

**DEPARTMENT OF HOMELAND SECURITY
APPROPRIATIONS FOR FISCAL YEAR 2024**

HEARINGS
BEFORE A
SUBCOMMITTEE OF THE
COMMITTEE ON APPROPRIATIONS
UNITED STATES SENATE
ONE HUNDRED EIGHTEENTH CONGRESS

FIRST SESSION

ON

H.R. 4367/S. 2625

AN ACT MAKING APPROPRIATIONS FOR THE DEPARTMENT OF HOMELAND SECURITY FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2024, AND FOR OTHER PURPOSES

Department of Homeland Security

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**DEPARTMENT OF HOMELAND SECURITY
APPROPRIATIONS FOR FISCAL YEAR 2024**

WEDNESDAY, MARCH 29, 2023

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, DC.

The subcommittee met at 1:32 p.m. in room SD-192, Dirksen Senate Office Building, Hon. Chris Murphy (chairman) presiding.
Present: Senators Murphy, Murray, Tester, Shaheen, Baldwin, Collins, Peters, Britt, Murkowski, Capito, Kennedy, and Hyde-Smith

DEPARTMENT OF HOMELAND SECURITY

STATEMENT OF HON. ALEJANDRO MAYORKAS, SECRETARY

OPENING STATEMENT OF SENATOR CHRIS MURPHY

Senator MURPHY. Good afternoon. I'm going to call this hearing of the Subcommittee on Homeland Security to order.

Today we welcome the Secretary of Homeland Security Alejandro Mayorkas. Mr. Secretary, on behalf of the subcommittee I would like to share our appreciation to you and the over 260,000 employees of the department for their dedication to our nation's security and resiliency.

We are very mindful of the wide-ranging responsibilities and sacrifices that are necessary in order to uphold the responsibilities for your department.

The purpose of today's hearing is to Review the President's fiscal year 2024 Budget Request for the Department of Homeland Security.

As we start this effort, I'd like to share my intention to work with Ranking Member Britt and the rest of the members of this subcommittee to develop and pass a bipartisan bill that protects our nation, and I'm very glad that Chair Murray and Vice Chair Collins, who is here, are committed to restoring regular order.

In the past it has honestly been this subcommittee's budget that has caused the most heartburn when it comes to regular order, but I think it's time that we put this budget and all the rest before the committee, allowed for amendments and have real debate about our nation's security. I think that's good for the country. I think that's good for the Senate.

Mr. Secretary, let me just quickly tell you what I'm interested in hearing about today and talking to you about. As you know, there's

a plague afoot in our nation, a plague of drug addiction and death the likes of which this country has never witnessed before.

There's no one answer, but this budget better do everything humanly possible to stop the import of deadly fentanyl into the United States. This is a red alert moment and while Department of Homeland Security (DHS) alone can't come close to solving this crisis, I plan on pushing to dramatically scale up every capability that you have and the department has to stop the flow of these poisons into our homeland.

This topic is so important, in fact, that we're going to devote an entire hearing to drilling down on the parts of the budget that help interrupt the fentanyl trade. That's going to be May 3rd. So whatever we don't get to today we'll get to then.

I also want to hear about your plan for lifting Title 42. People in this building often pretend that you have the legal ability to just keep denying entry to migrants indefinitely under Title 42. You don't. You'd be breaking the law if you kept applying Title 42 after the pandemic, but we know there's likely going to be a surge of crossings once Title 42 expires and we've seen the President's announcement about new policy and processes to meet this moment, but we want to know what the post-Title 42 world looks like from a spending and appropriations perspective.

Mr. Secretary, I also want to hear about the state of our Disaster Relief Fund, whether we have enough money and when we're going to need more.

I'd like to hear about our cybersecurity efforts. They have grown exponentially, but I'm not always sure whether our extra capabilities actually match all of the extra spending that we've put in, and, lastly, I'd like to hear about our efforts to build storm and climate resiliency.

Both the Ranking Member and I come from coastal states and whether or not you think fighting climate change is Job Number 1 or not, our coasts are being battered and we need help not just in the aftermath of a disaster.

Lastly, Mr. Secretary, let me just make a personal point. I think you are an exceptional leader. I don't agree with you 100 percent of the time, but I think you've been given an impossible task, perhaps the hardest job in the Federal Government. You didn't get drafted for this assignment. You volunteered for it because you're a patriot, because you believe in this country.

Frankly, Mr. Secretary, I think the way that you were treated in the Judiciary Committee yesterday was shameful. There are some Senators here who think their job is to create confrontation so they can book cable news appearances and, frankly, the lack of self-awareness from individuals in the Senate who have stood on the sidelines as we have attempted to try to find bipartisan compromise is pretty stunning.

Congress has just fallen down on the job and refused to update the immigration laws of this nation for 40 years as conditions at the border and the conditions of migration have radically changed.

Every Secretary of Homeland Security, Republican and Democrat, has been charged with enforcing bad law, expired law, irrelevant law, and occasionally Secretaries need to be creative in order

to protect the nation, make sure that it lives up to its values, despite Congress's failure.

And so I hope, I trust that you will be treated better by this committee not because members of this subcommittee will agree with you or the Administration, but because this subcommittee year after year, despite our disagreements, finds a way to do our job and produce a bipartisan budget for DHS and the border, and I have confidence that we will do it again this year.

With that, I'll turn it over to the Ranking Member Senator Britt for opening remarks.

STATEMENT OF SENATOR KATIE BRITT

Senator BRITT. Thank you, Mr. Chairman.

I am looking forward to serving alongside you on this important committee. I also want to thank Chair Murray and Vice Chair Collins for your leadership. Ensuring that we do everything possible to get back to regular order is of the utmost importance and we're proud to be a part of it, and I also appreciate the opportunity to serve in this capacity. Vice Chair Collins, thank you.

Mr. Secretary, I appreciate you testifying today on the fiscal year 2024 Budget Request for the Department of Homeland Security.

First, I'd like to recognize the hard work of the men and women of the department, from protecting our borders to safeguarding cyberspace and critical infrastructure. From responding to natural disasters to guarding our coastlines and keeping Americans safe as they travel by planes, buses, and rails, DHS plays a critical role in securing our nation, keeping families safe, and communities strong.

Additionally, I am proud of the work that is performed throughout the great state of Alabama for the department. While I have the utmost respect for the tens of thousands of DHS agents, officers, and employees who work tirelessly to protect our nation, I am very concerned about the many Homeland Security policies of this Administration, particularly when it comes to the border.

These policies have not just budgetary costs but human costs, as well. I have seen little pairs of shoes at the border and know that those children have a story. I have seen a baby shivering wet after being carried across the Rio Grande. I have looked into CBP officers' eyes as they tell me about pulling a woman pregnant with twins out of the water after she drowned.

Sadly, this Administration's budget proposal doubles down on failed policies that encourage these kinds of tragedies to happen every day. At a time when we are facing unparalleled threats, both at home and abroad, President Biden's Department of Homeland Security-based budget actually calls for a cut of \$650 million or nearly 1 percent of your fiscal year 2023 funding.

It is one of the only departments subject to a decreased budget request and it begs the question how can President Biden expect anyone to believe he is serious about enforcing our nation's immigration laws, preventing the exploitation of children, stopping bad actors in cyberspace, keeping Americans safe as they travel, stemming the flow of fentanyl which killed a record number of Alabamians and Americans last year, and the candid answer is he cannot.

Let's start with securing our border and enforcing the laws. In fiscal year 2022, there were around 2.4 million encounters along

the Southwest border and this does not include the over half a million got-aways that evaded arrest last year.

We are on pace to see similar levels in fiscal year 2023 and will likely break the record given the end of Title 42 usage in May. In fact, Mr. Secretary, your own department projects that when Title 42 goes away, we could see monthly encounter levels of nearly 400,000, a 150 percent increase over the historically high levels we see now.

But President Biden's budget request for Customs and Border Protection is a decrease of \$1.3 billion and his plan has as many gaps in it as the wall that this Administration refuses to finish.

President Biden's budget seeks to hire just 350 additional U.S. Border Patrol agents to address the expected surge of migrants at the same time it is hiring 87,000 new IRS agents.

I have traveled to the border three times in just the first 2 months of my time here in the Senate and I can tell you that reducing resources for border security is not the way to go. And that's just the border.

What about immigration enforcement and the interior of the country? Because of this Administration's policies, there are nearly 600,000 migrants who arrived in the United States within the past 2 years who were subject to removal but did not receive charging documents and in some cases will be waiting more than a decade, more than 10 years just to begin their formal removal process.

That doesn't even include the years that they will have to wait to actually go through the removal proceedings and many of these people here illegally will get lost in the wind, some commit a crime, some maybe worse.

Despite the legal requirement to detain migrants facing removal, yet again President Biden's budget requests fewer resources for detention beds and alternatives to detention. In fact, this Administration seeks to decrease the budget for Immigration and Customs Enforcement by nearly half a billion dollars, a clear indication the President is not serious about enforcement.

I can only imagine what impacts these proposed cuts to Customs and Border Protection and Immigration and Customs Enforcement have on morale.

Finally, we cannot talk about the border crisis without talking about fentanyl. In 2021, there were over 105,000 Americans, including more than a thousand Alabamians that died from drug overdoses, predominantly due to fentanyl.

Fentanyl is now the leading cause of death of Americans between the ages of 18 and 45. I want to commend the brave men and women of CBP, ICE, and the U.S. Coast Guard who are on the frontlines every day to interdict fentanyl and other illicit drugs, but the numbers are alarming.

For all of fiscal year 2022, they seized 14,700 pounds of fentanyl. That is enough fentanyl to kill every single American. Less than halfway through the fiscal year 2023, CBP has nearly matched that number and we are on pace to double last fiscal year's totals.

However, as my colleague from West Virginia pointed out in her recent Floor speech, in the President's budget fentanyl is actually only mentioned twice but climate is mentioned a 148 times.

In fact, President Biden's budget request includes only \$300 million for fentanyl detection equipment at CBP and \$40 million for ICE operations to combat fentanyl trafficking and \$40 million is nothing when you compare it to \$60 million that this Administration spends each year on doing laundry for those migrants.

This total pales in comparison to President Biden's ask of four billion dollars for ambiguous ill-defined initiatives in FEMA's budget that have no actual bearing on the Federal Government's ability to respond swiftly and compassionately when counties in my home state, like Dallas, Elmore, Green, Morgan, Sumter, are ravaged by tornadoes and storms.

I cannot emphasize enough that we must make real and lasting impacts so that we can stop the cartels, stop the manufacturers of precursors and stop the senseless deaths of Americans due to fentanyl.

There are many other issues for us to discuss in your budget from different things, Transportation Security Administration (TSA) pay raise to inadequate operational funding for the U.S. Coast Guard to proposed cuts in how law enforcement teams get trained at DHS, but as a mom, I am especially concerned with the department's proposed cuts to school safety programs.

Horrific tragedies, acts of pure evil, like the ones we saw this week in Nashville are heartbreaking, reminders that we have a lot of work to do. We must do that work together in a bipartisan way to keep our children safe, to protect their lives, to protect their opportunity to live the American dream.

Mr. Secretary, the department does important work in this area. However, the President's budget seeks to cut funding for the school safety work done by both the National Threat Assessment Center (NTAC) and the Cybersecurity and Infrastructure Security Agency (CISA).

For the third year in a row, the Biden Administration has submitted a budget that does not make a serious effort to solving the vast problems of which the Department of Homeland Security has direct purview.

I look forward to having a robust thoughtful discussion today on these critical issues and other things as we work together to solve the problems that are before us.

Thank you so much, Mr. Chairman. I appreciate the opportunity and look forward to the hearing.

Senator MURPHY. Look forward to it, as well, and to working with you, Ranking Member Britt.

SUMMARY STATEMENT OF HON. ALEJANDRO MAYORKAS

I'll now recognize Secretary Mayorkas for your opening remarks.

Secretary MAYORKAS. Thank you very much for the opportunity, Chairman Murphy, Ranking Member Britt, and Distinguished Members of the Committee.

On Sunday, I traveled to Rolling Fork, Mississippi, to assure the residents there and others in Mississippi devastated by the tornadoes that had just struck that our Department will support their recovery in the days, weeks, and months ahead. More than 20 people lost their lives, and many more lost their homes and all that

they possessed. I was privileged to be alongside Senator Hyde-Smith, Senator Wicker, and Governor Reeves.

If I may, Senator Hyde-Smith spoke so poignantly to the people of Rolling Fork.

On Monday, I spoke with Senators Blackburn and Haggerty and with Governor Lee and Mayor Cooper and offered our Department's support in response to the too tragic and senseless murder of children and adults at St. Paul Christian School in Nashville, Tennessee. Our thoughts, prayers, and support are with the people who are suffering today.

Over the past 20 years, the Department has evolved and had responded capably to an increasingly dynamic threat landscape. We have done this through the unflinching dedication of the Department's 260,000 public servants, the third largest workforce in the Federal Government.

Every day these heroes work to ensure the safety of Americans in the skies and on the seas, to secure our borders, to promote lawful trade and travel, to provide relief when disaster strikes, to advance the security of cyberspace and critical infrastructure, to stop cartels from trafficking illegal drugs into our communities, to combat human trafficking and online child sexual exploitation, to protect our interests in the Arctic and Indo-Pacific, and much more.

The threats and challenges facing the homeland never have been more complex or dynamic. The President's fiscal year 2024 Budget for DHS was crafted to meet these threats and challenges strategically and responsibly, ensuring that our Department has the tools that it needs to keep our communities safe.

The displacement of people across the region is greater than at any time since World War II. I have visited the Southwest border approximately 16 times as Secretary to meet with our personnel and to see firsthand the challenges that they face and the tools that they need to do their jobs.

The fiscal year 2024 budget proposes the hiring of more than 1,400 additional personnel to secure the Southwest border, including 350 additional U.S. Border Patrol agents and 310 additional U.S. Border Patrol processing coordinators, to get more agents back into the field performing their critical law enforcement mission.

The budget proposes \$535 million in new funds for border technology, \$305 million of which is to deploy new technologies and capabilities in our fight against the trafficking of fentanyl through our ports of entry.

The threat environment that we face along the Southwest border is dynamic, and the annual appropriations process does not provide the flexibility to address challenges that often change from sector to sector and from month to month.

We propose that Congress create a fund that can be spent for specific purposes when certain migrant encounter thresholds are met. This would equip our personnel with the tools that they need to meet migration surges if and as they occur, like transportation resources, soft-sided facilities for processing, and grants to support state and local community reception.

The budget will also enable the department to process the increasing number of asylum cases, address the backlog of applications for immigration benefits, support the Citizen Chip and Inte-

gration Grant Program and improve refugee processing to meet the goal of admitting up to 125,000 refugees.

Our schools, hospitals, businesses, local governments, and critical infrastructure are increasingly the targets of cyberattacks launched by transnational criminal organizations and hostile nation states, including the People's Republic of China, Russia, Iran, and North Korea.

This budget invests in personnel, infrastructure, and enhanced tools and services to increase the cybersecurity preparedness and resilience of our networks and critical infrastructure.

We also must continue to build the culture of preparedness so that communities on the frontlines of climate change and increasing extreme weather events are informed, ready, and resilient.

This budget provides \$20.1 billion for the Federal Emergency Management Agency (FEMA) to assist individuals and state, local, tribal, and territorial partners affected by major disasters and funds whole-of-community efforts in building climate resilience.

The United States Coast Guard provides critical capabilities and broad authorities to defend our national interests in the Western Hemisphere, the Arctic, and the Indo-Pacific.

This budget makes strategic investments in the Coast Guard's fleet of Offshore Patrol Cutters (OPC) and Polar Security Cutters (PSC) that will advance our safety, security, and economic prosperity.

Finally, the men and women of DHS who serve our Nation are our most important and vital resource. We cannot expect to recruit and retain a world-class diverse workforce if they are not compensated fairly.

We are asking for \$1.4 billion to honor the promise of pay fairness for our TSA workforce. This budget will enable the Department to respond to the threats of today and to prepare for the threats of tomorrow.

Thank you very much and I look forward to your questions.

[The statement follows:]

PREPARED STATEMENT OF HON. ALEJANDRO N. MAYORKAS

INTRODUCTION

Chairman Murphy, Ranking Member Britt, and distinguished Members of the subcommittee:

I appreciate the opportunity to appear before you to discuss the Department of Homeland Security's (DHS or the Department) Fiscal Year 2024 President's Budget.

This month marks the 20th anniversary of the Department's creation, which brought together 22 agencies and 180,000 public servants from across the Federal Government in a determined national effort to safeguard the United States against foreign terrorism in the wake of the devastation wrought on September 11, 2001. DHS remains the largest reorganization of the Federal Government's national security establishment since 1947 and a testament to the grave threat we faced as a nation from terrorism brought to our shores by foreign actors and foreign terrorist organizations.

Twenty years ago, Americans seeking a way to serve their country joined the Department of Homeland Security to make meaningful contributions to the safety and security of the homeland. These first employees assembled chairs and desks in front of elevators, drew up initial plans and organization charts, and fought for a seat at the table. Over 32,000 of those early employees, whom we admiringly refer to as "plank holders," are still proudly serving with the Department. Their service built the Department into the fit-for-mission organization it is today.

Over the past 20 years, the Department has responded to an increasingly dynamic threat landscape with leadership, new programs and capabilities, cross-component

collaboration, and unflinching dedication to mission. Today we are the third largest department in the Federal Government with a 260,000-member workforce. Every day, our personnel interact with the U.S. public more than any other Federal agency as we ensure the safety of Americans in the skies and on the seas, promote lawful trade and travel, ensure the protection of our critical infrastructure, provide relief when disaster strikes, advance the security of cyberspace, combat human trafficking and online child sexual exploitation, protect communities from illicit drugs and weapons, stand watch at our borders, defend the United States' interests in the Arctic and the Indo-Pacific, guard our Federal buildings, and more.

Through all of our work, the Department is guided by 12 priorities that I established to ensure we are ready to address the threats of today and prepare for the threats of tomorrow. With these priorities in mind, I will share how we are confronting these threats and challenges, and how the President's Budget will ensure the Department has the resources to do so effectively.

The fiscal Year 2024 President's Budget for the Department, totaling \$103.2 billion, will ensure DHS has the resources to execute our mission to safeguard the American people and our homeland while also preserving our values. Of the \$103.2 billion requested, \$60.4 billion is discretionary funding, \$20.1 billion is for the Disaster Relief Fund (DRF) to support response, recovery, and resiliency during major disasters, and \$22.7 billion is mandatory funding and fee collections. In addition to the \$103.2 billion, this year the Department is proposing up to \$4.7 billion in emergency designated funding for a Southwest Border Contingency Fund to provide additional resources to DHS in the event increased migration along the Southwest border exceeds pre-identified encounter thresholds.

Collectively, we may not have predicted today's diverse and complex threat environment when our Department was first created, but our mission has never been more vital, our agencies and officers have never collaborated more closely, and our Nation has never been more prepared. The Department of Homeland Security was born out of tragedy and necessity. But in that necessity, we evolved and grew and we attracted and retained the very best talent America has to offer to solve its greatest challenges. This fiscal Year 2024 President's Budget will enable the Department to continue fulfilling our critical mission for the American people.

