Secretary Mayorkas, you must resign. Will you resign?

Secretary MAYORKAS. No, I will not. I am incredibly proud of the work that is performed in the Department of Homeland—

Mr. VAN DREW. I understand. Secretary Mayorkas, if you will not resign, that leaves us with no other option: You should be impeached.

I yield back to the Chair.

Chair JORDAN. We will stand in recess, Mr. Secretary, for approximately 30 minutes. So, I'd like to get started at 2:10–2:15, and then, we have, I think, four, possibly five, more, but that should go pretty quick.

I think we've got sandwiches and things back for you, if you need that.

We'll back in approximately 30 minutes.

[Recess.]

Chair JORDAN. Mr. Secretary—or the Committee will come to order.

I apologize for the whole Congress; we're 10 minutes later than I wanted to be here.

The gentleman from Texas is recognized for five minutes.

Mr. NEHLS. Thank you, Chair.

Mr. Mayorkas, Members of this Committee, please turn your attention to the video screens.

[Video played.]

Mr. NEHLS. Mr. Secretary, I can understand why you didn't stand with me and my colleagues and clap. You didn't want to clap at that because you and Joe Biden believe just the opposite of what President Clinton just said. You believe in open borders and complete chaos.

Did you notice the bipartisan support in the chamber, as the video was played? Everybody was clapping in that chamber. If I were in Congress in 1995, I would have also stood. Because I wasn't, I stand here today.

Other than President Donald J. Trump, the greatest President in my lifetime with the most safest and secure border, I believe President Clinton understood just how important border security is to our Nation.

Boy, have times changed. Twenty-eight years later, the left has gone off the rails. They've gone completely nuts. They've done just the opposite of what the leader of the Democrat Party, President Clinton, stood for on border security in 1995.

This Committee's Ranking Member, he was in Congress in 1995. I assume he stood. I assume he stood. It seemed like the majority, if not all, of the entire chamber, they stood.

Matter of fact, Mr. Clinton delivered his speech in the third year of his first term, and he was reelected in 1996. He beat Bob Dole, won by over eight million votes; won the Electoral College,

379–159. He had the support of the American people, and I'm going to assume the Ranking Member also voted for Bill Clinton in 1996.

We have two other Members, Ms. Jackson and Ms. Lofgren, they were both freshmen at the time. I will assume they stood during that powerful speech as well.

Do you know why they supported and voted? They voted for legislation in 1996 strengthening our immigration laws. I applaud them for that.

So, what's changed, folks? What's changed with the Democratic Party? I'll tell you what's changed. If you wouldn't have heard President Clinton's voice or seen his face, you would have thought Donald Trump delivered that speech. I don't believe that President Clinton was called a racist, a White supremacist who hated immigrants, as the left and the dishonest media has painted Donald J. Trump to be.

Mr. Mayorkas, there's a reason why you and Joe Biden have allowed 5.5 million people to cross our Southern border. This is about votes and elections.

I have a report from the *Heritage Foundation* titled, "Tracking Movement of Illegal Aliens from NGO's to Interior of the USA." Why do you think NGO's have moved illegal immigrants to 431 of the 435 Congressional Districts? The truth is—hear me—it's because the Democrats' progressive policies are not acceptable to Americans.

The *Heritage* obtained a sampling of approximately 30,000 cell phones that were tracked to NGO's along border States. They tracked approximately 22,000 devices at 20 NGO locations in January 2022. The same devices were later traced to 431 separate U.S. Congressional Districts, and of the 52 with the highest rate of tracked devices, 71 of them were Republican Congressional Districts. The report revealed that it's not a coincidence, folks.

The flood of illegal immigrants means the continued rise in supply—surplus laborers. That surplus drives down the wages of existing middle- and lower-class job holders until they leave the job forces, and then, they're forced to go on welfare—with the hopes that they will become loyal supporters of the Democrats. That's what this is all about.

If this isn't about votes, if this isn't about votes, one-party rule, keeping the Democrats in power, I make this suggestion: If you put the American people first, you should refer back to Trump's border policies. You won't because you hate him. You despise the man.

So, give Bill Clinton a call, and then, he can help you with the border crisis. As President Clinton stated, "we are a Nation of immigrants, but we are also a Nation of laws."

