



DHS MORNING BRIEFING

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U.S. Department of Homeland Security

By TechMIS

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Editorial Note: The DHS Daily Briefing is a collection of news articles related to Department’s mission. The inclusion of particular stories is not intended to reflect their importance, nor is it intended to endorse the political viewpoints or affiliations included in news coverage.

TO: Homeland Security Secretary & Staff

DATE: Wednesday, March 16, 2022 6:00 AM ET

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Top News

U.S. border arrivals increased in February, with 55% quickly expelled

CBS News [3/15/2022 11:15 AM, Camilo Montoya-Galvez, 2818K] reports that migrant arrivals at the southern border jumped by 7% in February from the previous month, but U.S. immigration officials also increased deportations, expelling over half of those who entered government custody using rules first issued under the Trump administration, according to Customs and Border Protection data published Tuesday. U.S. border authorities recorded 164,973 migrant apprehensions last month, compared to 153,941 detentions in January, the CBP figures show. Expulsions of migrants under a pandemic-era restriction put in place in 2020 rose by 17% to 91,513, representing 55% of all border encounters in February. The jump in immigration arrests along the Mexican border was largely fueled by a significant increase in arrivals of migrants from Mexico, Guatemala, Cuba and Colombia, as well as a higher arrest tally for single adults, many of whom try to enter the U.S. illegally multiple times after being expelled. CBP processed single adult migrants 126,151 times last month, an 11% jump from January. Officials also recorded a 16% drop in arrivals of families, processing 26,582 migrant parents and children traveling together. Just over 12,000 unaccompanied children entered U.S. border custody in February, a slight increase from January. Arrests of Mexican migrants rose by 18% to 71,210 in February, while arrivals of Guatemalans increased by 31% to 18,175. Cubans and Colombians reached the U.S. border in record numbers, surpassing tallies for some Central American countries. About 16,500 migrants from Cuba and 9,600 from Colombia entered U.S. custody. CBP officials also processed 13,887 migrants from Honduras, 13,295 from Nicaragua and 7,116 from El Salvador, the agency statistics show. CNN [3/15/2022 11:42 AM, Priscilla Alvarez, 5600K] reports that over the weekend, the US Centers for Disease Control and Prevention terminated that rule as it relates to unaccompanied minors, who had been exempted from it under the Biden administration, after a lower court ruling forced the administration's hand. The White House has faced mounting pressure from Democratic lawmakers and immigrant advocates to terminate the Trump-era policy, which they say puts people in harm's way.

Just last week, a Ukrainian family fleeing the war in their country had also been barred from seeking asylum at the California-Mexico border but were eventually allowed into the US. Homeland Security Secretary Alejandro Mayorkas visited Mexico on Monday to discuss migration with government officials. He is in Costa Rica on Tuesday.

Reported similarly:

FOX News [3/15/2022 10:58 AM, Adam Shaw and Griff Jenkins, 10541K]

Washington Times [3/15/2022 6:40 AM, Stephen Dinan, 350K]

Costa Rica says will work with U.S. to strengthen migration control

Reuters [3/16/2022 12:30 AM, Alvaro Murillo, 5304K] reports Costa Rica said on Tuesday the United States had agreed to work together on strengthening immigration and border policing in the Central American country, during a visit by U.S. Secretary of Homeland Security Alejandro Mayorkas. Costa Rican President Carlos Alvarado met with Mayorkas weeks after Costa Rica, Panama and Mexico established visa requirements that make it more difficult for Venezuelans and Cubans to transit through their countries towards U.S. territory. The new requirements came after Nicaragua lifted visa requirements for Cuban nationals in November, opening a new avenue for migration north to Mexico and the United States. Mayorkas and Costa Rican Minister of Security Michael Soto signed a letter of understanding pledging police efforts and attention to migrants and refugees. Those efforts would include training, infrastructure and equipment, Soto said in a video shared with media. Mayorkas was in Costa Rica a day after his visit to Mexico where he discussed regional migration and labor policies with Mexican officials.