SECURING THE BORDER AND BUILDING A SAFE, ORDERLY, AND HUMANE IMMIGRATION SYSTEM

Violence, food insecurity, severe poverty, corruption, climate change, the COVID-19 pandemic, and dire economic conditions have all contributed to a significant increase in irregular migration around the world. In our hemisphere alone, failing authoritarian regimes in Venezuela, Cuba, and Nicaragua, along with an ongoing humanitarian crisis in Haiti, have driven hundreds of thousands of people to migrate to the United States and other countries. These movements are often facilitated by numerous human smuggling organizations that exploit migrants as part of a billion-dollar criminal enterprise. The depth of suffering that these migrants are willing to endure speaks to the desperation they feel about their prospects in their home countries.

Over the last several months, DHS has announced new processes for Cubans, Haitians, Nicaraguans, and Venezuelans and their immediate family members that combine an accessible, streamlined opportunity for eligible individuals to come to the United States via a lawful pathway with consequences for those who do not avail themselves of this pathway and instead cross the Southwest border without authorization. Nationals of these countries who do not avail themselves of this process and attempt to enter the United States without authorization will generally be returned to Mexico.

The coupling of these measures has led to a dramatic reduction in the numbers of Cubans, Nicaraguans, Haitians, and Venezuelans seeking to cross the Southwest border without authorization. Encounters of nationals from these four countries between POEs at the Southwest border declined from a seven-day average of 1,231 on the day this policy was announced on January 5, 2023, to a seven-day average of 46 on February 28, 2023—a drop of 96 percent. This reduction represents a decline of 99 percent from the early December 2022 high of 3,546 daily encounters, and occurred even as encounters of other noncitizens began to rebound from their typical seasonal drop.

While encounters of Cubans, Haitians, Nicaraguans, and Venezuelans between POEs at the Southwest border have plummeted, thousands of nationals from these countries have successfully followed the process for lawful entry. As of March 1, more than 66,000 Cubans, Haitians, Nicaraguans, and Venezuelans have, after being thoroughly screened and vetted, received travel authorization. More than

45,000 individuals have lawfully arrived through commercial air travel at POEs to unite with supporters already in the United States, including more than 9,500 Cubans, more than 8,000 Haitians, more than 2,700 Nicaraguans, and more than 25,000 Venezuelans. The successful use of these parole processes and the significant decrease in illegal crossing attempts clearly demonstrates 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 legal pathways with consequences for those who fail to use those pathways works.

A FAIR, ORDERLY, AND HUMANE IMMIGRATION SYSTEM

The Biden-Harris Administration is committed to improving the Nation's immigration system and safeguarding its integrity by efficiently and fairly adjudicating requests for immigration benefits. The fiscal Year 2024 Budget includes \$865 million for U.S. Citizenship and Immigration Services (USCIS) to process increasing asylum caseloads, address processing times for immigration benefit requests, support the Citizenship and Integration Grant Program, and improve refugee processing to support the Administration's goal of welcoming up to 125,000 refugees in fiscal Year 2024.

The Budget also includes \$165 million for the Department's Management Directorate to support the design and construction of a third permanent Joint Processing Center along the Southwest border. This facility, with dedicated operating space for multiple agencies and organizations, will make processing more efficient and enable co-location operations, as appropriate. These projects will provide an integrated, whole-of-government solution for the processing of noncitizens encountered along the Southwest border.

ENHANCING BORDER SECURITY

DHS is leading the implementation of a whole-of-government effort to secure our Nation's borders and enforce U.S. immigration laws. CBP is responsible for securing the Nation's borders to protect the United States against terrorist threats, combat and deter transnational crime, and facilitate lawful travel, trade, and immigration. ICE enforces more than 400 Federal statutes and stands at the forefront of our Nation's efforts to strengthen border security and prevent the illegal movement of people, goods, and funds into, within, and out of the United States. The fiscal Year 2024 Budget provides almost \$25 billion for CBP and ICE, demonstrating significant investments in personnel and technology. For example, the Budget funds an additional 350 Border Patrol Agents, \$535 million for border security technology at and between POEs, and an additional 460 processing coordinators and assistants at CBP and ICE to further ensure Border Patrol Agents are in the field performing their critical law enforcement mission. The fiscal Year 2024 Budget also supports CBP's efforts to reduce reliance on DOD support along the Southwest border.

SOUTHWEST BORDER CONTINGENCY FUND

The annual appropriations process makes it difficult to adjust operationally to changes at the Southwest border throughout the year. In recent years, the Department has relied on supplemental funding and internal funding realignments to respond to fluctuating levels of migrant encounters that strain appropriated resources. The fiscal Year 2024 Budget includes a Southwest Border Contingency Fund of up to \$4.7 billion, an emergency funding source to respond to migration surges along the Southwest border that only becomes available if migrant encounters reach predetermined thresholds. Each fiscal year, the fund will receive appropriations quarterly if the number of encounters exceeds the pre-identified thresholds. The contingency fund can only be used for certain border management costs incurred by CBP, ICE, and FEMA, to include requirements such as soft-sided facilities, transportation of migrants, medical support, surge staffing, immigration detention beds, Alternatives to Detention, and the Shelter and Services Grant Program. When the specified encounter rates have been met, the Department will notify this Committee of its intent to use the resources made available through this Fund.

The Contingency Fund will help to relieve pressure on CBP's Border Patrol stations, facilitate ICE's enforcement of our immigration laws, and provide humanitarian assistance. To avoid potential operational risks created by realigning funds from base budgets, CBP and ICE will use the Southwest Border Contingency Fund for emergent border management requirements associated with potential migrant surges. The Fund will also allow FEMA to provide critical humanitarian resources and relief to local governments and non-profit organizations to help better manage the costs of noncitizen arrivals in their communities.

INVESTING IN CYBERSECURITY AND INFRASTRUCTURE SECURITY PROTECTION

The Department continuously evolves to counter emerging threats and protect Americans in our modern world. DHS will implement the President’s vision outlined in the National Cybersecurity Strategy, working with partners across sectors and around the globe to provide cybersecurity tools and resources, protect critical infrastructure, respond to and recover from cyber incidents, and pave the way for a more secure future.

Our interconnectedness and the technology that enables it—the cyber ecosystem—exposes us to a dynamic and evolving threat environment, one not contained by borders or limited to centralized actors, and one that impacts governments, the private sector, civil society, and every citizen. 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, grow more sophisticated and create more adverse consequences. The Department continues to make significant strides to address these threats, including the work of the Cyber Safety Review Board, pursuing international partnerships such as expanding the Abraham Accords to defensive cybersecurity, promulgation of the cybersecurity performance goals, and creating more mature public-private partnerships to secure and defend civilian critical infrastructure, including those upon which the Department of Defense (DOD) may rely.

In March 2022, the President signed into law the Cyber Incident Reporting for Critical Infrastructure Act (CIRCIA), which requires the Cybersecurity and Infrastructure Agency (CISA) to develop and implement regulations requiring “covered entities” to report “covered cyber incidents” to CISA no later than 72 hours after the covered entities reasonably believe that a covered cyber incident occurred, and to report ransom payments within 24 hours after a payment resulting from a ransom attack is made. The information derived from these reporting requirements will increase CISA’s ability to rapidly deploy resources and render assistance to victims suffering cyberattacks, analyze incoming reporting to identify trends, and quickly share that information with network defenders to warn other potential victims. The fiscal Year 2024 Budget includes \$98 million to help ensure CISA has the staffing, processes, and technology in place to successfully implement and utilize the information gained through CIRCIA.

The fiscal Year 2024 Budget is the first to request the transitioning of portions of the National Cybersecurity Protection System to a new Cyber Analytic and Data System (CADS). Over the past 2 years, Congress provided CISA with additional authorities and resources that in turn enabled unprecedented access to cybersecurity data across both Federal and non-Federal systems. This data will allow CISA to significantly decrease the time required to identify potential intrusions or vulnerabilities and take action to minimize potential harm; for example, by rapidly determining that threats identified across multiple agencies or companies are part of the same campaign or quickly assessing the breadth of a compromise to contain impacts more effectively. This data will only increase exponentially with the successful deployment of CIRCIA. Effectively leveraging this data requires new analytic capabilities and associated infrastructure, which CISA is implementing through CADS. CADS will provide a robust and scalable analytic environment capable of integrating mission visibility data sets and providing visualization tools and advanced analytic capabilities to CISA’s cyber operators, allowing more rapid analyses to inform more rapid actions, and, in turn, reducing the prevalence of intrusions and exploitable conditions across Federal and critical infrastructure networks. This \$425 million request will allow CADS to expand the cyber mission systems engineering, mission IT infrastructure, and cyber operation tools and services needed to enable CISA cyber operators to fully achieve their mission objectives.

COUNTERING FENTANYL

U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE) work together to combat transnational criminal organizations (TCOs) and counter narcotics trafficking and other threats. For example, CBP’s use of advanced analytics and targeting capabilities at the National Targeting Center allows CBP and partners to identify critical logistics, financial and communication nodes, and areas of weakness in illicit opioid trafficking networks. This information is shared with ICE’s Homeland Security Investigations (HSI), which employs a suite of comprehensive criminal investigative techniques to combat drug trafficking into the United States, which primarily happens at ports of entry (POEs) rather than between POEs. Investigative techniques deployed by HSI include physical surveillance and authorized electronic surveillance, defendant and witness interviews, the use of confidential informants and sources of information, and Special Agents em-

bedded with host country law enforcement. HSI investigates land border narcotics seizures and contraband smuggling events as part of its strategy to disrupt and dismantle the capabilities of TCOs and target sources of supply. Information resulting from these investigations is further shared with CBP to assist in locating and interdicting these smuggling attempts.

The shift in the illicit drug market towards synthetic opioids, primarily fentanyl and its analogs, led CBP to develop and implement the CBP Strategy to Combat Opioids. With the support of Congress, CBP continues to make significant investments and improvements in drug detection and interdiction technology. CBP's extended border and foreign operations missions involve collaborating with U.S. and international partners to conduct joint maritime operations in the source, transit, and arrival zones of the Western Hemisphere. In collaboration with Joint Interagency Task Force South, CBP operates aircraft throughout North and Central America, conducting counter-narcotics missions to detect and thereby facilitate the interdiction of bulk quantities of illicit narcotics by partner countries and agencies. CBP seized 11,200 pounds of fentanyl in fiscal Year 2021 and 14,700 pounds in fiscal Year 2022. This compares to 2,804 pounds in fiscal Year 2019.

Analysts continue to assess that the vast majority of fentanyl that enters the United States moves through U.S. POEs. At our POEs, CBP's non-intrusive inspection (NII) program deploys technologies to inspect and screen cars, trucks, rail cars, sea containers, as well as personal luggage, packages, parcels, and flat mail through either X-ray or gamma-ray imaging systems.

CBP Officers at our POEs use NII systems to help detect drugs, unreported currency, guns, ammunition, and other illegal goods, as well as human smuggling attempts, while having a minimal impact on the flow of legitimate travel and commerce. CBP Officers and Agents currently utilize over 370 large-scale systems and more than 3,500 small-scale NII systems to scan cargo and vehicles. In fiscal Year 2021, CBP executed fiscal Year 2019 funding to procure 123 additional large-scale NII systems to reach the current goal of 493 total systems. These additional units are expected to increase scanning to 40 percent of passenger vehicles and 70 percent of cargo vehicles along the Southwest border land ports of entry. These increases will represent a 2,000 percent gain in scanning capacity and dramatically enhance our enforcement and deterrence efforts. CBP will continue to utilize risk-based analysis to screen the remaining 60 percent of passenger vehicles and 30 percent of commercial vehicles through our existing layered enforcement strategy. The Budget request of over \$305 million in fiscal Year 2024 will allow CBP to identify, procure, and deploy enhanced inspection capabilities to interdict emerging threats in the land and mail environments, specifically within civil works activities for drive-through NII deployments, enhanced narcotic detection with a primary focus on fentanyl detection, inspection technology at mail and express consignment facilities, chemical analysis to enable interdiction of opioids, and systems integration.

HSI is the principal investigative arm of DHS and 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. HSI has matured into one of the premier criminal investigative agencies in the world. In fiscal Year 2022, 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 Agents seized more than \$210 million in total currency and assets through their narcotics enforcement efforts.

The fiscal Year 2024 President's Budget includes \$40 million to support the Monroe Project operations along the Southwest border to combat illicit drug operations. The Monroe Project is a recent DHS-wide effort aimed at targeting criminal organizations responsible for distributing illicit fentanyl that killed more than 77,000 Americans last year. A key component of the Monroe Project is the consolidation of information to enable better data-driven decision-making. This funding also supports capacity enhancement for HSI Mexico and their Transnational Criminal Investigative Unit, which is a critical component in the DHS strategy to disrupt and dismantle TCOs specializing in the production and distribution of fentanyl.

COMBATING HUMAN TRAFFICKING AND PREVENTING CHILD SEXUAL EXPLOITATION

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

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) coordinates the counter-trafficking efforts of 16 offices and component agencies, 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 leads criminal investigations into sex trafficking and forced labor, making 3,655 human trafficking-related arrests during fiscal Year 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.

The fiscal Year 2024 Budget includes \$24 million for HSI Child Exploitation Investigations Unit (CEIU), an increase of \$17 million, to enhance HSI's capability to investigate international and domestic child exploitation. CEIU will utilize these resources to develop additional specialized sections within CEIU to focus on new and emerging threats, as well as the development of an online undercover program to ensure that HSI is utilizing all tools available to combat Child Sexual Exploitation and Abuse around the globe. CEIU employs the latest technology to collect evidence and track the activities of individuals and organized groups who sexually exploit children using the open internet, DarkNet, chat rooms, peer-to-peer trading, and other app-based platforms. The Budget also includes \$22 million for HSI's Center for Countering Human Trafficking, a \$2 million increase. These additional resources will increase the number of investigators working to combat child exploitation and human trafficking.

MODERNIZING COAST GUARD OPERATIONAL CAPABILITY AND PRESENCE IN THE ARCTIC REGION

As a maritime nation, the United States depends on a strong and agile Coast Guard to enhance the Nation's maritime safety, security, and economic prosperity. For 232 years, the Coast Guard has applied its broad authorities and capabilities to save lives, protect our waters, and defend our National interests. As challenges to our National security and global influence grow more complex, the need for a more adaptive and connected Coast Guard has never been greater. By confronting threats to the homeland wherever they emerge—from the Arctic to the Indo-Pacific—the Coast Guard secures our borders, saves lives, counters malign state behavior, prevents terrorism, and reduces physical and cybersecurity risks.

The fiscal Year 2024 Budget provides \$12.1 billion in net discretionary funding to sustain readiness, resilience, and capability while building the Coast Guard of the future to ensure the Service has the assets, systems, infrastructure, and support needed to enhance the Nation's interests in an increasingly complex and connected world. The Budget continues efforts for the Coast Guard's two highest acquisition priorities, the Offshore Patrol Cutter and the Polar Security Cutter, and advances the Great Lakes Icebreaker acquisition—an asset ensuring America's continued economic prosperity on our domestic waterways.

As climate change and strategic competition increasingly affect the geography, stability, and security of the Arctic region, Coast Guard presence and leadership have never been more critical. The fiscal Year 2024 President's Budget also requests \$150 million to support the acquisition of a commercially available polar icebreaker, including initial modifications, crewing, and integrated logistics support required to reach initial operating capability. The United States has vital national interests in the polar regions and the purchase of a commercially available polar icebreaker is a viable strategy to accelerate U.S. presence in the polar regions in the near term.

MODERNIZING TRANSPORTATION SECURITY ADMINISTRATION (TSA) PAY AND WORKFORCE POLICIES

TSA is an intelligence-driven national security organization that combines the skills of its workforce, evolving security procedures, and technology to optimize resource utilization and mission effectiveness. The nation's economy depends on the implementation of transportation security measures that provide effective security against threats and ensure an efficient flow of people and commerce. TSA is committed to the highest level of security for the United States across all modes of transportation. Investment in enhanced security capabilities and technology will further strengthen TSA's ability to employ risk-based security measures to actively combat evolving threats to critical transportation infrastructure.

The fiscal Year 2024 Budget continues the fiscal Year 2023 initiative to increase TSA pay levels, making TSA pay comparable to private sector and Federal Government employees in similar positions, which will greatly assist in recruitment and retention efforts. The TSA workforce deserves to be fairly compensated at rates comparable with their peers in the Federal workforce. The Budget includes \$1.1 billion to ensure TSA employees are paid at a level that is no less than their counterparts

on the General Schedule pay scale. An additional \$53 million covers the costs of pay systems conversion and establishes a labor relations support capability to manage expanded labor benefits and the right to appeal adverse personnel actions to the Merit Systems Protection Board. Enhancements to TSA pay supports the President's and my commitment to fostering diversity, equity, and inclusion in the Federal workforce.

The Federal Government has repeatedly leveraged TSA's unique authorities—including the ability to issue Security Directives and Emergency Amendments within hours of receiving information about a threat—to address cyber threats. This threat has grown dramatically in the past decade and that growth shows no sign of slowing down. Accordingly, the fiscal Year 2024 Budget includes an increase of \$10 million to conduct critical mission support functions to reduce the cyber threat to American critical infrastructure in both near and mid-terms, and in support of both surface and aviation sectors.

SUPPORTING 2024 PRESIDENTIAL CAMPAIGN SECURITY

The U.S. Secret Service (USSS) carries out the unique and integrated missions of protecting senior leadership and investigating threats to the Nation's financial system. Best known for protecting the President, the Vice President, their immediate families, visiting heads of state, and other designated individuals, the USSS also protects the White House Complex, the Vice President's residence, foreign diplomatic missions, and other designated buildings. Further, it coordinates security at designated National Special Security Events, such as the State of the Union Address and the United Nations General Assembly, and protects our financial infrastructure by investigating counterfeiting, identity theft, computer fraud, and other crimes related to the financial security of the United States. Every 4 years, the USSS must also plan for the increased requirement related to the Presidential Campaign. The fiscal Year 2024 Budget includes \$191 million to ensure that the 2024 Presidential Campaign is adequately resourced for the protection of major candidates, nominees, their spouses, and nominating conventions. The funding supports the enhanced protection, security, travel, and overtime for the 2024 Presidential Campaign and includes resources to train USSS personnel and other Federal partner agencies.

The President's Budget also continues to invest in USSS staffing, funding an additional 77 positions and bringing the total strength to 8,382, the highest in the Service's history.

INVESTING IN CLIMATE AND NATURAL DISASTER RESILIENCE

The Federal Emergency Management Agency (FEMA) strengthens the Nation's ability to prepare for and respond to disasters of all types and magnitudes via partnerships with State, local, Tribal, and territorial (SLTT) governments, in part through its grant programs. The Budget includes increased funding for programs and activities that support FEMA's goals to lead whole-of-community efforts in climate resilience and promote and sustain a ready FEMA and prepared nation. As part of the Administration's efforts to address climate change, the fiscal Year 2024 Budget provides \$4.0 billion for DHS's climate resilience programs, a more than \$150 million increase from fiscal Year 2023 enacted. This is in addition to \$1 billion provided by the Bipartisan Infrastructure Law for fiscal Year 2024. The Budget helps SLTT partners build climate resilience through various FEMA grant programs. The Budget also includes more than \$500 million for flood hazard mapping, including the development of new data to support future flood conditions and their impacts.