You, sir, have betrayed Constitutional order, neglected your duty, and violated the trust of the American people. As a Nation of laws, I look forward to your impeachment.

With that, I yield back.

Mr. MOORE. [Presiding.] The Chair recognizes the gentleman from California, Mr. Kiley.

Mr. KILEY. Mr. Secretary, last year you testified before this Committee that this administration's policies were not responsible for the surge of illegal border crossings. Today, you've testified that

this administration's policies are responsible for what you claim is a decline in illegal border crossings.

So, why is it that you deserve credit when numbers go down, but not blame with numbers go up?

Secretary MAYORKAS. Congressman, two points. First, the approach that we are taking, expanding lawful pathways and delivering consequences for those who do not use them, is working. I want to communicate that the challenge remains. The challenge is a persistent one at our Southern border. It has been for decades. What we need is legislation—

Mr. KILEY. OK, Mr. Secretary, you're speaking in general terms. I think this is why many of us on the Committee are frustrated with the lack of accountability, is that you have shattered all records in terms of illegal border crossings, which you say that has nothing to do with the dramatic change in policies you had. Then, there's a brief decline, and you cite that as evidence that you're doing a good job. I think that's why so many Americans have lost faith in this administration's ability to secure the border.

I want to, actually, reference some remarks you made that I found somewhat encouraging. This was on the topic of detainees. You made these remarks early in your tenure, April 2021, at a UCLA discussion with the Immigration Law and Policy Center.

You said this. You referred to an example of someone who crossed the border illegally and went on to commit sex offenses. You said, "I do not believe that individual should be released into the community." You said, "I think the State, the State facility should turn that individual over to ICE directly." You added, "I think that is a public safety need."

You went on to say that, after such a person had served their sentence, if they were citizens, there might be no way to keep them out of the community. You said, "I have a tool at my disposal with respect to an individual who unlawfully entered the country." You said, "I feel strongly about this. This is a tool that I have at my disposal. It is a tool I feel obligated to employ. I am going to protect the public," you said.

It's a very strong statement in favor of detainees. Yet, over the last couple of years, we have seen the actual use of detainees decline dramatically. Fiscal year 2021, there were 65,000; Fiscal Year 2022, 78,000. That's about half the average during the Trump Administration, about  $\frac{1}{3}$  the average during the Obama Administration.

So, if detainees are such a powerful tool, why have you used them so sparingly?

Secretary MAYORKAS. Congressman, let me communicate a very important point; that individuals who pose a threat to public safety or national security are detained. That is the immigration policy of the Department of Homeland Security under my leadership.

Mr. KILEY. Why are you detaining much less than your predecessor—

Secretary MAYORKAS. Individuals—well, (1) is our detention capacity is limited, which is why we prioritized public safety and national security threats.

(2) Detainers are sometimes not honored by particular jurisdictions—



Mr. KILEY. I want to move on to that in a second, but just briefly, has the White House directed you to limit the use of detainers?

Secretary MAYORKAS. Congressman—

Mr. KILEY. That's a yes-or-no question. Has the White House—

Secretary MAYORKAS. Congressman, no, they have not.

Mr. KILEY. OK. Thank you.

So, on this topic of jurisdictions not honoring detainers, you have been critical of these so-called sanctuary jurisdictions. In a 2022 speech to the U.S. Conference of Mayors, you said,

Some of your cities have declined to cooperate with immigration authorities in the removal, the apprehension and removal of individuals, even if those individuals pose a public safety threat.

You said,

I will be coming to you and asking you to reconsider your position of non-cooperation. The public safety, the public's well-being, for which we are all charged, is, I think, at issue.

So, Mr. Secretary, you agree that sanctuary policies threaten public safety?

Secretary MAYORKAS. Congressman, what do you mean by "sanctuary policies," because—

Mr. KILEY. The definition that you gave right there where you said,

... declined to cooperate with immigration authorities in the removal, the apprehension or removal, removal of individuals, even if those individuals pose a public safety threat.

Are those sanctuary policies, as you define them, a threat to public safety?

Secretary MAYORKAS. So, sanctuary policies are defined differently by different communities—

Mr. KILEY. To your definition?

Secretary MAYORKAS. If I may—

Mr. KILEY. Is it a threat to public safety?

Secretary MAYORKAS. I do not consider it in the service of public safety to release an individual into the community when that individual can be released to Immigration and Customs Enforcement for prompt removal.