US seeks regional approach to migration and asylum seekers

The AP [3/15/2022 1:45 PM, Javier Córdoba and Christopher Sherman, 12597K] reports that Faced with the likelihood of eventually reopening its southern border to asylum seekers, the United States government is urging allies in Latin America to shore up immigration controls and expand their own asylum programs. U.S. President Joe Biden is under mounting pressure from leaders of his own party to end sweeping asylum restrictions that have been in place since March 2020 to limit the spread of COVID-19. U.S. Homeland Security Secretary Alejandro Mayorkas was meeting with officials in Costa Rica Tuesday, a day after holding talks in Mexico. The support of allies would be critical to control a surge of migration when those restrictions are lifted. Both countries are key, having their own asylum systems and being transit routes to the U.S. for immigrants from South America and from outside the Americas. Last month, Costa Rica started requiring visas for Venezuelans and Cubans, a step toward slowing their migration north. Mexico already required visas of Cubans and added Venezuelans in January. U.S. authorities encountered Venezuelans along the U.S.-Mexico border 3,072 times in February, down sharply from 22,779 times a month earlier, according to figures released Tuesday that demonstrate the impact of Mexico's new requirement for Venezuelans, which took effect Jan. 21. Colombians, who do not require visas for Mexico travel, were encountered 9,600 times, up from 3,911 times in January. Overall, U.S authorities encountered migrants 164,973 times along the border in February, well below an August high of more than 200,000 but up from 154,745 in January and from 101,099 in February 2021, Customs and Border Protection said. Mayorkas' visits could be laying the groundwork for lifting the policy.

Pandemic preparedness bill moves ahead; funding still needed

The AP [3/15/2022 2:57 PM, Ricardo Alonso-Zaldivar] reports a Senate committee on Tuesday approved a bipartisan blueprint to overhaul the nation's public health system, applying the lessons of COVID-19 to future outbreaks through a new chain of command, a stronger medical supply chain, and clearer crisis communications. The Health, Education, Labor and Pensions committee approved the PREVENT Pandemics Act by a vote of 20-2. The bill starts by formally placing responsibility for pandemic response — in Burr's words, "mission control" — within a new White House office, on a similar footing as national security. In the Obama White House, the National Security Council had a global health unit, but that was disbanded under the Trump administration. Congressional oversight of the Centers for Disease Control and Prevention would be strengthened by requiring Senate confirmation of its director. They include more active surveillance of emerging diseases, building a capability to forecast epidemics and improving data collection and distribution. The Food and Drug Administration would be assigned a higher priority on medicines and countermeasures targeting infectious diseases. The bill calls for close attention to the medical supply chain, everything from raw materials for drug manufacturing, to protective equipment that was in such short supply in the first wave of the pandemic, to tests that continued to be an issue in the omicron wave. A new report estimates that overhauling U.S. public health and preparedness could take \$100 billion in the first year, \$20 billion to \$30 billion in the following two years, and \$10 billion to \$15 billion annually thereafter. Meanwhile, Congress has still to act on Biden's request for \$22.5 billion in immediate funding to maintain momentum on the COVID-19 response.

[Mexico] Mexico deports border gang leader after shooting

The AP [3/15/2022 5:14 PM, Maria Verza, 566K] reports that Mexico deported the alleged leader of a bloodthirsty gang of border hitmen Tuesday, one day after his arrest caused retaliatory shooting and burnings that closed U.S. border crossings and a U.S. consulate. A Mexican official who was not authorized to be quoted by name said Juan Gerardo Treviño had been handed over to U.S. officials in a "Controlled deportation." The term implies Treviño holds dual U.S. citizenship, which is not uncommon along the border. If he had only Mexican citizenship, he would have been subject to a lengthy extradition process. After his arrest Sunday, members of his gang shot up the border city of Nuevo Laredo, and even hit the U.S. consulate with gunfire. The consulate was closed until further notice and two U.S. border bridges leading to Laredo, Texas, were briefly closed because of the incident. U.S. Ambassador Ken Salazar said in a statement Monday that "I have raised our grave concerns about these incidents and the safety and security of our employees directly with the government of Mexico." Treviño was handed over at a border bridge in Tijuana, far to the west of Nuevo Laredo, presumably to avoid attempts to free him. The Mexican army said he was the leader of an extremely violent and heavily armed gang of cartel gunmen known as "The Troops of Hell." Treviño, who reportedly had two illegal guns when he was detained, faces charges of extortion, homicide and terrorism in Mexico. He was wanted for extradition to the U.S. on charges of conspiracy to traffic drugs and launder money. U.S. Customs and Border Protection said that southbound traffic from Laredo into Nuevo Laredo at the Juarez-Lincoln and Gateway to the Americas bridges was suspended, but reopened early Monday.