The fiscal Year 2024 Budget provides a major disaster allocation totaling \$20.1 billion for FEMA to assist SLTT partners and individuals affected by major disasters and provides a total of \$3.2 billion to promote and sustain a prepared nation through FEMA grants to improve the Nation's disaster resilience and implement preparedness strategies. This includes increasing the Nonprofit Security Grant Program by \$55 million to a total of \$360 million for target hardening and other physical security enhancements and activities by nonprofit organizations that are at a high risk of terrorist attack. This also includes \$50 million to establish a critical infrastructure cybersecurity grant program to support risk reduction strategies to protect critical infrastructure from cyberattacks. The Budget also provides \$145 million to support Disaster Relief Fund base requirements associated with emergency declarations, pre-declaration surge activities, Fire Management Assistance Grants, and disaster readiness and support activities.

SUSTAINABILITY AND CONSERVATION

The Administration remains committed to establishing the Federal Government as a leader in sustainability. The Budget includes \$123 million for DHS, as the third largest department in the Federal Government and the Nation's largest law enforcement agency, to support integrated market-shaping investments into Zero-Emission Vehicles and charging infrastructure. The Budget also demonstrates the Administration's continued support for the strategic investment in the National Capital Region (NCR) for Headquarters and facility requirements at St. Elizabeths. The Budget includes \$264 million for the Department to consolidate its physical footprint across the NCR. In fiscal Year 2024, funding will be used for the construction of new facilities, including the Office of Intelligence and Analysis, at the St.

Elizabeths West Campus, consolidation of the remaining Management Directorate and FEMA Headquarters from dispersed locations to a consolidated space, and the continuation of utilization improvements at the Ronald Reagan Federal Office Building for CBP.

CONCLUSION

As DHS enters its third decade, the Department will continue to evolve and rise to the challenges posed by an ever-changing threat landscape. It is a great privilege to represent and serve alongside the DHS workforce that has time and again demonstrated exceptional skill and an unwavering commitment to keeping our country safe.

The fiscal Year 2024 President's Budget includes the necessary funding and authorities for DHS to carry out its wide-ranging mission. I am grateful to this Committee for your continued support and the opportunity to appear before you today. I look forward to working together and to answering your questions.

ASYLUM APPLICATION PROCESS

Senator MURPHY. Thank you very much, Mr. Secretary.

We'll now begin a series of—I see seven questions, according to my clock.

I think one of the most difficult things this committee will have to deal with is this rather unusual request to set aside a significant portion of funding that would be used, as you mentioned, in the case of certain thresholds being crossed. It makes it a little hard to have full transparency about the efficacy of the underlying budget request because, as you said, you would be using some of those dollars, for instance, to supplement USCIS processes.

And so I think this is an ongoing conversation we're going to have to use. I'm not sure that we're doing our job as a committee if we are sort of handing a very big chunk of unearmarked dollars to the department.

But I wanted to ask you specifically about the plan the President has announced regarding a new process for asylum as a means to try to better manage the numbers that are presenting at the border today but are expected to come to the border when Title 42 is lifted.

This new process contemplates that individuals will apply before they arrive at the United States or they will set up an appointment and if they don't, they will either be returned to their home country or back across the border to Mexico.

Where do you lack funding? Where are the parts of the budget that you are going to need the most significant additions in order to implement that new process and that new pending rule? The rule's gotten flack from the left. It's gotten flack from the right. That probably means it's worth considering, but where are you under-resourced if you're successful in implementing the President's new plan?

Secretary MAYORKAS. Mr. Chairman, if I could take a step back for just a moment?

The model that we are implementing is a model of building safe, orderly, and lawful pathways to come to the United States to make a claim for humanitarian relief under the laws that Congress passed, and to deliver a consequence for individuals who do not avail themselves of that safe, orderly, and lawful pathway.

We announced on January 5th such a model for Cuban, Haitian, Nicaraguan, and Venezuelan migrants, and we have seen through that program a 95-percent drop in the number of individuals from those four countries arriving at our southern border in between the ports of entry.

That is the model that we are building on and that is what this rule, this proposed rule provides. It is indeed that proposed rule. We sought public comments. The public comment period, I think, closed this past Monday.

Here, too, we're seeking to cut out the smugglers for the very compelling reasons that Ranking Member Britt articulated. We see too much suffering, too much tragedy at the hands of those smuggling organizations.

The budget, the financial needs that we have to really fund this program, as well as all programs that we are implementing, is across-the-board. We need more asylum officers in USCIS. We need more CBP agents and Office of Field Operations (OFO), officers. We need more HSI agents because one cannot take a look at this program in isolation. It is part of the mosaic of the challenge of immigration that we are encountering as we seek to administer a system that is fundamentally broken.

DRUG TRAFFICKING: FENTANYL

Senator MURPHY. Thank you for that and look forward to working with you on that request.

Let me talk to you about fentanyl for a moment. A bipartisan delegation just came back from Mexico City. We spent about four hours with the Mexican President. We pressed him on offers of cooperation that we have made to his government to try to work together on identifying precursor shipments and fentanyl labs so that we can take joint action or so that the Mexican Government can take action.

If we were to dramatically upscale resources to HSI and to the other capabilities that you provide in cooperation to and with the Mexican Government, could you spend it or are you having a tough time convincing President Lopez Obrador and his team to do the kind of cooperative activity that we know will be effective in identifying fentanyl before it reaches our border?

Secretary MAYORKAS. Mr. Chairman, this is the single greatest challenge that we face as a country. More than 70,000 people, Americans, died last year from fentanyl overdose deaths. I think that 57,800 died in 2020, in the last year of the Trump Administration. This is a scourge that has been years-long and we are bringing the fight to the cartels.

We are working cooperatively with our Mexican counterparts. We can spend the money and the money is vitally necessary to resource our fight against the scourge of fentanyl.

We have transnational criminal investigative units on which HSI special agents work with their Mexican counterparts. We are increasing the ability of Mexico to secure its seaport because its seaport receives precursor chemicals and manufacturing equipment from the People's Republic of China for the manufacture of fentanyl.

We can spend the money. We need the funding, and the fiscal year 2024 budget that the President has presented does indeed resource this department.

BORDER SECURITY

Senator MURPHY. I hope that you're right. I mean, I think if past is predicate, we have had difficulty in convincing the Mexican Government to take our offers. I felt that the President was very open, I think, in a new and helpful way and I think we'll look forward to working with you on that.

I have one final question. It is this. There's a lot of questions that get thrown around at hearings like this to ask you and others who appear before us to define the conditions at the border. Sometimes the question is, is the border secure? Sometimes the question is do we have operational control at the border?

I think those words mean something different to everybody and so I think it's a difficult conversation to have, but how do you define whether the border is secure, whether we have operational control at the border? How do you talk to the public about the state of security at the border today?

Secretary MAYORKAS. Mr. Chairman, indeed, different people provide different assessments.

There is no question that the security of the southern border is an extraordinary challenge. We cannot understate the severity of the challenge. That challenge is not unique to the southern border of the United States. That is a challenge that countries throughout our hemisphere are encountering and grappling with, and I cite Colombia as a powerful example.

The population of Venezuela is approximately 28 million people, approximately 8 million of whom have fled the country that is their home. Colombia is host to approximately 2.5 million of them.

We are seeing movement of Peruvians, Ecuadorians, Dominicans, and Chileans. We are seeing the movement of people throughout the hemisphere that is the greatest migration in our region since World War II.

The way that I make the assessment, I do not—of course, I enforce the law. That is my responsibility. It has been a responsibility that I have carried proudly and fulfilled for my nearly 23 years of public service, the first 12 of which I served as a Federal prosecutor. So, of course, I enforce a law of the Secure Defense Act of 2006 and every other law that Congress has passed.

But the Secure Defense Act of 2006 defines operational control as the prevention of all unlawful entries at our border. That means that one single got-away would equal the failure to have operational control of our border, and so under that definition, no Administration has ever had operational control.

What I try to do in communicating to the public is to be practical and to speak to them in a way that they could understand so that

not every single Administration has to throw its hands up and say we've never had operational control. I speak of maximizing the resources that we have to deliver the most effective results.

Senator MURPHY. Thank you very much, Mr. Secretary.
Senator Britt.

SOUTHWEST BORDER

Senator BRITT. Thank you, Mr. Chairman.

Mr. Secretary, as you know, we have a limited time. So I want to get started off with just some very high-level questions, yes or no, and then we can get into details as time allows.

First, do you believe that there is a crisis at the Southwest border?

Secretary MAYORKAS. Ranking Member Britt, I think that there is a very serious challenge at the southern border, as I have articulated.

Senator BRITT. Yes, sir. Are you willing to call it a crisis?

Secretary MAYORKAS. I consider it a very significant challenge and I am focused on the substance of the issue and the devotion of resources most effectively to address the challenge that we confront as a country.

Senator BRITT. Yes, sir. I'm disappointed to not hear you call it a crisis truly because I think that's what we have before us.

When we look at the budget that President Biden put forward, it's clear that this Administration is not afraid of calling out a crisis when they believe they see one. I will note that we have mentioned in the budget a climate crisis. We have mentioned a youth mental crisis. We have a maternal health crisis, a behavioral health crisis. We have a wildfire crisis. We have a crisis of missing and murdered Indigenous persons. We have a biodiversity crisis. We even have a roadway and pedestrian safety crisis.

Now my point here is not to diminish the seriousness of each and every one of those topics that I just listed. It is to show that President Biden and this Administration is not afraid of calling out a crisis if they believe they have one.

So I ask you one more time. Do you believe we have a crisis at the Southwest border?

Secretary MAYORKAS. Ranking Member Britt, let me assure you that whatever language is used does not change the fact that we are devoting every ounce of energy to address the challenge.

Senator BRITT. I am hopeful that we can get on the same page about this. When you look at what is happening, what would trigger this? If you look at Title 42 ending on May 11th, your own department has said we're going to see probably double the numbers coming across the border at that point in time.

Will that elevate it to this Administration being able to call it for what it is, a crisis?

Secretary MAYORKAS. Ranking Member Britt, what we have done is we have provided projections not necessarily in terms of what we anticipate seeing but, rather, what we need to plan for.

DRUG TRAFFICKING: FENTANYL

Senator BRITT. Well, let's talk about fentanyl then. When we see how much is coming over the border, I mentioned it and it's al-

ready been mentioned here by the Chair, but we've lost over 100,000 people to drug overdoses and 70,000 of those, as you mentioned yourself, are attributed to fentanyl.

When we look at what's coming across the border, you said in your testimony right now that that is the single greatest challenge facing our nation.

So do you believe we have a fentanyl crisis in this nation?

Secretary MAYORKAS. I think the word that you used, Ranking Member Britt, is so appropriate. We have a scourge of fentanyl. I think it's more than 70,000 American lives that have been lost.

Senator BRITT. Is the majority of that fentanyl coming over the Southwest border?

Secretary MAYORKAS. It is coming through—I think that more than 90 percent actually is being trafficked through the ports of entry at our southern border, yes.

Senator BRITT. What are we doing to be able to capture that at the ports of entry?

Secretary MAYORKAS. We have surged resources to an unprecedented degree to detect, to interdict the fentanyl from coming and to investigate and prosecute the individuals who are traffickers.

Senator BRITT. Okay. What are we doing—obviously it has been made note that the Chinese Communist Party are sending those precursors over to Mexico, and what are we doing to disrupt and dismantle that transnational criminal organization, to disrupt that network?

Secretary MAYORKAS. We have brought unprecedented force to that effort, Ranking Member Britt. I'd like to cite the new surge operation that we launched last week, Operation Blue Lotus, that I directed of HSI.

We have brought additional HSI agents to the ports of entry so that they have an increased and immediate physical presence there, not only for the assistance in the interdiction of the drugs, but critically for the immediate investigation, apprehension, and ultimately, prosecution of the traffickers themselves.

BORDER SECURITY

Senator BRITT. And I appreciate that and I want you to hear me say we've got to continue to do more. This is affecting communities all across our country. It is affecting children. It is the leading cause of death between the ages of 18 and 45 in this nation. It is without a doubt a crisis and I will say once again that I'm disappointed that I can't hear you say those words as well.

Additionally, I'd like to talk about the border and its security. The Chair has already alluded to the fact that whether we talk about operational control or whether we talk about maximizing resources, I'm actually not interested in those definitions.

What I am interested in is from your perspective as the Secretary of Homeland Security, do you believe we have a secure border?

Secretary MAYORKAS. Ranking Member Britt, I think that I have addressed this issue. As I mentioned, the words that we use do not define the actions that we take.

The challenge that we confront defines the actions that we take and we are using every ounce of energy and resources we have to

address the challenges, not only at our southern border with respect to their regular migration, not only with respect to trafficking of fentanyl, but across the entire breadth of mission of DHS.

Senator BRITT. Respectfully, Mr. Secretary, it's not enough. We have a humanitarian crisis and national security crisis, the face of which becomes very real.

You mentioned your trips to the border. I have went to the border three times in the first 2 months to see it myself.

When you have a border that is 2,000 miles long, there's no way to capture it all without going and seeing and continuing to look and learn. We must do better. Our border is not secure and we owe it to the citizens of this nation. We owe it to the people who are being trafficked by these drug cartels to take back control.

Speaking of the Border Patrol chief this month said, "The cartels control an awful lot of the southern border south of the United States."

Yes or no, do you agree with that statement?

Secretary MAYORKAS. That is Chief Ortiz, whom I selected to lead the U.S. Border Patrol, and I'm very proud of his leadership. I do believe that the cartels control a significant amount of territory south of our border, which is why we have an all-of-government effort to attack those cartels.

Senator BRITT. So I agree, as well, and when you visit, it becomes very clear.

Following up on that, do you believe that the cartels have a growing influence north of our southern border?

Secretary MAYORKAS. I believe that they have their tentacles in the United States as they have had for many years. They have grown significantly in sophistication, size, capability since I spent my time prosecuting members of that organization when I served as a Federal prosecutor.

Senator BRITT. And, Mr. Secretary, I'm out of time, but I will say I agree.

When we look at what drug cartels are doing not only south of our border but here in our country, we are allowing this crisis to make these cartels rich to the tune of billions of dollars and the cost of that is in real human faces and children in our communities all across this country.

So thank you.

Senator MURPHY. Thank you, Senator Britt.

We're going to give Chair Murray a chance to catch her breath and I'm going to recognize Senator Peters.

ICEBREAKING CAPACITY

Senator PETERS. Thank you, Chairman Murphy.

Secretary Mayorkas, it's good to see you here today. I'll probably be seeing you again on April 18th when you come before my Homeland Security Committee for another budget hearing. So I'll look forward to that.

So the majority of my questions will be reserved for when I see you later in April, but a few questions for you, some related to my home state in Michigan.

You know, icebreaking in the Great Lakes is not just for Michigan's economy, incredibly important, but also for the entire coun-

try. Icebreaking capacity in the Great Lakes supports more than 90 million tons of cargo annually and, unfortunately, inadequate icebreaking poses a risk to our economic recovery.

I was pleased to see in the budget there's a request for \$55 million for long lead time materials and for support for acquisition of a second heavy Great Lakes icebreaker.

So, Secretary Mayorkas, my question for you is first off, may I have your commitment to work with me and the committee to swiftly utilize this funding to get a second heavy icebreaker on the Lakes as well as to secure the additional funding to support the Great Lakes icebreaking fleet?

Secretary MAYORKAS. Most certainly, Senator, I do. I commit to working with you. These icebreakers are so vitally important not only, of course, in the Great Lakes Region but in the Arctic, as well, and that is why our fiscal year 2024 budget also provides for funding for a commercially available icebreaker.

Our challenges in the Arctic are extraordinary as the People's Republic of China and Russia seek to expand their footprint there.

GREAT LAKES PROTECTION

Senator PETERS. Right. Well, thank you.

One of my own priorities as a Senator, one of my top priorities, I should say, is always protecting the Great Lakes, in addition to having commerce moving safely and efficiently across the waters.

I worked with the Coast Guard and the department in 2018 to establish the Great Lakes Center of Expertise for Oil Spill Preparedness and Response which is in Michigan and something that we're very proud that that's located in our state.

The center is intentionally located not far from a major oil pipeline which, if ruptured, could affect the drinking water for literally tens of millions of people, and I'm grateful to the Coast Guard for establishing the center and I'll keep working to grow its resources and its capacity to serve the Great Lakes.

So, Secretary Mayorkas, may I have your commitment to work with me and this committee to support the Coast Guard's work in freshwater which matters so much to us in the Great Lakes Region?

Secretary MAYORKAS. Most certainly, Senator.

NONPROFIT SECURITY GRANT PROGRAM

Senator PETERS. Thank you.

Anti-Semitic incidents in the U.S. reached their highest level last year since 1979, according to the Anti-Defamation League, and taken together with other recent events, such as bomb threats against historically black colleges and universities and attacks against Asian Americans, it's clear that racial, ethnic, and religious groups are facing an increasing threat.

One of the Federal Government's primary ways to help communities protect themselves is through the nonprofit Security Grant Program which provides funding to houses of worship and other nonprofits to protect against these often domestic terrorist attacks.

Secretary Mayorkas, I'm pleased to see the President requested \$360 million for this program. I certainly have advocated for the same.

Could you please explain why this investment is so critical given today's complex threat environment in our country?

Secretary MAYORKAS. Senator, the terrorism threat in our country has evolved over the past 20 years since the department first was created. Initially, of course, in light of the tragedy and devastation of 9/11, we were focused on the foreign terrorists who sought to enter our country and to do us grave harm.

That evolved over the years and during the Obama-Biden Administration, the threat that we faced most prominently, though its prior iterations certainly didn't disappear, was the threat of the homegrown violent extremist, the individual already resident in the United States and radicalized to violence by a foreign terrorist ideology, who sought to do us harm, and now the greatest terrorism-related threat that we face.

While these other iterations, prior iterations haven't disappeared, a threat of domestic violence remains be individuals radicalized to violence by an ideology of hate, false narratives, anti-government sentiments, personal grievances, and other narratives spread on online platforms through social media.

We see an increasing amount of violence by reason of ideologies of hate. The Nonprofit Security Grant Program allows us to equip and empower local communities, places of worship, and schools that are nonprofit organizations that are target-rich and resource-poor to build out their security. While we partner with them, they also have to have inherent in their capabilities the power and strength to protect themselves and that is why that program is so vitally important.

BORDER SECURITY: NORTHERN BORDER

Senator PETERS. Well, thank you, appreciate that continued support because it is vitally important.

As we talk about border security, I always have to remind my colleagues, being from the state of Michigan, we have a northern border as well as a southern border, and as trade and travel continues to return to pre-pandemic levels, it's critical that the CBP has the personnel necessary to support operations at our ports of entry, including the northern border.

So amid increasing retirement eligibility for numerous dedicated CBP officers, how are you ensuring that the northern border has the resources and the personnel it needs, especially as we near the opening of the Gordy Howe International Bridge which will become one of the busiest border crossings in all of North America?

In fact, we have a couple of top five in Michigan in terms of the volume of trade that goes across our border.

Secretary MAYORKAS. Senator, the funding that we have received in fiscal year 2023, thanks to the appropriation of Congress, funds not only our Border Patrol agents for our border security on the south and the north, but also our OFO officers that man the ports of entry which I know are so important to the states that border with Canada. In our fiscal year 2024 budget, we are seeking enhanced personnel precisely for that reason.

Senator PETERS. Thank you, Secretary.

Thank you, Mr. Chairman.

Senator MURPHY. Chair Collins.

ASYLUM SEEKERS: WORK

Senator COLLINS. Thank you, Mr. Chairman.

Let me begin by saying that I'm delighted that you and Senator Britt will be leading this important subcommittee.