Mr. KILEY. Thank you.

Do you oppose State policies that forbid local authorities from cooperation, cooperating with ICE?

Secretary MAYORKAS. I am aware of some that I do oppose.

Mr. KILEY. So, you oppose California's sanctuary State law?

Secretary MAYORKAS. I am not familiar with the particulars of that law.

Mr. KILEY. Have you encountered California's restrictions on cooperation with local—with Federal immigration authorities?

Secretary MAYORKAS. Congressman, I believe it is imperative that we cooperate with one another, jurisdictions cooperate with us, when it serves the public safety need.

Mr. KILEY. Thank you. I'm out of time, but I would like to restate for the record that the policies you said that you oppose, overriding the ability of local jurisdictions to cooperate, that's exactly what California's sanctuary State law does.

Thank you, and I yield back.

Mr. MOORE. The Chair recognizes the gentleman from Colorado, Mr. Neguse.

Mr. NEGUSE. I thank the Chair.

Mr. Secretary, thank you for being here. Thank you for your testimony. I know it has been a long day today and I am certainly grateful to you for your service to our country. I have some questions about FEMA. As you may recall, we have spoken previously with respect to some natural disasters that we have faced in the State of Colorado, which I have the honor of representing in the Congress, particularly wildfires, and have very much appreciated the partnership with the department and your subagencies.

Before I do that, I just want to give you an opportunity; I know it has been a very contentious hearing, to the extent that you would like to clarify anything or perhaps expound on a prior answer that you didn't have ample opportunity to do so.

Secretary MAYORKAS. Congressman, I very much appreciate the invitation. I can recall there were quite a number of times I have not been able to complete my responses, but I look forward to the opportunity to answer your questions.

Mr. NEGUSE. I do think it is important for those Americans who are watching to perhaps provide them with some context about the various ways in which you have served our country. Maybe you could just talk a bit about—before you were appointed and confirmed as Secretary of Homeland Security what kind of work did you do?

Secretary MAYORKAS. Congressman, I am in I think it's my 22nd or 23rd year of Federal service. I joined the Federal Government because this country has given so much to my family. We came here seeking refuge from the communist takeover of Cuba.

I began my Federal service as an assistant United States Attorney, as a Federal prosecutor. I worked in that capacity for almost nine years before I was appointed by President Clinton—

Mr. NEGUSE. Fighting crime?

Secretary MAYORKAS. Yes.

Mr. NEGUSE. Taking on organized crime, taking on cartels, taking on gang violence?

Secretary MAYORKAS. Yes. Smugglers. All sorts of crimes. It was the largest Federal judicial district in the country, the Central District of California. I was then nominated—appointed and nominated and Senate confirmed as United States Attorney.

Mr. NEGUSE. On a bipartisan basis?

Secretary MAYORKAS. Yes, it was unanimous. I returned to Federal service in 2009 as the Director of U.S. Citizenship and Immigration Services and then moved from that position after approximately four years. I became the Deputy Secretary of Homeland Security. I returned to Federal service after that as the Secretary of Homeland Security. It's been about 22 years or so.

Mr. NEGUSE. I will say, Mr. Secretary, what I said previously, we are grateful for your service in law enforcement. While we have many disagreements with my colleagues on the other side of the aisle from a policy perspective, perhaps ideological differences, I would hope that they would show the appropriate respect and recognition of the work that you have done as a law enforcement offi-

cer, someone who has worked in law enforcement for the last 25 years or so.

I want to talk a bit about FEMA. As I mentioned, we had in Colorado some of the most destructive wildfires in our State's history; all happened in the last several years, and in particular in my district in Colorado, as you will well remember, the Marshall Fire, which was the most destructive wildfire in the history of our State, economically and tragically. We lost the lives of two community members.

There have been recent concerning reports that FEMA's Disaster Relief Fund, the DRF, which is the main funding source, as you know, through which you provide support to State, local, and Tribal governments responding to natural disasters, is in danger our running out of funding before the end of this year, potentially even next month.

I wonder if you can elaborate on what that shortfall is, when you predict it may run out of funding, and how that would impact the agency's ability to support communities in the event of a disaster. Because of course there are many of us in Congress, myself included, who are championing efforts to ensure that this shortfall doesn't happen.