[Mexico] Journalist killed in Mexico, eighth so far this year

The AP [3/15/2022 10:33 PM, Fabiola Sánchez, 2818K] reports another journalist was shot to death in Mexico on Tuesday, the eighth murdered so far this year in an unprecedented spate of killings that has made Mexico the most dangerous place in the world for the press.

Reporters and photographers have been murdered this year in Mexico at the rate of almost one a week, despite claims from the government that the situation is under control. Prosecutors in the western state of Michoacan said reporter Armando Linares was shot to death at a home in the town of Zitacuaro. His killing came six weeks after the slaying of a colleague, Roberto Toledo, from the same outlet Monitor Michoacan. It was Linares who announced Toledo's death Jan. 31 in a video posted to social media. Zitacuaro is one of the closest towns to the monarch butterfly wintering grounds in the mountains west of Mexico City. The area has been plagued by illegal logging and drug gangs, local governance disputes and deforestation linked to expanding avocado production. Logging has damaged the pine and fir forests where the butterflies spend the winter after migrating from the United States and Canada. Linares served as director at the Monitor Michoacan website, which on Tuesday continued to show an article he had written about a cultural festival celebrating monarch butterflies. There was no immediate information on a possible motive in the killing.

[Ukraine] Biden administration to send \$186M to help Ukrainian refugees

The Hill [3/15/2022 6:17 PM, Morgan Chalfant, 1877K] reports the State Department announced plans Tuesday to provide \$186 million in humanitarian assistance to support Ukrainian refugees displaced due to the ongoing Russian attack on Ukraine. "This will provide further support for humanitarian organizations responding to the crisis and complement the generosity of the neighboring countries that are welcoming and supporting refugees," Secretary of State Antony Blinken said in a statement. The United Nations estimated Tuesday that 3 million people have been displaced by Russia's invasion of Ukraine, which began about three weeks ago. The Biden administration has sent \$550 million in assistance to Ukraine in the past two weeks, according to White House press secretary Jen Psaki. That assistance is expected to ramp up further after President Biden signed into law a sweeping government funding bill that includes \$13.6 billion in Ukraine-related assistance on Tuesday. Blinken said the funds would support efforts to get food, safe drinking water, shelter, and emergency healthcare to those in need.

[Ukraine] Explainer-Why isn't the U.S. accepting more Ukrainian refugees?

Reuters [3/16/2022 12:05 AM, Ted Hesson, 5304K] reports more than 3 million people have fled Ukraine to neighboring countries since Russia invaded on Feb. 24, according to United Nations data, but the United States has only admitted several hundred Ukrainian refugees so far, leaving some critics questioning U.S. government policy. U.S. President Joe Biden and his top officials have said the United States stands ready to accept refugees if needed, but the administration has repeatedly signaled that Europe should be the primary destination for Ukrainians. "We're going to welcome Ukrainian refugees with open arms if, in fact, they come all the way here," Biden said on March 11 during a meeting of fellow Democrats in Philadelphia. Vice President Kamala Harris, Secretary of State Antony Blinken and White House Press Secretary Jen Psaki have made similar comments. Psaki said on March 10 that the administration believes the "vast majority" of refugees will want to remain in neighboring countries where many have family, friends and former employers. Refugee resettlement can take years, though the Biden administration sped up the process for Afghans following the U.S. military withdrawal from Afghanistan last August. Lessons from that experience could help expedite the resettlement of other refugees, three U.S. officials told Reuters. A group of more than three dozen Democratic lawmakers urged Biden in a March 11 letter to increase refugee admissions and allow Ukrainians with family members in the United States to enter faster through a temporary mechanism known as "humanitarian parole."

