

Senate Homeland Security and Governmental Affairs Committee hearing Resources and Authorities Needed to Prot.,sked FINAL

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COMMITTEE HEARING

SEN. GARY PETERS, D-MICH.

SENATE HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS COMMITTEE HEARING
RESOURCES AND AUTHORITIES NEEDED TO PROTECT AND SECURE THE HOMELAND

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SENATE HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS COMMITTEE
HEARING RESOURCES AND AUTHORITIES NEEDED TO PROTECT AND SECURE
THE HOMELAND

MAY 4, 2022

SPEAKERS:

SEN. GARY PETERS, D-MICH., CHAIR

SEN. THOMAS R. CARPER, D-DEL.

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SEN. JACKY ROSEN, D-NEV.

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SEN. JON OSSOFF, D-GA.

SEN. ALEX PADILLA, D-CALIF.

SEN. ROB PORTMAN, R-OHIO, RANKING MEMBER

SEN. RON JOHNSON, R-WIS.

SEN. RAND PAUL, R-KY.

SEN. JAMES LANKFORD, R-OKLA.

SEN. JOSH HAWLEY, R-MO.

SEN. MITT ROMNEY, R-UTAH

SEN. RICK SCOTT, R-FLA.

WITNESSES:

ALEJANDRO N. MAYORKAS, SECRETARY OF HOMELAND SECURITY

PETERS: The Committee will come to order.

Secretary Mayorkas, welcome back to the Committee. I'm certainly grateful for your continued service to our nation.

The Department of Homeland Security and its hard-working employees continue to face challenges and challenging missions each and every day, and I certainly appreciate your efforts to tackle these obstacles and the men and women who join you as part of the Department of Homeland Security.

Today's hearing is an important opportunity for this Committee to discuss the administration's 2023 budget request, and to hear directly from the Secretary of Homeland Security on how the department plans to use those resources to address serious threats facing our nation. As lawmakers, we must carefully examine these proposals and how they will impact the department's critical missions to ensure the safety and security of every American.

This year, President Biden's budget proposal includes investments that will be essential for tackling the most serious issues facing our nation, including persistent cyber attacks that disrupt the lives and livelihoods all across the country. And I have appreciated the administration's vigilance and work to prevent additional breaches.

But as we have seen in the attacks like SolarWinds and JBS or the Colonial Pipeline, our foreign adversaries and cyber criminals will continue targeting our networks. We must be prepared for the Russian government and their proxies to continue these efforts in retaliation for our support of Ukraine.

I'm also grateful that the President has signed into law a landmark provision that I wrote along with Ranking Member Portman to require critical infrastructure to report cyber attacks and ransomware payments to the federal government. But there certainly is more that we must do to enhance Cybersecurity across the board, especially for the most frequent targets of ransomware attacks, like retailers and our small businesses.

At the same time, DHS must continue its vital work to protect the physical security of Americans, especially by addressing harmful violence that has caused countless communities across the nation to live in fear simply because of how they look or where they may worship. According to our national security agencies, domestic terrorism driven by white, nationalist and anti-government ideologies continues to be the most serious threat facing American communities today.

I look forward to continuing working with the administration to ensure that the government has the necessary tools, the resources, and the data to help prevent and fight back against these hateful ideologies, while respecting the civil rights and the liberties of every American. As the department tackles this significant issue, we also must work to ensure, secure an efficient travel and trade at both our northern as well as our southern borders.

And while I'm pleased the president budget proposal includes funding for the Gordie Howe Bridge, I'll continue working to secure additional resources for the Blue Water Bridge and other ports of entry across Michigan so that my state can continue serving as a vital hub for international commerce.

Today's hearing will also provide an opportunity to discuss the serious challenges we face at the southern border. It is clear that once title 42 is lifted, the administration must have a plan in place and the necessary resources to deter illegal border crossings and prevent deadly and illicit drugs from reaching our communities, while at the same time safely and efficiently processing a number of asylum seekers expected to arrive at the southern border. This is no easy task. It is a complex issue that requires a multifaceted approach to both secure our borders and to address the anticipated humanitarian challenges.

I look forward to hearing additional details today on how the administration intends to address this policy change, and the Committee will have another opportunity to hear from senior administration officials on this issue tomorrow morning.

And finally, this Committee must also ensure that DHS is tackling long-term threats to the American people. Natural disasters continue to cause death, destroy property, and harm small businesses, and livelihoods. Congress and the administration must work together to provide investments in resiliency efforts that will save taxpayer dollars in the long run, such as the loan program created by my STORM Act.

Today's hearing provides a vital opportunity for the Committee to examine how we can all work together to protect all Americans. And I hope today's hearing will reflect the seriousness of the issues facing the department, as well as the nation. Once again, Secretary, Mayorkas, thank you for being here. I think we all look forward to this discussion. You're always welcome before our Committee, so it's great to see you.

And with that, I'll recognize Ranking Member Portman for his opening statement.

PORTMAN: Thank you, Mr. Chairman, and Mr. Secretary, thank you for joining us again, for this budget hearing.

At last year's budget hearing, I noticed that we were facing the worst unlawful migration crisis in our country in two decades, and this chart that's about to come up will show you that. Not only was it the worst in two decades, last year during the hearing, but since then, it's gotten even worse.

As you know, in your recently released border plan you suggested it can get worse yet, by removing Title 42. Here's your quote. You noted in your border plan that "When the Title 42 Public Health order is lifted, we anticipate migration levels will increase as smugglers will seek to take advantage of and profit from vulnerable migrants." You further noted that, "A significant increase in migrant encounters will substantially strain our system even further."

I couldn't agree with you more. A record 1 million people who came to the southern border illegally were permitted into the United States last year even with roughly 50 percent of those who came to the border unlawfully having been turned away under Title 42. It is clear to all that losing Title 42 will turn this border crisis into a catastrophe. As the Border Patrol has told us, they believe they will lose all operational control of the border.

There is no plan to substitute for Title 42. As an example, there's no plan to fix an asylum system that everyone agrees is broken. I think you've said that in the past publicly. There is no plan to replace the tools that were in place during the last administration to help address the border crisis, including robust Remain in Mexico policy, and increased detention of questionable asylum seekers. Instead, as I read it, your proposed plan primarily provides more resources to move people through the system, and to do so more quickly and efficiently in effect to make it easier for people to get from the border to the interior of the country.

Unfortunately, decisions to de-emphasize internal enforcement, plus your funding request shift away from detention for removals and detention capacity. And the new asylum rules proposed by the administration do nothing to actually deter unlawful migration, quite the opposite, and the smugglers know it.

This year, we also saw stark reminders of the threat that terrorism poses to communities across the country. And that more than two decades after 9/11, our borders can still be breached by those who mean to do us harm. In this regard, I am concerned that policies and safeguards with one of our closest counterterrorism partners in the world, the United Kingdom, didn't prevent a dangerous man who simply lied on his online application and the DHS Visa Waiver Program from making his way into our country to a small town in Texas, Colleyville. Thankfully, none of the synagogue members he took hostage were harmed. But that easily could not have been the case.

We were recently shocked when we were informed that 42 people who have come to our southern border unlawfully and been encountered by the Border Patrol are on a terrorist watch list. Additionally, a recent report from the Department of Defense, Office of Inspector General highlighted the potential of other foreign threats. The IG found that in the chaotic evacuation of over 76,000 Afghans, DHS failed to screen the evacuees using DOD's tactical information collected from the most dangerous terrorists. The result, DOD's after the fact analysis indicated there are at least 50 Afghan evacuees with "potentially serious security concerns" who were released into the United States.

Of course, there's also an assault in our borders by criminal drug trafficking organizations. This is not new, but it's gotten worse. With the shift of fentanyl production from China to Mexico, the flow of these dangerous narcotics across our border have profound consequences. According to the Customs and Border Protection statistics fentanyl seizures at the southern border increased 56 percent in March compared to March 2021, a year ago, and over 300 percent increase from March 2020.

These numbers don't actually tell us how much is actually flooding into our communities. In fact, the Border Patrol tells us that they believe the vast majority of drugs are not being apprehended. But in my home state of Ohio and around the country, these drugs are coming in and resulting in broken families, damaged communities, and the loss of lives through overdoses on a massive scale.

We're also facing constant cyber attacks to our vulnerable critical infrastructure and federal networks. I'm concerned that due to our support of Ukraine against Russia's illegal invasion our just support of Ukraine, we are at higher risk than ever of a Russian cyber attack. I appreciate your support of the Cyber Incident Reporting for Critical Infrastructure Act that Senator Peters and I co-sponsored, and hope that the Department of Homeland Security is working with stakeholders in industry and in government today on complex but critical rulemaking processes needed to put this new law to work to safeguard our nation as soon as possible.

As you know from our conversations, I'm concerned by the administration's decision to create this disinformation governance board at DHS. As the author of the bipartisan law that established the Global Engagement Center at the State Department to combat the evolving threat of foreign propaganda and disinformation, I do not believe the government should turn tools used to assist our allies and counter foreign adversaries on to the American people. Our focus should be on bad actors like Russia, and China, Iran, North Korea, not our own citizens.

Mr. Secretary, you've got a very full agenda at the department. You have been put in a very difficult position with regard to the border. Thank you once again for being here to answer our questions. But I do want to note that we only today received all your responses to the Committee's questions for the record from last year's budget hearing. I would hope that you will commit today to answering all of our questions much more promptly as we discuss these issues today.

Thank you, Mr. Chairman.

PETERS: Thank you, Ranking Member Portman.

Secretary Mayorkas, it's the practice of the Homeland Security and Government Affairs Committee to swear in witnesses. So, if you would please stand and raise your right hand. Do you swear that the testimony that you will give before this Committee will be the truth, the whole truth, and nothing but the truth so help you God?

MAYORKAS: I do.

PETERS: Thank you. You may be seated.

Secretary Alejandro Mayorkas is the seventh secretary of the Department of Homeland Security. Previously, he served the department as deputy secretary and as director of U.S. Citizenship and Immigration Services, and began his public service at the Department of Justice. Thank you for appearing before this committee today and you are now recognized for your seven minutes of opening remarks.

MAYORKAS: Chairman Peters, Ranking Member Portman, distinguished members of the Committee, thank you for the opportunity to join you today.

For nearly two decades the personnel of the Department of Homeland Security have stood as a cornerstone of public safety. Every day our workforce of 250,000 people serves to protect the homeland by confronting terrorism and targeted violence, countering malicious cyber activity, securing our border, building a safe, orderly, and humane immigration system, and much more. We do this while safeguarding Americans' privacy, civil rights, and civil liberties, and building trust between our agency and the public we serve.

We remain vigilant against all forms of terrorism and targeted violence. The nature of these threats is evolved, but our vigilance and resolve are constant. We play a leading role in implementing the first ever national strategy for countering domestic terrorism by, for example, establishing a new domestic terrorism branch within our office of intelligence and analysis, designating domestic violent extremism as a national priority area in FEMA grant programs, increasing our investment in the non-profit Security Grant Program, coordinating additional support to HBCUs, historically Black Colleges and Universities in the face of recent bomb threats, and ramping up our efforts to analyze and disseminate actionable intelligence.

On Cybersecurity, DHS is leading the federal government's work to protect our critical infrastructure. Among other things, we answered the Colonial Pipeline incident with security directives requiring pipeline companies to report intrusions, designate a Cybersecurity Coordinator, conduct vulnerability assessments, and create contingency plans. We adopted similar measures for airports, air carriers, and rail operators.

With the Department of Justice, we launched stopransomware.gov, the first hole of government website with resources to help organizations combat Ransomware. We formed two bodies, the Joint Cyber Defense Collaborative and the Cyber Safety Review Board to bring private sector and government stakeholders to the table to help us fortify our cyber defenses, identify vulnerabilities, and ensure a unified response when incidents occur.

Russia's invasion of Ukraine has only intensified the threat of cyber attacks. So we initiated the Shields Up campaign to increase collective awareness, vigilance and resilience to possible incidents. We are expanding humanitarian programs by Temporary Protected Status and developing new ones, like Uniting For Ukraine that initiative to provide Ukrainians temporary refuge in the United States.

This hearing will provide me with an opportunity to address questions that some of you have posed regarding the department's Disinformation Governance Board. This internal working group was established with the explicit goal of ensuring that the protection of free speech, privacy, civil rights and civil liberties is incorporated into all of the department's disinformation related work, which has been ongoing for years across different administrations.

Under this administration, our department has been executing a comprehensive strategy to secure our borders and rebuild our immigration system. With the CDC's Title 42 Public Health orders set to be lifted, we expect migration levels to increase as smugglers seek to take advantage of and profit from vulnerable migrants. We will continue to enforce our immigration laws. After Title 42 is lifted. Non-citizens will be processed pursuant to Title 8, which provides that individuals who cross the border without legal authorization and are unable to establish a legal basis to remain in the United States are promptly removed from the country.

We began planning last September, and we are leading the execution of a whole of government strategy, which stands on six border security pillars to prepare for and manage against any rise in non-citizen encounters. I issued a memorandum last week that provides more details about our lines of effort.

One, surge resources including personnel, transportation, medical support and facilities. Two, increase efficiency without compromising the integrity of our screening processes to reduce strain on the border. Three, administrative consequences for unlawful entry, including expedited removal and criminal prosecution. Four, bolster the capacity of nongovernmental organizations and coordinate with state local and community partners. Five, target and disrupt transnational criminal organizations and human smugglers, and six, detour irregular migration south of our border in partnership with other federal agencies and nations.

We inherited a broken and dismantled system that is already under strain. It is not built to manage the current levels and types of migratory flows. Only Congress can fix this. Yet, we have effectively managed an unprecedented number of non-citizens seeking to enter the United States and interdicted more drugs and disrupted more smuggling operations than ever before.

A significant increase in migrant encounters will strain our system even further, and we will address this challenge successfully. But it will take time and we need the partnership of Congress, state and local officials, NGOs, and communities to do so. We cannot address our core issues alone. DHS is a department of partnerships. I look forward to working together with this Committee to confront our ever changing threat landscape and protect the American people. Thank you.

PETERS: Thank you, Mr. Secretary. Mr. Secretary, as you know, we have a number of administration officials before this Committee hearing coming here tomorrow to do -- we're going to have an in depth conversation about our challenges at the Southwest border with a number of experts who are on the front lines, and part of that discussion will include the department's plans for the termination of Title 42.

Once Title 42 is terminated, Border Patrol needs to return to border security enforcement strategies such as the consequence delivery system, which has been severely limited as from this health order. Before there were consequences for coming across illegally, now, folks are just returned back and they keep coming over and over again, because of the way Title 42 works, why we see a surge here. These are people that keep trying, we keep stopping them, we keep sending them back, but they keep coming over and over again.

So my question for you is how is the department preparing to resource efforts to lean into consequences like expedited removal and prosecution to limit the number of individuals crossing the border illegally, as well as limited these higher rates of recidivism that we're seeing as a result of Title 42?

MAYORKAS: Mr. Chairman, if I could take a step back, Title 42 the CDC's authority calls for an expulsion of an individual, which means that the individual is not placed into immigration removal proceedings, and therefore does not have an enforcement record established by the attempted illegal entry. And so we are seeing a great deal of recidivism. So the number of encounters doesn't necessarily reflect and does not, in fact, reflect the number of unique individuals whom we encounter, but rather, we see the same individual trying repeated attempts to enter in between the ports of entry.

What we are doing is surging personnel, both at U.S. Customs and Border Protection, specifically the Border Patrol, as well as Enforcement and Removal Operations within Immigration and Customs Enforcement to bring expedited removal that's immigration enforcement proceedings to the fullest extent that we can, as well as working with the Department of Justice, the United States Attorneys in the jurisdictions along the border to address conduct through criminal prosecution that warrants it.

PETERS: In recent years, with higher arrivals of unaccompanied minors, we saw children spending unfortunately significant amount of time in CBP facilities instead of HHS facilities, I think due in large part just to the lack of appropriate planning in years past. Mr. Secretary, how are you ensuring that the DHS and HHS are cooperating across the departments to make sure resources can be quickly activated to protect these vulnerable children if a similar situation occurs?