Welcome, Mr. Secretary. Mr. Secretary, since January of this year, approximately 900 individuals have arrived in Portland, Maine, from our southern border. They join thousands of others asylum seekers who have made their way to the state of Maine.

I want to tell you a story to illustrate a real problem that we have because of the current law that prohibits asylum seekers from working for a number of months.

I received a call last year from a restaurant owner in Freeport, Maine. He was desperate for more workers. He was having to curtail the number of hours that he could be open because of a lack of employees. Right next to that restaurant was a hotel that was hosting asylum seekers and their families. The hotel was full of them. The hotel owner wanted to hire some of the asylum seekers.

In other words, we had a situation here where employers were desperate to hire these individuals who had made their way to the state of Maine and these asylum seekers were very eager to get to work. They brought skills with them, energy with them. They wanted to be independent of local aid. They wanted to be able to support their families.

So if we allowed asylum seekers to work after 1 month vetting period as long as they entered through a legal port of entry, 1 month would give us time to do an initial background check to make sure they weren't on the terrorist watch list, for example, and to verify their identities, why couldn't we change the law and have a win-win situation here?

The asylum seekers are eager to work and support themselves and their families. The employers in my state are desperate for more workers, and it would also benefit the municipalities that are under increasing strain as they're supporting thousands of asylum seekers.

So Senator Sinema and I, along with a bipartisan coalition, have introduced legislation that would shorten the period to 1 month.

Would you support such a bill?

Secretary MAYORKAS. Senator, thank you very much for your question.

I very much look forward to working with you on that bill. You and I have spoken before about the great misfortune of having employers throughout the United States who depend on additional workers, seasonal or otherwise, and yet our fundamentally broken immigration system cannot meet that need.

I take a look at the country to the north, to Canada, and how its immigration system actually is more responsive to its labor needs than certainly ours is, whether it's the H-2B Program or the fact that an asylum seeker must wait 150 days, I think it's 150 days, since the filing of their application before they can apply for a work authorization.

Our asylum system is fundamentally broken. Our whole immigration system is broken and I very much look forward to working with you on a bipartisan basis.

TERRORIST GROUPS: AFGHANISTAN

Senator COLLINS. Thank you. I very much appreciate that. We can't fix every problem, but, boy, we ought to be able to fix that one.

Let me, in light of Senator Peters' comments about homegrown terrorists and the domestic extremists, violence extremists, ask you about another issue.

Increasingly we're seeing terrorist groups in Afghanistan become far more capable of launching an attack on our Western allies or eventually on the homeland. Unfortunately, a great deal of material, weapons, and equipment was left when we did our hasty departure from Afghanistan.

I'm very aware, having helped create the Department of Homeland Security, of your role in protecting critical infrastructure.

What is the department doing in light of the increased threat of terrorist groups that are being given safe haven in Afghanistan?

Secretary MAYORKAS. Senator, your question goes precisely to the reason why, in sharing with Senator Peters the growth of domestic violent extremism, I articulated explicitly that the prior iterations of the terrorist threat have not disappeared.

We have not lost our focus. Our Office of Intelligence and Analysis works with the rest of the intelligence community so that we have a clear understanding of the threat in foreign nations that could have an impact on the security of our homeland. I want to assure you that not only the Office of Intelligence and Analysis but our CBP personnel, our TSA personnel, our Coast Guard personnel, our entire department is focused on the very issue that you identify. We are not taking our eyes off the prior iterations of terrorism because they have not disappeared from our threat landscape.

BORDER PATROL STATION: HOULTON, MAINE

Senator COLLINS. Thank you.

Finally, let me very briefly mention and remind you of the pressing need for a new Border Patrol station in Houlton, Maine. We're seeing a huge increase in the number of encounters on the northern border and the President requested funds through your intervention for the station in fiscal year 2022. Congress fully funded that request, but last month I learned that CBP had decided to reallocate nearly all of the funds appropriated for the Houlton Station to another project and I would just reiterate that the current station was originally intended to support just nine Border Patrol agents.

It currently hosts 40 personnel and the facility is in need of replacement due to annual flooding, toxic black mold, contaminate well water. It has a host of problems.

I do appreciate that you included full funding for this project in the budget request for this year, but I'm concerned that the funds that we previously appropriated and for fiscal year 2022 were repurposed and, as I said, I found that out not from the department in Washington but from local officials.

The new time table greatly delays the completion of this new station and now will push it from 2024 to 2028. I would just ask you to take another lot was done in this area. I realize you may not

be prepared to respond today, but if you would like to explain the delay in the project and why the department disregarded the funds that were in the President's budget, again I believe due to your intervention and we approved.

It's very frustrating to the hard-working Border Patrol agents in Northern Maine.

Secretary MAYORKAS. May I, Mr. Chairman.

Senator MURPHY. Certainly. Quickly.

Secretary MAYORKAS. I'm very well aware of the unfortunate redirection of the funds from Houlton to what I believe is the Laredo Air Facility because of increased costs in that urgent development.

I understand the urgency of addressing the Houlton Station. We did include funding in our fiscal year 2024 budget.

Senator, if I may, let me take a look at what we can do to address the urgency and I commit to you that I'll follow up with you.

Senator COLLINS. Thank you very much, Mr. Secretary, and thank you for your tolerance, Mr. Chairman.

Senator MURPHY. Chair Murray.

FORCED LABOR

Senator MURRAY. Well, thank you very much, Chair Murphy, and Ranking Member Britt. I really appreciate both of your leadership on this committee and willingness to really go to work to make sure we get the job done and put a bill together here. As Senator Collins and I have said repeatedly, we have a responsibility to work in a timely fashion to write a bipartisan funding bill that will keep our communities safe and our nation competitive on the stage. We're counting on the work you're doing in this committee. So thank you.

And as we work to live up to that, this committee hearing is part of the regular order that is really part of that crucial step to start this process off on the right foot and assess our nation's needs and remind everyone that military spending is critical. It is just one piece of the puzzle. Funding for this subcommittee is equally important and we have to make sure that we are doing our job with that, as well.

Because, frankly, our economy depends on our ability to make sure that countless goods as well as people can move through our ports and borders in a safe, orderly, and timely fashion, and our security really depends on our ability to do all of this while effectively stopping threats, like drug smugglers and sex and labor traffickers, and a lot more, and this is especially important as we continue fighting the fentanyl epidemic.

We also have to stay vigilant against the growing threat of white supremacy and domestic terrorism and the rapidly evolving threat landscape when it comes to cyber-security and our critical infrastructure, and, last but not least, we have to maintain our reputation as the leader of the free world, as the land of opportunity, which requires us to continue our long tradition of welcoming people from across the world who are seeking safety from persecution and seeking opportunities for a better life.

So make no mistake, it's not just our reputation as the home of the free that is made stronger by this. Throughout our history immigrants have strengthened our nation. They've cared for our kids,

our sick, our elderly. They put food on families' tables. They've built cities. They've built thriving businesses and vibrant communities and that makes America.

So I look forward to working with this committee to make sure we have strong investments, to make sure that we can build the strong future, as well.

So again thank you for your work.

Mr. Secretary, thank you for being here. I wanted to ask you, as we continue to see high numbers of refugees and asylum seekers fleeing persecution and targeted violence and the natural disasters that we're seeing around the world, we have to make sure that we treat unaccompanied children that arrive in the U.S. with the highest level of care.

What is the department doing to prioritize forced labor investigations or labor exploitation investigations, particularly involving our children?

Secretary MAYORKAS. Senator Murray, thank you very much.

We have changed dramatically the way in which we conduct enforcement operations at worksites. Rather than focusing our efforts exclusively on apprehending undocumented workers, we feel that it is a law enforcement priority to focus our efforts on the employers who exploit those undocumented workers by reason of their vulnerability, who pay them substandard wages, who keep them working in substandard conditions, and who hire and abuse children. Our HSI special agents who are focused on unscrupulous employers not only protect the integrity of the workplace, but also protect the integrity of the marketplace, because these unscrupulous employers, by paying lower wages, create an uncompetitive landscape.

We are focused on addressing the employers who abuse these children and other vulnerable individuals.

UNACCOMPANIED CHILDREN: PROCESSING

Senator MURRAY. And can you also speak to what safeguards are in place to make sure that unaccompanied children are processed by CBP quickly and safely and transferred to Office of Refugee Resettlement (ORR) custody?

Secretary MAYORKAS. Senator, we have achieved greater processing efficiencies to ensure that we are able to transfer the unaccompanied children from CBP, from the Border Patrol stations that are no place for a child to Health and Human Services within the 72-hour period that the law requires.

PROCESSING BACKLOGS

Senator MURRAY. Okay. Thank you.

Senator Peters asked about domestic threats and I want to echo his words and thank you for your response to him.

Last year I raised concerns about processing backlogs at USCIS. Those backlogs are still creating challenges for applicants who rely on USCIS services for everything from work authorization to humanitarian protection.

How is the department using the funds it has already gotten to reduce and ultimately clear those backlogs?

Secretary MAYORKAS. We are very focused on the problem that you identified, Senator. I am very well aware of it and Ur Jaddou, our terrific Director of USCIS is very, very focused on it.

As a matter of fact, this past year we processed all the economic visas that were allotted, a remarkable achievement.

We have an initiative and I would be very pleased to follow up with you to provide the details with respect to backlog reduction.

Let me, if I may, share with you why we are encountering a backlog. Because the prior Administration drastically reduced that agency, USCIS was on the brink of financial collapse. Every 2 years, USCIS it is required to issue a new fee structure to align its fees with the cost of the benefits that it is obligated to administer.

USCIS has not issued a new fee structure in more than 6 years. We now have a Notice of Proposed Rulemaking to realign and adjust the fee structure as it needs to be and that is going to help us tremendously, as is the fiscal year 2024 President's Budget, in resourcing USCIS.

ASYLUM SEEKERS: GRANT PROGRAMS COORDINATION

Senator MURRAY. Okay. And quickly, I know we've seen our communities step up and fill in the gap in providing services to our asylum seekers.

I'm glad the department is working quickly to stand up the new Shelter and Services Grant Program to support states, localities, and NGOs, but how are you communicating and coordinating with those NGOs as they support asylum seekers?

Secretary MAYORKAS. We have built an architecture where we have a designated point of contact in the different cities and regions so that the municipalities that need the services actually can receive them in the time that they do. We're very focused on that I was just in Tucson, Arizona, speaking about this very issue with the community-based organizations in that region that received the funding under the Shelter and Services predecessor, the Emergency Food and Shelter Program.

Senator MURRAY. Okay. Thank you very much. Thank you, Mr. Chairman.

Senator MURPHY. Senator Kennedy.

ASSAULT WEAPONS

Senator KENNEDY. Thank you, Mr. Chairman, and Madam Chair.

I'm glad to see us returning on the Appropriations Committee to what I'll call quasi-regular order where our subcommittees are meeting and talking about the matters within our jurisdiction and I think we should return to full regular order. I think whether we return to full regular order will depend on Senator Schumer. I'm not convinced yet that he will allow us to return to full regular order. I'm not convinced yet that he will give up his power to basically write the budget, he and a few other leaders, and I'm not convinced—well, I don't want to necessarily ascribe this to Chuck.

Many people like an Omnibus because they can hide the spending and because they have enough internal power to get what they want and for everybody else, it's too bad.

So I hope that we'll all encourage Senator Schumer to actually bring the bills to the Floor because that's going to be the true test. We can all meet, ask all these questions, and pour over budgets that never have a chance to pass. It's going to depend on Senator Schumer and that's kind of the bottom line.

Mr. Secretary, yesterday you testified in Judiciary that you support an assault weapon ban and we didn't have much time to talk about that.

Tell me your definition once more of an assault weapon.

Secretary MAYORKAS. Senator, we indeed did have a brief exchange on that very important subject. I am not an expert with respect to the definition of the assault bans.

Senator KENNEDY. You are the Secretary of Homeland Security.

Secretary MAYORKAS. As I was about to say, I defer to the experts. I defer to, for example, the definition of an assault weapon that was codified in the prior iteration of the legislation that was passed and that was in operation when I served as an Assistant United States Attorney and the United States Attorney in the Central District of California.

Senator KENNEDY. So you would support the prior definition under—

Secretary MAYORKAS. Senator, I must defer to the experts with respect to the definition, but I will tell you, for example, that military style weapons are of tremendous concern. We are seeing too much devastation.

Senator KENNEDY. How do you define—I mean, you personally think we should ban assault weapons, and I know you to be an intelligent man and a thinking person. So I know you've thought about it.

What is it about a military—what do you mean by a military style weapon?

Secretary MAYORKAS. Senator, I really must say that you are probing a very, very important area definitionally in which I do not have the requisite expertise. I will say this. When we see the tragedy in Nashville and it is not the first such tragedy that we see, when I engage with my international counterparts and they ask me almost invariably first what is going on with all the mass killings in the United States and why are these assault weapons disseminated so broadly, I say that we need legislation to ban them.

Senator KENNEDY. Let me follow up on that. So you support an assault weapon ban, but you don't have a definition, is that right?

Secretary MAYORKAS. Senator, I think that you understand where I stand.

Senator KENNEDY. No, I don't, I don't. You made a very bold statement very firmly saying we should ban all assault weapons and all I'm saying is what in your mind is an assault weapon. I mean, you say it's military style. Does that mean it looks like a military weapon?

Secretary MAYORKAS. Senator, I believe I've addressed your question.

Senator KENNEDY. I mean, what if it's single shot .22 that looks like a military weapon, would you ban that because it's scary-looking to you?

Secretary MAYORKAS. Senator, I think that I've addressed your question to the best of my abilities.

Senator KENNEDY. But you haven't. I mean, I'm trying to understand. You're Secretary of the Department of Homeland Security and as is your right as an American, you believe we should ban assault weapons, but it bothers me you can't tell me what you would ban.

Secretary MAYORKAS. Senator, I would be very pleased to speak with experts and to confer with you subsequent to today's hearing, and to share with you a proposed definition that could be inserted into the legislation that is so desperately needed, because I will tell you that—

Senator KENNEDY. But, Mr. Secretary, what if Senator Tester, my good friend, he's not here, what if Senator Tester said to you I oppose illegal immigration, which I think he does, and you said to him what do you mean by illegal immigration and he said, well, I don't know, but I oppose it, you wouldn't accept that answer and that's the answer you've given me. You said you want to oppose all assault weapons but you don't know what they are. Can you give me an example?

Secretary MAYORKAS. Senator, I think that I gave you an example yesterday. So I'm not exactly sure why you're—

Senator KENNEDY. Which one—refresh my memory the example.

Secretary MAYORKAS [continuing]. I believe that I said an AK-47.

Senator KENNEDY. Well, what is it about an AK-47 that you find to be objectionable? Is it the fact that it has a magazine?

Secretary MAYORKAS. Senator,—

Senator KENNEDY. But, first, do you know what a magazine is, Mr. Secretary?

Secretary MAYORKAS. Yes, I do. Senator, what I've come to do is to testify to this Committee and not to take an examination with respect to questions that I've already answered to the best of my ability. I think that it is self-evident why an AK-47 should be banned as just one example, but I look forward to conferring with you.

Senator KENNEDY. Except you can't explain what one is.

Secretary MAYORKAS. I think, Senator, that we've seen enough tragedy.

Senator MURPHY. The Senator's time has expired.

Senator KENNEDY. Thank you, Mr. Chairman.

Senator MURPHY. Thank you.

I'm reminding our colleagues that this is not the Judiciary Committee. This is not the Attorney General. This is the Secretary of Homeland Security.

Senator KENNEDY. I realize that, Mr. Chairman.

Senator MURPHY. Thank you.

Senator Shaheen.

H-2B VISA PROGRAM

Senator SHAHEEN. Thank you, Mr. Chairman, and thank you, Secretary Mayorkas.

As you know, the H-2B Visa Program is a very important tool for seasonal employers and for others who need foreign workers to fill temporary jobs when no Americans are available.

I think every New Hampshire business I visited in the last several years has had a workforce shortage. They can't get the workers they need and I appreciate the Administration's decision to provide 65,000 additional visas in fiscal year 2023, but I'm still hearing from people that it's not enough from our businesses.

So how is the department working to fairly and expeditiously provide access to the visas and what in your view needs to be done to reform this program to ensure that it works effectively for our small businesses?

Secretary MAYORKAS. Senator Shaheen, the H-2B Visa Program, the Seasonal Non-agricultural Worker Program, is in desperate need of legislative reform.

I hear, too, from businesses all across the country of the need for additional labor. We see also people to the south of our border desperate for work and the remittances that they could provide who would take a lawful pathway and not end up at our southern border irregularly.

This is a perfect example of the reform that we should be able to implement as a country that will address a number of challenges.

We need more visas and we need a more nimble system to address varying degrees of urgency in the marketplace. The one thing that we have done is that we have improved our processes to administer those visas as expeditiously as possible, of course, in conjunction with the Department of Labor and the Department of State.

Senator SHAHEEN. Can I interrupt you just for a minute because help me understand what we need to do to ensure that there are more visas available?

Secretary MAYORKAS. I have exercised our statutory authority as well as the discretionary authority that I have been given under statutes. We have issued not only the maximum number of H-2B visas, but this year I exercised my discretionary authority as early as I did, which is the earliest time I think, in certainly recent memory.

We also intend to issue in the next few weeks a Notice of Proposed Rulemaking with reforms to the H-2B Program, within the context of our administrative authorities, of course, but fundamentally, we need legislation.

Senator SHAHEEN. So in order to increase the number above the additional 65,000 that you all allowed, we need legislation to make that happen?

Secretary MAYORKAS. Yes, the 65,000 plus the discretionary authority to increase the number. We need legislation.

Senator SHAHEEN.

Senator SHAHEEN. Right, I've also heard from many of my small employers who have had those visa workers coming back year after year that the costs have gone up dramatically this year. Is that a concern that you're hearing, as well?

Secretary MAYORKAS. Senator, I have not heard of that concern. The concern that I have heard most loudly is with respect to the

number of visas available and, quite frankly, the dysfunction that a lottery system creates, but I will look into the cost issue.

NONINTRUSIVE INSPECTION: FENTANYL

Senator SHAHEEN. Right, thank you.

Several people have mentioned the concern about the amount of fentanyl that's coming into the United States. My home state of New Hampshire has been very hard hit and we're seeing numbers this year of overdose deaths that equal what we saw back in 2017. So the problem is getting worse as we all know, not better.

Can you talk about what we need to do to increase non-intrusive screening of vehicles coming across the border through the legal ports of entry which is, in talking to the Administrator at Drug Enforcement Administration (DEA), it seems clear that most of the illegal drugs are coming across through legal ports of entry, and I understand you're hoping to increase the rate at which vehicles can be screened for illicit cargo. What do we need to do to make that happen? Do you need more resources? How do we get to a hundred percent of screening?

Secretary MAYORKAS. Senator, we need more of the technology, which is why the President's fiscal year 2024 Budget has \$305 million allocated to it. We need more personnel to work the technology, if you will. We need modernized ports of entry that allow for the most effective use of the technology and we do, in fact, have a Port of Entry Modernization Plan given the infrastructure dollars that we've received.

We also need to harness artificial intelligence and innovation to make sure that we're maximizing the utility of new capabilities. I have tasked the Homeland Security Advisory Council to review artificial intelligence and how it can be used at our ports of entry more effectively to interdict, detect and interdict fentanyl and other contraband from coming through.