Secretary MAYORKAS. Congressman, we are seeing an increase in both the frequency and severity of natural disasters: Hurricanes, tornadoes, fires, and floods. The Disaster Relief Fund that FEMA administers is the primary vehicle that enables FEMA, the Department of Homeland Security through FEMA, to distribute individual and public assistance to communities devastated by those natural disasters.

If that were to run out, our ability to assist communities, our neighbors, our friends, our loved ones to recover from and rebuild after a natural disaster would be virtually eliminated, almost eliminated. We are hopeful that the Disaster Relief Fund will receive the requisite funding because the money we expect to run out as early as perhaps August.

Mr. NEGUSE. Thank you, Mr. Secretary. I couldn't agree more, and we will do everything in our power to ensure that this fund is replenished. On that you have my word.

With that, Mr. Chair, I thank you for the indulgence and I yield back.

Mr. MOORE. Thank you, sir.

The Chair yields to Ms. Hageman for five minutes.

Ms. HAGEMAN. Thank you.

The First Amendment to the United States Constitution rests on the principle that no person or institution, including the government, has a monopoly on the truth and that viewpoint-based suppression of speech by the government is dangerous and may even spell the death of a constitutional republic.

Under the First Amendment the government has no power to restrict expression because of its message, its ideas, its subject matter, or its content. As the Supreme Court has explained, if there is any fixed star in our Constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion.

Labeling speech misinformation does not strip of its First Amendment protection. That is so even if the speech is untrue. As some false statements are inevitable if there is to be an open and vigorous expression of views in public and private conversation.

In refusing to carve out a First Amendment exception for false speech, the Framers of our Constitution recognized the significant danger in making the government the ultimate arbiters of truth. It is axiomatic in the words of the Supreme Court that the government may not induce, encourage, or promote private persons to accomplish what it constitutionally is forbidden to accomplish.

Secretary Mayorkas, it was reported in May that the DHS through the Targeted Violence and Terrorism Prevention Grant Program is funding groups targeting conservatives and equating them to domestic terrorists. Originally intended to combat foreign terrorist organizations' operations in the U.S., it has become yet another government tool weaponized against citizens to violate First Amendment protection—protected affiliations and speech.

One grant to the University of Dayton for a program titled "PREVENTS-OH" hosted a seminar titled, "Extremism, Rhetoric, and Democratic Precarity." One of the speakers, a known Antifa member, as part of his presentation shared a pyramid of far-right radicalization, which likened the Republican Party to the *Heritage Foundation*, the *American Conservative Union*, *Fox News*, *Breitbart News*, the *National Rifle Association*, *Prager University*, *Tea Party Patriots*, the *MAGA Movement*, and the pro-police *Blue Live Matter Movement*, and the *Christian Broadcasting Network* as the first steps on path leading to Nazism and militant neo-Naziism, among other appalling ideologies and groups.

This presenter reportedly also taught tactics on how to pressure the removal of conservatives from platforms and he even put it as saying a lot of things we are doing are illegal and a lot of involves breaking the law.

Secretary Mayorkas, does the affiliation with conservative or Christian beliefs make someone a Nazi or a domestic terrorist?

Secretary MAYORKAS. Of course not.

Ms. HAGEMAN. OK. Then if that is so, why is your agency targeting Americans who are Christians and conservatives?

Secretary MAYORKAS. We are not.

Ms. HAGEMAN. OK. Secretary Mayorkas, when did you become aware that the University of Dayton was implementing your grant funding program to target conservatives and Christians?

Secretary MAYORKAS. It is my understanding that it is not.

Ms. HAGEMAN. When did you become—so you are not aware of that?

Secretary MAYORKAS. No, it is my understanding that it is not.

Ms. HAGEMAN. You are unaware of the information that has been produced? Have you even seen the pyramid that is up on the screen right now?

Secretary MAYORKAS. I learned about the individual speaker's comments with which I profoundly disagree.

Ms. HAGEMAN. OK. So, when did you find out about the speaker's comments?

Secretary MAYORKAS. I don't quite recall, Congresswoman.

Ms. HAGEMAN. All right. Well, you know what, Mr. Mayorkas, I actually really want to thank you as well for coming here today, for your performance. I have watched with absolute fascination as you have danced and dodged and lied. Yes, lied. We know you have lied. You know you have lied. More importantly the American public knows that you lied throughout your testimony today. Yet, you believe that you and your fellow architects of the censorship industrial complex think that you should be able to determine what is and isn't true, and what is and isn't untrue.