MAYORKAS: Mr. Chairman, the law provides that unaccompanied children in the care of US Customs and Border Protection must be turned over to the Department of Health and Human Services within 72 hours. When we saw those border patrol stations become overcrowded early in 2021 that was by reason of a challenge in throughput that the Department of Health and Human Services did not have the resources to actually receive and shelter the unaccompanied children.

We, in the Department of Homeland Security, dedicated tremendous resources to assist the Department of Health and Human Services, and we also brought expertise to re-engineer the process. And so we built a more efficient and agile process to move children from border patrol stations to HHS, to Department of Health & Human Services shelters, and then added great efficiency to ensure that those children could be united as a law provides with qualified family members here in the United States who would sponsor them. And that work, collaborative work, and relationship, of course, has not waned in the ensuing months.

PETERS: There's no doubt that the department's effort to respond to security and humanitarian needs at the southern border are going to require significant resources in the days and months ahead. Are you preparing to submit a supplemental funding request to Congress to address some of these needs?

MAYORKAS: Mr. Chairman, we're very grateful to Congress for the appropriation that we received in fiscal year 22, in this current fiscal year, and we of course, have submitted a spending plan with respect to how we are using those funds. We believe it is a matter of fiscal responsibility for us after those funds are expended to first look within the department and where we can reprogram funds as necessary. If indeed, we need to seek a supplemental from Congress, we will certainly communicate that with this Committee forthwith.

PETERS: Mr. Secretary, we are facing supply chain bottlenecks, and a busy summer travel season, and the need to make sure our ports of entry across the country are functioning as efficiently as possible. And so, if I look at the past, we've unfortunately seen DHS personnel pulled from northern border and airports to support what's happening at the southern border. So my question to you, sir, is what actions is the administration taking to ensure that ports of entry around the country including the northern border are properly resourced?

MAYORKAS: Mr. Chairman, we're very mindful of the ports of entry as an engine of economic prosperity, the movement, the lawful movement of people and goods, promotion of trade and travel, and we deploy our personnel if needed to a different area according to the needs of the ports of entry. We do not sacrifice those needs to serve others. We know how to move our personnel and resources around so that we achieve all aspects of our mission ably as our people are extraordinarily talented in doing.

PETERS: So, Secretary, this year's budget request for CISA is lower than what was appropriated last year. CISA is still growing and Congress has provided, as you know, and been helpful in an extensive new authorities to the agency, incident reporting, running the dot-gov domain, supporting K-12 cyber, a joint cyber planning office, and we in Congress are now working to update FISMA.

Could you explain to the Committee why the budget request is lower than what Congress appropriated and what do you feel is an appropriate growth trajectory for CISA?

MAYORKAS: Mr. Chairman, we're very grateful for the budget that was enacted for fiscal year 2022. The amount that we dedicated in the fiscal year 2023 budget for the Cybersecurity and infrastructure security agency, is actually considerably more than the budget that we proposed for fiscal year 2022. It's a matter of timing. We were unaware that Congress would so amply fund CISA. And so it's really a matter of timing, but we continue to grow CISA, the Cybersecurity and Infrastructure Security Agency, and we actually have the \$650 million dollars in funds from the other source. And so we are growing it as quickly as we can, efficiently absorb the funds, and grow the organization to ensure its quality and growth to meet the challenges that we confront.

PETERS: Right. I appreciate that. We've had numerous conversations about this. I appreciate your passion about defending our country from these cyber attacks. Thank you, Mr. Secretary.

Ranking Member Portman, you're recognized for your questions.

PORTMAN: Great. Thank you. Mr. Secretary, over the past year, about a million people have come into our country through the southern border unlawfully coming to the border and then being allowed into the country. Most of them have claims under the asylum system, a system where at the end of the process once their claims are adjudicated, more than 80 percent are denied.

This year, DHS is expecting 1.5 to 2 million people to come into our border unlawfully. You've been using Title 42 to turn back about another 1 million people. So clearly not having Title 42 is going to lead to a lot more folks coming to the border unlawfully and being allowed into the country.

On Fox News Sunday this past week I was watching you, you said that asylum seekers "make their claims under the law. If those claims do not prevail, they are promptly removed from the United States." According to the information we've received, about 1.2 million unlawful migrants had been issued a final order of removal. Those are people who go through the asylum process and their claims are adjudicated, and they're denied. You only deported 59,000 people last year. That would be the lowest percentage in the history of the country. With these numbers, how can you say that asylum seekers whose claims are denied are "promptly removed" from the United States?

MAYORKAS: Ranking Member Portman, thank you very much. That 59,000 figure is not the figure that I have, but I will drill down on that.

PORTMAN: Do you know what figure you have?

MAYORKAS: Yes, I do. I believe it is over 74,000.

PORTMAN: 74,000 under the Obama year...

MAYORKAS: Forgive me. Ranking Member Portman, you are correct. That is the number of arrests. We removed 59,011 people in fiscal year 2021.

PORTMAN: OK, out of 1.2 million unlawful migrants have been issued a final order of removal.

MAYORKAS: Let me if I can first focus on the 59,000 figure. Because our focus has been on individuals who pose the greatest threat to our public safety in the execution of smart and effective law enforcement. 46 percent of the ICE removals were for people convicted of felonies or aggravated felonies compared to 18 percent during the previous four years, and 17 percent, the year before that. So our focus first and foremost in execution of our security mission is the removal of people that pose the greatest threat.

PORTMAN: I understand that, I understand that and, you know, you're deporting a lot fewer people, and so you're focusing on those who have criminal records, and therefore your percentage of those will be higher. You were in the Obama administration. I worked with you then, you were deputy secretary. You're deportation numbers are 80 percent lower than they were, under the Obama-Biden Administration. Forget the Trump Administration, the Obama-Biden Administration, DHS was deporting about 350,000 unlawful migrants each year on average, as you know, because you were you were there.

MAYORKAS: There's an important fact to explain that distinction and that is the implementation of Title 42, which does not account for removal. Under Title 42 we have used Title 42, to expel I believe, more than 50 percent of the people...

PORTMAN: It's about 55 percent. So that's correct. But I'm talking about the people who come into the country. Remember, we're at record levels of people who are allowed into the country, primarily because they have made a claim under asylum for Central America and Mexico, only 15 percent of those who ultimately be allowed to stay in the country under that adjudication. But they tend to stay because you're not deporting them, and you're not doing what you said on Fox News, which is that if their claims do not prevail they are promptly removed from the United States. It's just not what's happening. I mean, we can argue whether that's right or wrong, but I think the American people deserve to know, don't you, that we are not removing people at this point? Is that correct?

MAYORKAS: Well, we are removing people as quickly as we can and well-focused...

PORTMAN: 59,000 is about 3 or 4 percent.

MAYORKAS: If I may, Ranking Member Portman, a few thoughts.

First, we are working with Immigration and Customs Enforcement, specifically Enforcement and Removal Operations to increase the number of removals that were able to effectuate. We are seeing now an increasing number of individuals from countries of origin to which we have difficulty removing them, for example, Cuba, Venezuela, Nicaragua, we are seeing more than 1,200 Cubans each day because of the oppression of the authoritarian regime in Cuba. And I believe that there are members of the United States Senate that would not endorse our removal of Cubans back to Cuba.

PORTMAN: Mr. Secretary let me continue, because my time is about to expire...

MAYORKAS: It's a very, very complex...

PORTMAN: Well, of course, it's complex, but the vast majority of people we're talking about do not come from Cuba or Venezuela or any other country where they cannot be returned. So I'll give you a chance here. Would you like to change your assertion that asylum seekers who do not prevail are promptly removed from the United States?

MAYORKAS: No, we're doing that to the fullest extent that we can.

PORTMAN: Well, you're not doing it to the fullest extent you can, and you know that, 59,000 people 3 or 4 percent, back in the Obama administration, you were doing 350,000, on average per year. So it's just not accurate. I'm trying to help you here to be able to clarify the record? Well, because the American people when they listen to us saying, everybody who comes in goes through an adjudication process. If they don't get asylum, they're promptly removed. It's just not accurate. Now, you can argue that that's the way it should be, for policy reasons, whatever reasons you or the administration might have, but it's not accurate to mislead the American people.

MAYORKAS: It is not my position that that's the way it should be. We should remove individuals who have made their claim...

PORTMAN: OK, now we're making progress, so you believe we should not be doing what we're doing. In fact, we should be removing more people who did not qualify?

MAYORKAS: We should be able to remove individuals who've made a claim for relief, who've had that claim heard by an immigration court, and the immigration court denied that claim. Those individuals do not have a legal basis to remain in the United States and therefore should not be permitted to do so.

PORTMAN: But we do in the administration have a policy not to do that. That's the point.

MAYORKAS: Ranking Member Portman, that is precisely why we promulgated the asylum officer rule to more expeditiously be able to remove individuals.

PORTMAN: Well, we can talk about that later. But the asylum officer rule says that you at the border, get a quick adjudication. But if the adjudication is that you do not qualify, because you're an economic refugee, which we understand a lot of people want to come here for economic reasons, I probably would too, if I was one of those fathers, but those people are then allowed to appeal that decision to the regular immigration court judge. So we're right back into the backlog, which is unfortunate.

Well, we'll have an opportunity in our second round to talk more about this. But I'm glad to hear you say that you think we ought to be actually following the law and removing people who do not qualify, and I look forward to working with you to make that actually happen.

CARPER: All right. Obviously, Senator Portman, as you know, there will be another round, and I'm sure you'll get another bite out of the Apple.

Mr. Secretary, great to see you. Thank you for not just for being here, but thank you for your continued service to our country. And then when people take on this kind of responsibility, their spouses and their children serve as well. So give them our best and our thanks. I'm going to ask a couple of short questions, if you don't mind, and I am going to ask you to please try to answer them in sort of like a yes or no format. I'm not a big yes or no guy. But if you want to elaborate on any of them feel free, but we start off with a yes or no and then elaborate if you'd like.

The first question I want to ask is, is our border open?

MAYORKAS: No, it is not senator.

CARPER: Is it true that Title 42 is a public health order determined by the Centers for Disease Control and Prevention not in immigration policy, decided by the Department of Homeland Security?

MAYORKAS: That is true senator. The Centers for Disease Control and Prevention, the CDC has exclusive authority with respect to the public health law of Title 42.

CARPER: Alright. Is Title 8 the legal authority under which the border has regularly operated? And does it allow the department to impose consequences for repeat border crossers?

MAYORKAS: Senator, it does, and Title 8 provides a series of different consequences, consequence regime, both in the civil arena as well as in the criminal arena. And frankly, before my service in the Department of Homeland Security. I prosecuted Title 8 cases under the Criminal authorities as an Assistant U.S. Attorney and the United States Attorney for the Central District of California.

CARPER: Alright. Do you intend to enforce the law under Title 8 once the Title 42 Public Health order is lifted, and is Title 42 significantly increased the number of repeat crossers coming to our border?

MAYORKAS: Senator, in the six lines of effort that I outlined in my opening statement reflected in greater detail in the plan that is set forth in the memorandum I issued last week, I spoke of the consequence regime. That's one of the key pillars and that includes, of course, proceedings under Title 8, both in the civil arena expedited removal, which is a faster way of removing individuals from the United States and criminal prosecutions.

CARPER: Alright. Does your department have a plan in place that the Congress is aware of, which includes both short term and long-term solutions for managing our borders?

MAYORKAS: Senator, yes, we do. And that's a plan that we developed beginning in September of last year. It's reflected in the memorandum I issued last week. But fundamentally, fundamentally, the enduring solution is legislation to fix what is unanimously understood to be a broken system.

With respect to the plan that I detailed there are a few solutions that are more enduring than others. One, is the intensified targeting and disrupting of the transnational criminal organizations and the smuggling organizations, and two, is deterring irregular migration, in cooperation with not only other federal departments and agencies, but critically with our partners to the south of our border. And just yesterday, I met with Foreign Minister Marcelo Ebrard of Mexico, certainly not for the first time, and over the last month, I've been in Panama and Costa Rica to speak with our partners.

CARPER: Alright, thank you. Turning to addressing some root causes of domestic terrorism here for my next question, but we don't need the confirmation from the intelligence community or law enforcement officials to tell us that the threat of domestic terrorism is rising. Unfortunately, we only have to think back to one of the many devastating attacks over the last couple of years that continued rock communities around our country, whether attacks are on places of worship, they have been in my state and others, institutions of higher education or other community based organizations, in reality these attacks are disturbing and as a nation, we must be doing more to address it. I often say that we need to find out what works and do more of that. How often does the department's center for prevention programs and partnerships address the root causes of this problem? And how is it reflected in the budget request?

MAYORKAS: Senator Carper, the Centers for Prevention Programs and Partnership is really a concerted effort on a day in and day out basis to address the root causes. The model of that center is to equip and resource and empower local communities to address the dissension into radicalized violence by individuals within their neighborhoods, within their communities and jurisdictions. No longer do we think the optimal course is for us in the Department of Homeland Security and the federal government to go into the community, but rather to equip local first responders, teachers, faith leaders, parents, family members, and neighbors to identify when someone is exhibiting the signs of descending into a potential to commit violent acts and intervene. It's about prevention, preparation, addressing the causes of that.

CARPER: I have about 1 minute and 15 seconds left. And I'm happy to yield that time to you if you'd like to respond more fully to questions that have been asked of you by other colleagues.

MAYORKAS: Thank you very much, Senator. Senator, I look forward to speaking with Ranking Member Portman further about the issues that he's raised. I appreciate the opportunity.

CARPER: Alright. With that, I think the next person in line is Senator Johnson, I think. Senator Johnson, you are recognized.

JOHNSON: Thank you Senator Carper.

Mr. Secretary, I can't tell you how many times as Chairman of this Committee, I talked about the problem solving process. And the first step in that process is admitting you have a problem. I've heard you say that we have a secure border that you're managing it. Do you not admit that this is a problem on the southern border?

MAYORKAS: Senator Johnson, that is certainly a challenge. We recognize the challenge...

JOHNSON: I mean, can you say the word problem?

MAYORKAS: it is precisely, Senator Johnson, it is precisely why in September of last year, we...

JOHNSON: OK. I've got some questions. I want to ask you so because you've also said that you inherited a broken system. I would contend you broke a system. I think it's time for a little history lesson here. This is a chart I developed as chairman showing the growth in unaccompanied children crossing our border illegally. You see before DACA, it was somewhere between 2000 and 4000 a year. DACA in 2012 all of a sudden sprung to 10,000 in 2014 it went up to 51,000 unaccompanied children, and this is even President Obama called that humanitarian crisis.

Going to this chart, that humanitarian crisis peaked one month where apprehensions were slightly over 2000 a month, 2000 a month. You can see that President Obama then responded. He started detaining families, then we had the Flores court decision reinterpreted, you couldn't break up families. They wouldn't do that, I understand that. And it took a little while longer for people to recognize even though when President Trump ran for office, illegal immigration declined pretty dramatically because people thought we were going to be serious about securing our border. Once he found out that the laws hadn't changed that we had, again, this very low standard of credible fear, not the asylum standard, but credible fear that all you had to do is come to this country and say, I'm afraid to go back, you can come in.

And so we had the crisis that culminated in 2019 at a little bit more than 4,000 in one month, I think 4,600 a month. But in general we were averaging about 3000 for about five or six months. And then President Trump did something about it. He actually modeled his return to Mexico off of a program that Senator (inaudible) and I worked on called Operation Safe Return, but they turned into Return to Mexico. He had agreements with Central American countries and Mexico. And I think you have to admit that at least in terms of unaccompanied children, and families exploiting asylum law, we'd pretty well almost stopped the flow.

What happened during 2020 is during the Democratic presidential debates, every Democrat president candidate said they're going to stop deportations and give free health care. So you can see single adults started rising, but the full blown crisis did not start until you and President Biden took office. You dismantled Return to Mexico, you dismantled those agreements, you sent the signal to the world that America's borders are open, you and Title 42, and the signal says the borders are completely open now. Can you sit there and testify that the root cause of the current crisis isn't how you dismantled what worked under the previous administration?

MAYORKAS: Yes, that is my position senator.