HUMANITARIAN PAROLE

Senator SHAHEEN. Well, thank you. I hope this committee will look at the resources that will give you the technology to do that screening at the border.

Last week the International Refugee Assistance Project released the results of a Freedom of Information Act request that showed that less than 1 percent of Afghan humanitarian parole applications were approved and just 44 percent of fee waiver applications were granted.

Why did DHS reject a proposal to waive fees for Afghans applying for humanitarian parole, and I understand at the same time that happened DHS decided to waive all fee requirements for Ukrainians fleeing the war in Ukraine but not for Afghans or other refugees and while I certainly support waiving the fees for Ukrainians, I think, given the dire situation in Afghanistan, we ought to be taking a look at that issue, as well. So do you have an answer for that?

Secretary MAYORKAS. Senator, that's a very serious issue and I need to look into that and I will do so with urgency and will be in touch with you.

Senator SHAHEEN. Thank you. I appreciate that.

Thank you, Mr. Chairman.
Senator MURPHY. Senator Hyde-Smith.

BORDER SECURITY: AVIATION ASSETS

Senator HYDE-SMITH. Thank you, Mr. Chairman.

And, Secretary Mayorkas, I just want to, first of all, thank you for coming to Mississippi over the weekend. That was just a tremendous support that we needed and when we're in the tornado outbreak, we were just totally devastated and I just appreciate your prompt approval of Mississippi's request that we put in and how it was expedited and I just look forward to continuing to working with you on that because it was critical and you and the head of FEMA showing up on the ground on Sunday meant more to Mississippians that you will ever know. I truly appreciate that.

Now I want to talk about border security, as well. Senator Britt and I went down and we met with ladies on the border that had been trafficked. Young lady named Carla and just as a mere child at 12 years old, she was taken and she is talking about the thousands of young girls that this is happening to, and Carla had been raped repeatedly for years. She did escape but she continued to tell us about all the girls that are down there that have not escaped.

I don't know what the definition of crisis in your mind is, and I don't know if everybody's just been told under no circumstances are you to call it a crisis, but I assure you Carla doesn't care who's Democrat or Republican in this room, but it is very real and it is no doubt a major humanitarian crisis.

Those are things we will never unseen and things we will never unheard from that young lady, but for the last 35 years CBP has flown a fleet of about a hundred light enforcement helicopters, happened to be manufactured in Mississippi, very good, very proud of these, but it's the support that Mississippi has given the Border Secure Missions and with the help of Congress the Border Patrol had started replacing old airframes with new helicopters because the need is so great in this crisis.

But despite their finalizing the analysis of its aviation fleets and reorganization of these helicopters into the Light Enforcement Platforms Program, your fiscal year 2024 Budget requests significantly underfunds that program. It is accompanying that they can buy one new helicopter, one.

When we talk to the Border Patrol agents and say do you need this and they said, oh, my God, do we need these because they have such a task in front of them. So, again as I asked this question last year to you and I was told we would get a response, I just checked with my staff to make sure that that response had not come through. So I'm going to ask the same question that I asked a year ago that we did not get a response.

Why did the department not request appropriate funds to provide CBP with modern, safer technology and advanced helicopters that they tell us they need at the rate of the fiscal year 2024 request? It will take 75 years for those Border Patrol agents to receive and to replace their current fleet that they are needing. So we didn't get an answer last year, but can we get an answer today of why that was not appropriately funded?

Secretary MAYORKAS. Senator, a few comments, an apology, and a follow-up.

One, it is my thanks to you for hosting us in Mississippi and for your extraordinarily poignant and powerful words to the people with whom we met.

Secondly, with respect to the story, the tragic story that you summarized with respect to the young woman at the border, that is precisely one of the reasons why we are developing and implementing programs that seek to cut out the smugglers who exploit the vulnerable individuals and who that don't care about their well-being and only care about a profit.

Senator HYDE-SMITH. But more than almost a quarter of a million came through in just December alone and when you said we're using every ounce of energy to address all-of-government approach effect but almost a quarter of a million came across just in the month of December alone.

Secretary MAYORKAS. That's exactly why, for example, we developed and implemented the programs that we announced on January 5th to cut out the smugglers and for the Cuban, Haitian, Nicaraguan, and Venezuelan nationals to be able to bring them safely, in an orderly way, under the law to the United States so they don't have to put their lives and their life savings in the hands of treacherous criminals who care only about a profit and not their well-being.

I apologize. I am sorry to learn that you did not receive a response to your inquiry of last year with respect to the helicopters that equip air and marine operations with a vital tool to secure our border.

I am, quite candidly, not sure whether that funding is in the base budget or whether it's in the \$4.7 billion border contingency fund, which the Chairman referenced in his opening remarks. I will circle back on that precise question and I will be sure to respond to your inquiry thoroughly and very quickly because we're long overdue. I apologize for that.

Senator HYDE-SMITH. And it is a total of \$8 million. But it's for one when they're telling us they need so many.

I'm out of time. Thank you, Mr. Chairman.

OUTBOUND INSPECTIONS

Senator MURPHY. Thank you very much, Senator.

I think we'll have one short second round just for myself and Senator Britt and then we can wrap. Just a few final additional questions for you.

First, I thought you equated yourself very well in the conversation with Senator Kennedy. It's fair for him to ask those questions, but it's also fair to expect that Secretaries are going to support Administration position, even if it's not in their jurisdiction, also fair to believe that every Secretary is not going to be an expert on Administration policy outside of their jurisdiction.

Secretary McDonough would likely come and say he supports the new asylum rule but we wouldn't expect him to be an expert in the asylum rule, but I appreciate Senator Kennedy's questions, but I appreciate the nature of your response.

I have two additional questions for you. One, we put in the last budget the first-ever specified funding for outbound inspections at the border specifically targeting the arms trade and the cash that moves southbound into Mexico and as you know, this is a very specific and understandable ask from the Mexican Government, that if we are asking them to be much more serious about the flow of fentanyl north, that we should be much more serious about the flow of arms and cash which facilitates that trade heading south.

I don't know whether you have an answer for today or you can get us an answer, but I would like to get an update on the schedule of expenditure for those dollars. I'd like to know if we have begun those outbound inspections looking for illicit arms trade or illicit cash moving south across the border.

Secretary MAYORKAS. I will follow up with a detailed accounting, Mr. Chairman. Let me assure you that we indeed are very focused on the movement of funds and arms to the south because the cartels are being equipped with both. We are very focused on interdicting the movement of arms and cash.

DISASTER RELIEF FUND

Senator MURPHY. Yeah. Important to note that there is one gun store in Mexico. It's largely a store selling to the military which is why, you know, upwards of 70 percent of the crime guns that are recovered in Mexico originate from the United States and we should be expected to do much more about that.

Lastly on DRF, you've requested about \$20 billion which is the full amount that you can request that doesn't require a score from CBO, but my understanding is there's not going to be a lot of money moving from 2023 into 2024, so not a lot on top of that 20 billion, even if we're to authorize that full amount, makes me a little bit worried that that number is not going to be enough for the coming fiscal year and we're going to have to come back and do some emergency expenditure which will be very difficult sort of under the current circumstances in Congress.

So are you confident that that \$20 billion request is enough to be able to meet the needs in 2024? Obviously you don't have a crystal ball, but that looks like its' going to leave you a little thin.

Secretary MAYORKAS. Mr. Chairman, we're very worried about the condition of the DRF, in fiscal year 2023. In this particular year, we're watching that very closely because of the increase in frequency and gravity of severe weather events and also because of the impacts, of course, of the Coronavirus Disease 2019 pandemic, which have intertwined very closely with the use of the DRF.

That is our best estimate of security for the DRF, but I look forward to working with you on that assessment.

Senator MURPHY. Senator Britt.

POST-TITLE 42: PROJECTED SURGE

Senator BRITT. Thank you, Mr. Chairman.

So a couple more questions. I did want to echo what Senator Hyde-Smith said. Obviously our state was ravaged by storms in January and your team was on the ground, particularly Deputy Administrator Hooks, who did an excellent job. We still have a long

road to recovery but I certainly appreciate the important work that FEMA does.

Also, in addition to following up on a couple of things, I wanted to see if there's an opportunity to get a commitment from you on a few different items that I think are outstanding and some of which would be very helpful as we work to navigate this journey forward.

So the President announced that Title 42 will end on May 11th and the department's own projections, as we've discussed here today, are that encounters will double from today's level to as many as 12,000 encounters daily.

Despite multiple requests, the department has not provided details of how it will handle that expected surge. Can you make sure to commit to us that you will provide that information? Is there a plan in place currently and, if so, can we have that by April 12th, in two weeks?

Secretary MAYORKAS. Well, Senator, we can get that plan to you very quickly. We published its first iteration in September of 2021. We updated the plan in April of 2022. We have added to it through the programs that we announced on January 5th. We have our Notice of Proposed Rulemaking. I'd be very pleased to get you those materials.

Thank you also again for commending Deputy Administrator Hooks. I passed on your compliment to him and he was very, very appreciative and touched. It meant a lot to him and to all of us.

OVERDUE REPORTS

Senator BRITT. Well, thank you.

The department has failed to provide responses to a number of requests from this committee, several of which were required under the fiscal year 2023 Omnibus. In particular, the first report on how the department plans to spend the 1.8 billion in fiscal year 2023 border funds. It was due six weeks ago. We did receive that yesterday. So that's convenient. We were able to wrap that up right before today, but the next report is due in two weeks.

Will you commit to having the department provide these reports on time as required by law?

Secretary MAYORKAS. Ranking Member Britt, I assure you that we will use our best efforts to respond very promptly to the letters that we receive, as promptly as possible, and to submit the reports as required by law.

Our personnel, a few of whom are seated behind me, are working almost 24/7 to be as responsive as possible to Congress.

The one recommendation of the 9/11 Commission that has not been implemented is a refinement of the number of committees of jurisdiction over the Department of Homeland Security. I cannot overstate the number of letters that we receive and that is the responsibility of Congress to—

Senator BRITT. Absolutely.

Secretary MAYORKAS [continuing]. Probe us and I don't shrink from that.

The number of letters that we receive on a daily basis, the number of reports that we have to complete, we are doing our mightiest—

Senator BRITT. And, Mr. Secretary, we are, as well, as we work to get back to regular order and we make important decisions. It's important for us to have that information so that we can move forward.

Secretary MAYORKAS. Absolutely. We will move with great speed.

MIGRANTS PAROLED INTO THE UNITED STATES

Senator BRITT. Yes, and lastly in this same line of questioning, what are you doing to deal with the 600,000 people who have come over, migrants who've come over that have been paroled into the United States?

I know we've looked at this. The department has yet to provide a plan on how you're going to tackle that and I wanted you to see if you could tell us kind of how you plan to move forward with that.

Secretary MAYORKAS. With respect to individuals who've been paroled into the United States, they should be in immigration enforcement proceedings. If their claims succeed, then they are provided relief under our laws. If their claims fail, then they will be issued an Order of Removal and we will seek to remove them from—

Senator BRITT. I am concerned about that backlog. Can you commit to an open dialogue between your senior staff and my team to make sure that we are up to date on that?

Secretary MAYORKAS. Most certainly.

Senator BRITT. Okay. And lastly, I will just end with you talk—you said specifically that the prior threat has not gone away when it comes to terrorism abroad and what we've seen in Afghanistan both previously and now. We know that under the Biden Administration, we've seen 1.2 million got-aways at our border and we know that that threat is real.

I want to reiterate my concern. President Biden said himself that budgets are statements of value. I value the work that this department can and should and will be doing and I hope that we see that same commitment from the Administration, as well.

Senator MURPHY. Senator Tester.

DRUG TRAFFICKING: FENTANYL

Senator TESTER. I want to thank the Chair and Ranking Member for holding this hearing and I want to congratulate you on being appointed to run this committee. I look forward to great things out of you guys.

I want to thank Secretary Mayorkas for being here and I want to thank the people that you represent that work in all the capacities at DHS. It's a big organization.

We probably have been over this ground, but I'm going to tell it again. Last week I met with law enforcement officials from across Southwest Montana about crime. It was a 45-minute meeting. The first 35 minutes of it was spent on fentanyl. They told me that in 2020 a third of a pound of fentanyl was seized in Montana, in 2021 five pounds, 2022 36 pounds. They're on track to see even an equivalent bigger increase this year. You know about this. It's been brought up here today.

Mexican drug cartels are trafficking fentanyl and other dangerous drugs across the southern border. I was told that you can

buy a pill of fentanyl for a nickel on the border. They sell it for 15 to 20 bucks up where I live.

I was told we have cartels in Bozeman, Montana, and I can tell you that where Montana used to be classified as a place that you never heard about a police officer getting shot, now it happens with way, way, way too much regularity.

This crap's coming across the border. As you've already pointed out, it's coming across our ports of entry.

What needs to be done here, Number 1, and I want you to be blatantly honest because this is really, really, really bad.

I was in a Defense Committee hearing yesterday and they were talking about people that serve in our military being caught up on this crap, fentanyl. So the question for you, Secretary Mayorkas, is what can you do, what are you doing, and does this budget support getting this crap out of a place like Montana, which is a long ways away from the southern border, and there might be some trickling through the northern border, but I think you and I can both agree the problem is the southern border.

Secretary MAYORKAS. Senator, the scourge of fentanyl, more than 90 percent of it is indeed coming through the ports of entry on the southern border. If I may take a step back, I served, as you know, as a Federal prosecutor for 12 years. I've prosecuted cocaine trafficking, methamphetamine trafficking, marijuana trafficking, and black tar heroin. They don't compare to the scourge of fentanyl.

It is very cheap to manufacture. It is very easy to conceal because it's in pill form, and its addictiveness and toxicity outpace the other narcotics, the controlled substances that I mentioned.

This fiscal year 2024 budget does address DHS financial needs, its resource needs to continue the fight against fentanyl.

I want you to know that we are not alone in this fight. The President has directed an all-of-Administration effort and this is not only a domestic fight, it's an international fight, as well.

We are surging resources, personnel, technology, and other capabilities that we have to bring to bear to the ports of entry. Last week I announced Operation Blue Lotus, which dedicated HIS special agents to the ports of entry. They are there not only to help interdict, but also to investigate critically and to help to prosecute the individuals who are trafficking in the substance.

DRUG TRAFFICKING CARTELS

Senator TESTER. So the idea has been broached to me and I haven't found why it wouldn't work that we declare the cartels that are bringing these drugs into the United States as terrorist organizations. What is your view on that?

Secretary MAYORKAS. Yes. One thing that I failed to mention in response to your prior question, forgive me, Senator, is that we have to attack the supply and we also have to address the demand side.

Senator TESTER. Correct.

Secretary MAYORKAS. Yes.

Senator TESTER. The demand side of things is more on the education thing. You're more on the supply side of things.

Secretary MAYORKAS. Correct.

Senator TESTER. That's why I'm asking you these questions.

Secretary MAYORKAS. Correct. Absolutely. I didn't want to fail to mention that.

We are attacking the cartels with every force that we have available.

Senator TESTER. Wouldn't designating them as a terrorist organization give you more tools in your toolbox to get rid of these miserable SOB's?

Secretary MAYORKAS. The question of whether they should be designated a terrorist organization is outside the province of the DHS and is the jurisdiction of the Department of State.

Senator TESTER. I've gotcha.

Secretary MAYORKAS. Yes.

Senator TESTER. So, you know, I'm sitting here with Murphy and Britt and all these good people. We might be able to do something if you were to say something like it could be helpful.

Secretary MAYORKAS. I think that it's a very difficult question to answer because of the following reason. Where is the line between criminality, however heinous, and terrorism? That is a very complicated question and one that I would be very pleased to discuss with you thoroughly.

PORTS OF ENTRY: OPERATING HOURS

Senator TESTER. Okay. Well, yeah, I mean, I guess it's all in the definition, but the truth is that what these folks are doing to the people of this country, it'd be hard for me not to classify it as a terrorist act because we're killing folks right and left. We're killing folks that are young, killing folks that are middle-aged.

I mean, it's just insanity, and we've got to figure out how we're going to fix it and we're depending on you to do that, and we're depending on this budget to do that, and so we'll keep that in mind.

I want to talk about border crossings in the amount of time I've got left here and then one other short issue, but you know very well I live within about 70 miles of the northern border. You also know very well that Canada is our Number 1 trading partner. You know very well those ports of entry are critically important when it comes to doing trade.

We had a port in Raymond, Montana, northeast corner of our state, it was a 24-hour port, it is not a 24-hour port no more and it should be. It should be taken back to pre-pandemic hours, and I could say that about the 16- or 18-hour ports in between Coutts and Raymond, but they need to be at capacity from before.

Now I know you've got a manpower issue and I'm going to talk about that in a second. You've got a manpower issue, but when can we expect these ports to be reopened to pre-pandemic hours?

Secretary MAYORKAS. Senator, the reduction in port operations, as I understand it, on the northern border was not necessarily a reduction in hours by reason of the pandemic but, rather, a resource allocation. We're taking a look at the number of people actually crossing in certain ports.

Senator TESTER. But this is a chicken and egg situation. I mean, if you shut those borders down, they're not going to come there. If the hours are reduced, they're not going to come, and I can tell you why this is important. It's important because I hear it everywhere along the Northern Tier of Montana. Everybody's talking about

when we could get these ports opened and I will tell you that I know sitting 12 miles west of Big Sandy that if I go to the Port of Raymond, it's not going to be open and it used to be 24 hours a day.

So I'm going to go somewhere else and if I know that, everybody knows that. So that's the point. The point is, is you can't go by traffic when in fact people aren't going to go there because of the hours.

Secretary MAYORKAS. Senator, I know the assessment of the port hours is underway. Let me get back to you. Let me speak with CBP and get back to you.

BORDER PATROL AGENTS: SALARY COSTS

Senator TESTER. I would like that. I will tell you that I think it does not behoove this Administration and it surely doesn't behoove our economy not to have those ports open, and I know you can say, well, you know, there's only five cars or 50 cars or whatever the metrics are, but the bottom line is, is that it is very, very important that those ports remain open because it is our Number 1 trading partner and it is really important.

I just want to ask you one thing. In my notes that my crack staff gave to me, it says \$30 million to hire a hundred new Border Patrol agents, is that accurate in this budget?

Secretary MAYORKAS. I will have to get back to you.

Senator TESTER. You can get back to me, but let me tell you how the math works out on \$30 million for a hundred new border agents, and I did it with my pen and pencil, and I thought that can't be right.

So I brought up my calculator and I did it again. It is 300 grand a patrol agent. I'm ready to go to work for you tomorrow. I'm just telling you those are the kind of wages we're paying. Okay. I mean, these folks earn every penny they get and I'm not denying that, but 300 grand per patrol agent seems a bit high to me.

Secretary MAYORKAS. That is not their annual salary.

Senator TESTER. Even if it's a recruitment situation, nobody's making bank that's recruiting these folks.

Secretary MAYORKAS. I have to break down the numbers. I'll follow up with you.

Senator TESTER. Okay. I'd appreciate it if you could do that. Thank you.

Senator Murkowski, I guess. They never told me I had the gavel.

Senator MURKOWSKI. I know and look what happened.

Senator TESTER. Yeah. I know. You've got it. Well, good. I can leave. Thank you.

POLAR ICEBREAKER

Senator MURKOWSKI. Thank you.

Mr. Secretary, I know you have had a long morning and or I guess along afternoon here with the committee. I appreciate you. I think we're just about to the end.