You are the walking, talking epitome of the very tyrant that our Forefathers recognized would gravitate toward government service, and it is because of people like you that they drafted the First Amendment.

I thank them for their foresight. I thank them for recognizing that you and people like you would do everything in your power to control speech, to control freedom, to take away our rights. They have written a document that isn't going to allow you to do that.

Fortunately, we still have courts and judges who recognize that you don't have the power that you are attempting to take, that you do not have the right to limit our freedom of speech, our freedom of association, and our right to communicate. Thank God we have the First Amendment so that we can stop you from doing what you have been doing. With that I yield back.

Secretary MAYORKAS. Your accusations are false.

Mr. MOORE. Thank you. The Chair yields to Mr. Hunt from Texas for five minutes.

Mr. HUNT. A country without borders, sir, is not a country at all. A home without a roof and a home without a door, sir, is not a home at all. I have three young children at my home. They are all under the age four years old. My home is secure because I lock it up every single night, because I care about their safety.

Actually, the No. 1 role of our Federal Government is to keep our citizens safe. I am a combat veteran. I am willing to give my life for that. West Point guy. Flew Apaches in Baghdad. Safety is something that is paramount to me. It is actually the reason why I am in this room right now, is to figure out ways to keep our citizens safe.

When you are at your home, sir, do you lock your doors?

Secretary MAYORKAS. Congressman, thank you very much for your service in the military.

Mr. HUNT. Yes.

Secretary MAYORKAS. It's the highest form of service.

Mr. HUNT. Thank you. Do you lock your doors at your home?

Secretary MAYORKAS. Congressman, I take care of the safety of my family—

Mr. HUNT. Understood.

Secretary MAYORKAS. —and we in the Department of Homeland Security work every day to protect the safety and security of the American people.

Mr. HUNT. So, you would agree that the American public should be afforded the exact same level of safety and security that you provide for yourself and your own family?

Secretary MAYORKAS. That is what 260,000 people dedicate their careers to, Congressman.

Mr. HUNT. Understood, sir. Can you tell me the number of unaccompanied minors who have crossed our Southern border during your tenure as secretary?

Secretary MAYORKAS. Very pleased to provide that data to you, Congressman.

Mr. HUNT. OK. I have also heard that there are proponents of this administration that say that the fentanyl that is coming across our Southern border is coming through legal ports of entry. Does that mean that no fentanyl is being smuggled across our border other than legal ports of entry?

Secretary MAYORKAS. Congressman, the U.S. Customs and Border Protection data evidences that more than 90 percent of the fentanyl that enters this country is coming through the ports of entry.

Mr. HUNT. So, that means that there are parts of the border where fentanyl is pouring into our country?

Secretary MAYORKAS. That is precisely why we have dedicated increased resources, both personnel and technology, to interdict more fentanyl in these past years and in prior years.

Mr. HUNT. So, I hear that, but I am really speaking for the American public and the people that are in my district. That is not what we are seeing because we are seeing an increased number of people being murdered by fentanyl every single day. You understand these numbers, correct?

Secretary MAYORKAS. Well, I do. Congressman, those numbers have been escalating for more than five years.

Mr. HUNT. They have escalated exponentially during your tenure. Chip Roy went through these numbers. I was sitting here watching him, actually appalled at just how much this has happened.

Secretary MAYORKAS. It is a tragedy, the devastation that fentanyl wreaks on our communities, and I look forward to working with you and with all the Members of this Committee addressing this challenge.

Mr. HUNT. Understood.

Secretary MAYORKAS. This requires a united effort. This is not a partisan issue.

Mr. HUNT. Unfortunately,—

Secretary MAYORKAS. This is a—

Mr. HUNT. —sir, it has become a partisan issue. I feel like we on this side are the ones that are truly trying to defend the lives of our fellow Americans.

Switching gears on this one: Sir, this woman is Kamala Harris. She is the current Vice President of our country. She is also the border czar. Now, that was dubbed by your boss. You see on March 21, 2021, President Biden tasked Vice President Kamala Harris with solving the border crisis and finding the root causes of illegal immigration because as Biden said, “she is the most qualified person to do the job.”