JOHNSON: You do not believe that you're dismantling of those successful policies that obviously worked, didn't cause this crisis? You were brought into office with a -- I understand the system can't handle 7000 people a day, which is what -- we've been averaging since your administration took office about 6000 a day, last month, 7000 a day I know the system can't handle that. But that wasn't a broken system. What's broken is the uncontrolled flow caused by your policies of opening up the border. You won't admit that what you did in dismantling successful policies caused this?

MAYORKAS: Senator, so I disagree with your framing of the question, but let me answer it if I may. The challenge of migration is not unique to the United States. I've traveled to the south of our border. Let me share a few facts with you. There are more than 1.8 million Venezuelans in Colombia. I was in the small country of Costa Rica. Costa Rica's population right now is approximately 2 percent.

JOHNSON: Mr. Secretary, you are Secretary for Homeland Security for the United States of America.

MAYORKAS: No, what I'm sharing...

JOHNSON: I've seen the surveys, there are tens of millions of people around the world that would want to come to this country. And I understand that I'm sympathetic with that. But we need to secure our border and we pretty well had it done. It was your administration to stop building the fence, you stopped completing it, you dismantled these programs. Again, you can sit there and deny that the actions you took, your policies have sent the signal to the world again, and Title 42, it is the final signal that our border is completely open. You even stop calling it apprehension. Now it's just encounter, you encounter you're managing the process by making that processing and dispersing so much more efficient.

MAYORKAS: I would like to finish my answer.

JOHNSON: Well, you're not answering that question. You're -- you're just dodging it.

MAYORKAS: No, I've already answered your question, Senator, if I may, that we do not believe the policies of this administration have caused the migration.

JOHNSON: OK. You're living in an alternate reality. Is the goal of this administration to actually reduce the flow of illegal immigrants or is the goal just making it more efficient to let them in and disperse them? What's the goal of your policy?

MAYORKAS: The goal of this administration, and it has been articulated publicly many a time, is to build safe, orderly and legal pathways for individuals to access the laws of immigration that Congress has passed, not to come in between the ports of entry, not to take the dangerous journey, not to place one's life saving...

JOHNSON: That's not working very well. You said that the Congress has to pass laws. Is there any law that you proposed that would tighten that credible fear standard so that we don't have this beacon for people to come to this country illegally and exploiting our very low credible fear standard? Is there anything you proposed that would actually reduce the flow, as opposed to just making it more efficient to process and disperse?

MAYORKAS: Senator Johnson, I believe that Senators Sinema and Cornyn, for example, have presented a proposal to fix our asylum system. We would look forward to working with them with respect to that proposal or other proposals that are...

JOHNSON: Why not go back to Return to Mexico because that worked? Without congressional action, because President Trump did it, you just go back to Return to Mexico, complete the fence, re-enter those agreements with Central American countries and do what President Trump did, fix it. Why don't you do that? You can do that with executive action.

MAYORKAS: We do not agree with many of the inhumane and cruel policies of the prior administration.

JOHNSON: You think the human trafficking, the sex trafficking, the over 100,000 drug overdoses because we're a completely open border, you think selling of children to use that loophole in our asylum laws, you think that's humane? You think what you are facilitating the business model of some of the most evil people on the planet putting billions of dollars in their pocket, you think that's humane?

MAYORKAS: Senator Johnson, of course, I'll treat that as a rhetorical question. Because you know that the question compels the answer that I would give. Of course, we don't consider that human suffering to be humane.

JOHNSON: You are allowing it.

MAYORKAS: Of course, we do not consider the more...

JOHNSON: You're allowing it, you're facilitating it, you've caused it.

MAYORKAS: Of course, we do not consider the more than 1,500 individuals raped, murdered, tortured...

JOHNSON: Then fix it.

MAYORKAS: Otherwise victimized under President Trump's execution of the Remain in Mexico program.

JOHNSON: Fix it, you know how to fix it.

MAYORKAS: Of course, we don't consider that humane.

CARPER: Senator Paul, you're recognized for your questions.

PAUL: Do you think the steel dossier included Russian disinformation?

MAYORKAS: Senator that's not a question that I'm not equipped to answer.

PAUL: It was in the public news. You may have heard of it, the Mueller investigation, it was a \$32 million investigation that went over a couple of years. Horowitz was an investigator general and he looked at the FBI's activity in the beginning of this. And what the FBI concluded was that there were FBI agents throughout this period of time who concluded that yes, the dossier was full of Russian disinformation. So let's say it is Russian disinformation. You say your new Disinformation Governance Board is going to help the public with disinformation. You claim it's not going to be about domestic, it's going to be out about foreigners and those evil Russians.

So here's my question. The FBI concludes that the Steele dossier was full of Russian disinformation. CNN propagated this disinformation gladly for years and years. The difference, I guess, between your opinion and our opinion is that as despicable as it is that CNN propagated this disinformation, I wouldn't shut them down. I wouldn't lecture them. I wouldn't put it on a government website that CNN is wrong for propagating disinformation. The problem you have is you're not even willing to admit I mean, we can't even have an agreement on what the FBI said was disinformation. How do you propose that you're going to have an office of Disinformation Governance if you see the problem, and even determining what is disinformation?

MAYORKAS: Oh, Senator, because our work is not focused on disinformation writ large, where we the Department of Homeland Security become involved is when there's a connectivity between disinformation and threats to the security of the homeland.

PAUL: Well, you know, the Russians might be considered that you mentioned the Russians the other day when you tried to pivot away from this being about censorship. But let's say it is the Russians. I know you're not going to ever agree that the steel dossier which you all spent so much money on was disinformation. But it was and the FBI concluded, but let's just say there's an imaginary disinformation. You've discovered tomorrow, Russian disinformation, that's going to hurt our national security, and CNN is broadcasting it. What are you going to do? You're going to tell Putin you shouldn't do this? What are you going to do?

MAYORKAS: Senator, let me let me explain what we do in the Department of Homeland Security with respect to disinformation, and frankly, what we've been doing for nearly 10 years across different administrations, the cartels, the cartels propagate disinformation, that Title 42 does not apply to a particular community of migrants, migrants from a particular country.

PAUL: How are they propagating this?

MAYORKAS: If I may, through social media, and what we do through U.S. Customs and Border Protection, is actually communicate via social media and other channels, that that is false, that we do apply Title 42.

PAUL: So, let's say there's Russian disinformation as well. Are you going to take to Social Media and broadcast that people are broadcasting something incorrect about what you think is Russian disinformation?

MAYORKAS: Senator, let me emphasize...

PAUL: You said the other day Russians, and now you're saying not so much the Russians, you're saying the cartels?

MAYORKAS: No, I'm not. No, I'm not. Senator, you're mischaracterizing my statement.

PAUL: Then what are you going to do if there's Russian disinformation, you're going to broadcast something on social media?

MAYORKAS: Allow me to share, when we become involved in the Department of Homeland Security, we become involved when disinformation poses a threat to the security of our country. It is when there's a connectivity to a threat to our country, it could be a threat of connectivity to violence. And what this working group does is precisely what I would think you would want it to do, which is to take a look at the work, the disinformation work that our department has done and ask the following questions. Do we have policies? Do we have guardrails? Do we have standards to ensure if I may...

PAUL: Yes, but here's the problem, we can't even agree, we can't even agree what disinformation is. You can't even agree that it was disinformation that the Russians fed information to the steel dossier. If you can't agree to that how are we ever going to come to an agreement on what is disinformation so you can police it on social media?

MAYORKAS: Senator, I have two points if I may finish. Number one, that what this office, I'm sorry, what this working group does because it's not an office, what this working group does is ensure that there are guardrails, definitions, standards to make sure that the free speech rights, the civil rights, civil liberties, and privacy rights of individuals...

PAUL: So do you think COVID disinformation threatens our national security?

MAYORKAS: Number two, if I may, Senator. And number two, is that your proposition that when the cartels spread disinformation with respect to our immigration policies to try to lure vulnerable migrants to our border illegally...

PAUL: I think you've got no idea what disinformation is and I don't think the government's capable of it. Do you know that the greatest propagator of disinformation in the history of the world is, the U.S. government? Are you familiar with McNamara, the Pentagon Papers? Are you familiar with George W. Bush and the weapons of mass destruction? Are you familiar with Iran-Contra? I mean, think of all the debates and disputes we've had over the last 50 years in our country. We work them out by debating them. We don't work them out by the government being the arbiter.

I don't want your guard rails, I want you to have nothing to do with speech. You think we can't determine speech by traffickers is disinformation. You think the American people are so stupid they need you to tell them what the truth is. You can't even admit what the truth is with a steel dossier. I don't trust government to figure out what the truth is. The government is largely disseminating disinformation. So I do have a question and here's the question. So the Russians, maybe the Russians, maybe some cartels, what about COVID disinformation? Is that in your bailiwick for your Disinformation Governance Board?

MAYORKAS: Senator, you would have to give me the details with...

PAUL: OK here. I've said a million times, I said a million times that cloth masks don't work. YouTube takes me down. They're a private company, I can have that beef with them. What about you? You're going to look at that? I often say that natural immunity from having had the infection is equal to the Vaccine or better? You're going to take that down? Those are very specific.,

MAYORKAS: Senator, first of all, it's not for us to take it down. And second of all...

PAUL: Are you going to put information out there saying that I'm spreading disinformation.

MAYORKAS: Senator, we are not the public health experts to make those determinations.

PAUL: So public health won't be part of the Disinformation Governance Board, no COVID disinformation, yes or no?

MAYORKAS: Senator?

PAUL: Yes or no. is public health going to be part of your censorship group?

MAYORKAS: Somebody, allow me because you're presenting hypotheticals that are vague.

PAUL: I just gave you a very specific one on cloth masks. I gave you a very specific one on immunity from previous infections.

MAYORKAS: I answered your question, but let me answer the last question that you posed. Do not, do not under any circumstances accept the vaccine at a FEMA overseen vaccination center because they are actually peddling fentanyl. Now, should I sit back and take that or should I actually disseminate accurate information? That's what we're doing, what we would do. Should FEMA issue accurate information that the vaccinations that we are administering in the sites that we oversee, actually are the COVID-19 vaccine...

PAUL: I have a greater respect for the American people than you do. I think the American people can figure out the truth. And if you think the American people need to be told there's not fentanyl in the vaccination, feel free to say it. But the thing is, is if you are going to go around saying that you are the arbiter of information and of disinformation, I think you have no clue and you don't have the perspective history knowing that disinformation, the largest progenitor of disinformation in our history has probably been the U.S. government.

MAYORKAS: I've never said that and actually, I've said the exact opposite. We are not the truth Police.

CARPER: Thank you, Senator Paul, Senator Padilla, you're recognized for your questions.

PADILLA: Thank you, Mr. Chairman. Seven minutes goes by fast so I'll jump right into Mr. Secretary. A major breakdown of the U.S. immigration system is the failure to consider the fate of the children of long-term visa holders. Now these are children who have parents who have applied for a green card and are in the U.S. with legal status, legal status, but their application remains stuck in years long backlogs.

And as a result, there are currently over 250,000 children who are at risk of aging out from the protection of their parents lawful status, lawful status. When these children turn 21, they face the impossible decision of leaving their families to self deport to a country that is often completely foreign to them, or remaining in the United States undocumented and living in the shadows.

To address this problem, I introduced the America's Children Act to help fix this often overlooked inequity in our immigration system. And I'm proud to say that it enjoys from the start bipartisan support, including from my colleagues, Senator Paul, member of this Committee. But as you well know, Mr. Secretary, we have a lot more work to do to clear backlogs and reduce processing times at USCIS. That's partly why I'm pleased to see the \$765 million included in the President's budget request this year to help work through the processing backlog.

Secretary Mayorkas, do you think it makes sense for our immigration system to allow children to be brought here lawfully on their parents visa raised and educated here oftentimes for decades, but not have a clear opportunity to become an American citizen because your parents' Green Card petition is stuck in the backlog?

MAYORKAS: Senator Padilla, I think the legislation that you proposed is one element of much needed massive fix to our broken immigration system.

PADILLA: Thank you. And can you please explain what the \$765 million requested for USCIS will be used for and whether it will be sufficient to work through the backlogs?

MAYORKAS: Senator Padilla the 765 million is comprised of two parts one to address the backlog if I'm not mistaken and two, to hire additional asylum officers to implement the asylum officer rule that will take effect later this month which we believe is a very much needed a reform to the asylum system.

That will not be enough to put U.S. citizenship and immigration Services on firm financial footing. That agency was dismantled. It was on the brink of bankruptcy. It is funded predominantly through the fees it collects. And that is why we are very focused on a fee rule. The fee rule calibrates the fees that we charge applicants. It calibrates them according to the costs incurred in administering those benefits.

And there has not -- it's a law that a fee rule is to be promulgated, I believe every two years. And it's been over six years, I think that a fee rule has been promulgated, which is why we're so focused on it.

PADILLA: There are two issues I want to get to so I just asked him whatever additional resources that you would need to successfully clear the backlog. Share that with my office share that with this committee, it might be helpful.

Second, I want to highlight FEMA's emergency food and shelter program, which provides funding for NGOs as well as state and local jurisdictions along our border. I was disappointed to see that the amount requested in the budget for this part of the program was only \$24 million.

And as you know, border area local governments and NGOs doing this kind of work provide critical services that are typically functions of the federal government, such as temporary shelter, food, transportation for families and adults who are released from government custody.

Without proper funding support operations will inevitably be scaled back. So my question is simple yes or no. Will you commit to working with me to ensure that we have the necessary resources to meet the needs of organizations and local governments providing humanitarian assistance to vulnerable migrant families and individuals?

MAYORKAS: Yes, I will, Senator. And that is actually one of the six pillars in our plan that we detailed in the memorandum I published.

PADILLA: Thank you. And the final area deals with wildfires. You know, historically, the Stafford Act, which governs FEMA's disaster efforts, has not been explicitly inclusive of wildfires, which are increasing in frequency and severity throughout the West, not just in California.

Due to the unique nature of wildfires, California has experienced tremendous difficulty after catastrophic wildfires in getting approval for federal disaster assistance. Most recently, the -- fire had victims who were denied individual assistance despite the fact that more than 1000 structures were destroyed.

And despite President Biden himself having visited the area and committed assistance from the administration, Secretary Mayorkas will you commit to working with my office to ensure that the disaster assistance needs of all communities impacted by wildfires are more fully supported by DHS and FEMA?

MAYORKAS: Yes, I will, Senator and we have a number of different efforts underway in that regard, understanding very well, understanding that both the frequency and the gravity of wildfires that this country is experiencing have increased. And in fact, our department is working with the Department of Agriculture and the Department of Interior in setting up a commission to address this very threat to the security of our homeland.

PADILLA: OK, thank you, Mr. Secretary. Mr. Chair, I'll reserve my further question for the second round.

PETERS: Thank you, Senator Padilla. Senator Lankford you're recognized for your questions.

LANKFORD: Chairman, thank you. Sir General Mayorkas thanks for being here. You've had a long couple of weeks in getting a chance to be able to testify. Obviously, there are a lot of folks that have talked to you both today and before about this disinformation governing board.

There are some obvious questions and been some problems with the rollout on this. I'm going to not going to go into a lot of details to tell you but I will tell you I have some major concerns, obviously. And part of our concerns is just a lack of information.

So I just want to be able to bounce through a couple of things. Before I jump in I do want to say this as well. Last year in our budget hearing, which was in July last year, I asked you some different questions for the record, your team actually sent me the answers for those questions for the record three hours ago.

So I'm going to give you a couple of things because it may take eight months to be able to get the answer back on it. By the way, some of those were yes or no questions on it, as well. So I do appreciate the answer on it very much.

But let me give you just a couple of things. Is there a written mission statement, a strategy document, a principles, a charter, a job description on this disinformation governing board, are there written documents to explain what it is and what it is not what they're doing?

MAYORKAS: If I can preface my answer with an apology,

LANKFORD: Thank you.

MAYORKAS: Both to you and to Ranking Member Portman and to this Committee, with respect to responses to requests for the record. We need to be swifter in providing this committee with responses and I extend that apology to the entire committee.

There is a charter you are correct, Senator, that the rollout with respect to this working group was suboptimal. And we need to provide more information not only to this committee in Congress, but to the American public, there is a charter and principles are being developed.