When I was here earlier, there was a lot of discussion about the southern border and appropriately so, but as you and I have had an opportunity to discuss, Alaska is also a border state, a northern border state with extensive border, and I think when we saw the

Chinese spy balloons floating overhead, people around this country were reminded that Alaska is really the first line of defense for our nation up there.

We had, in addition to the spy balloons, we also had the two Russian nationals come to our shores, to St. Lawrence Island seeking asylum. It took nearly two days for Homeland Security assets to respond, but you have noted and I appreciate it in your statement reference to the Arctic, the priorities of the Arctic, the need to pay attention and particularly the focus as we're thinking about those assets, recognizing that as an Arctic nation, we need to have Arctic infrastructure to include Polar Security cutters and the reinforcement there.

You said that the top two priorities of the Coast Guard's budget are the OPCs and the Polar Security cutters and advancing the Great Lakes icebreaker acquisition. I heard your comments to Senator Peters there.

The commercially available icebreaker is not listed on your priorities. You did reference it here, but we have a situation where again this year the President's budget requests a \$150 million to support the acquisition of a commercially available Polar icebreaker.

So why is it not included as a stated priority within the budget?

Secretary MAYORKAS. Quite frankly, Senator, I have to look into that because it should be.

Senator MURKOWSKI. Okay. That's encouraging for me to hear because it was our understanding that that was to be a priority and that we were all recognizing that this was going to be that gap filler, if you will, is that correct still?

Secretary MAYORKAS. Yes, Senator. Let me assure you that we're treating it as a priority.

We are woefully under-resourced in the Arctic, especially given adverse nation states' focus on the Arctic. It is an incredibly important region. You and I have discussed this before and if it's not named as a priority, let me assure you that we are treating it as a priority.

The funding for the commercially available icebreaker is critical for our footprint in the Arctic and when we get it, we'll still be behind, but we'll be that much better resourced.

POLAR SECURITY CUTTERS

Senator MURKOWSKI. Well, thank you for reinforcing that it will be a priority, but as we make that commercially available icebreaker priority, we cannot take our eye off the ball, which is the full complement of our Polar Security cutters and that line that this committee, that this Congress has authorized.

I want to ask about the progress because I'm really concerned about what we're seeing with the level of progress with Polar Security cutters and maybe if you can speak to the level of coordination on DHS budget priorities between your office, the White House, and then subcomponents, like the Coast Guard.

Last year, as I'm sure you know, the prime contractor for the Polar Security cutters was acquired by Bollinger Shipyards for a pretty nominal sum. There was an article that was a little bit disturbing. This was in Forbes and they said, "The fact that B.T.

Halter walked away from such a massive capital investment for so little should really put a chill over the Polar Security Cutter Program. Nobody in the government's talking about it. The Polar Security cutter seems to be in big, big trouble."

That's really worrisome to me. It is concerning when you have them recognize that they say—this is in the article, "Over the past 10 years America's never had a shipbuilding program where the prime contractor after struggling with the project has simply walked away, leaving behind little more than massive capital investment and huge multibillion dollar order book." They say, "It's extremely worrisome and begs for real action."

How do we make sure that this program is not going to flounder? How do we make sure that this program is on track and do you have any specifics in terms of actual timelines when this first Polar Security cutter may be operational?

Secretary MAYORKAS. Senator, I'd like to get back to you on the specific timeline.

Senator MURKOWSKI. Okay.

Secretary MAYORKAS. The PSCs are a critically important assets for the reasons that you have identified. Allow me to get back to you on the schedule and I also want to—I'm not familiar with the Forbes article specifically, but I want to dig into the situation there.

U.S. COAST GUARD BUDGET

Senator MURKOWSKI. Well, know that we're digging into it. We would appreciate your attention to it, as well.

As you know, we are lagging and a commercially available icebreaker is just going to be a gap-filler. We are at one and a half icebreakers, if you call it that. We won't see an Arctic icebreaker until two of these Polar Security cutters are off the line and in the meantime, as you know, Russia's not sitting still. China's not sitting still. I'm told that India is looking to build an icebreaker.

At the rate that we're going here, it's kind of embarrassing to think that a country like India is going to have an icebreaker in the water before we would. So we've got to be moving here.

I want to ask very quickly about the overall Coast Guard budget because as you know, we pay very, very close attention to it up in my state.

What I'm told is that the Coast Guard's budget request this year is less than the fiscal year 2023-enacted level, down from \$13.9 to \$13.45 billion. Now Admiral Fagan has said, "I'm confident that the trajectory of enhanced mission excellence can be matched by a similar trajectory if consistent three to 5 percent annual growth budget. This means that by 2023 the United States Coast Guard would be a \$20 billion a year organization. I'm sure you're not going to find a better return on investment for the American people."

I happen to believe very strongly in Admiral Fagan's comments that this is an extraordinary return for American people. I'm confused, though, because it seems that there's some rhetoric here that's not matching up between what is being said and then where we're putting the investment when we're actually seeing Coast Guard budgets going down and it's not only the push in the Arctic

and what we need to be doing up there but as has been discussed, the Coast Guard's role in drug interdiction, in everything that they're doing with high seas. Their job is just growing every day.

Can you explain the discrepancy here?

Secretary MAYORKAS. Senator, I know that the fiscal year 2024 President's Budget invests, I believe it's about \$1.6 billion, in recapitalization of the Coast Guard. I know that it involves some very significant investments.

I'll have to circle back with you on what you identify as a misalignment between the pronouncements of our great Commandant and the budget that we've presented to Congress.

H-2B VISA PROGRAM

Senator MURKOWSKI. Well, know that we're paying close attention to Coast Guard. I'll have an opportunity to visit with Admiral Fagan, as well, but if we can circle back on the Polar Security cutters and timelines and as I have information, I will share it.

I know that Senator Shaheen spoke with you about H2Bs. Know that again what we want to do is get to a long-term solution to that program. You and I have discussed it repeatedly and I've got that commitment, but we sure need to be leaning in on that, and then as a follow-on, I would just remind you that I'm going to probably give you a call and talk to you about the Alaskan constituent that we've had a conversation about before and just kind of determine where we might be in that, as well.

Secretary MAYORKAS. Very well, and, Senator, I'll look forward also to speaking with you about the H-2B Visa Program. I know that the seasons are critical here and I think that I've obtained some additional information that will be useful.

Senator MURKOWSKI. Well, if you have it right this second. Do you have it with you?

Secretary MAYORKAS. I don't—

Senator MURKOWSKI. I don't mean to encroach on Senator Capito's time.

Secretary MAYORKAS. I don't want to misspeak, but I believe that the employment of returning workers may not count necessarily against the allocation, number 1, and there are Central American workers.

Senator MURKOWSKI. Right.

Secretary MAYORKAS. We have dedicated a certain number of visas to the Central American countries of Guatemala, Honduras, and El Salvador. I believe that it's Guatemala that has identified approximately 1,700 workers with experience in the seafood industry, some in the east, and some in the west. That may be a useful resource upon which we can draw to address the needs of the industry in Alaska.

Senator MURKOWSKI. Okay.

Secretary MAYORKAS. I'll look forward to verifying what I just said and to following up with you.

Senator MURKOWSKI. Let's visit on that because I'd also like to talk to you about the potential for the Ukrainian people that have come to Alaska, many of whom have had prior experience within the seafood industry and are looking for those opportunities, but we just need a little assist. So I'll look forward to that conversation.

Secretary MAYORKAS. Yes.

Senator MURKOWSKI. Thank you, Mr. Secretary.

Secretary MAYORKAS. Thank you.

Senator MURKOWSKI. Senator Capito, I guess you get to close it out when I'm done.

DRUG TRAFFICKING: NONINTRUSIVE INSPECTIONS

Senator CAPITO. It's just you and me.

Thank you, Secretary Mayorkas, and it's good to be back on Homeland Security Subcommittee where I was the Ranking Member with Chairman Murphy and even though Ranking Member Britt isn't here, I know she will be great and working with, as well, the Chairman as I was. So I'm happy about that.

To be honest with you, just briefly, I know you've had a long couple of days, I was just in Mexico with the group that went to Mexico about 10 days ago. You and I have talked through these years as I was Ranking Member and Chair on this subcommittee. The situation honestly hasn't improved I don't think at all in our southern border, their northern border. They're pretty much overwhelmed in a lot of cases.

But I do believe the partnerships that we have with that country are extremely important if we're ever going to solve this migration issue.

But I wanted to turn to the drug issue because this is really impacting, as you know, the state of West Virginia but also our country. I guess just recently, I know we've given a lot of money for non-intrusive inspection but we're still inspecting the trucks at the southern border. It's still very low. I don't know, 10 percent. Do you know the percentage?

Secretary MAYORKAS. Oh, no. A much greater percentage.

Senator CAPITO. 20 percent?

Secretary MAYORKAS. I believe that we are inspecting 70 percent in some of the ports of entry.

Senator CAPITO. Really?

Secretary MAYORKAS. I believe so, but, Senator, I don't want to misspeak.

Senator CAPITO. Okay, okay. Yeah.

Secretary MAYORKAS. I'll check on that.

Senator CAPITO. Maybe you can clarify that while we're chatting.

But in any way, it's still getting through. It's still getting through, as you know.

Secretary MAYORKAS. Yes.

Senator CAPITO. Is there some new fentanyl scanning technology that you just recently have deployed that you're aware of?

Secretary MAYORKAS. We've increased the deployment of non-intrusive inspection technology. We are looking at how we can harness artificial intelligence to facilitate the detection of anomalies, including, you know, the hiding of fentanyl in compartments in trucks and in passenger vehicles. That's something we're very focused on.

Senator CAPITO. One of the new unfortunate drugs that is now peaking in certain parts of the country is this Xylazine. Are you aware of that?

Secretary MAYORKAS. I am. Xylazine is actually a substance that is sometimes used with fentanyl.

Senator CAPITO. It's used in agriculture mostly, correct?

Secretary MAYORKAS. Yes, but, you know, it's an illicit product that is used for an illicit purpose, and it is, of course, very, very dangerous.

Senator CAPITO. Is it detectable if it comes through? Can you detect it?

Secretary MAYORKAS. One of the things that I saw in Arizona when I visited was our Ford Operating Labs, where we dedicate chemists, individuals with expertise, and the requisite equipment to be stationed at the port of entry so that we can identify with specificity and certainty the precise chemicals that are being trafficked through the port of entry.

Senator CAPITO. So you can identify.

Secretary MAYORKAS. So that we could not only interdict and seize the chemicals but refer the individuals for prosecution immediately. It's having a very significant investigative and prosecutive benefit to it.

BORDER PATROL AGENTS: RECRUITMENT AND RETENTION

Senator CAPITO. Well, I mean, the amount that is being seized from year to year goes up. So that's good. We're seizing more, but it tells me we know it's getting through and I partially attribute it to the fact that our Border Patrol and our agents and officers are so overwhelmed with trying to figure out this human trafficking that's coming through the southern border and the numbers that we've never seen before that you only have so much and I'm afraid we're missing much, much more than we're actually seizing which I believe that to be true, and I think it's part of the issue is just the whole situation in the whole. So I'll leave that, my belief, on the table there.

Let me ask you another question. When I was working with Senator Murphy here more closely on the committee, always asking for new border agents, then it doesn't seem like they can ever hire up to the number that they've been appropriated for.

I understand this budget asks for a few more, not a whole lot more. Are we at the levels of full employment with our agents? Are we still having to do special incentives so that people can stay longer after retirement? Are they getting bonus pay or something like that? I mean, I think it's reflective of the morale, which I understand is very low. So what is the situation with the numbers and just because we would appropriate some more numbers, can we actually get there?

Secretary MAYORKAS. Senator, you asked a very, very important question. Our fiscal year 2024 budget, the President's budget, seeks resources to hire 350 more Border Patrol agents. We've been appropriated for this fiscal year to hire 300 more Border Patrol agents, the first time since 2011.

The question is very important because it speaks to a recruiting and retainment challenge across law enforcement throughout this country.

Senator CAPITO. Right.

Secretary MAYORKAS We are very, very focused on recruitment and retention as a campaign. We need the resources to hire the additional Border Patrol agents because we are doing everything that we can to fill those slots. They're so critically needed for the reasons that you have identified.

Senator CAPITO. So can you give me the numbers as to how many there are right now and how many if you add the 300? What's the max level and where are we now?

Secretary MAYORKAS. I certainly can provide you with that data. I will do that.

Senator CAPITO. What I'm trying to get at is you can hire 300 new. Are you down 500 or a thousand?

Secretary MAYORKAS. We are down some.

Senator CAPITO. Yes.

Secretary MAYORKAS. We have some vacancies. We're working very diligently to fill those vacancies, and we obviously are, of course, recruiting to fill the additional slots that we have.

Senator CAPITO. Well, I think part of the issues have been that we've been asking these agents to do so many different things that they really are not in their core missions and so because of the so many people and we saw that when we went down, you and I traveled together and, you know, partially there's some National Guard people that come down, some NGOs that help, but essentially our border agents are asked to do so much in very, very difficult situations.

So I for one, and I know you do, too, very much appreciate the work that they're doing. I hope you can get to the levels of which you're appropriated, but I just feel like its law enforcement has an issue overall, absolutely no doubt about it, but I think you have particular challenges within your department on this.

So thank you for coming.

Secretary MAYORKAS. Thank you very much, Senator.

Senator MURPHY. Thank you, Senator Capito.

This concludes, I think, the Homeland Security Appropriations Subcommittee hearing regarding the 2024 fiscal year Budget.

I want to thank Secretary Mayorkas for his time with us. I know this is a busy season coming before Congress repeatedly. We appreciate your willingness to allow us to have this conversation together.

ADDITIONAL COMMITTEE QUESTIONS

We're going to keep the record open for seven days allowing members to submit statements and/or questions for the record but that needs to be sent to the committee by the close of business on Wednesday, April 5th, 2023, and with that this committee stands adjourned.

QUESTIONS SUBMITTED BY SENATOR JEANNE SHAHEEN

AFGHAN RESETTLEMENT

Question. Secretary, when the United States withdrew from Afghanistan in 2021, we left behind many Afghans who spent years working and advocating for a better future for Afghanistan. With the Taliban takeover, those Afghans are now at grave risk of retaliation and violence. With no other options, many applied for humanitarian parole and paid \$575 per person, a heavy burden for the vast majority of Afghans. Yet nearly all of them have been denied or have not had their applications

processed yet. As I noted for you previously, last month the International Refugee Assistance Project (IRAP) and the American Immigration Council (AIC) released the results of a Freedom of Information Act request that showed that less than one percent of Afghan humanitarian parole applications were approved and just 44 percent of fee waiver applications were granted. This means that the agency collected \$19 million in fees from Afghans yet denied or did not adjudicate most of their applications.

Why did DHS reject a proposal to waive fees for Afghans applying for humanitarian parole? Furthermore, why did DHS decide to waive all fee requirements for Ukrainians fleeing the war in Ukraine but not for Afghans?

Answer. USCIS has taken several measures to waive or exempt fees for Afghan nationals seeking parole. All Afghans and other parole applicants may request a fee waiver for Form I-131, Application for Travel Document. Additionally, on July 29, 2022, USCIS approved a fee exemption for the first Form I-290B, Notice of Appeal or Motion, filed for a denied (between Aug. 1, 2021, and Sept. 30, 2023) parole request on behalf of an Afghan national outside of the United States and requesting parole for urgent humanitarian reasons or significant public benefit. On May 26, 2023, USCIS also approved a fee exemption for certain Afghan national parolees applying for re-parole (Form I-131) and renewal of employment authorization (Form I-765). Moreover, USCIS's proposed fee rule proposed a fee exemption for Special Immigrant Visas (SIVs) for all fees filed with or associated with SIV filing by Afghan Nationals Employed by or on behalf of the U.S. Government or Employed by the ISAF through adjustment (including I-131, I-212, I-290B, I-485, I-601, I-765). See U.S. Citizenship and Immigration Services Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements, 88 FR 402 (Jan. 4, 2023).

USCIS is using limited Congressional appropriations passed on September 30, 2021, for necessary expenses in support of Operation Allies Welcome to include I-131 re-parole applications, but needs to ensure that funds are available for the cost of adjudicating Afghan asylum applications, as required under Section 2502(a)(20) of Pub. L. 117-43. The process for Ukrainians seeking consideration for parole under Uniting for Ukraine (U4U) is a different parole process than the process used by Afghans who submit requests for humanitarian parole to USCIS. Because USCIS is 97 percent fee funded any free service provided is funded by shifting the budget, forgoing improvements, or reducing reserves. USCIS has significant backlogs in multiple areas and reassigning staff and funds to Afghan parole must be balanced against other needs.

USCIS's role in U4U is the vetting and confirmation of potential supporters who file Form I-134A, Online Request to be a Supporter and Declaration of Financial Support. Because CBP, not USCIS, is adjudicating the parole request itself under U4U, there is no need for USCIS to charge a fee to recover the cost of adjudicating the parole request.

—In contrast, Afghans requesting humanitarian parole through USCIS's Humanitarian Affairs Branch (HAB) file their request directly with USCIS. Nonetheless, they may submit a request to waive the application fee. HAB conducts background, identity, and security checks, reviews the application and evidence submitted in support of the request, and determines whether the request should be approved. The volume of parole requests HAB receives has risen dramatically in recent years, driven almost entirely by Afghans, and has required a significant increase in the resources USCIS dedicates to this caseload. USCIS must adjudicate this parole caseload, and must either collect fees, reduce reserves, or use funds budgeted for other services (including reducing backlogs) to fund the resources to do so.

USCIS has also approved fee exemptions for other filing types for Afghan nationals, which do not require the filing of a fee waiver, such as the Form I-765, Application for Employment Authorization, as well as other fee exemptions, including:

- On July 27, 2021, in addition to Form I-765, Application for Employment Authorization, the acting USCIS Director approved fee exemptions for Form I-485, Application to Register Permanent Residence; Form I-601, Application for Waiver of Grounds of Inadmissibility; and any related biometric services fee, for Afghan nationals and derivative dependents who were paroled into the United States and conferred Special Immigrant status.
- On October 20, 2021, the USCIS Director approved a fee exemption, through September 30, 2022, for certain Afghan nationals filing Form I-765, Application for Employment Authorization, and Form I-485, Application to Register Permanent Residence.

- Additionally, on Nov. 17, 2021, the USCIS Director provided a group exemption for Form I-485, Form I-601, and associated biometric fees for Afghan diplomats and immediate family members who held valid A or G nonimmigrant status on July 14, 2021, and are filing to adjust status under Section 13 of the Immigration and Nationality Act of 1957.
- On January 5, 2022, the USCIS Director approved a fee exemption for replacement Employment Authorization Documents (EADs) for Afghan nationals.
- Subsequently, on November 8, 2022, the USCIS Director approved, through September 30, 2023, a number of fee exemptions for certain Afghan nationals, including for Form I-130, Petition for Alien Relative; Form I-824, Application for Action on an Approved Application or Petition for an Afghan Special Immigrant Visa holder; Form I-601, Application for Waiver of Grounds of Inadmissibility; as well as an extension of previously exempted fee exemptions for certain Afghan nationals for Form I-765, Application for Employment Authorization, and Form I-485, Application to Register Permanent Residence or Adjust Status.
- In November 2022, USCIS also implemented policy measures deeming certain Afghan nationals' employment authorized incident to parole, which means they do not have to wait for their Form I-765 to be approved prior to beginning to work.
- On May 5, 2023, DHS announced a streamlined application process for qualifying Operation Allies Welcome parolees, beginning in June, for both re-parole and employment authorization for the duration of 2 years, and USCIS will be exempting the fee for both benefits to ensure continuity of lawful presence and employment authorization.
- On June 8, 2023, DHS also announced that those Afghan nationals paroled into the U.S. under Operation Allies Welcome who have timely filed a Form I-485 or Form I-589 would be considered, on a case-by-case basis, for extension of their initial parole and employment authorization for the duration of 2 years, also without a fee.