I would like to make a motion to submit the transcript of Joe Biden’s March 24th Press Conference to the record, Mr. Chair.

Mr. MOORE. So moved.

Mr. HUNT. It has been 855 days since Joe Biden named Kamala Harris the border czar. Has she solved the root cause of illegal immigration in your opinion?

Secretary MAYORKAS. Congressman, you have mischaracterized the Vice President's role. The Vice President is—

Mr. HUNT. No, no, no. I have not mischaracterized. Actually, that was the job that was given to her by the President of the United States of America.

Secretary MAYORKAS. Congressman—

Mr. HUNT. How did I mischaracterize that?

Secretary MAYORKAS. Congressman, the Vice President—

Mr. HUNT. OK. That is fine. So, she has not solved the issue. I think that is actually pretty clear and I think my colleague Chip Roy did a very good job of articulating that.

I want to go to my next topic, and this is something that the American public is really frustrated with, because it has been brought to my attention, and I think I have known it for a very, very long time. For those who are not watching, the Secret Service is an agency that is within the Department of Homeland Security. This has been the case since March 1, 2003. Now, sir, I am assuming that you are aware that cocaine was found by the Secret Service in the White House a couple weeks ago. Is that right?

Secretary MAYORKAS. Yes.

Mr. HUNT. According to the Secret Service marijuana was also found in the White House twice last year. Twice. We don't know who brought the drugs into the White House, which is the most secure building on earth. If we can't secure the White House, then how can we secure the border? Without proper leadership I am so fearful that we have turned our beloved White House into a trap house. The American public deserves more—far, far more than that, sir. Thank you for your time. I yield back the rest.

Chair JORDAN. [Presiding.] The gentleman yields back.

The gentleman from South Carolina is recognized.

Mr. FRY. Thank you, Mr. Chair.

Mr. Secretary, I have listened both in here and in my office today your testimony before this Committee. I think the frustration that I have as the clean-up crew at the very end of this Committee is that you seem to answer very eloquently all the questions that the other side of the aisle pose, but when posed with questions, specific questions about the border on this side of the aisle, you seem to not have—you seem to dance and dodge, as Ms. Hageman talked about, the true answers, that you talk about—you filibuster, if you will, what people really are asking. These aren't questions that are hatched out of some think tank. These are questions that our citizens have, because they see what is going on.

What is remarkable to me since day one of this administration, you have terminated construction of the border wall. You restricted the ability of immigration officers to deport aliens who violate U.S. law. You terminated the MPP, the Remain in Mexico Policy, despite people on the ground talking about how successful that it was. You abuse parole authority to release illegal aliens en masse into the United States and creating categorical parole programs in violation of the INA's case-by-case basis.

You refuse to follow Federal law requiring aliens to be detained during the pendency of their asylum proceedings. You terminated asylum cooperative agreements with Guatemala, El Salvador, and Honduras. You refuse to comply with the provisions of the INA that require the detention of asylum seekers. You cut immigration judges, ICE attorneys, and the process of the asylum system itself. You support sanctuary city policies by giving them grants. You implemented until it was enjoined a 100-day moratorium on alien removals.

You have misused, as has been talked about here, the CBP One app that has institutionalized mass parole and release policies in this country. It has been described as a shell game, pretty fairly stated, that you otherwise shift things around. You create definitions within your department that you think that are appropriate. You create law, which isn't your function. Then you come before Congress and you say that everything is fine.

Well, we have been to Yuma, Arizona, sir, and we have seen the devastation down there. We have talked to people. Seventy sheriffs just last year said that there is no border at all. We simply have no border left in Arizona, New Mexico, Southern California, and Texas. That is the National Sheriffs Association.

You have been held to account by courts. *Texas v. Biden*. DHS' position, quote,

Position that the crisis at the border is not largely of their own making because of their more lenient detention policies is divorced from reality and belied by the evidence.

*Florida v. The United States in the Northern District of Florida*, quote,

The Biden Administration have effectively turned the Southwest border into a meaningless line in the same and little more than a speed bump for aliens flooding into the country by prioritizing alternatives for detention over actual detention and by releasing more than a million aliens into the country.

Really quick let's play a video.

[Video playing.]