Immigration and Customs Enforcement

CoreCivic Trafficking Suit Dropped by Immigration Detainee

[Bloomberg](#) [3/15/2022 11:29 AM, Daniel Seiden, 19K] reports that a former immigration detainee abandoned her lawsuit accusing ICE contractor CoreCivic Inc. of violating the Trafficking Victims Protection Act of 2000 by forcing her to cook and clean under threat of severe living conditions at a Texas detention facility. The parties' joint motion to dismiss was granted by Judge Lee Yeakel of the U.S. District Court for the Western District of Texas on Monday. Counsel for the parties didn't immediately respond to a request for comments. Martha Gonzalez filed a complaint on behalf of a class of 141 detainees claiming mistreatment by CoreCivic in 2018. The district court denied CoreCivic's... [Editorial note: consult source link for extended commentary]

Fake heiress Anna 'Delvey' Sorokin, who swindled NYC elite, in ICE custody amid rumors of deportation

[FOX News](#) [3/15/2022 5:31 PM, Audrey Conklin, 10541K] reports Anna Sorokin, who convinced New York City's elite that she was a German heiress by the name of Anna Delvey in 2017, remains in Immigration and Customs Enforcement (ICE) custody as of Tuesday afternoon, despite rumors of her deportation, according to the agency. "In November 2021, the Board of Immigration Appeals (BIA) granted Sorokin's emergency stay request; she remains in ICE custody pending removal," an ICE spokesperson told Fox News Digital on Tuesday afternoon. The ICE spokesperson added that the agency does not discuss future removal operations due to operational security. Reports released Tuesday suggested that Sorokin had been deported back to Germany from the Orange County Correctional Facility in Goshen, New York. She was scheduled to leave Monday after a Manhattan judge denied her appeal to stay in the U.S., and prison officials disabled her account on an inmate communications app, an attorney for Sorokin told Insider. [ABC News](#) [3/15/2022 9:27 AM, Luke Barr, 23K] reports she served just under four years in prison and has since been in U.S. Immigration and Customs Enforcement custody, awaiting deportation, according to a lawsuit she filed against ICE. She claims the poor treatment in ICE facilities gave her COVID-19 and that she was not allowed to receive a COVID booster shot.

Citizenship and Immigration Services

Thousands of Afghan refugees are still living in U.S. hotels while they wait for housing

[NPR](#) [3/15/2022 4:21 PM, Joel Rose, 5347K] Audio: [HERE](#) reports Aziz's family is among countless Afghans who are still living in hotel rooms and other temporary housing across the U.S., some for months, as they wait for permanent housing. All of the Afghan refugees who were evacuated in the Kabul airlift last summer have now left the military bases where they lived for months — more than 76,000 Afghans in all, according to the Department of Homeland Security. But for many, their journey still isn't over. It's not clear exactly how many Afghan refugees are still living in hotels. The federal agencies in charge told us they don't have that information. Based on conversations with state officials and resettlement agencies, the number of Afghans still living in hotels and other temporary housing is significant — likely more than 4000 nationwide as of early March. The biggest obstacle, resettlement agencies say, is a severe shortage of affordable housing.

U.S. Immigration Agency Plans Resumption of In-Person Services

Bloomberg [3/15/2022 12:24 PM, Andrew Kreighbaum, 19K] reports that U.S. Citizenship and Immigration Services plans to partially reopen some domestic offices June 4 after suspending in-person services during the Covid-19 pandemic, the agency announced Tuesday. USCIS, part of the U.S. Department of Homeland Security, adjudicates green cards and naturalization applications as well as as temporary nonimmigrant worker visas. The agency has faced mounting backlogs for benefits such as work authorization documents over the past two years, despite pledges by the Biden administration to improve its efficiency. A December report from the agency's internal watchdog found that its work was slowed by its largely paper-based system, even after staff began... [Editorial note: consult source link for extended commentary]