And what we -- what this working group seeks to do is actually develop guidelines, standards, guardrails to ensure that the work that has been ongoing for nearly 10 years does not infringe on people's free speech rights, rights of privacy, civil rights and civil liberties. It was a quite disconcerting, frankly, that the disinformation work that was well underway for many years, across different administrations was not guided by guardrails.

LANKFORD: So let me let me say this then, we will want those written documents, all those principles as soon as we possibly can job descriptions and the task on this because it's left undefined. We have no idea what this is. So we want to be able to get that. You've also said that there -- they'll have guardrails already have guardrails in this kind of a copy of that and when can I get that?

MAYORKAS: One of the primary goals of this working group is actually to develop the guardrails and to protect the rights.

LANKFORD: Got it. So it needs to be. Here's my challenge initially on this. Obviously, it's completely undefined it just sitting out there. The FBI already does this. The State Department already does this.

So the State Department identifies already foreign disinformation that's coming into us, the FBI is already looking for disinformation that could lead to terrorism, harm, all these kinds of things. We're trying to figure out this DHS new invention on what it does. And here's our problem.

Let me show you this. This is not going to shock you on this. The leader that you appointed to be able to put into this task when we just do a simple question to say who this person on it is what we get back is political statements that she's made, for instance, on the Steele dossier, which we all know was disinformation that was a Clinton Campaign document that was very engaged with the Russians on it.

She actually when it comes up, she's going to Chris Steele and saying I listened to this last night. Chris Steele yes, that Chris Steele provides some great historical context about the evolution of disinformation, worth a listen, or when people made a comment publicly about Chris Steele.

She responded back on Twitter on April 22 of 2020. You're aware that the Steele dossier is a Republican opposition research project? That's clearly disinformation on this. She's also made the public statements October the 14th.

Let me switch this over October the 14th 2020 in an AP article, she was quoted as saying the Hunter Biden laptop we view it as a Trump campaign product, and then said the emails don't need to be altered to be part of an influence campaigns voters deserve the context, not a fairy tale about a laptop repair shop.

So we have a practical question here. We don't have a definition of what it is. We don't have boundaries or what it does. The FBI already does this. The State Department already does this. And the person you tap to lead the disinformation campaign has been outspoken on TikTok and Twitter with disinformation specifically on election issues.

So we're responding to something that's unknown. And what we do know is disinformation coming from it. Why should we not have suspicions on this?

MAYORKAS: Can I? I'll say two things. Number one, Senator, have you mentioned that the Department of State and the Federal Bureau of Investigation already do this work? So does the Department of Homeland Security.

The Department of Homeland Security has been doing this work for years in addressing disinformation that poses a threat to the security of our homeland, whether it's Russia, in the cyber domain?

Whether it's disinformation with respect to the resources that FEMA provides the most vulnerable people in the wake of a natural disaster? Whether it's addressing the smuggling organizations and their disinformation, not to U.S. persons, but to vulnerable migrants who received this information and are goaded into coming to the border under false pretenses?

That work has been underway for years and years. What this group is to do is to ensure that work is performed in a way consistent with the law. It does not infringe on freedom of speech, rights of privacy, civil rights and civil liberties. It is going to establish what should have been established years ago, standards, definitions, guidelines and policies.

LANKFORD: Well, we will look forward to getting all the written information on that. I appreciate that very much. We'll get it out. You testified last week about operational control of the southern border. And you testified that we do have operational control of the southern border. What we didn't get was your definition.

Obviously, we look at this and say 221,000 people were encountered, just in March, illegally crossing the border, another 66,000 people were seen crossing the border that the Border Patrol couldn't actually get to because they were taking care of the 221,000 people they did have.

But you stated in your testimony, we do have operational control in the southern border, can we get a copy of what your department uses as the definition of operational control?

MAYORKAS: Well actually, there's a statutory definition which provides, if I'm not mistaken, and I'll double check to make sure of my accuracy before this committee is that operational control is of no individual and no controlled substance passes through our border.

So under that strict definition, this country has never had operational control. But obviously, a layer of reasonableness must be applied here and looking at that definition, through the lens of reasonableness.

We dedicate now 23,000 personnel to the border we are searching increased personnel facilities and other methods of support. And in my opinion, operational controls mean maximizing the resources we have to deliver the most effective results.

LANKFORD: I would just say over a quarter million people that crossed the border illegally in one month is not operational control. We're going to disagree on that pretty strongly.

PETERS: Thank you, Senator Lankford. Senator Hassan I need to step out to vote shortly Senator Hassan, you'll have the gavel and you're recognized for your questions.

HASSAN: Thank you, Senator Peters. And thank you and Ranking Member Portman for this hearing and Secretary Mayorkas thank you for coming before the committee today to discuss critical resources that is needed to protect the homeland.

I want to start with a question about Title 42. While your April 26 memo summarizing the Department of Homeland Security's plan for Southwest Border Security and Preparedness in anticipation of the lifting of Title 42 included more detail than it had before.

I remain concerned about the department's ability to get additional much needed resources to the border. Your memo states that the department has, "Been able to manage increased encounters because of prudent planning and execution".

But during my trip to McAllen, Texas, and Nicholas, Arizona in early April, I heard from border security personnel on the ground that they were still struggling to manage the historically high number of people who they were already encountering.

And that they anticipate a significant increase in attempted crossings if the Title 42 restrictions are lifted. Mr. Secretary, what should give us confidence that the department can handle even more attempted crossings if it is already struggling with the current situation?

MAYORKAS: Senator, there's no question that the Border Patrol agents are under strain. And I've been very candid and straightforward with respect to the fact that once the operation of Title 42 comes to an end we anticipate that that strain to increase which is why we are delivering greater resources to them.

We have entered into a contract for example, for hundreds of case processors to do the processing of individuals encountered in between the ports of entry so we can push those border patrol agents out into the field.

That is a very strong example of what we are doing and why you should have confidence is because this is what the extraordinary personnel at the Department of Homeland Security, do. They plan they prepare and they execute to meet the mission.

HASSAN: I agree that we have extraordinary personnel at the border and throughout the country. And I'm very, very grateful to them each and every day. But I would suggest to you that a plan does not necessarily deliver resources, we need to make sure that the actual resources for the anticipated increase are there. And I will continue to push to make sure that that happens.

MAYORKAS: Senator, if I may, because that plan is quite comprehensive, because it's not just about resources. It's about attacking the transnational criminal organizations and the smuggling organization.

HASSAN: Mr. Secretary, I have limited time. So I appreciate that. And I appreciate the overall plan. My issue is making sure that we are have the resources in place and the execution capacity before Title 42 is lifted and a plan and that capacity are two different things. And that's what I hope to continue to work with you and your team on and push the administration on.

I want to turn to the issue of international terrorist threats. I am concerned I think, as we all are about resurgence in threats from international terrorism in the face of a potential resurgence of Al Qaida in Afghanistan. What processes and procedures does the Department of Homeland Security need to have in place to identify, monitor, investigate and disrupt international terrorist threats?

MAYORKAS: Senator Hassan, we have an office of intelligence and analysis that focuses on this very issue that is appropriately an issue of concern to you and of course, one of ours. That's why we maintain vigilance in addressing it.

We work our Office of Intelligence and Analysis worked with the entire intelligence community in identifying the threat of international terrorism. What we really need the Senate to do is to confirm our nominated Undersecretary for Intelligence and Analysis. Who served as a Homeland Security Adviser under President Bush, who's a former United States Attorney and eminently qualified to lead that critical office at this time?

HASSAN: Thank you. Now I want to turn to our cyber-security. Earlier this year, Senator Cornyn and I reintroduced our bill codifying the continuous diagnostics and mitigation program or what's known as CDM.

CDM is supposed to provide foundational cyber-security capabilities to all federal agencies, such as the ability to quickly and accurately know all of the devices on an agency networks without the foundational capabilities provided by CDM. Other federal cyber-security efforts will be ineffective at best.

Mr. Secretary, the department's proposed budget requests approximately \$67 million more for -- to run the CDM program than Congress appropriated earlier this year. How would the additional investment be used to ensure that all federal agencies have the foundational cyber capabilities provided by the CDM program as soon as possible?

MAYORKAS: Senator Hassan, we still very much appreciate your support of CDM continuous diagnostics, and mitigation. It is a critical tool. We have been pushing it out across the federal enterprise.

We have been issuing binding operational directives to make sure that other federal agencies and departments within our purview as the leader of the dot-gov environment to the civilian.gov environment implement the cyber-security measures that they can.

We communicate known vulnerabilities and allow those federal agencies to close them. So we very much appreciate your support, and are pushing CDM throughout the federal enterprise.

HASSAN: Thank you. I appreciate that. It's extremely important that we protect the cyber-security of our nation's critical infrastructure, too. We talked about our own federal agencies cyber infrastructure, but critical infrastructure is a whole another concern.

And that's why I've worked with my colleagues in both parties to create a state and local cyber-security grant program in last year's infrastructure bill to protect government owned computer systems and critical infrastructure, such as public schools and water utilities.

That grant program is currently being rolled out. And I'd be interested in hearing any update you have on the progress in rolling out those grants. I'm also interested in a new critical infrastructure cyber-security grant program that the department proposed in its budget.

How will this new grant program complement the state and local cyber-security grant program? How will the department effectively prioritize which critical infrastructure entities receive grants so that the grants will have the most impact?

MAYORKAS: Senator Hassan the program that is in effect right now the state and local grant program is to equip state and local jurisdictions with the resources they need to strengthen their respective jurisdictions. The critical infrastructure grant program that we propose would be a complement to that quite frankly, to focus on those elements of critical infrastructure that are target rich and resource poor.

We have to be mindful of the fact that the majority of our country's critical infrastructure actually rests in the hands of the private sector. So it's an extraordinarily important complementary program.

HASSAN: Well, thank you and I will submit for the record, a question I have concerning your efforts, the department's efforts on Russian sanction evasion. Now, as I am looking at our order here, I believe given who's in the room, Senator Scott, you are next.

SCOTT: Thank you, Hassan. First, thank you for being here, again. And thank you for testifying. So I come from Florida, Florida is state that we have a lot of people that have come to Florida, that were born in another country, so we'd like immigration, but we expect it to be legal.

As you talk to people around my state, they don't believe it all through the border secure. As you talk to our law enforcement, or police chiefs and sheriffs. They've seen an unbelievable uptick in illegal drugs come across the southern border. And so they're frustrated. So last year, in March, you told ABC's Martha -- "The border is closed the border secured". I can just tell you in Florida that is not something people believe at all.

Months later, on September 21, evening, after we'd seen a wave after wave of illegal immigration at our southern border. You told Senator Johnson in this committee, he believed that our borders are closed he asked you if you believed our borders are closed, he responded, Senator I do.

So in a hearing in May of last year, you made a commitment to me when we talked before your vote on the Senate floor that you would enforce the law? I just don't -- I have no belief that that's what you're doing.

Because I just look at these you look at I guess we don't have the chart up here on the numbers. It's just staggering. I don't think I'll use any question. The border is not secure. And I don't believe you're enforcing the laws. So just give you an example.

Something that I just I don't know how this doesn't just devastate you a family just recently, we lost Sergeant Bishop Evans, a member of the Texas National Guard, who died April 22nd while trying to save migrants illegally entering the United States is clearly hero.

He's trying to do his job. I think all of our prayers are with his families. To make it even worse the migrants Sergeant Evans, were attempting to rescuers perspective trying to illegally enter the U.S. to traffic illegal -- illicit drugs.

MAYORKAS: Why would you suggest that the loss of this hero's life doesn't devastate me?

SCOTT: Because I can tell you right now, as I talk to Border Patrol agents, they don't believe you're doing anything to make the border secure. And I don't believe you're doing anything to make the border security.

MAYORKAS: Do you actually suggest Senator Scott, that I as a human being and not devastated by the loss of a law enforcement officer in the line of duty?

SCOTT: I would suggest that if you were worried about that, you would start taking action to secure the border. And you're not. I have not seen -- I have not seen action on your part I've talked to I've been to the border.

I've talked to Border Patrol agents they don't believe you're doing anything. They believe this is the first administration that just sat there and did nothing to secure the border. If you look at the actions you've taken since you took this job.

You promised me you enforce the law. I don't think there's any question you're not enforcing the law. And I think you've utterly failed in your duty to the American public. And I don't think there's any question what you've done.

So I'm just shocked when you see this. You see, you talk to families who lost their kids with these drugs, and it's just skyrocketed since you've been in office. I mean, I just I don't get why you can sit here?

And you can go on television, you can come here and claim this border secure. And you're enforcing all the laws. You look at the border patrol agents who put them in harm's way you look at the National Guard members.

So I just don't get -- so let's just go through the numbers. Tell me how it's secured when you have 2 million illegal border crossings last year, and more than half of those individuals were allowed to stay. Think about the numbers for a second.

A little over 300 million people in America so about one every 300 people in this country today didn't come here. They came here illegally since Joe Biden took office. You're seeing 7000 apprehensions on the southern border every single day.

We have -- you've caught terrorists 42 individuals were on the terrorist watch list. That's the ones we know you caught. We don't know which we own how many you didn't. We had what 105,000 people die of drug overdose.

I mean, I can tell you by state story after story of people that have lost their loved ones, so I don't get it. But let me just go to this disinformation. So I was Governor we put out information all the time.

So but we didn't say we're going to go out and tell what the truth is. So trust us don't trust the media. Say we've got a disinformation we're going to be the ones that tell you what the exactly the truth is. This is like George Orwell's book 1984, where they had the thought police.

And it's like what they've done. Do you know they just didn't in communist Cuba where they put out? You know, they created an organization that's going to do the same thing that they're going to be the ones that tell you what the truth is.

So tell me why you don't just simply say, here's what we believe. Instead you go out, you want to create an organization that's going to go out and tell people exactly what the truth is that.

MAYORKAS: It's just inaccurate.

SCOTT: Why don't you call the disinformation board?

PETERS: Senator, let me...

HASSAN: Senator let the witness answer the question.

MAYORKAS: So a few points, if I may. The opioid overdose deaths in this country in 2020, increased by more than 50 percent over 2019, the opioid and drug epidemic in this country is something that has been increasing year over year for too many years. And we have to address that together.

Number two, the Department of Homeland Security has relied on the National Guard every single year since I think about 2006. We have requested 300 more Border Patrol agents in the President's fiscal year 2023 budget, the first time since 2011.

Three individuals are not allowed to stay in the United States, unless their claims for relief are adjudicated favorably by an immigration judge. They are in immigration enforcement proceedings with respect to the working group that this information governance board, what it does not have any operational authority or capability.

The agencies, the operating agencies within the Department of Homeland Security, execute their responsibilities to address disinformation that poses a threat to the security of our homeland. I gave one example allow me to articulate it again.

When the cartels spread disinformation, to individuals in countries to the south of the United States that Title 42 does not apply to them and in fact, it does. We are applying Title 42 with respect to them, U.S. Customs and Border Protection disseminates information to that very same population, that Title 42 does apply and you will be expelled.

What this working group will do is not exercise operational authority not operate, it does not have operational capability. What it will do is ensure that there are guardrails that there are standards and policies in place. So the disinformation work that has been ongoing in our department for nearly 10 years does not infringe upon people's free speech rights, privacy rights, civil rights and civil liberties.

SCOTT: I have no belief in that. Thank you.

HASSAN: Senator Hawley.

HAWLEY: Thank you, Senator. Mr. Secretary, nice to see you again thank you for being here. Let's keep talking about this disinformation board if we could. The fact sheet from DHS on the disinformation board that you recently released, defined this disinformation, this way false information spread with the Internet to deceive or mislead you agree with that? I assume that's your definition.

MAYORKAS: Yes, I believe that's the definition...

HAWLEY: ... on the factsheet?

MAYORKAS: ... broadly and broadly held.

HAWLEY: And you think it's important that the U.S. government combat this is disinformation, right. I mean, you've testified to that.

MAYORKAS: Senator, what I testified to is when disinformation...

HAWLEY: Threatens national security...

MAYORKAS: ... threat to the security of our homeland, and then we are engaged.