Mr. FRY. So, the numbers don't lie; 5.6 million illegal immigration, or illegal alien encounters; 1.5 million known gotaways; more than 2.2 million illegal immigrants—aliens into this country, meaning that 3.6 million illegal aliens are in this country since the start of your tenure. That is astronomical. A hundred and sixty countries—the people on the terror watchlist that we know about, 140 just this year. It is at an all-time high.

So, look, this doesn't lie. These are the stats, Mr. Secretary. So, you come up here and you blame the former President and you say that they have gutted the immigration system. You blame Congress for not acting. These numbers weren't here for Obama. They weren't here for Trump. They seem to be here for you. So, you like to blame other people for your failures in not doing your job. Quite frankly, the American people want to know how qualified are you to even carry out your mission?

Because everybody else seems to indicate, from local law enforcement, to sheriffs, to ranchers, to farmers, to citizens on the border, when I ask them is the border more secure, they say resoundingly no. That is on your watch, sir. I yield.



Chair JORDAN. The gentleman's time is expired. The gentleman yields back.

The gentleman—if we could maybe just wait until the sign is taken down there, Mr. Moore, and then we will let you have your five minutes with the Secretary.

The gentleman from Alabama is recognized.

Mr. MOORE. Thank you, Mr. Chair.

Thank you, Mr. Secretary, for being here today. I am certainly appalled at what is happening at the Southern border and I know my constituent are, too. Your border policies make every State a border State. I said my constituents are appalled about what is happening, but I know a family who has personally been suffering the consequences of your actions.

In my district, the Second Congressional District in Alabama, the Autauga County Sheriff's Department arrested Grevi Zavala, a 29-year-old illegal alien from Honduras, for the rape of a teenage girl in Prattville, Alabama in a restaurant. The interesting thing is that Mr. Zavala identified I guess as a minor, is what I am being told, but he was a 29-year-old.

Mr. Secretary, why do you think it is; and I have been to the border a few times myself, that we are finding so many IDs thrown down South of the border? Just it is almost like if these people are coming here for—to apply for asylum, they would want us to know who they were and what they were up to. For some reason ID after ID are just piling up South of the U.S. border. Why do you think that might be?

Secretary MAYORKAS. Congressman, first, I am very sorry of course to learn of the tragedy that occurred, that was inflicted on a constituent of yours.

Mr. MOORE. I understand that, Mr. Mayorkas. Let me say this, sir: We have been apologizing to a lot of people for a long time, at least in the last few months, the last few years, even when the other party was in charge. They have the White House, the House, and the Senate. We are continuing apologizing to parents for losing their children to fentanyl and for people getting raped in restrooms, and for DUIs or people who are killing people with cars who have no driver's license. I understand the apologies, but my people, the constituents in this country are getting tired of apologies and they want action.

So, who is responsible for the death—or let's say the rape of this 14-year-old? Is that you, Mr. Mayorkas, or is that President Biden, or is it Congress? Who is responsible for that?

Secretary MAYORKAS. Congressman, the criminal who committed the act is responsible. I look forward to working with you to address the scourge of fentanyl that is causing so much devastation and death. I look forward to working with you to fix what has long been a broken immigration system.

Mr. MOORE. I hear you, but let me say this, sir; and you are aware of this, too. This administration has created two things on the Southern border: Drug mules and human trafficking. It is the policies of this administration. Because we talked about it earlier in here and you said \$4,000–\$5,000. Yes, that is just South of the U.S. Southern border. In Yuma, Arizona there is 109 different countries came through that small town. Further South of the bor-

der they are paying the cartels \$7,000–\$8,000. Syrians are paying \$19,000. So, the cartel is getting rich, and the American people are paying the price in the form of crimes and drug deaths.

So, we can sit here and talk and—for four hours now, three hours, however long this has gone on—there are a lot of apologies, but not a lot of answers. We need answers for the American people. I think you are to be held responsible for that. Believe me, it is not fun to have parents in here telling us how they lost their child to fentanyl poisoning, but it is on your watch, sir. It is on our watch. We have a responsibility to do something about that.

So, it just—again the policies, we are turning a blind eye and people are pouring in here. Sheriff Dannels said himself in testimony a few months ago—he said the safest he has ever seen the U.S. Southern border; he has four decades on the U.S. Southern border, was around 2018. He said the worst he has ever seen is now. So, we have a responsibility to these people.