Question. If humanitarian parole was not the right pathway for most Afghans, when did the Administration clearly convey to Afghans that parole was not a feasible pathway for most of them, and how many had already applied by that point?

Answer. USCIS has provided detailed information on its public website regarding humanitarian parole since as early as 2017. This includes the Humanitarian or Significant Public Benefit Parole for Individuals Outside the United States page¹ and the Guidance on Evidence for Certain Types of Humanitarian or Significant Public Benefit Parole Requests² page. These websites provide information on what parole is, the parole process, how to apply, and the types of evidence to include when submitting a request for parole to USCIS, including the high evidentiary standard for parole requests based solely on the need for protection from targeted harm.

Prior to fiscal year 2021, USCIS typically received between 1,500 and 2,000 requests for humanitarian or significant public benefit parole from all nationalities, often for urgent medical treatment, to care for a seriously or terminally ill relative in the United States, or to attend a funeral. However, following the fall of Kabul in August 2021, and the use of parole by U.S. Customs and Border Protection to permit Afghan nationals to enter the United States through Operation Allies Welcome, USCIS received an unprecedented number of parole requests for protection reasons. USCIS received almost 40,000 parole requests filed on behalf of Afghan nationals in the fall of 2021, over 20 times the average number of annual receipts for all nationalities.

Following the unprecedented increase of parole requests, USCIS published additional information on November 5, 2021³ specifically for Afghan nationals on the Information for Afghan Nationals on Requests to USCIS for Parole webpage. This information reiterated the high evidentiary standard for parole requests based solely on the need for protection from targeted harm, and provided additional information specific to Afghan nationals, including strong positive factors that USCIS considers when assessing urgent humanitarian reasons and significant public benefit for parole and the exercise of discretion for Afghan nationals.

¹ <https://www.uscis.gov/humanitarian/humanitarianpublicbenefitparoleindividualsoutsideUS>

² <https://www.uscis.gov/humanitarian/humanitarian-parole/guidance-on-evidence-for-certain-types-of-humanitarian-or-significant-public-benefit-parole-requests>

³ <https://www.uscis.gov/humanitarian/humanitarian-parole/information-for-afghan-nationals-on-requests-to-uscis-for-parole>

Also on November 5, 2021, USCIS held a public stakeholder event on urgent humanitarian and significant public benefit parole requests. USCIS has continued to consistently advise the public and Congress that parole is not intended to circumvent established international refugee protection mechanisms or to provide protection to individuals at generalized risk of harm. It is U.S. government policy to generally address protection needs, including for most Afghan nationals who may need protection, through the international refugee protection regime, which may include resettlement through the U.S. Refugee Admissions Program (USRAP), the SIV program, and other programs.

UKRAINIAN RESETTLEMENT

Question. I appreciate that the Uniting for Ukraine program established an efficient pathway to get Ukrainians fleeing the war in Ukraine safely to the United States through humanitarian parole. I remain frustrated that the Administration has not extended a similar program to Afghans but I hope that Uniting for Ukraine has provided best practices and lessons learned for how we respond to emergency refugee situations. However, I remain concerned by the administration's lack of oversight of this program and lack of protection for arriving Ukrainians. In particular, I am concerned that there is very little criteria governing the relationship between the Ukrainian refugee and their U.S.-based sponsor, and it is my understanding that DHS does not follow up with Ukrainians after they are paroled into the United States.

What is being done to ensure that Ukrainians remain in a safe and healthy environment once they have arrived in the United States?

Answer. Congress, on May 21, 2022, passed the Additional Ukraine Supplemental Appropriations Act. This authorizes resettlement benefits for Ukrainians who were paroled into the United States between February 24, 2022, and September 30, 2023. Such parolees are eligible to apply for mainstream benefits such as Temporary Assistance for Needy Families (TANF), Supplemental Security Income (SSI), health insurance through Medicaid, and food assistance through the Supplemental Nutrition Assistance Program (SNAP), resettlement assistance, and other benefits available to refugees (with the exception of the initial Reception and Placement program administered by the Department of State), until the end of their parole period, including any periods of re-parole. These individuals' spouses and unmarried children under the age of 21 who were paroled into the United States after September 30, 2023, are also eligible to apply for these benefits.

Benefits include Office of Refugee Resettlement (ORR) cash and medical assistance for up to 12 months and employment services available until the end of the parole period or 5 years from the date the individual was paroled, whichever is sooner⁴. Employment services known as Refugee Support Services (RSS) include assistance in attaining employment and self-sufficiency such as job training, job search help, English language training, childcare, transportation, interpretation services, and case management. Resettlement agency case management services includes home visits, assistance with school enrollment, legal assistance referrals, emergency housing support (if necessary), cultural orientation, and mental health support and referrals.

From their date of eligibility (May 21, 2022, or the date they received parole, whichever is later), Ukrainian parolees may be eligible for domestic medical screening examinations, also known as refugee medical screenings, funded by ORR. These screenings support clients' resettlement by identifying health conditions that threaten their well-being, providing vaccinations required for school and work, and referring

USCIS' Fraud Detection and National Security (FDNS) Directorate refers instances of suspected beneficiary abuse and exploitation to the appropriate law enforcement office. During investigations, law enforcement may connect an individual with victim support services.

Question. Has the administration observed any instances of human trafficking or abuses? If so, what has been done to address these instances?

Answer. Since the beginning of the U4U process, USCIS FDNS has identified a small number of suspected instances of human trafficking or abuse. In these cases, USCIS followed established protocol and referred these cases to law enforcement agencies for investigation.

FDNS established a referral process for receiving and responding to suspected human trafficking and other significant safety concerns from agency partners, including Department of Health and Human Services referrals received through the

⁴ <https://www.acf.hhs.gov/orr/fact-sheet/benefits-ukrainian-humanitarian-parolees>

National Human Trafficking Hotline and the Office of Refugee Resettlement. If human trafficking or abuse indicators are identified, FDNS notifies the local office of Homeland Security Investigations and the DHS Center for Countering Human Trafficking.

Question. Has the administration heard of any sponsors who are unable to meet their obligations? If so, what is being done to ensure that Ukrainian refugees are receiving the resources that they need?

Answer. USCIS is aware of some cases where supporters whose Form I-134A, Online Request to be a Supporter and Declaration of Financial Support, were confirmed are unable to adequately support the beneficiary named on the Form I-134A once the beneficiary is paroled into the United States. When such cases come to the attention of USCIS, they are referred to FDNS for investigation. And to the extent that the supporter files subsequent Form I-134A for other beneficiaries, those may not be confirmed.

The U4U process is designed to include multiple levels of vetting. To qualify as a supporter, an individual must file a Form I-134A, Online Request to be a Supporter and Declaration of Financial Support on behalf of a Ukrainian national or their immediate qualifying family member. A separate Form I-134A must be filed for each individual beneficiary, including minors and members of the same household. Potential supporters who file Form I-134A with USCIS need to show that they hold lawful status in the United States or are a parolee or beneficiary of deferred action or Deferred Enforced Departure. USCIS conducts security and background vetting on the supporter and determines if the supporter has demonstrated financial resources to receive, maintain, and support the individuals who they commit to support for the duration of their anticipated stay in the United States. To demonstrate the ability to support a potential beneficiary, financial supporters submit evidence including but not limited to copies of U.S. Federal tax returns, letters of employment, and statements from a bank or financial institution. USCIS uses the Federal Poverty Guidelines as outlined by the Department of Health and Human Services as a general guide in determining the supporter's ability to sufficiently support a beneficiary. Each Form I-134A that is filed receives individual review by a trained USCIS employee.

USCIS conducts outreach to local Ukrainian community centers, faith-based institutions, resettlement agencies, and nonprofits to ensure that Ukrainian parolees are aware of the benefits available to them. These benefits include through congressional action⁵ cash assistance, medical assistance, emergency housing, job search coaching, and case management services.⁶

ADDITIONAL REFUGEE RESETTLEMENT CONCERNS

Question. I am concerned that, for the past several years, the Administration has met only a fraction of its goal for the number of refugees resettled. Last year, the Administration resettled just 25,000 refugees, despite its stated goal of 125,000—and this is despite the fact that we are in the midst of the largest humanitarian crisis ever recorded. I recognize that the enormous cuts to refugee resettlement under the previous Administration severely decimated the U.S. Refugee Admissions Program's capacity, but I am concerned that the Administration has not done enough to rebuild the program.

How is your agency working to restore our refugee resettlement capacity?

Answer. USCIS is taking concrete steps to increase refugee interviews and admissions to help restore the U.S. Refugee Admission Program (USRAP) resettlement capacity. These steps include obtaining appropriated funding to increase staffing levels, aggressively hiring to fill those positions, deploying more refugee processing circuit rides (which were delayed in recent years, in particular by the COVID pandemic), working to complete cases of refugee applicants already interviewed, and implementing concurrent processing in partnership with the Department of State. As a result of these efforts, USCIS is well on its way to achieving our commitment to double the number of refugees resettled from the Western Hemisphere.

As we emerge from the pandemic, USCIS has built a robust circuit ride schedule that maintains safety for USCIS officers, Resettlement Support Center staff, and refugee applicants. In the first half of fiscal Year 2023, USCIS deployed over 400 officers to 66 circuit ride locations.

USCIS also incorporated video-conference (VTEL) interviews into normal processing. The use of VTEL interviews in fiscal Year 2023 Q1 and Q2 allowed USCIS

⁵ <https://www.congress.gov/bill/117th-congress/house-bill/7691/text>

⁶ <https://www.acf.hhs.gov/sites/default/files/documents/orr/PL-22-13-Ukrainian-Humanitarian-Parolees-Eligible-for-ORR-Benefits-and-Services.pdf>

to interview over 2,000 additional refugee applicants in 10 countries. VTEL interviews also allowed USCIS to conduct interviews in locations that are difficult to reach due to their remote nature or security restrictions preventing travel, or locations where a low volume of applicants make it less efficient to send officers. Re-interviews for cases requiring additional questioning due to family composition changes after the initial interview were also conducted by VTEL.

Furthermore, with the Department of State, Bureau of Population, Refugees and Migration (DOS/PRM), USCIS developed and implemented concurrent processing in several locations this fiscal year. Based on a model designed with the Refugee Coordination Center (RCC)-a White House initiative with assistance from the U.S. Digital Service (USDS)-and in coordination with DOS/PRM, USRAP began concurrent processing in four locations to reduce start-to-finish processing times for refugee applicants.

Concurrent processing means steps that normally take place sequentially, such as medical exams or assurances for placement with domestic resettlement agencies, can take place at the same time as other steps, including the USCIS interview and finalization of the USCIS decision. USCIS and DOS are following a shared approach to prioritize cases with logic built into various operational reports ensuring that USRAP partners work together to move cases forward expeditiously. Through these efforts, the USRAP has been able to increase efficiencies and shorten the timeline from USCIS interview to admission to the United States from an average of 18 months down to 3 months.

USCIS began implementing concurrent processing in four locations in fiscal Year 2023 Quarter 1: Guatemala, Turkey, Malaysia, and Tanzania. In Quarter 2, USCIS expanded the concurrent processing initiative to Burundi, Chad, Ecuador, El Salvador, Honduras, and Rwanda.

In late April 2022, USRAP committed to doubling the number of refugees resettled from the Western Hemisphere, increasing its commitment from 20,000 to 40,000 refugees from the Western Hemisphere, in the next two fiscal years. USCIS has also announced efforts to establish Secure Mobility Offices in key locations throughout the Western Hemisphere to further reduce irregular migration, significantly expand lawful pathways for protection, and facilitate safe, orderly, humane processing of migrants from the Americas. These will initially operate in Guatemala and Colombia.

This focus on the Western Hemisphere has already yielded significant results. Through coordination with Department of State, the USRAP resettled 2,485 individuals from the Western Hemisphere in fiscal Year 2022, a 521 percent increase over fiscal Year 2021 and an eight-year high for the region. As of May 31, 2023, the USRAP resettled 3,443 refugees from the Western Hemisphere with 4 months left in the fiscal Year to continue to resettle refugees from the region.

USCIS greatly appreciates Congress' past support for humanitarian programs. The President's fiscal Year 2024 budget request includes appropriated funding to support the processing of refugee and asylum applications.⁷ Without this funding, USCIS would need to rely on the prospective fees in its proposed fee rule to recover the costs for refugee processing.

Question. What steps is the Department taking to ensure we are able to meet our resettlement goals for 2023?

Answer. The President set this fiscal year's refugee admissions ceiling at 125,000 refugees. As a result of the steps outlined in the answer to question 9, the USRAP and USCIS have made significant progress in the first half of the year towards these goals. USCIS completed over 40,000 interviews in the first half of the fiscal year. This is compared with 44,000 total initial interviews conducted in all of fiscal Year 2022. USCIS approved over 35,000 individuals for refugee status in the first two quarters. In Quarter 1, 6,759 refugees were admitted to the United States through the USRAP, and 11,672 refugees were admitted to the United States through the USRAP in Quarter 2.

USCIS plans to continue to increase refugee interviews in Quarters 3 and 4, estimating a total of 50,000 interviews in the second half of the year. This will yield additional refugee admissions in Quarter 4 and ensure a robust pipeline as the program enters fiscal Year 2024. VTEL interviews and the concurrent processing model will also continue into the second half of the fiscal year, allowing greater access to refugee interviews and more increased processing efficiency.

Question. In January, the Administration announced it is creating a "Welcome Corps" to help groups of private individuals to sponsor refugees for resettlement.

⁷USCIS requested \$137 million to support the International Refugee Affairs Division and \$342 million to support Asylum adjudications in the fiscal Year 2024 budget request. USCIS' full budget request is available at: <https://www.dhs.gov/sites/default/files/2023>

How will this new program impact the Administration's efforts to increase refugee resettlement through our longstanding Refugee Admissions Program?

Answer. USCIS defers questions on the Welcome Corps to the Department of State's (DOS) Bureau of Population, Refugees, and Migration (PRM), which established and operates this program in collaboration with the Department of Health and Human Services.

Question. How does the Administration plan to ensure privately-sponsored refugees receive adequate supports and are protected from abuse and exploitation?

Answer. USCIS defers to the Department of State.

Question. Furthermore, I'm concerned that there is a backlog of more than 100,000 individuals in the U.S. Refugee Admissions Program (USRAP) Direct Access Program (DAP) for U.S.-Affiliated Iraqis.

Since restarting the program last March, what is the Administration doing to address this backlog?

Answer. Since the restart of the Iraqi Priority 2 (P-2) Direct Access Program (DAP) in March 2022, USCIS has deployed officers to Iraq to interview refugee applicants in Quarter 4 of fiscal Year 2022 and Quarters 1 and 2 of fiscal Year 2023. USCIS is tentatively scheduled to interview P-2 DAP applicants in Iraq again before the end of this fiscal year. In addition, USCIS has been collaborating with DOS/PRM to create a more efficient process for cases that require employment re-verification.

BORDER SECURITY

Question. I am concerned about the President's budget's request to reduce funding for key programs that protect our border security. Customs and Border Protection (CBP) is proposing to end the autonomous surveillance towers (AST) program of record and fold this program into the Integrated Surveillance Tower (IST) program. And yet, the overall level of funding for IST would fall by \$17,112,000 and funding for AST would drop to \$12,400,000 in fiscal Year 2024. Moreover, the agency provides scant detail about this proposed change and notes in its budget justification that "[t]he decrease will have a direct impact to specific towers that may shut down and equipment removed to repair other towers based on operational priorities deemed most critical." Additionally, the proposed cuts to non-intrusive inspection (NII) equipment raises issues. It is concerning that CBP is choosing to squeeze extended use from NII equipment potentially beyond its service life instead of procuring new NII equipment. The President has requested \$155,254,000 for FY24 for the NII equipment program, a \$20 million cut from what Congress provided in fiscal Year 2023.

Given the rates of drug trafficking at the border and our other border security needs, why are you proposing to cut these needed funding streams?

Answer. See next question answer.

LOCAL LAW ENFORCEMENT

Question. I am concerned about proposed budget cuts the Transportation Security Administration (TSA) is asking Congress to make that State and local law enforcement rely on to help secure U.S. airports. Specifically, TSA is asking Congress to eliminate the Exit Lane Staffing (\$111 million) line item, Canine Reimbursement Program (\$34,088,000) and Law Enforcement Officer (LEO) Reimbursement Program (\$45,900,000). At the local level these are among the three most important programs we have that to make sure the U.S. never experiences another aviation-related terrorism incident and promotes airport safety generally. State and local law enforcement agencies are partners with TSA in making our airports safe, and they depend on these funding streams to fulfill their duties.

Why are you proposing to cut critical help for States and localities and shift Federal responsibilities to entities unable to shoulder these costs?

Answer. The autonomous surveillance towers (AST) program will continue to be a central piece of CBP's Integrated Surveillance Tower (IST) Portfolio, which brought all tower programs under one umbrella in 2022. Towers are not our only investments in border security. CBP has prioritized funding a mix of investments to secure the border.

CBP made strategic decisions to include reductions across the budget to invest in high priority areas. There is approximately \$109 million shortfall in operations and sustainment funding for the following USBP border security technology programs.

—\$43.4 million shortfall for Integrated Surveillance Towers (IST) will result in 231 ISTs not supported.

- \$1 million shortfall for Small Unmanned Aircraft Systems (SUAS) will result in 50 Indago SUASs not supported.
- \$4.6 million shortfall for Mobile Video Surveillance Systems (MVSS) will result in 72 MVSSs not supported.
- \$4.2 million shortfall for Mobile Surveillance Capability (MSC) will result in 26 MSCs not supported.
- \$7.1 million shortfall for Counter Unmanned Aircraft Systems (CUAS) will result in 68 CUASs not supported.
- \$18.5 million shortfall for Tactical Aerostat Systems (TAS) will result in 4 TASs not supported.
- \$7.7 million shortfall for Team Awareness Kits (TAK) will result in 8,097 TAK devices not supported.
- \$4.7 million shortfall for Linear Ground Detection Systems (LGDS) will result in 140 miles of LGDS not supported.
- \$18 million shortfall for Tactical Communications will result in the inability to adequately fund approximately 976 Land Mobile Radio communication circuits and router maintenance fees for 1,061 sites to maintain mission critical voice communications; reduction of funds needed to maintain 580 infrastructure leases and related utilities.

CBP cannot predict the operational impact for each border security technology by sector. CBP will mitigate the risk of these reductions during the year of execution, prioritizing resources to the most critical areas.

Regarding NIL, the program will continue to assess system acquisitions, technology utilization, and sustainment costs to prioritize needs and optimize total ownership cost while maintaining or improving material readiness to meet mission requirements. The fiscal Year 2024 President's Budget includes \$305 million for additional non-intrusive inspection equipment and staffing at and between ports, as well as to expand outbound and processing to include the mail and express environments would enable CBP to do more to disrupt TCOs and interdict fentanyl and other drugs.