HAWLEY: OK all right. Good. And I presume that's why you've set up this disinformation board. So let's have a look at the person whom you've selected to head this new disinformation, policing effort, and let's look at what she has been spreading online.

She has, for starters, consistently misinformed the public about the Hunter Biden laptop story and spread the lie that it was Russian propaganda. Here she is on October the 14th saying disinformation experts say there are multiple red flags that raised doubts about their Austin authenticity, meaning emails, including questions about whether the laptop actually belongs to Hunter Biden?

Of course as it turns out, that's totally false. This laptop has been authenticated both by government entities and by independent news organizations. She went on. Here she is, again, the same interview saying that we should view it, meaning the laptop and apparently the whole story as a Trump campaign product.

That is also a lie. Which, you know, it's not a Trump campaign product. It never was a Trump campaign product. But she didn't stop there. Here she is on October the 22nd in 2020, this time taking to social media saying that Biden notes 50 Former Nat SEC officials and five Former CIA heads that believe the laptop is a Russian influence op laundering here using government former government officials to launder the lie that this was in fact a Russian influence op, which of course is not true at all.

Here she is also on October the 22nd. Still on social media, this time saying the emails doesn't need to be altered to be part of an influence campaign. Of course they weren't altered. Voters deserve that context, not a fairy tale about a laptop repair shop.

Of course, we know the only person in all of this telling a fairy tale is Ms. Jankowicz on social media repeatedly for days and days on end. How about a different set of examples? She has consistently spread false and misleading claims about the Steele dossier, which we now know was actually it a piece of Russian propaganda.

Here she is on December the 8th, 2017 responding by the way to United States Senator she's responding to Lindsey Graham. She says to him, your party funded the dossier first. The FBI was investigating Trump since the summer but didn't make it public. The American public deserves to know this is false.

The people who funded the dossier where the Clinton campaign, which we now know this has been verified, this is outright falsehoods, but she didn't stop there. Here she is on August 7th, 2020 promoting Christopher Steele, the stooge who helped launder Russian propaganda, including lying to the FBI about it.

Here she is lauding him as a trustworthy and legitimate source classic disinformation. She says she listened to this last night. Chris Steele yes, that Chris Steele providing great historical context about the evolution of disinformation. At every turn, Mr. Secretary, she has used social media and the public to launder propaganda herself. She's also advocated for law enforcement to be involved in policing speech online.

Here she is in an NPR interview this year, just a few weeks ago, April 16th, 2022. This is Ms. Jankowicz and I quote I shudder to think about if free speech absolute us, we're taking over more platforms. We need platforms to do more. And we frankly need law enforcement and our legislatures to do more as well. And then she goes on to praise legislation and other countries that involve policing speech.

Or here she is in February 17th of 2021 saying that the free speech versus censorship dichotomy is false and calling her in a TikTok video, the Mary Poppins of disinformation where she sings that members of Congress shouldn't be permitted to spread misinformation on the floor, and otherwise taking to task those who propagate views she disagrees with.

Here's my question to you. If your intent was to combat misinformation online or in the government, why on God's green earth would you nominate someone who is a human Geyser of misinformation?

MAYORKAS: Senator, I am ultimately responsible for the hiring of Ms. Jankowicz, to be the Executive Director of the Disinformation Governance Board in my capacity as the secretary.

HAWLEY: Why did you choose her?

MAYORKAS: I bear responsibility for that. I understand that she is an expert in disinformation.

HAWLEY: Yes, indeed, spreading it

MAYORKAS: And she will have an obligation to execute her responsibilities in a nonpartisan way.

HAWLEY: Were you aware of these? Were you aware of this information when you chose her? Everything I've just shown you

MAYORKAS: I was not.

HAWLEY: Well, how could you not be? Did you do any research on her?

MAYORKAS: Senator, I will not discuss the internal workings of the hiring process.

HAWLEY: You won't...

MAYORKAS: ... the Department of Homeland Security.

HAWLEY: Well, let me ask you about this. I'm sure there are documents pertaining to this board minutes of meetings communications about who would serve on the board. Will you release those to this committee?

MAYORKAS: Senator, there are not yet this governance.

HAWLEY: Wait a minute. There are no meet -- there are no minutes of meetings about this board?

MAYORKAS: It has not yet.

HAWLEY: You've not created any records?

MAYORKAS: It has not yet begun its work.

HAWLEY: You've hired her. You certainly had deliberations about hiring her.

MAYORKAS: The board has not yet met.

HAWLEY: You had deliberations about hiring her though, correct?

MAYORKAS: I did not Senator.

HAWLEY: You just said that you are solely responsible for hiring her.

MAYORKAS: My capacity as the Secretary I bear responsibility.

HAWLEY: You're telling me that there are no documents associated with this board?

MAYORKAS: That I don't you ask for meeting.

HAWLEY: Meeting minutes of meetings documents pertaining to the board any records of communications about who would serve on the board? Will you turn those over to this committee? Any document pertaining to this board? Will you turn it over to this committee?

MAYORKAS: Senator, we owe you documents with respect to the work of this board that already are in existence.

HAWLEY: So you'll turn them all over, you will turn those documents over to this committee.

MAYORKAS: Unless there's a legal basis for us not to do so. Senator, I will follow up with my colleagues on that.

HAWLEY: Did you do wait, wait, wait a minute, you started to say yes. But then you just you just are that a yes or are that a maybe I'll get back to you later.

MAYORKAS: Senator, I owe openness and transparency with this committee, and we will produce the documents that you have requested, unless there's a legal prohibition from us doing so on this.

PETERS: Thank you.

HAWLEY: Let me just if could just conclude Mr. Chairman? Here's the last thing I'll say on this, Mr. Secretary, we have 2 million unauthorized migrants who crossed the border last year, during the calendar year, and we have 245,390 illegal crossings just this year in the Rio Grande Valley.

And your priority is setting up a board and hiring someone who has gone to TikTok to talk about stopping speech she doesn't like who has mocked voters, supporters of the last president. That has been your priority to say that your priorities are misplaced, I think is a dramatic understatement. And the time has come I think, Mr. Secretary, for you to resign. Thank you, Mr. Chairman.

PETERS: Thank you, Senator. I'm going to ask everybody to try to keep to the seven minutes here. We've got 10 minute votes now. So it's we're going back and forth quite rapidly.

Then on the second round, we're going to go to five minutes just because of the time crunch we have here with what's going on with votes. But on the first round, everyone will get seven minutes. Senator Romney, you are recognized for your questions.

ROMNEY: ... to speak with you today. I appreciate the chance to see Mr. Secretary and appreciate your service. I like several members have already spoken. Can't begin to understand why you would want to announce the creation of a misinformation board.

I think it's a terrible idea. It communicates to the world that we're going to be spreading propaganda within our country. It's an awful idea and you want to disband it. On a separate, separate topic I do are related I do respect my colleague from Kentucky who spoke about misinformation. I would respectfully disagree vehemently on his contention that America is the largest misinformation entity in the history of the Earth.

I'm afraid the Soviet Union would deserve that title, if not, perhaps other nations. But the Soviet Union continues under a new entity, a new leader with Russia continuing to spread disinformation of an extraordinary nature, including that they were not going to invade Ukraine.

That Mr. Zelenskyy is a Nazi and so forth. It's awful to see. But that doesn't mean that we have not participated in this information. And we certainly have, much to our chagrin, I'm pleased with the fact that by and large people of highest authority in our government who has so participated has eventually come clean.

You know, I was struck by the chart that Senator Johnson put up and that Senator Portman put up, I'm going to bring that chart back again, that Senator Portman had here. And that is this, which is I mean, it's so overwhelming, which is this is the prior administration, in terms of the encounters at the southwest border.

And by the way, we know that in addition to encounters, there are people who go across that are not encountered. And that's roughly 60,000 a month. And -- and during the term of your administration, you're seeing the read, it's more than double.

My prior experience was as a governor, and in the private sector, if I had an executive that was working with me, I was responsible for that had a record like that, I would ask them to leave office, and I would find a job they do better.

But I'd say this is an extraordinary failure. And I don't know where the all the fault lies. I don't know whether it's the fault of the president, that allowing you to have the policies you need to have a record that's more like the prior administration or whether it's your own failings as a leader but one of the other.

This is a failed record. And I would cry for a change in leadership. And I respect you as an individual. I acknowledge you got a tough job but when you said that you inherited a mess. It's like wait.

There were policies in place you changed. You changed "Remain in Mexico" policy. You said we're not going to complete the border wall. And now you're getting ready to say Title 42 we're going to pull out by the way, as well.

It's like you're adopting policies which have caused that to happen. And the result of that these are not just bars, these are human lives that that are affected. I mean, this is Fentanyl coming into the country, this is human trafficking.

These are lives lost, and that are associated with that kind of that kind of record, I find it -- I find it appalling. And you say well, now we have six pillars. We got six pillars to make this better. I guess the question is this.

Do you believe that in the coming several months, that those numbers are going to come down? Because I believe that the six pillars will do nothing to reduce those bars. In fact, the six pillars sound good, but will not change those numbers.

And in fact, we're likely to see numbers that high or higher; do you predict that those numbers are going to come sharply down to the level they were prior to your administration being in place?

MAYORKAS: Senator was very concerned that the end of Title 42 could result in an increase in encounters at the border. However, that is precisely why in September of 2021, understanding that Title 42 would not be around forever, we began to plan and prepare for its end.

ROMNEY: Those as accurate as they are off target some of them my question is, you're the person responsible for this record, this record is devastating to our country.

You know, one of the challenges that I hear in my state, and I don't know that people can recognize the relation between these things is that my state is desperate for more workers. We need more truck drivers. We need more health care workers.

We need more nurses, our agriculture community needs more workers to harvest the crops are dairy farmers need people to work on the dairy farms. They want to get visas more visas to bring people in who are available to work in our country desperately needed here.

But we can't make these kinds of reforms to our legal immigration system, because the illegal immigration system is a disaster. So we can't solve the problems of legal immigration until you secure our border. So we're not doing...

MAYORKAS: So another word, Senator, we have a problem.

ROMNEY: And one of the solutions is legislation.

MAYORKAS: Well, the solution, we...

ROMNEY: The solution is to do what was done prior to you taking office?

MAYORKAS: And we will not deliver the solution because we have the problem.

ROMNEY: I'm sorry, I didn't follow that logic. If you don't, if you have a problem, that's a problem. Let I have a solution. That's the solution. Finish the wall, keep the "Remain in Mexico" policy and keep Title 42 in place, you do that.

And guess what this is going to come back to the way it was if instead you continue on the course that you're on, you're going to continue to see that whether they're six pillars, or 1000 pillars.

MAYORKAS: So I have a number of things to say. And let me first articulate my logic. You speak of incorrectly so the need for labor in this country? There was a very powerful article about that on the front page of "The Wall Street Journal" just a few weeks ago. And this administration, the Biden Harris Administration, has spoken of the need for safe, orderly and legal.

ROMNEY: We've got 30 seconds.

MAYORKAS: So that people don't need to take that journey.

ROMNEY: I've got 30 seconds...

MAYORKAS: So one of the solutions...

ROMNEY: We will never have the labor that we need, and the legal immigration system fix to get us the visas we desperately need until you secure the border. You are incapable of doing that with the policies you described only by returning to policies that were there before. Can you do it? That's got to be done, or we need to have new leadership to do that. Thank you very Chairman!

MAYORKAS: I very much look forward to discussing this with you because legislation is a solution. And the single most enduring solution to the problem of irregular migration that this country has suffered for more than 20 years.

ROMNEY: And we have told you time and time again, we will put in place legislation that solves our legal immigration woes. Once you secure the border, what we will not do is legalize all sorts of individuals who come here illegally. At the same time people keep flowing in illegally. You've got to secure the border.

PETERS: Thank you, Senator Romney. Senator Ossoff, you're recognized for your questions.

OSSOFF: Thank you, Mr. Chairman. Secretary Mayorkas thank you for joining us. I have a few Georgia specific questions to rise with you at the outset. First of all since January of this year HBCUs across this country, including Spellman College, Albany State and Fort Valley State University in Georgia have been targeted by terrorist threats.

I know DHS has been engaged with DOJ and FBI in the efforts to ensure that these institutions are secure and that their faculty and students are safe. I want to ask you for the assurance once again Secretary Mayorkas that you will use every authority at your disposal and work closely with the Department of Justice and other federal agencies to protect HBCUs in Georgia and nationwide?

MAYORKAS: Senator, I will and I, myself engage with presidents of historically black colleges and universities in the immediate aftermath of a series of bomb threats that they had suffered.

OSSOFF: And will you ensure working with my office that those institutions in Georgia are fully briefed on the opportunities available to them through nonprofit security grants to secure federal resources to protect their faculty and students?

MAYORKAS: I will and some of them are eligible for that grant program. Of course, it's a nonprofit security grant program. I think there are, if I'm not mistaken, 26 nonprofit historically black colleges and universities that could be eligible for that grant program.

OSSOFF: Thank you, Secretary Mayorkas. I want to talk to you about the synthetic opioids and fentanyl and other lethal drugs that are entering the United States that are killing and creating addiction and dependence in communities in Georgia and across the country?

First of all, and I want to focus on the Port of Savannah. In the 2021 strategic plan for DHS Science and Technology, there is research and development of screening systems for CBP to detect illegal drugs such as synthetic opioids or fentanyl, at ports of entry.

What I want is a commitment from you personally, that you will ensure every relevant office within the Department of Homeland Security is expediting the development of these systems so that we can deploy them at the Port of Savannah and other ports of entry in Georgia and protect my constituents from these deadly drugs that are entering the country.

MAYORKAS: Senator Ossoff every relevant agency and office in the Department of Homeland Security is indeed committed to that we have maximized the use of non intrusive inspection technology.

We have maximized the use of what we call forward operating laboratories to test controlled substances to ensure their identity as illegal contraband and we have interdicted more drugs than in the past.

OSSOFF: Thank you for that commitment Mr. Secretary. I want to draw your attention to an issue that's been raised by law enforcement in the Chattahoochee River Valley in Georgia, specifically the Muskogee County Sheriff's Department about drug trafficking.

And the importance of drug interdiction operations on the Chattahoochee River and the river in operations necessary to prevent smuggling and trafficking in that area will you designate someone in the department to meet either in person or remotely with me?

And the relevant local law enforcement agencies in that region of Georgia so that we can determine how DHS can support our local law enforcement agencies in preventing the flow of drugs on along the Chattahoochee River?

MAYORKAS: I will, Senator, I'm not familiar with that challenge in that particular geography, but we'd be pleased to engage. Our department would be pleased to engage with your office to that end.

OSSOFF: Thank you, Mr. Secretary. I want to ask about the work that the department is doing to remediate PFAS contamination, chemicals that pose a significant threat to human health in Georgia and nationwide. The DHS budget proposal includes several million dollars to be used for PFAS contaminant management.

The contamination of communities and facilities in Georgia by PFAS has been typically associated with DOD installations where fire retardant chemicals have led to contamination potentially of local water supplies recognizing that those are DOD facilities.

What I'd like is a commitment from you that DHS will engage with my office to determine whether using the authorities and funding you're seeking for PFAS contamination remediation to ensure that folks.

For example, in Marietta in Valdosta, for folks who are near Dobbins Air Reserve Base folks, who are near Robins Air Force Base near Warner Robins, folks who are near Moody Air Force Base near Valdosta, are protected from those environmental hazards. That will work together to determine if and if so, how DHS can support my efforts to protect my constituents from these chemicals.

MAYORKAS: Very pleased to look into that. Senator Ossoff, quite candidly I'm not familiar with the PFAS Challenge. But certainly our department will look into it and work with you.

OSSOFF: OK, appreciate the coming to work with me on that. I want to turn for a moment to a topic that has received some heated attention and scrutiny today and that is this so called disinformation governance board.

It's been a subject of great controversy. You've received a number of questions about it today. I do think that anything is so named and anything that purports to engage with the department in work related to purported or real disinformation warrants congressional scrutiny to ensure that there are not First Amendment issues implicated.

So can you please take a moment just to characterize that board's purpose, and any First Amendment concerns Congress should have related to its operation?