Let me ask you another question. This is an individual—I just got this information. Reports in November 2021, DHS encountered Esem Basi, an alien on the terror watchlist. Now, “Mr. Basi, despite,” quote, from the FBI, “highly derogatory information”; this was in the FBI’s data base,

DHS decided to release him into the U.S. because he was overweight and may have been susceptible to the COVID–19.

Are overweight terrorists not a threat to the U.S.?

Secretary MAYORKAS. I’m sorry, Congressman?

Mr. MOORE. Are overweight terrorists—we turned Mr. Basi loose because he was overweight was afraid he might get COVID. He was on the FBI’s list. So, are they a threat, overweight terrorists?

Secretary MAYORKAS. Congressman, individuals who pose a threat to national security or public safety are detained. That is the policy—

Mr. MOORE. Unless they are overweight?

Secretary MAYORKAS. —of the Department of Homeland Security. That is false.

Mr. MOORE. Well, that is what the report is.

Secretary MAYORKAS. I’m not familiar with that report. I look forward to reading it. Congressman, the weight of an individual is not relevant to their profile as a threat to the United States, to the American—

Mr. MOORE. It is to catching COVID though, apparently.

Secretary MAYORKAS. Congressman, allow me to repeat myself. Individuals who pose a public safety threat or a national security threat are priorities for detention. That is the policy of the Department of Homeland Security.

Mr. MOORE. Who is to blame for the flood gates being opened on the Southern border, Mr. Mayorkas?

Secretary MAYORKAS. Congressman, I look forward to working with you to fix what is clearly a broken immigration system. The issue of migration, the increase in migration is not exclusive to the United States. During World War II, there were 60 million displaced people around the world. Now, there are over 117—

Mr. MOORE. We just had a report earlier today. Somebody said that there is no border anywhere in the globe that is more porous,

if you will, than the United States border, and more unsecure. It is on your watch, sir.

With that I will yield back, Mr. Chair.

Chair JORDAN. The gentleman yields back.

Thank you, Mr. Secretary. Just a couple things to remind you. I know you have some sharp people there sitting behind you who work at the department. There are a number of things we want responses to and I have been keeping a list throughout the thing, so I just want to reiterate that and then we will adjourn the hearing, let you get back to your office.

We want to know the number of removals, obviously. We have asked that several times, so if you could please get us that number. We will put this in some kind of written correspondence to you, but we just want to emphasize we want that number.

We want to know the status of the 14,000 smugglers you referenced in your opening statement. What has happened? Is DOJ prosecuting? Have you referred them? What is the status? Have any of those individuals been arrested multiple times?

We want to know the status of the 140 on the terrorist watchlist this year. The 238 total over the last two years, what their status is? Specifically, when you said the IG's report was wrong and the IG's report said that one of these individuals on the terrorist watchlist has been released into the country. We want to know specifically how you interpret it and why you say the IG is wrong.

Then we want to know the parole categories that Mr. Bishop raised in his questioning, how you can categorize someone and then still—categorize a whole group of individuals and then say you are still going case by case to meet the law when it comes to parole.

Then, finally, actually two last things: The Mis-, Dis-, Malinformation Committee within CISA, within DHS, we want to know the activities of that group. We will have specific questions about that. We want to know who is involved in that group, and if it is still meeting and working with social media companies in light of the court decision on July 4th from the Western District of Louisiana.

Finally, to the gentleman Mr. Moore's question about the tragic situation of the young lady in Alabama. We wrote you about that specific situation. Mr. McClintock and I wrote you on behalf of this back on May 24th and you have not responded to that. So, we would like a response to that previous request as well.

So, I think that is seven things that the Committee, both Republicans and Democrats, I believe, would like answers to. We will get that to you in some kind of written letter ASAP, but now you know and you can begin working on that and get it back to us, if you could.

Secretary MAYORKAS. Thank you, Mr. Chair.

Chair JORDAN. You bet. Thank you for being here today.

Without objection, all Members will have five legislative days to submit additional written questions for the witness or additional materials for the record.

Without objection, the hearing is adjourned.

[Whereupon, at 3:09 p.m., the Subcommittee was adjourned.]

All materials submitted for the record by Members of the Committee on the Judiciary can be found at: <https://docs.house.gov/Committee/Calendar/ByEvent.aspx?EventID=116272>.