H-2B VISAS

Question. I appreciate your response to my concerns about the challenges facing businesses that rely on the H-2B visa program for temporary foreign workers. I understand that the agency provided the maximum number of allowable visas in Fiscal Year 2023, but I am concerned that this was still not enough, as I continue to hear from seasonal small businesses in my state who were unable to access the visas they need.

What in your view needs to be done to improve this program's functionality and ensure that it provides certainty for our seasonal small businesses?

Answer. DHS recognizes the critical role the H-2B temporary nonagricultural worker program plays in addressing labor shortages facing U.S. businesses. As you noted, the Secretary of Homeland Security, in consultation with the Secretary of Labor, authorized 64,716 H-2B nonimmigrant visas for Fiscal Year 2023 under supplemental cap authority provided by Congress.

The Department remains committed to ensuring that American businesses have access to the resources needed to continue to recover from the pandemic; however, only Congress has the authority to make certain structural changes to the H-2B program, such as increasing the 66,000 maximum annual number ("statutory cap") of noncitizens to whom DHS may issue H-2B visas or otherwise provide H-2B nonimmigrant status to perform temporary nonagricultural work. See INA sections 214(g)(1)(B) and (g)(10), 8 U.S.C. 1184(g)(1)(B) and (g)(10). DHS stands ready to work with Congress to reform both the H-2A and H-2B programs to better support American employers and the economic health of communities.

QUESTIONS SUBMITTED BY SENATOR TAMMY BALDWIN

Question. The Homeland Security Committee has noted the decline in the USCG Great Lakes fleet over the past several decades, resulting in an estimated \$2 billion in economic losses and 10,000 jobs over the past decade.

Congress authorized \$350 million in FY23 to the Coast Guard to acquire a heavy icebreaker, at least as capable as the USCGC MACKINAW, to support icebreaking requirements in the Great Lakes. Additionally, Congress authorized \$20 million for design and planning activities.

This year, I am again supporting this effort, asking for \$75,000,000 for preacquisition and design activities, including \$20,000,000 for procurement of long lead time materials for a second heavy U.S. Coast Guard Cutter.

What will the Department do to support the Coast Guard's acquisition of an additional heavy icebreaker for the Great Lakes? What steps towards this goal do you believe are feasible to accomplish within FY24? Do the Department and the Coast Guard anticipate any delays, and do you have any recommendations for facilitating faster acquisition of a Great Lakes Icebreaker?

Answer. Under the Department's oversight, the Coast Guard will manage and execute the acquisition in accordance with the statutory requirements of Title 14 of the U.S. Code and DHS acquisition management policies, including DHS Directive 102-01. The Department, through the Acquisition Decision Authority, will authorize, as appropriate, tailoring of the Acquisition Lifecycle Framework and document requirements, ensure appropriate planning and resource allocation, and approve the Acquisition Performance Baseline.

Subject to receipt of appropriations, the Coast Guard will seek approval for an Acquisition Decision Event One to initiate the program and enter the Analyze/Select Phase in fiscal Year 2024. Additionally, the Coast Guard intends to conduct further market research; initiate the development of the Lifecycle Cost Estimate and Operational Requirements Document; progress the indicative design; and execute the Alternatives Analysis.

The Coast Guard does not anticipate any delays at this time, and the program is preparing to efficiently execute all required Analyze/Select Phase activities upon receipt of an appropriation. Until an acquisition is formally initiated, the program schedule, to include projected delivery timelines, is notional and depends on the shipbuilding industrial base's capacity, interest, and availability to meet program requirements. As part of the Analyze/Select Phase, comprehensive industry engagement and analyses are conducted to identify opportunities and risks for executing the acquisition and to establish a baseline schedule.

Question. Secretary Mayorkas, the Safeguard Tribal Objects of Patrimony (or STOP) Act of 2021, Pub. L. No. 117-258, which was signed into law in December, was designed to prevent the international trafficking of Tribes' sacred items. The Department of Homeland Security, among other things, is required to detain items the STOP Act prohibits from being exported or that lack an export certification, and it must ensure appropriate personnel at U.S. Customs and Border Protection participate in trainings. It is also required to participate in the STOP Act's interagency working group.

What budgetary resources do you anticipate needing to carry out the Department of Homeland Security's responsibilities under the STOP Act?

Answer. CBP's Office of Field Operations anticipates the need for additional infrastructure, staffing, and equipment to expand outbound mail examination and processing at ports of entry (POE). The additional \$305 million requested in the fiscal Year 2024 President's Budget for non-intrusive scanning equipment will assist in the detection of cultural and other outbound restricted items. Staffing for outbound teams at ports is currently limited; therefore, the fiscal Year 2024 President's Budget adds 150 CBP Officers to provide the necessary support to enhance lawful trade facilitation.

The Office of Partnership and Engagement (OPE)'s Tribal Affairs is the Department's lead on Tribal engagement and implementation of Tribal programs and initiatives. It serves as the main central point of contact at DHS for Tribal Nations and assists in establishing and implementing intergovernmental policy in coordination with components and offices. For the STOP Act, its responsibilities include representing the Department in the promulgation of regulations, participation in the interagency working group, collaboration to establish the secure central Federal database, and interactions with the Native working group. The fiscal Year 2024 President's Budget includes additional personnel to continue efforts in this mission space.

Question. Between 2019 and 2021, fentanyl overdose deaths in Wisconsin grew by 97 percent. Of the overdose deaths in 2021, synthetic opioids were identified in 91 percent of opioid overdose deaths and 73 percent of all drug overdose deaths in Wisconsin. These overdose deaths are fueled in part by a supply chain of synthetic drug precursor chemicals shipped from China to Mexico, with both precursors and final products then smuggled across our Nation's southwest border.

Preventing overdose deaths in Wisconsin requires addressing this evolving illicit supply chain. How does the Department intend to address the smuggling of both precursor chemicals and assembled fentanyl products at our southwest border and what resources does it need to adequately respond to this issue?

Answer. Pill presses and die molds, shipped almost exclusively from China/Hong Kong, facilitate the mass production of fentanyl. CBP reported 253 incidents of pill press/die mold seizures in fiscal Year 2022, mostly entering via mail or express consignment. The top locations of U.S. consignees included Florida, Illinois, and California. Parts are often declared as “screw,” “steel shaft,” “press machine,” and other such descriptors.

Due to their dual-use nature, precursor chemicals are not seized at the same rate as fentanyl. However, the four main fentanyl precursors are regulated under the Controlled Substances Act. The most frequently seized fentanyl precursors in fiscal Year 2022 included 4-anilino-N-phenethyl-4-piperidine (ANPP), N-phenethyl-4-piperidone (NPP), 4-anilino-4-piperidine (4-AP), and propionyl chloride. Roughly half of the precursor material seized in fiscal Year 2022 was shipped from China, followed by Western European countries.

In March 2023, DHS launched Operations Blue Lotus and Four Horsemen, where CBP and other federal, State, and local agencies conduct targeted activities at ports of entry (POE) to intercept fentanyl and other contraband and disrupt transnational criminal organizations (TCO). In just 2 months, Operation Blue Lotus and Operation Four Horsemen seized nearly 10,000 pounds of fentanyl, and more than 10,000 pounds of narcotics like cocaine and methamphetamines. In its last week alone, Blue Lotus saw a 2000 percent increase in seizures at a single port of entry and arrested 284 people on fentanyl charges.

In the fiscal Year 2024 President’s Budget, \$305 million was requested for additional non-intrusive inspection equipment and staffing at and between ports, as well as to expand outbound and processing to include the mail and express environments would enable CBP to do more to disrupt TCOs and interdict fentanyl and other drugs.

QUESTIONS SUBMITTED BY SENATOR DIANNE FEINSTEIN

Question. Secretary Mayorkas, in 2019, the Trump Administration finalized a new process for evaluating requests for FEMA Individual Assistance made by a governor. One of the new requirements was that FEMA take into account the “total taxable resources” of a State, a change that the California Governor’s Office of Emergency Services (CalOES) immediately predicted would lead to a reduction in disaster aid for large States like California. Unfortunately, that prediction was all too accurate; although the 2021 Caldor Fire destroyed more homes than nine other disaster in 2021 combined (782 homes in total), California’s requests for Individual Assistance were repeatedly denied. Although FEMA officials have noted that they are reviewing the 2019 rule, to date, no announcements have been made or changes proposed.

Secretary Mayorkas, what is the current status of FEMA’s review of the 2019 Individual Assistance rule? Do you believe that all denials of requests for Individual Assistance since 2019 have been fair?

Answer. On March 21, 2019, FEMA published the final rule “Factors Considered When Evaluating a Governor’s Request for Individual Assistance for a Major Disaster” and accompanying implementation guidance, with an effective date of June 1, 2019. FEMA is currently evaluating potential changes to the implementation guidance and aims to publish revised guidance in early 2024.

FEMA makes recommendations to the President based on its evaluation of the information submitted in the request and the circumstances of the event relative to the factors provided for in 44 C.F.R. § 206.48. Since the rule went into effect on June 1, 2019, the President has authorized Individual Assistance in California under five major disaster declarations (not including the COVID-19 declaration) and denied two requests. In the 4 years prior to the rule change, California received five major disaster declarations including Individual Assistance and had one request denied.

Question. The National Urban Search and Rescue Response System is a critical partnership between FEMA and State and local emergency response teams that supports a robust disaster response. These 28 teams are activated during manmade disasters like the 2021 collapse of Champlain Towers in Florida or natural disasters like hurricanes, wildfires, or the recent tornadoes in 10 States that tragically killed at least 32 people. Federal funding for this program, however, has not kept pace with inflation, leading to an effective cut of more than 17 percent since 2013. These cuts put additional financial strain on the State and local governments that support these programs, and my staff have heard from several team leaders who have said that their teams could disappear entirely without additional Federal support.

Secretary Mayorkas, why has FEMA requested flat funding for the Urban Search and Rescue program since Fiscal Year 2020? Has FEMA evaluated the financial burden that flat Federal funding has placed on its State and local partners?

Answer. Based on a variety of competing interests, since Fiscal Year 2020 the funding for National Urban Search and Rescue program remains at \$37.8 million. The current funding amounts, along with contributions from Sponsoring Agencies, provide for sufficient resources for the National Urban Search and Rescue Program to meet minimum operational capability of the system. The level of funding provided since fiscal Year 2020 has allowed the program to meet the minimum operational demands and requests for their expertise. The program successfully executes cooperative grants to ensure the maximum operational benefit to its sponsoring agencies within the current funding availability. This approach enables locally executed, federally supported teams to work in their communities daily and activate for Federal missions when required. However, as discussed during the March 2023 briefing with the House and Senate Appropriations Committee—Homeland Security subcommittee staffers on the National Urban Search and Rescue Program, the demand for these resources is increasing. The Sponsoring Agencies have identified funding gaps related to administration and management of the task forces, training, equipment and supplies, and maintenance and storage. FEMA continues to work within the President’s Budget processes to maximize available funding to address State and local funding gaps to the greatest extent possible.

FEMA has analyzed the financial challenges encountered by State and local sponsoring agencies. Based on this analysis, FEMA determined the \$37.8 million requested in the President’s Budget sufficiently resources the National Urban Search and Rescue Program. FEMA continues to work with our State and local partners to conduct detailed evaluations to determine funding needs.

QUESTIONS SUBMITTED BY SENATOR KATIE BRITT

Question. What are the Department of Homeland Security’s official projections for the number of daily encounters for fiscal Year 2023?

Answer. DHS produces enterprise-wide encounter projections of which the mean projection is used as the prediction when major policy changes are not anticipated. These projections are informed by encounter actuals through March 31, 2023. Using encounter actuals through April 2023—to incorporate preliminary April encounter numbers obtained on the morning of May 1—and encounter projections for May-September 2023, DHS can provide encounter projections through the end of fiscal Year 2023. This includes a projection of 2,441,424 encounters for fiscal Year 2023 (daily average of 6,689 encounters for the entire fiscal year, and a daily average of 7,195 encounters for May-September 2023).

Under a moderately high encounter post-Title 42 scenario, DHS projects 2,655,213 encounters for fiscal Year 2023 (daily average of 7,275 encounters for the entire fiscal year, and a daily average of 8,593 encounters for May-September 2023).

Under a high post-Title 42 encounter scenario, DHS projects 2,860,464 encounters for fiscal Year 2023 (daily average of 7,837 encounters for the entire fiscal year, and a daily average of 9,934 encounters for May-September 2023).

The Department will provide updated projections as they become available.

Question. The Department was required to provide a briefing to the Committees by late February 2023 on how it intends to address the backlog of nearly 600,000 migrants who were released from CBP custody without a notice to appear. Why has this plan not been provided? When will it be provided?

Answer. The Department recognizes the delay in providing the plan to address the backlog. To respond to the request, we undertook a cross-Component coordination with CBP and ICE to provide the most current and accurate information.

Question. Please provide details by allowable cost on how the \$150M appropriated to FEMA for the Emergency Food and Shelter—Humanitarian program was spent in fiscal Year 2023.

Answer. In fiscal Year 2022, FEMA awarded the Emergency Food and Shelter Program (EFSP) National Board \$150 million for humanitarian relief (EFSP-H) for families and individuals encountered by DHS (HR22). The National Board sub-awarded the majority of these funds by the end of fiscal Year 2022.

In fiscal Year 2023, as directed by the Consolidated Appropriations Act, U.S. Customs and Border Protection (CBP) transferred \$800 million to FEMA for sheltering and related activities in support of relieving overcrowding in CBP holding facilities. As of March 2023, FEMA had awarded a total of \$425 million of the \$800 million to the EFSP National Board (CR23 & HR23), who then disburses/awards the fund-

ing to nonprofit, faith-based, or governmental organizations. The National Board will complete awards for fiscal Year 2023 funding by the end of May.

The fiscal Year 2023 Consolidated Appropriations Act also directed the establishment of a new Shelter and Services Program (SSP). EFSP–H will sunset when the SSP is established later this year.

Funds provided by the EFSP National Board to organizations providing eligible services to families and individuals encountered by DHS may be used for five service categories:

- Primary Services (e.g., food, shelter, per meal rate, per diem shelter rate, per capita rate);
- Secondary Services (e.g., health/medical services, per capita rate);
- Administrative Services (e.g., staff time, postage);
- Equipment and Assets Services (e.g., necessary renovations to agency-owned facilities such as bathrooms and showers); and
- Transportation Services (e.g., taxi, bus, air, train).

The EFSP National Board and its Secretariat and Fiscal Agent, United Way Worldwide (UWW), maintain records of all applications, recipients, and subawards approved by the National Board. Nearly all of the fiscal Year 2022 and 2023 funds were or will be sub-awarded by the National Board using the advanced funding model in which a fiscal agent is provided funds and then is responsible for reimbursing their subrecipients for eligible costs. Estimates for advanced funding requests were not required to be provided by service category. For HR22, limited data are available for reimbursements by service category or rate (see below). For fiscal Year 2023 (CR23 and HR23), the National Board will require more detailed final reports and after UWW reviews and reconciles them, FEMA may be able to provide further cost breakdowns by service category.

HR22 REIMBURSEMENT APPLICATIONS BY CATEGORY

Primary	\$199,128.45
Per Meal Rate	1,534,074.00
Per Diem Shelter Rate	229,900.00
Hotel/Motel	224,871.68
Secondary	20,212.15
Per Capita Rate (for primary and secondary services)	1,111,845.00
Administrative	1,036,535.10
Equipment/Assets	15,402.79
Transportation	1,814,152.05

Question. When will TSA attain Full Operational Capability for screening technology/infrastructure? Does prioritizing Pay Equity investments delay Full Operational Capability and implementation of vital security infrastructure?

Answer. Based on current funding levels, the Credential Authentication Technology (CAT) will achieve Full Operational Capability (FOC) of 3,585 CAT systems in fiscal year 2049 and Checkpoint Computed Tomography (Checkpoint Property Screening Systems) will achieve FOC of 2,263 systems by fiscal Year 2042.

TSA’s people are their most important asset. Investing in their people gives TSA the biggest gain for improving security outcomes. When security technology alarms, only a highly qualified and trained officer can resolve it. By ensuring competitive pay, TSA will retain a high-quality workforce that is dedicated to the agency’s mission of protecting the general public while traveling. TSA’s top two priorities are Commit to Our People and Safeguard the Nation’s Transportation System. TSA believes the agency best achieves these two top priorities by focusing on implementing pay fairness now. If TSA deviated from the balance achieved in the fiscal year 2024 Budget, the agency would risk negatively impacting the effectiveness of the top two priorities.

Question. Please provide the actual costs in fiscal Year 2022 for laundry services for migrants at CBP Soft-Sided Facilities, CBP Central Processing Centers and ICE-owned detention facilities (Service Processing Centers).

Answer. In Fiscal Year 2022, CBP’s laundry services—to include equipment rental, electricity, detergent, staffing, and water—across all Soft Sided Facilities cost \$34.3 million. In fiscal Year 2022, CBP’s Central Processing Center laundry costs—to include staffing, equipment (washers and dryers), supplies (detergent, laundry bags, etc.), and utilities (electricity, water, water heater, wastewater removal, etc.)—were \$4.78 million.

In fiscal Year 2022, ICE's Service Processing Centers laundry costs—to include staffing, equipment (washers and dryers), supplies (detergent, laundry bags, etc.)—were \$1.57 million.

QUESTIONS SUBMITTED BY SENATOR CINDY HYDE-SMITH

Question. As you know, on March 15, 2022, President Biden signed into law the EB-5 Reform and Integrity Act of 2022 (“RIA”), Div. BB of the Consolidated Appropriations Act, 2022 (Pub. L. 117–103). The RIA amended INA 203(b)(5), reauthorizing and making long-overdue reforms to the EB-5 Regional Center Program. Among these reforms were numerous and substantial improvements to the Department's oversight of the EB-5 program integrity, which Congress concluded were necessary to restore its core economic development and job-creation purposes while deterring fraud and abuse. Has the Department carefully considered the implications for program integrity if it were to initiate the process of altering the existing Federal regulation and current USCIS policy requiring alien investors to submit evidence that they “sustained the investment period of the immigrant investor's residence in the United States” as part of their petition to remove conditions on permanent resident status? See 8 C.F.R §216.6(c)(1)(iii) and USCIS Policy Manual, Vol. 6, Pt. G, Ch. 5 (Dec. 19, 2022).

Specifically, has the Department analyzed whether limiting the duration of alien investments to only 2 years would undermine the RIA's integrity improvements by incentivizing projects with a short duration, which would have the effect of bringing riskier, more speculative projects to the market? If so, what did the Department conclude?

Answer. DHS is currently considering issues relating to investment sustainment in its effort to implement the EB-5 Reform and Integrity Act of 2022. Importantly, the statute made changes that remove the requirement from INA 216A(d)(1) that an investment be sustained throughout an investor's period of residence in the United States and adds a new requirement to INA 203(b)(5)(A)(i) requiring that capital be expected to remain invested for “not less than 2 years.” DHS is diligently reviewing the impacts of the statute along with various proposals to implement the many provisions of the INA revised by the statute.

The INA requires only minimum periods for how long an investment must be sustained or remain invested and does not provide an upward limit as to how long the capital can be retained before it may be returned to the investor. Therefore, there is no upward limit on how long the capital can be retained before it may be returned to the investor.

SUBCOMMITTEE RECESS

Senator MURPHY. [Whereupon, at 2:01 p.m., Wednesday, March 29, the hearing was adjourned, and the subcommittee was recessed, to reconvene at a time subject to the call of the Chair.]

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