MAYORKAS: Thank you very much, Senator. Very succinctly, the work of the department in addressing disinformation that presents a threat to the security of our homeland has been going on for years, nearly 10 years across administrations.

When we took office, we observed that there are not policies that guide that work across the department, that the operating agencies such as Customs and Border Protection, FEMA, cyber-security, and infrastructure security agency, their efforts are not necessarily harmonized.

There are not policies that guide that work, or guardrails, as I've termed it to ensure that that ongoing work and that critical work were critical to accomplishing our mission to secure the homeland to ensure that it does not infringe on people's free speech rights, right of privacy, civil rights and civil liberties.

And so this working group is designed to ensure that those policies and guardrails and standards and definitions are in place to protect those fundamental rights. I have committed to provide quarterly reports to this committee with respect to the work of the working group.

And I have enlisted the expertise and the outside assistance of two members of the Homeland Security Advisory Council, Michael Chertoff, the second Secretary of Homeland Security, who served under President Bush and Jamie Gorelick.

A Former Deputy Attorney General and member of the 911 commission, who served as the Deputy Attorney General under President Clinton to assist in ensuring the value in the validity of this work.

OSSOFF: My times up Mr. Secretary, I'll just close with this, certainly the Congress will and should remain engaged in vigorous oversight of such operations to ensure that the First Amendment rights of every American are vigorously protected and upheld. Thank you.

MAYORKAS: And that is precisely why we established this working group. Thank you.

ROSEN: Thank you Madam Chair. And I'm really appreciate having this oversight hearing on the DHS budget. And, Mr. Secretary, thank you for being here today for your patience with all these questions. A number of my colleagues I know have discussed this issue with you today. But I want you to know, it's really an important issue in Nevada. So I'm just going to ask you this again.

The administration has recently lifted restrictions on migration at the southern border imposed as a result of the ongoing COVID-19 pandemic. It wasn't until after this decision was made the DHS released a plan to address the resulting increase in migration numbers at the southern border.

So it's really frustrating to all of us that there wasn't better inter agency coordination with DHS developing and releasing a comprehensive plan, before CDC announced it would lift restrictions, so the plan released is still lacking details.

It largely repackages earlier plans such as to surge resources to the border, encourage better collaboration with state and local governments and NGOs. I wouldn't be asking this, about this tomorrow at our hearing on the southern border.

But given the budget focus of today's hearing, I'd like to ask you specifically about DHS investments and border security. So, Mr. Secretary, can you describe in more detail the funding requested in the budget for new equipment other technological enhancements at the border that will increase security such as drones, motion sensors and of course smart tech?

MAYORKAS: Senator Rosen, if I can just comment very briefly on something because the plan wasn't devised after these set of the CDC's announcement that it would end use of its Title 42 authority on May 3rd of this year.

The plan was developed beginning in September of last year but there were concerns in response to our assertion publicly that we did have a plan that was concerned that individuals not only in the Senate, but in the public had not seen it.

And therefore, I published details with respect to that the plan on April 26th. And I will say that there has been a request for even more detail, but one has to be mindful of the fact that we are dealing with an adversary.

And it is not my intention to provide a detailed blueprint of exactly what we're going to do in the six lines of effort to the cartels seek to exploit vulnerable migrants. Our budget for fiscal year 2023 invests not only in technology, Senator Rosen, but critically in personnel as well.

For the first time since 2011 we're requesting more Border Patrol agents 300 to be precise, if I'm not mistaken. We are requesting additional case processors that will enable the Border Patrol agents that are doing processing now to get out into the field and do the law enforcement work that they signed up to do.

We are indeed investing in technology not only at our ports of entry, to increase the interdiction of fentanyl and other dangerous drugs, but also technology to serve as a force multiplier in between the ports of entry on land and in the air.

ROSEN: Thank you.

I look forward to maybe perhaps the Chairman and Ranking Member having classified hearing so we might have the discussion with you in private. So again, we may not make the bad actors aware of what your plans are, but that we can get some further questions in place.

I want to move on a little bit building on what Senator Padilla talked about wildfire preparation because this is a really big issue of course, out west here and to us in Nevada, and the DHS budget must reflect the new reality of a longer and more dangerous wildfire season all across the Western States.

Nevada in particular relies on FEMA's Fire Management Assistance Grants, or we call them FMAGs to prepare for and mitigate wildfires. But it was brought to my attention last month when I met with Chief David Fulkerson and his team at the Nevada's Division of Emergency Management, those FMAGs only approved on a county-by-county basis. And I am told that if a fire starts in Douglas County, neighboring Lyon County can't begin to prepare until the fire actually reaches the county border.

ROSEN: It'd be so much easier if we could prepare for these fast-moving wildfires if the officials had the flexibility to move resources as the fire progresses.

So, Mr. Secretary, can you commit to having FEMA work with my team and see how we can build flexibility for state officials who are responding to these active wildfires? And they are just -- I mean, they're -- they're fast, and furious, and dangerous. There's loss of life, evacuations that have to take place. And we've got to be able to be on them -- in front of all that.

MAYORKAS: Senator Rosen, I most certainly do, and I very well understand the situation in Nevada, specifically, and other states, of course, in the west with an unprecedented number of wildfires and a high percentage of federal land.

ROSEN: Well, good. I look forward to working with you again offline on changes we can make to the FMAG program to make it more responsive to the more severe and more persistent wildfires that we have. And in the minute I have left, I'm just going to talk about something else. We've talked a lot about our nonprofit security program. And so, I do appreciate your commitment to increasing funding for FEMA's Nonprofit Security Grant Program in the wake of the anti-Semitic attacks in Colleyville, Texas, in January and, for the first time, requesting a specific allocation for the program.

As you know, NSGP plays a critical role in protecting houses of worship, other nonprofits against terrorist attacks and targeted violence, which is why I work with my colleagues to secure a nearly 40 percent increase in NSGP funds this year.

So, Mr. Secretary, rural communities, smaller communities, suburban communities have historically experienced resource gaps. They face the challenges in accessing these nonprofit security grants. So as Congress considers your Department's budget request, how can we ensure that funding reaches all communities and not just the largest communities because this is happening everywhere?

MAYORKAS: Senator Rosen, thank you so much for your support of the Nonprofit Security Grant Program. You've been a champion of it for many years, but it's because of you and other champions of it that we have \$250 million appropriated. In my tenure, it wouldn't. It used to be at 180 and, of course, we're now hoping to achieve a \$360 million level for it.

This is something that I am speaking with FEMA about that the issue that you have raised access to the grant program, equality of access to the program tomorrow, in fact. Chairman Peters and I were in Detroit, Michigan and heard, of course, some of faith-based leaders who have small congregations who don't have the resources, but nevertheless are as much a target as others. And so, we have to develop the capability to reach the otherwise disenfranchised, and we're working intensely on that, Senator. And I look forward to keeping you updated.

ROSEN: Thank you. I look forward to that meeting as well.

Madam Chair, my time is up.

SINEMA: Thank you, Senator Rosen.

Thank you, Mr. Chairman. Wait, I'm the Chairman. Thank you, Mr. Secretary, for being here today.

In Arizona, the state of America's border is not a new crisis. The border has been broken for generations. In fact, for my entire life, the border has been a disaster. The administration's decision to suspend Title 42 will add incredible stress to federal law enforcement, nonprofits, and Arizona communities that are at capacity and have been in a state of emergency for years. I have grave concerns that DHS does not currently have the capacity to respond to the influx of migrants expected to follow the suspension of Title 42 and will not be able to ensure the safety of Arizona communities and the fair and humane treatment of migrants.

In order to protect Arizona communities and ensure a fair and humane process for migrants, DHS will need to put additional resources, including staffing, transportation, physical infrastructure, and support for local communities on the ground before lifting Title 42. Now Title 42 is not and should not be a permanent solution, but chaos in Arizona communities and threats to migrant safety are not viable alternatives.

Every time migration surges, Arizona communities pay the price for the federal government's failure. Our communities, our NGOs, and our local and federal law enforcement officers have been struggling to keep up with the flow of migrants for years. While the migration contingency plan discusses the planned response, I'm concerned about on-the-ground implementation.

Today, Border Patrol processing centers all across the border are full. Tucson sector is taking, on average, hundreds of migrants per day from the Yuma sector to decompress their overcrowded facility. While the contingency plan does discuss surging infrastructure, transportation, and human capital to affected areas, I'm concerned that these resources will not be in place and time. So, Secretary, how will DHS ensure these resources are on the ground before Title 42 ends in order to minimize the impact on Arizona's border communities?

MAYORKAS: Senator Sinema, thank you so much, and we have spoken about this -- you and I -- previously. So, we are already in -- well under way in implementing the plan. It is not a plan that we are waiting to execute until May 23rd, the announced date of the end of Title 42 as the CDC has made clear. We are already surging personnel resources -- transportation resources to the border. We understand the need to be already in place when Title 42 comes to an end. So that work is well underway and has been well underway.

And, in fact, I set up the Southern Border Coordinating Center to bring together all of the elements of the Department of Homeland Security and to lead the interagency effort in surging resources to meet the very need and challenge that you identify. And so, we are, for example, obtaining transportation resources from departments and agencies outside of the Department of Homeland Security to meet the need.

SINEMA: Thank you. You know, Arizona continues to pay the price of Washington's failures on the border. Our communities right now are absorbing cost related to the migrant surge, including sanitation, emergency servants -- services for migrants in distress, hospital visits, and other costs. Many of these costs are not reimbursed by the federal government even though this is the federal government's problem.

For example, a small town in Southern Arizona -- Somerton -- has spent tens of thousands of dollars to respond to emergency calls on the border in recent months. There is no expectation of reimbursement by the federal government for the cost to Somerton. So what additional authorities does DHS require in order to reimburse these community and their local services who are paying the price for Washington's immigration problems?

MAYORKAS: Senator, when you mentioned Washington's problems I can't help but think of the need for legislation to address what is clearly a broken immigration system. We, of course, have been using the Emergency Food and Shelter Program of which you are very familiar. We are looking at other resource vehicles to assist state and local communities that are taxed by the challenges that we are facing now. We are looking very intensely at that.

SINEMA: Title 42 has almost entirely suspended migrant processing at ports of entry over the last two years, which forces most migrants seeking asylum to enter between the ports of entry. As you know, this is dangerous for migrants and it requires Border Patrol agents to spend a very significant amount of their time processing migrants instead of their principal job, which is to keep the border secure.

So, an end to Title 42 will mean increased migrant processing at ports of entry, but many of our ports of entry do not currently have the necessary staffing or infrastructure to process those high numbers of migrants while continuing to facilitate trade and travel. So what specific additional resources is DHS putting in place at the ports of entry to ensure they can continue to facilitate trade and legitimate travel and keep our community safe while also treating migrants humanely and fairly?

MAYORKAS: Senator Sinema, we are very intensely focused on both the use of technology, of course, maximizing our tremendous personnel, but also bringing greater process efficiencies to facilitate lawful trade and travel at the ports of entry.

I should say we are also looking at expanding the capacity at ports of entry to process individuals who are seeking relief under the laws of the United States so they do not -- so we do not encounter them in between the ports of entry. We have a virtual platform that we use called CBP One that allows individual south of our border to register on -- on that virtual platform. We work with international organizations and non-governmental organizations to the south of our border in Mexico. They make their claims. They are screened. And if, in fact, they pass that screening, we are able to bring them to a port of entry, get a predesignated time in an orderly way, and thereby avoid the encounter in the -- the attempted illegal entry between the ports of entry.

There are many details that are involved in how we are maximizing the capabilities and potential of the ports of entry both for lawful trade and travel and to process individuals in a safe and orderly way. And I very much look forward to speaking with you further on this subject.

SINEMA: Arizona ports of entry process billions of dollars' worth of produce and other goods each year, and that generates revenue for the federal government and, of course, boost Arizona's economy. So what state -- what steps will the DHS take to monitor the effect of increased migrant processing at our ports of entry and to ensure that any issues are dealt with quickly to prevent disruptions to commercial trade?

MAYORKAS: So, we are very focused as I -- as I mentioned, Senator, on the ports of -- on the ports of entry and facilitating lawful trade and travel through them. We have agriculture inspectors at the ports of entry in the Office of Field Operations within U.S. Customs and Border Protection to do that extraordinarily difficult and time-consuming work. We're always looking at how we can bring digitization to bear and how we can harness innovation in technology to drive greater efficiency and speed without compromising critical security vetting.

SINEMA: Thank you, Mr. Secretary. I'd like to follow-up on each of those issues and still continue to have grave concerns around the ability to implement the end of Title 42 in an effective way that protects Arizona communities.

The Committee will now proceed to a second round of questions. As Chairman Peters noted, this will be a five-minute round, and we're asking senators to please keep their questions and responses to those five minutes.

Senator Portman, you are now recognized.

PORTMAN: Thank you, Madam Chair. Thank you, Mr. Secretary, for your patience with us today. There's so many important issues. So, one is these 42 individuals who were found recently to have come in -- or come up to the border who are on a terrorist watchlist, and this is a shock to all of us and I think to your people as well. But part of the problem of having a border that is so open is that people are coming in from all over the world, including these 42 individuals. Can you tell the Committee if any of these 42 individuals on the terrorist watchlist were actually released into the United States?

MAYORKAS: So, Senator, there are a number of dispositions. Those individuals, I -- I would want to provide information with respect to the disposition of the 42 individuals, which we know of in a classified setting (inaudible)...

PORTMAN: So -- so you're saying you can't tell us today whether any of them were released in the United States.

MAYORKAS: Well, some of them very well might have been in U.S. prisons.

PORTMAN: Well, were they released into the United States? That's the question.

MAYORKAS: I cannot tell you the precise disposition, but I can share that with you. We do know...

PORTMAN: OK, so you want to do it in a classified setting. You said in response to your question at the House last week that -- that you would provide that information.

MAYORKAS: Yes, if I -- if I may, Senator, we -- the -- we know the disposition of the individuals. Some may be placed in removal proceedings, some may be placed in criminal custody, some may be cooperating with law enforcement, some may be downgraded from the terrorist screening database.

PORTMAN: OK, I -- I -- I -- I hear what you're saying, you're not going to give the information unless we can do it in a classified setting. We'll do it in a classified setting.

MAYORKAS: Well -- well, that information with respect to the disposition...

PORTMAN: Yeah.

MAYORKAS: ... of particularly (inaudible)...

PORTMAN: But some of these individuals...

MAYORKAS: That I...

PORTMAN: ... you say may have been released in the United States that you'll...

MAYORKAS: ... that -- that...

PORTMAN: ... you won't tell us that information today?

MAYORKAS: No, no, if I may just finish.

PORTMAN: OK, I -- I like to go into next because you -- you're not going to tell us the answer to that question, and I understand. You said you won't (inaudible).

MAYORKAS: No, no, no, that's not -- if I can provide that information to you outside of a classified setting, I certainly will. I will do both.

PORTMAN: OK. Well, I look forward to getting that information. I think it's incredibly important that we know who's coming into our country and whether they have been screened or not, we just heard recently from the DOD inspector general that there were 50 individuals with significant security concerns who are paroled in the United States to the Afghan parolee program. And this was a shock to everybody.

You testified last year that you robustly screening the Afghan refugees, and you and other DHS officials assured us on several occasions, including in some member briefings.

What we know now is that the DOD tactical databases were not used. That's information that is collected (inaudible) military operations, combat operations, detention, records, have fingerprints on improvised explosive devices, and so on. The fact that at least 50 individuals with serious security concerns were discovered was only because DOD ran that database after the fact from the people who had already come into the United States.

Earlier today, we were briefed by DHS that you guys either did not ask for or did not have access to that tactical database to conduct the screening. And my question to you is can you assure us today that you are indeed screening people at the southern border using these tactical databases that DOD says are necessary to determine whether someone is a potential terrorist.

MAYORKAS: Senator -- Ranking Member Portman, let me share with you that we were not consulted by the Inspector General of the Department of Defense before the publication of that report. We consider there to be infirmities in that report, factual inaccuracies, and we are continuing to review the report to identify all of them. And I look forward to following up with you in response to your specific question.

PORTMAN: Do you disagree that there are 50 people who were released into the country as Afghan evacuees who have security?