U.S. Work-Permit Backlog Is Costing Immigrants Their Jobs

Bloomberg [3/15/2022 6:00 AM, Dara Lind, 9409K] reports every 15 days, Naina Arora checks a U.S. federal government website to see when she'll be allowed to work again. Arora, the wife of an H-1B visa holder, has been on unpaid leave from her job in the operations department of a major health-insurance provider in Pasadena, Calif. since October, when her work permit expired. She had applied for a renewal in advance, assuming it would take something like the three months it had taken her to get her first one in 2019. Instead, the average processing time listed on the website for cases like hers continues to increase—from 5½ months, to 7½, to 12½. After countless calls to the U.S. Citizenship and Immigration Services (USCIS) case hotline, she finally reached an employee. As she recalls, the response she got was: "I'm so sorry, it's just bad luck, and we cannot do anything about it. Just wait and pray." Unprecedented delays in approving work-permit renewals are routinely leaving immigrants such as Arora in limbo. The government doesn't keep statistics on how many people have had their permits expire while waiting for a renewal, but officials estimate that, at its worst in January and February, hundreds per day were losing permission to work. USCIS found itself on the verge of fiscal collapse in summer 2020; its budget is largely funded by application fees, but applications had plummeted because of the Covid-19 pandemic and Trump-era restrictions on immigration. The agency avoided widespread furloughs, but instituted a hiring freeze that wasn't lifted until well into 2021. At the same time, the shutting down of in-person offices for months in 2020 prolonged already-growing processing times. Then, in summer 2020, the Trump administration created a regulation that turned the two-page work-permit application (which the agency claimed took about 12 minutes to complete) into a seven-page one.

Customs and Border Protection

37% increase in detention of unaccompanied minors at the Mexican border

Univision Austin [3/15/2022 5:40 PM, Staff, 514K] reports the number of unaccompanied immigrant children found at the border with Mexico increased 37% in February compared to those apprehended in January, said Tuesday the Bureau of Customs and Border Protection (CBP), the federal agency under whose command the Border Patrol operates. "In February, 12,011 unaccompanied children were found compared to 8,760 in January, an increase of 37%," details a statement posted on CBP's website. "In February, the average number of unaccompanied children in CBP custody was 520 per day, up from an average of 295 per day in January," it added. The detention figure is known at a time when a high-level delegation from the White House and the Departments of State (DOS), Justice (DOJ), Homeland Security (DHS) and Health (HHS) is meeting in Guatemala with representatives

of Central American governments to develop a strategy to curb undocumented immigration to the United States. The CBP report further explains that the large number of deportations executed during the pandemic "has contributed to a greater number of migrants making multiple attempts to cross the border" to enter the United States. The attempts imply that "total encounters somewhat overstate the number of unique individuals arriving at the border with Mexico," the agency explains. The February data also reveals that "the number of unique individuals encountered along the entire border in February was 116,678, a 2% increase in the number of unique individuals encountered or found in January," it adds. The report further states that in February there were a total of 164,973 encounters along the land border with Mexico, an increase of 7% over the previous month. [Editorial note: consult video at source link]

A Haitian Man's Brutal Experience With U.S. Border Agents Sparked Outrage. Now He's Telling His Story

Yahoo! News [3/15/2022 2:07 PM, Jasmine Aguilera, 13319K] reports that the world first saw Mirard Joseph on one of the worst days of his life. On Sept. 19, 2021, he came to embody the plight of thousands of Haitian migrants after an image taken that day of his attempt to escape a U.S. Border Patrol (USBP) agent on horseback in Del Rio, Texas, spread across the internet and was broadcast on every major news network. While Joseph ran, clinging to plastic bags filled with food, the agent wrenched his shirt. The horse's rein seemed to coil like a whip. The image, captured by New Mexico— and Texas-based photojournalist Paul Ratje, stoked national debate over migration at the U.S.-Mexico border, enduring racism in American institutions, and the unique experience that Black immigrants face. Joseph, along with his wife Madeleine Prospere and their daughter, who just turned 2, had been living with some 15,000 other mostly Haitian migrants in makeshift tents in Del Rio. Many Americans saw Ratje's photo as evidence of the country's broken immigration system. Others, including the NAACP and Vice President Kamala Harris, argued that it evoked an ugly history of slavery. In the days after the incident, President Joe Biden condemned the USBP's use of horses in the arrests, and U.S. Customs and Border Protection launched an internal investigation into the Del Rio horse patrol. "We—our entire nation—saw horrifying images that do not reflect who we are, who we aspire to be, or the integrity and values of our truly heroic personnel in the Department of Homeland Security," Secretary of Homeland Security Alejandro Mayorkas said, adding that the images "painfully conjured up the worst elements of our nation's on-going battle against systemic racism."