MAYORKAS: I -- I -- I know that there are number of factual inaccuracies in that report.

PORTMAN: Really? OK, that's the first I've heard of that. So, we'll follow up on that.

MAYORKAS: Yes.

PORTMAN: Quickly, yes or no questions. We've talked a lot today about, you know, what can be done. You said we need to change immigration policy that is not the administration's thought. Others have said, "Well, look in the Trump years we had virtually a secure border and now we don't," so we can put up that chart behind me.

So long yes, these -- these questions, whether you're (inaudible) against it, just say yes or no. That's all we have time for.

One, a commitment to finish the wall and the technology that goes with it, which I think is more important even in the wall and to properly fund the Border Patrol, yes or no?

MAYORKAS: The -- no, the commitment of this administration is not to continue to (inaudible).

PORTMAN: OK, that's a no.

MAYORKAS: I have...

PORTMAN: That's one thing that has changed. Return to (inaudible) Country Asylum program, where you tell people that they can apply for asylum from say Guatemala if they're from El Salvador, yes or no?

MAYORKAS: Senator...

PORTMAN: That -- that program was in place for Guatemala and not other countries, but the plan was to do it in another country.

MAYORKAS: Senator, I would respectfully submit that Guatemala is not a safe third country given the conditions in that country and the amount of migration that we see from that country...

PORTMAN: I'm talking about people coming from a third country to Guatemala applying for asylum in Guatemala.

MAYORKAS: Correct. And -- and what I'm saying is it is respectfully my opinion.

PORTMAN: OK, so you've been doing that.

MAYORKAS: It's not a qualifying (inaudible).

PORTMAN: Knowing that one, too. OK. How about a return to the Migrant Protection Protocols? In other words, if somebody is being adjudicated under the asylum, they have to wait in Mexico until the -- until the adjudication is complete. You've started that with a very, very small number of people, screening most people. Would you actually put that program back in place in a -- in a robust way, yes or no?

MAYORKAS: Senator, I have articulated quite comprehensively in a memorandum that we believe that that policy should not be in place.

PORTMAN: OK, so that's a no, too.

MAYORKAS: (Inaudible) implement...

PORTMAN: How about stopping the release of people into the United States, in other words, this so-called Catch and Release program without detaining them?

MAYORKAS: I -- I disagree with the formulation of that question.

PORTMAN: OK, so you're saying, you -- you would -- you would not follow the law and detain people, you would (inaudible) United States. I understand we have the beds now...

MAYORKAS: But no, no, (inaudible), that is...

PORTMAN: ... that takes a lot of funding, a lot of help.

MAYORKAS: Ranking Member Portman, that is a mischaracterization of what I said. We enforce the law. Individuals who are subject to detention are detained to the fullest extent of our capacity.

PORTMAN: Well, under...

MAYORKAS: Who detain them?

PORTMAN: ... under Title 8, people are supposed to be detained pending the...

MAYORKAS: But -- but, Senator...

PORTMAN: ... the adjudication.

MAYORKAS: ... but Ranking Member -- but Ranking Member Portman, there has never been enough detention (inaudible)...

PORTMAN: I -- I get that, I'm just saying would you -- would you -- yes or no, that'd be a good idea. And -- and -- and you're saying there's not the capacity to do it or that you would not want to do it.

MAYORKAS: That will not solve the challenge of my...

PORTMAN: OK. How about asylum? The last in, first out idea. Final adjudication at the border, spend the money, have the asylum, adjudication happen right away, so when someone comes into the country, they're adjudicated within a month or two. They go back to their country. The people back home are thinking, "My gosh, maybe it's not worth coming to the United States," because you aren't getting United States for six to eight years on average, which is the average you've told me with the 1.6 million back log of people waiting for adjudication.

MAYORKAS: That's precisely why we promulgated the asylum officer rule to bring greater efficiency.

PORTMAN: So -- so you would before for that, but would you before making a final adjudication at the border because that policy, as you and I know, we've talked about it, it can be appealed to an immigration judge after the asylum officer. So, it doesn't -- it just is another bump in the road, but it doesn't solve the issue obviously.

MAYORKAS: Senator, I would need to know more details about that because I will tell you that Border Patrol...

PORTMAN: But that's one you could see doing.

MAYORKAS: Border -- Border Patrol facilities are not equipped to address...

PORTMAN: But we have to spend the money to...

MAYORKAS: ... (inaudible) of individuals at the border...

PORTMAN: ... yes, to spend the money (inaudible) adjudications. But -- but you said that that's one you could consider?

MAYORKAS: That is something that I would consider, but...

PORTMAN: How about expedited removal? We talked about the fact you're down to about three or four percent, and back in your days in the Obama administration you were removing a lot more people.

MAYORKAS: We -- Senator, that is -- the use of expedited removal is actually one of the elements of our six-part plan. I believe it's border security pillar three, the consequence regime that we would bring to bear...

PORTMAN: Like 59,000 now, 350,000 in the Obama years, would you go back to a policy where you're actually removing people who don't qualify, who had a -- had a full adjudication?

MAYORKAS: Yes.

PORTMAN: That's a yes, OK. We made some progress.

Thank you, Mr. Secretary.

Thank you, Mr. Chairman.

PETERS: Thank you, our Ranking Member. We had a little bit of Ranking Member privilege on the time, I really wouldn't know. That's fine, but we'd really like to stick to five minutes if I could ask the remaining members. We have other members with the votes coming.

Next up is Senator Lankford. Senator Lankford, if we could be strict on the five minutes, I'd appreciate -
- appreciate that.

LANKFORD: Can do, thank you. Thanks for deferring the time.

Secretary Mayorkas, thanks. This is a long day again, as I mentioned, so I appreciate your time to be able to engage on this. I do want to be able follow-up for the Chairman. We were talking before about some of the facts to get behind the plan as well. You said you're not going to publish everything. Sooner, Rosen had asked if we could do a classified briefing. I think it's a great idea so all of us can get a chance to be able to dig in the facts behind this and to be able to walk through that. That'd be very helpful in the days they had to be able to walk through, whether that's you or whether it's your team because there are a lot of things that are missing. So, let me give you one issue that came out of the plan as I walked through the plan.

In your plan that you lay out, it says that the executive -- in the executive summary, the DHS will detain single adults when appropriate. So that's in your executive summary -- will detain single adults when appropriate. When you actually go through the plan, there's no details on what that means for when appropriate, it's just in the executive summary. So, can you help me understand the when appropriate you're going to detain single adults.

MAYORKAS: So, Senator Lankford, the detention capacity does not meet the numbers that we are encountering and that is a -- a challenge that has been experienced by administration after administration, and so we have to take a look at smart and effective enforcement, and how we should use detention authorities to have the greatest public safety impact.

In the criminal justice system in which I worked for 12 years, detention was used, number one, to -- if no condition or combination of conditions can -- can ensure the safety of the community or no condition or combination of conditions could ensure the individual's future appearance in proceedings. Those criteria would be applied here given the disparity between the number of individuals who are eligible for detention and the detention capacity that we have.

LANKFORD: OK, so I -- I...

MAYORKAS: And -- and detention has been misused in the immigration system for many years.

LANKFORD: I -- I get that. So, here's my -- here's my challenge with that, and this is just -- you and I have talked multiple times. And so, my challenge to that is you said detention is used when you're -- you're not sure if they're going to show up for hearings the vast majority of individuals that we're releasing out are not showing up for hearings. They're -- they're -- they're -- they're not showing. We can show the statistic, not recent.

MAYORKAS: That's not -- that's not true.

LANKFORD: We -- we can walk back through for a long period of time. The -- the -- the -- the second part about this is right now when I was -- last time I was down in Rio Grande Valley just a few months ago at this point, the last time I was there, talking to some of the Border Patrol, they were expressing their frustration that they had actually picked up some individuals that were wearing camouflage, that told them they were in the Nicaraguan military. And within 24 hours, those individuals have been released. They were single adult males who admitted they're in the Nicaraguan military wearing camouflage, but they were released into the country. There was a lot of frustration.

And on the detention side of it, in the budget that you actually requested, you requested 5,000 fewer ICE beds and 2,500 fewer family detention units. So, it's hard for me to process when you're saying we're limited on space, but literally your budget ask for even less space, and we got this large number of individuals that are not showing, and single adult males that clearly could be a risk here. So, all three of those I'm trying to be able figure out based on what you just said.

MAYORKAS: Because, Senator, actually I -- I -- I would respectfully disagree the -- the data evidence is the -- the majority of people show up for their hearings, especially when they're represented by counsel because the system is extraordinarily complex. The -- the percentage of people who do not show up there -- for the hearings are often misinformed about their obligations and responsibilities are not necessarily intentional absconders. I believe that the appearance rate is over 85 percent for those who are not represented. And the fact of the matter is in our system we have misused detention for many years.

LANKFORD: But you requested 5,000 fewer beds for single adults and...

MAYORKAS: Yes.

LANKFORD: ... 2,500 fewer for family units. So, is there a reason for that?

MAYORKAS: Well, because we are -- we are increasing our use of alternatives to detention, and we are using -- we are using detention when it is a public safety imperative or an imperative to ensure the continued appearance of individuals in immigration enforcement proceeding.

LANKFORD: So, let's -- let's do a couple things with this. I'm going to have you just follow-up with some questions for the record. And that is this number of people that you actually show for the hearings because I've seen a number very, very different than that, that individuals that are actually showing up for hearings on this. I understand with counsel versus without counsel, but we have 1.5 million people that the court has actually ordered them a final order of removal, and they're not being removed on that. But then there's a lot of folks.

Obviously, we don't know from the past year because they were given either six or eight years to be able to show up for a hearing, so we won't know for six or eight years if they actually show up for that hearing. That's a whole different issue.

I do want to follow-up, and I -- I see the time, so I'm going to honor this. I do want to follow-up because DHS has vehemently disagreed with the DOD inspector general on the 28 individuals that were Afghan refugees that came through that we've lost track of. That also had shown up as a positive for the improvised explosive device list from DOD, but those individuals, we don't know where they are now. They're in the country somewhere.

We understand that number could be as high as 50, and we want to be able to get information. DHS had said we vehemently disagree with that. I want to know what is the answer to that because, at this point, we just have a statement that we've got 28, maybe up to 50 people that had had IED fingerprints, but they're in the country somewhere.

PETERS: Thank you, Senator Lankford.

Senator Scott, I've been trying to have everyone be true to five minutes because of -- of the votes, as well as the time for the Secretary, so you're recognized for five minutes.

SCOTT: Thank you, sir. Again, thank you, Secretary Mayorkas. The toll that Biden's administration's failure to secure borders had on American families is pretty devastating. Due to the massive influx of migrants illegally crossing doing so because of the President Biden's words and policies, it shows it's just an open invitation to illegally in our country.

Our CBP agents are stuck in processing, unable to probably patrol the border. Criminal cartels are exploiting these illicit narcotics like fentanyl, which is made, trafficked by Mexico and supplied by Communist China, they're (inaudible) across the border.

One of the Americans lost to fentanyl was a young man, a member of our Armed Services. I heard the story of this tragic death when I was visiting the southern border in Arizona. This young man returned home on leave to see his mother to celebrate her birthday. While there he met up with some old friends, he was offered a Xanax to help with his anxiety. The pill he took was laced with fentanyl, and he took it -- it took his life.

His mother reports he found him dead the next day in his room covered in vomit. This young man made a bad decision -- a poor decision taking that pill, but it shouldn't have caused him his life. Too many American families know what this terrible loss is like. Fentanyl is a primary drug responsible for more than 100,000 American deaths in '21.

So now you -- what you -- what you said earlier is that -- that this was going up before, but it's going up 20,000 more deaths than we saw in -- in 2020. So, if you knew that it was going up, you took this job, what have you done that's -- that's -- that's pushing it down? And when are we going to see a reduction because these are moms, and dads, and kids and -- I mean, it's devastating to families.

MAYORKAS: The number of overdose deaths in the United States from 2015 through 2021 -- from 2015 to 2016, it -- it rose 10,000. From 2016 through 2017, it rose -- these are proximate numbers, 8,000. From 2017 to 2018, it rose 17.

SCOTT: I -- I agree it went up. What have you done?

MAYORKAS: Oh, so we have -- so...

SCOTT: That was 20,000 (inaudible) in 2020.

MAYORKAS: ... the drugs -- the -- the drugs -- and 50 percent more 2020 over 2019. So, what we have done is we have enhanced and intensified our use of technology, non-intrusive inspection technology at the ports of entry. We have deployed forward operating labs at the ports of entry, and we have interdicted more fentanyl this year than -- well over in 2020.

SCOTT: When will we see a...

MAYORKAS: For example...

SCOTT: Yeah, when will we see a reduction?

MAYORKAS: Senator, it is my hope that we see a reduction as quickly as possible. Too many -- there have been too many tragic deaths as the one that you identified of that soldier. The fact of the matter is we have to address demand in this country, and that is a fundamental challenge that we have as a nation, and is a nonpartisan challenge way too many people have died.

SCOTT: To secure the border would have an impact. Next, let's talk about Cuba for a second. My understanding is you're part of the Biden administration that's talking to the illegitimate communist Cuban regime. And my concern is that you're going to lift sanctions, you're going to take them off the terror watchlist. So are you -- and part of your conversation is that is -- I mean, we -- this is a horrible regime. I couldn't get the -- I couldn't get the Biden administration to say anything. We talked about this last time about the 1,300 peaceful protesters that are in prison they're trying to kill, including kids.

And I asked you last time if you're going to do something, you still haven't. But what are the conversations? Are you guys going to eliminate sanctions? Are you going to take (inaudible) watchlist? Are you guys going to just stand up and do something for these poor kids and these people that all they did was peacefully protest in this country, and they're -- the regime is trying to kill them.

MAYORKAS: So, Senator -- Senator Scott, I am not involved in discussions with the Cuban regime. And I would respectfully request that you respect my humanity because I stand before this Committee as an individual, a member of a family who fled Communist Cuba. My father lost so very much, and he wanted to raise my sister and me in a democracy and, quite frankly, the greatest country in the world. So, I do not take steps to relax policies against an authoritarian and oppressive regime.

SCOTT: So -- so you're not going to do anything to reduce sanctions or take (inaudible) watchlist.

MAYORKAS: The -- the -- the discussions -- the discussions that I understand have taken place are with respect to the migration accords that have been in place for many years between our two countries. And what exactly the terms of the discussions are is not something of which I am intimately familiar nor something that I would disclose in an open forum given the sensitivity of diplomatic discussions?

SCOTT: Are you going to say anything publicly about the peaceful protesters that are in prison that the Communist regime is trying to kill?

MAYORKAS: Oh, I have. Oh, I -- I certainly have.

SCOTT: Just send it to me...

MAYORKAS: Yeah, and I -- and I have condemned of the oppression against the peaceful protesters on the streets of Cuba.

SCOTT: I'd like to...

MAYORKAS: And, in fact, my father held me as an infant on the streets of Cuba when the authoritarian regime took over, so I would -- I would respectfully request you understand my background, you understand why I am here in the United States. And because so much of that background, Senator, is why I have served in the United States government for more than 20 years, 12 of which were as a federal prosecutor and more than nine of which have been in the Department of Homeland Security.

SCOTT: I respect the fact you're here. I'm glad you're here. I hope you start enforcing the rule of law.

PETERS: Thank you, Senator Scott.

Senator Johnson, so our folks -- our folks have been real good about five minutes. As you know, we have a five-minute because of time restraints, so you're recognized for your questions.

JOHNSON: Thanks, Mr. Chairman.

Mr. Secretary, thank you -- thank you for staying for a second round. During my first round, I think we're talking over a little bit yours and quoting some statistics related to Return to Mexico policy. Can you repeat that? I think you're talking about rapes related to Return to Mexico?

MAYORKAS: The Human Rights Organization prepared a report that identified more than 1,500 individuals subject to the Remain in Mexico program under the prior administration that had suffered or were victimized by murder, rape, torture, and other -- other criminal conduct.

JOHNSON: Fifteen hundred told. How many individuals in total were part of that Return to Mexico policy, do you know?

MAYORKAS: I don't have that data at my fingertips.