[FL] Over 100 migrants made landfall in the Florida Keys: Border Patrol

The Hill [3/15/2022 12:22 PM, Sarakshi Rai, 1877K] reports that U.S. Customs and Border Patrol (CBP) said Monday that a boat carrying more than 100 migrants, reportedly involved in a maritime smuggling event, made landfall in the Florida Keys. In a statement on Twitter, Chief Patrol Agent Walter N. Slosar, who is in charge of the Miami region, said agents along with federal, state and local partners were responding to "a maritime smuggling event involving over 100 migrants." There is a "coordinated response with our state, federal and local partners, making sure that we get medical and safety checks and then get these individuals processed and transported to our station," Slosar said in a video message on Twitter. The boat was carrying 123 migrants and landed about 20 miles north of Key West, Fla., CBP said in a statement on Tuesday. "At approximately 11:30 am Monday, a good Samaritan notified law enforcement that a suspected migrant vessel was close to running aground with approximately 100 people on board. Soon thereafter the vessel ran aground near a residential shoreline in Summerland Key, Florida. All migrants onboard the vessel

disembarked, and all safely swam to shore," CBP added. According to CBP, responding law enforcement was able to immediately secure the area without incident and rendered first aid to a few migrants needing assistance due to dehydration. CBP said the group told authorities at the scene that they had departed La Tortue Island, Haiti on March 9.

[China] US to detain goods from Chinese sportswear giant Li-Ning over North Korean labor concerns

CNN [3/16/2022 3:09 AM, Michelle Toh, 5600K] reports Li-Ning goods will be detained by US authorities after US Customs and Border Protection said an investigation indicated that the Chinese sportswear giant uses North Korean labor in its supply chain. Starting this week, the company's merchandise will be detained at all US ports, the CBP announced Tuesday. "Such merchandise will not be entitled to entry unless the importer provides clear and convincing evidence that their merchandise was not produced with convict labor, forced labor, or indentured labor," the agency said in a statement. The company is one of China's biggest makers of sports apparel and sneakers, with a market cap of about 133.3 billion Hong Kong dollars (\$17 billion).

Transportation Security Administration

U.S. agency fines more than 900 maskless air, transit passengers

Reuters [3/15/2022 3:42 PM, David Shepardson, 5304K] reports the U.S. Transportation Security Administration (TSA) has proposed \$644,398 in fines for 922 COVID-19 mask violators since February 2021 on commercial flights, in airports and train stations or on public transit services, the government reported on Monday, a dramatic jump in recent months. According to the government report, all but 44 of the TSA fines were for failing to wear masks as required on airplanes or, less often, in airports. The rest covered unmasked passengers in surface transportation like transit, rail and bus. The agency said it has also issued warnings to more than 2,700 travelers after more than 7,000 reported incidents since the transit mask requirements took effect. In late October, TSA said it had proposed \$85,990 in fines for 190 mask violators and issued warnings to more than 2,200. Last week, TSA said it was extending mask requirements at airports and on airplanes through April 18. Since the start of 2021, the Federal Aviation Administration (FAA) has investigated reports of 6,800 unruly airplane passengers including about 4,800 for not wearing masks. It has opened 450 investigations and proposed more than \$5 million in fines. The TSA fines included \$501,388 for 788 onboard air incidents, averaging \$636. The TSA has issued 18 civil penalties for not wearing masks at airport checkpoints totaling \$57,065 or \$3,170 on average, and 160 others at airports totaling \$57,795, the Government Accountability Office (GAO) report said. Another 44 have been issued for surface transportation incidents totaling \$28,150.

Senate Passes Resolution to End Mask Rules on Transportation

Bloomberg [3/15/2022 6:47 PM, Lillianna Byington, 19K] reports the Senate backed legislation to end the federal mask mandate on planes and transit in a largely symbolic vote that highlights GOP opposition to White House pandemic policies. Senators on Tuesday voted 57-40 to pass a resolution (S. J. Res. 37) from Sen. Rand Paul (R-Ky.) to end the mask mandate on public transportation. Republicans hope widespread opposition will nudge the White House to rethink the requirement, which was set to expire on March 18 but last week was extended to April 18. Eight Democrats backed the measure. A bipartisan vote

“would go a long way toward convincing the administration that the public is on our side,” said Sen. Roger Wicker (R-Miss.), ranking member on the Commerce, Science, and Transportation Committee. He spoke at a press conference Tuesday with other Senate Republicans ahead of the vote. The measure would use the Congressional Review Act, which allows Congress to try to halt federal agencies’ rules through expedited procedures. The Senate vote required a simple majority to pass, but will likely be defeated in the House if it came to a vote. The White House has also pledged to veto it if it does pass.