JOHNSON: So are those same groups or is your -- are -- are they tracking the number of people, for example, sex trafficked during the -- your -- your administration with the millions of people coming to this country illegally? Did you -- do you have any -- do you have any feel for that?

MAYORKAS: Senator, let me -- let me just say that one individual subject -- subject...

JOHNSON: I understand that. Do you have numbers -- let -- let me ask you. What is the -- do you know if they had trafficking charges nowadays, what the range is, how much people are paying to coming to this country, the Coyotes?

MAYORKAS: The number ranges.

JOHNSON: And it is...

MAYORKAS: Several thousand dollars.

JOHNSON: So how do you think young women pay off that human trafficking charge?

MAYORKAS: Oh, Senator, I'm very, very well aware of the trafficking...

JOHNSON: You're aware that -- you're aware that they -- they sell children. We had testimony before this Committee under my Chairmanship \$84 one child was sold for. Are you aware of that?

MAYORKAS: Senator, I am aware of all sorts of horrors that the cartels and the smuggling networks commit, which is (inaudible) against...

JOHNSON: So, you're again...

MAYORKAS: ... so many different law enforcement operations to address that scourge, those heinous crimes.

JOHNSON: So again, if -- if we didn't have that massive flow we'd be able to reduce those human depredations. What happens when somebody's gotten a notice to report does a report?

MAYORKAS: They become an enforcement priority.

JOHNSON: Have -- have you -- have you apprehended anybody that didn't report?

MAYORKAS: Oh, I'm sure we have. And I could provide...

JOHNSON: OK, how -- about -- approximately how many?

MAYORKAS: I -- I can't -- I -- I can't...

JOHNSON: I mean, has it been tens of thousands -- because tens of thousands have been reported, correct?

MAYORKAS: I can get you the data that you're requesting, Senator, and certainly more promptly than apparently, we provided (inaudible)...

JOHNSON: OK.

MAYORKAS: ... to this Committee.

JOHNSON: So, kind of totally switching topics here, I've always been puzzled by the emphasis on the threat of white nationals. And by the way, I'm opposed and I condemn white nationalist, white supremacist, OK?

But when -- when we had 17,815 murders in this country in 2020, I'm just kind of puzzled about why that is -- everybody, you know, you, Christopher Ray, the Chairman keeps talking about that is the greatest threat to this nation. I would say something that's causing 17,815 homicides a year is kind of a big threat. How many -- how many murders were associated with the white supremacist last year?

MAYORKAS: I don't have that data, but, Senator, just to be precise, Director Ray of the Federal Bureau of Investigation and I have spoken of domestic violent extremism as a great terrorism related threat. That is not to say that crime in our cities...

JOHNSON: But -- but you...

MAYORKAS: ... is not a threat to (inaudible).

JOHNSON: ... again the -- the -- again, I've heard -- I've heard the...

MAYORKAS: That is not to say...

JOHNSON: ... I've heard the testimony repeatedly and it's like the greatest threat to our homeland security is, you know, white supremacist terrorism.

MAYORKAS: That...

JOHNSON: You know...

MAYORKAS: ... that is -- that is...

JOHNSON: ... you know...

MAYORKAS: ... that is inaccurate, Senator, if I may.

JOHNSON: OK. So, would -- would you agree with me that the 17,815 homicides in 2020 probably represent a greatest threat to human life, you know, all those crimes.

MAYORKAS: Senator, difficult to now say what presents the greatest threat domestically with respect to homicides, I would say, gang violence, which I prosecuted (inaudible) number of years...

JOHNSON: Which by the way, gang -- gang violence is fueled by illegal immigration. We have things like MS-13 and those gangs coming through our open border, correct? That's a huge problem, right?

MAYORKAS: Gangs are a huge problem. Street gangs are a huge problem. I prosecuted the MS-13. I also prosecuted other gangs such as the (inaudible).

JOHNSON: But again that's just one -- one more of those flows. I mean, we talk about human trafficking, we talk about sex trafficking, we talk about drug trafficking, we talk about gang members coming up from...

MAYORKAS: I -- I think it's...

JOHNSON: ... Central America. Part of the drug trafficking and trade, in some case, but just gang members themselves. I was always amazed because we have a hearing on MS-13 that it wasn't really related drugs, it was just a gang that is unbelievably violent, but that's certainly associated with Central America, correct?

MAYORKAS: Senator, I would -- I would respectfully submit that the migrant population that is encountered at the border should not be painted with a broad -- a brush of...

JOHNSON: No, it's -- it...

MAYORKAS: ... of violent -- of violent (inaudible).

JOHNSON: An open border allows those individuals as well. The -- the 400,000 to 700,000 known got-aways, some of those people probably gang members, right? But I'm out of time. Thank you.

PETERS: Thank you. Thank you, Senator Johnson. There's about a vote to be called again. I have deferred my questions until the end.

Senator Hawley, I know you'll be within five minutes as well, so you're recognized.

HAWLEY: That's a lot of confidence, Mr. Chairman. OK, thank you.

Mr. Secretary, more seriously, can we come back to that this disinformation board. You said earlier this week on CNN that Ms. Jankowitz was absolutely neutral. Those are your words -- politically, absolutely neutral. Do you stand by that?

MAYORKAS: She has an obligation to be nonpartisan and neutral in the execution of her responsibilities in her current position at the Department of Homeland Security. She has an obligation to be that, and if she fails in that obligation, there will be consequences.

HAWLEY: Well, let's -- let's take a look at how she's been doing. Here -- here is Ms. Jankowitz again talking about her political opponents. I guess she refers to the (inaudible). She says, "Trump talking about how he would put out the fire in Portland is the language of authoritarianism. It means the violent clearing of protesters, arrest without cause, abuse of human rights. That's not law enforcement, that's lawlessness." That was September 29, 2020.

Or here's another selection out of many I could have chosen from her book -- a book she wrote also published in 2020. She says this, quoting, "The President's supporters in Congress are homegrown purveyors of disinformation." These would be the people that -- that people in my state friends have elected. "They do not want to remind the American people of this inconvenient truths, they choose instead to shout lies through a megaphone, capitalizing on their constituents' unfamiliarity, ambivalence or polarization.

This is -- one more time, "The President's supporters in Congress are homegrown purveyors of disinformation." Does this sound like somebody who's neutral to you?

MAYORKAS: Senator, let me share with you that I am not focused on her past comments, I am focused on (inaudible)...

HAWLEY: Wait a minute. Why in the world wouldn't you be focused on her past comments?

MAYORKAS: ... if I may because I am focused on the mission upon us and ahead of us, and what I regard...

HAWLEY: You hired her for this job and you haven't looked at her record and you're not concerned about it?

MAYORKAS: That's not what I've said. That's not what I've...

HAWLEY: You just said that you're not concerned about her past comments.

MAYORKAS: What I said is I am focused on the mission ahead and accomplishing that mission. That...

HAWLEY: You've chosen her to accomplish that mission with these statements. Do you regard her as neutral?

MAYORKAS: And she has an obligation while an employee of the Department of Homeland Security to execute her...

HAWLEY: So, you have complete confidence in her?

MAYORKAS: ... to execute her responsibilities in a nonpartisan way.

HAWLEY: And you -- based on her record, you have complete confidence that she's going to do that?

MAYORKAS: I have confidence in that, and if she fails in executing that obligation as all individuals in the Department of Homeland Security...

HAWLEY: Wow.

MAYORKAS: ... who has, then there will be a consequence to that.

HAWLEY: Wow, that's -- that's exceptional, particularly given that you told me just a few minutes ago on our earlier around that you weren't aware of the many comments that I read to you then one after another after another after another when you hired her for this job. So clearly, you didn't do your due diligence. And now you're telling me that you're not concerned about her frankly outrageous and vitriolic statements that are partisan in the extreme.

MAYORKAS: Because...

HAWLEY: I can't believe I'm hearing this.

MAYORKAS: Let -- let me -- let me share with you something. She was hired by the Department of Homeland Security.

HAWLEY: You said you're responsible for that.

MAYORKAS: I am the Secretary of Homeland Security.

HAWLEY: Indeed.

MAYORKAS: And therefore, I bear responsibility.

HAWLEY: Indeed, why don't you fire her?

MAYORKAS: And so, I am going -- she is going to execute her responsibilities in a nonpartisan way and accomplish the mission for which she has been hired.

HAWLEY: Why don't you just dissolve this board? I mean, you haven't heard a single Senator support this board. It is an abomination. It is unconstitutional. And frankly, it is embarrassing. And the fact that you've chosen this person to lead it is appalling. Why don't you just dissolve it?

MAYORKAS: Senator, this board -- this working group provides a very important function.

HAWLEY: No, it doesn't.

MAYORKAS: We have -- we have been -- we have been executing our mission to address disinformation that threatens the security of the homeland for years.

HAWLEY: So what does this board add? Dissolve it.

MAYORKAS: So, allow me to answer your question. We have lacked sufficient guardrails, policies, and standards to guide that work to ensure that that work, which has been done for nearly 10 years is done in a way that does not infringe on people's right of free speech...

HAWLEY: OK.

MAYORKAS: ... right of privacy...

HAWLEY: I -- OK.

MAYORKAS: ... rights and civil liberties.

HAWLEY: OK. And...

MAYORKAS: And that's what this working group is going to do.

HAWLEY: OK. They're going to put the guardrails in place. So just -- so we understand, you have chosen Ms. Jankowitz who says that the distinction between free speech and censorship is false, who says that the President's supporters are homegrown purveyors of disinformation, who has called herself the Mary Poppins of Misinformation. You've chosen her to create guardrails for the entire federal government for free speech.

MAYORKAS: Senator?

HAWLEY: I mean, that's exceptional.

MAYORKAS: Senator?

HAWLEY: That's amazing.

MAYORKAS: The -- the -- the Deputy Executive Director is a career employee. The individuals from the Office of General Counsel...

HAWLEY: Oh, she won't really be in-charge?

MAYORKAS: The -- the individuals from the Office of General Counsel; the Office for Civil Rights and Civil Liberties; the Office of Privacy, Customs and Border Protection; Federal Emergency Management Administration; Cybersecurity and Infrastructure Security Agency; the Office of Planning, Policy and Strategy, these individuals, many of whom will be career employees, will work together to make sure that the Department has the policy standards, definitions and practices in place to -- to -- to -- to allow the operators to do their work, to tackle disinformation that threatens the security of the homeland without infringing on fundamental rights.

HAWLEY: I have no idea what that -- I have no idea what that word salad means. But what I do know is you have hired an anti-free speech radical to leave this board that is an abomination.

Thank you, Mr. Chairman.

PETERS: Thank you, Senator Hawley.

Well, I have deferred my questions to the end of the hearing. We're nearing the end. Secretary Mayorkas, I know it's been a really long afternoon for you. I -- but I want to start up by first thanking you for your support on Ranking Portman and my incident reporting legislation. I'm happy we're able to get that passed into law. And -- and now, as you know, CISA has begun the -- the rulemaking process.

So my question for you, sir, is does this budget request include enough funding to ensure that the rulemaking is going to occur both thoroughly and -- and quickly? Certainly, attacks are happening today. We need to get this information. We need to get this rule passed as quickly as possible. Could you give me an update on your thoughts as to how quickly we can move this forward?

MAYORKAS: And so, Mr. Chairman and Ranking Member Portman, I want to thank you both for championing this critical piece of legislation. It's going to make a significant difference in the cybersecurity of our country. We are already working to implement the legislation. We anticipate promulgating a notice of proposed rulemaking, the implementing regulation for the statute that you both and others, of course, championed.

The Cybersecurity and Infrastructure Security Agency is working with FEMA to develop the notice of proposed rulemaking. And we've already begun to confer with members of the private sector to understand some of their -- of the critical issues that they have to make sure that the statutes/objectives are ably met.

PETERS: Right. Well, thank you. You know, every year, more applicants apply for disaster mitigation assistance than -- than we have available funding, but yeah, we know that mitigation projects saves both lives and money, like every dollar of federal money that we spend on mitigation before a disaster saves, on average, \$6. Just common sense if we're prepared before storm, we're going to be a lot better off than picking up all the pieces after the storm.

That's why I authored -- I authored the STORM Act, which has been signed into law. We've already provided funding for it, which is going to help states set-up a revolving loan fund for hazard mitigation projects. Additional funding for that program was in the bipartisan infrastructure law.

My question for you, Mr. Secretary, is DHS provides this vital funding to mitigate the risk of natural hazards and improve nation's resilience. Can I have your commitment that both the DHS and FEMA will work well with my staff to fully implement the STORM Act program as quickly as possible so that we can have our local communities engage in these mitigation projects as quickly as possible?

MAYORKAS: Yes, I will, Mr. Chairman. The STORM Act is really going to make an impact as well. I concur with your assessment of the importance of mitigation, and I know the STORM Act enables the Department of Homeland Security through FEMA to work with tribal and state governments to make capitalization grants with that goal in mind.

PETERS: Thank you. Mr. Secretary, the Arab-American community in my home state of Michigan has long endured lengthy and intrusive screening when traveling, which certainly deeply affects people's families. It affects their businesses and even their ability to enjoy family vacations that many take for -- for granted. I know you heard directly from the Arab-American community in Michigan when you're with me there. Thank you for making that trip, and you heard that message loud and clear.

My question for you is that President Biden pledged that the Department of Homeland Security would review the use of the terrorist watchlist and the no-fly list while on the campaign trail. Can you provide an update on the progress of -- of your review and when you expect changes to be implemented?

MAYORKAS: Mr. Chairman, I will have to get back to you on that. I know that work is underway. I -- certainly following our trip to your state of Michigan, I followed up on what I heard. As you well know, you made the announcement with respect to the designation of a Community Relations Officer, but the status of a review of the watchlist, the -- the no-fly list and the redress avenues is something I would have to look into.

PETERS: All right. Well...

MAYORKAS: I don't know right now.

PETERS: Well, I appreciate your commitment to do that. I know you're working on it. We'll look forward to working closely with you in the -- in the weeks and months ahead.

Well, I want to first thank Ranking Member Portman for holding this hearing with me today. Secretary Mayorkas, I certainly appreciate you appearing before the Committee today to -- to share the Department of Homeland Security's priorities for the upcoming fiscal year. I'd also like to thank you for your service to our country and your willingness to tackle challenges that are before you. While there's no doubt that the Department faces challenges, I look forward to working with you to ensure DHS has the -- the tools it needs to address the serious threats that face our nation.

And finally, I want to take this opportunity to once again thank the men and women who serve our country every day at the Department of Homeland Security to keep our -- our nation safe. This Committee is thankful for the -- the work of everyone at the Department, and we look forward to working closely with you to support the -- the -- the Department's mission.

Ranking Member Portman, if you want to say a few closing words?

PORTMAN: First, just as I said earlier, thank you for your patience and -- and hearing us out. I -- I think we are at a very difficult point on the border where if we don't make changes quickly to provide for an alternative to Title 42 we will be even more overwhelmed. And the Border Patrol already feels overwhelmed.

So, I -- I know, Mr. Secretary, that we have some differences of opinion on policy, but at least on one area, fixing asylum it seemed as there might be some opportunity for progress, which would help as an alternative, but we -- we have to do something. It's just not fair to the people on the border, to the people all over this country who are affected by this, and to those who want to come here legally because this is a country that is the most generous in the world in terms of legal immigration. And we support legal immigration. But it, in fact, is being jeopardized and certainly any reforms being jeopardized by the reality of the border.

Thank you, Mr. Chairman, and thank you, Mr. Secretary, for being here. And to the men and women of DHS all the way through ICE, Border Patrol, the important protection folks at the ports of entry, I thank them for all they're doing to help protect our country.

MAYORKAS: Thank you both very much.

PETERS: Thank you, Secretary. I know this has been a really long afternoon, but thank you for being here. Thank you for the answers to a lot of questions and your thorough answers. It's -- we look forward to continuing to work with you. You have a very, very difficult job, a tough mission, and we appreciate your willingness to engage with us on a regular basis and in a very frank way. So, thank you for that.

The record for this hearing will remain open for 15 days until May 19th at 5 p.m. for the submission of statements and questions.

So, for the record, this hearing is now adjourned.

END

May 05, 2022 10:22 ET .EOF