[ND] Officer injured in attack at the Bismarck Airport

The [AP](#) [3/15/2022 4:55 PM, Staff, 566K] reports that a police officer has been injured in an attack at the Bismarck Airport. Police say the officer was called to check on a man who was bothering passengers waiting in the security line Monday. The officer told the man that he would have to leave the airport if he didn’t have an airline ticket. The officer was having a conversation with him in the front lobby area when “The guy just attacked him out of the blue,” said Officer Lynn Wanner. The officer suffered lacerations that required stitches and was taken to the hospital. The officer radioed for assistance and the man was handcuffed with the help of airport and Transportation Security Administration officers. Police say the 37-year-old man had brass knuckles in his possession when he was booked into the Burleigh Morton Detention Center.

Federal Emergency Management Agency

Federal government has provided more than \$2B to help cover COVID-19 funerals

The [Hill](#) [3/15/2022 11:29 AM, Cameron Jenkins, 1877K] reports that the Federal Emergency Management Agency (FEMA) on Tuesday announced that more than \$2 billion in funding has been allotted for funeral costs of about 300,000 American families that lost a loved one since the COVID-19 pandemic began. “FEMA’s COVID-19 Funeral Assistance program has helped provide over 300,000 people with critical financial relief during a time of such unexpected, unimaginable and widespread loss,” FEMA Administrator Deanne Criswell said, according to The Associated Press. Under the COVID-19 Funeral Assistance program, up to \$9,000 in funeral expenses are covered per person. On average, about \$6,500 has been given to families per death, the agency stated, according to the AP. The agency also reportedly announced on Tuesday that it is set to launch a paid ad campaign in four states that have had high rates of coronavirus-related deaths but low requests for funeral reimbursement. Those states include New York, Pennsylvania, Texas and California. “Our new outreach campaign is designed to reach families, especially across underserved communities, where the cost of a funeral can be a financial burden to a loved one,” Criswell said, according to the AP. “Our goal is to help families apply for assistance, as well as submit all required documents for existing applications.” In order for families to be eligible for assistance, they must provide death certificates that show evidence that COVID-19 was the cause of death of a loved one who died after May 16, 2020. For situations in which the death occurred prior to that date, a signed statement from a medical examiner detailing the cause of death must be provided in addition to the death certificate, the news outlet noted. The Hill has reached out to FEMA for comment.

Reported similarly:

[AP](#) [3/15/2022 9:30 AM, Zeke Miller, 2818K]

[CNN](#) [3/15/2022 6:14 PM, Liz Stark, 5600K]

Secret Service

New Secret Service report details growing incel terrorism threat

CBS News [3/15/2022 11:15 AM, Nicole Sganga, Neutral, Secondary] reports the federal government on Tuesday released a study on the growing terrorism threat from men who call themselves "anti-feminists" or "involuntary celibates" and draw motivation for violence from their inability to develop relationships with women. Since 2014, attacks inspired by the "incel movement" and spanning the U.S. and Canada have left dozens dead. Early intervention and behavioral threat assessments could be the difference between life and death for women targeted by the growing ideology, according to the 26-page report. The report concluded that while "there is no one profile of an individual who plans or executes an act of targeted violence," investigators must consider potential targets when seeking to thwart attacks, as suspects routinely "explore multiple targets during the planning process, before making their final selection." The U.S. Secret Service's National Threat Assessment Center took a deep dive into a series of red flags predating a shooting at a yoga studio in Tallahassee, Florida, to determine how early intervention could save lives in the future. The NTAC routinely publishes research based on an assessment of the current threat environment. In the case of 40-year-old gunman Scott Paul Beierle, there were countless warning signs. The man who opened fire inside Hot Yoga Tallahassee — killing two women and injuring four more before committing suicide — had previously been fired from multiple teaching jobs, barred from bars and apartment buildings, and authored a 70,000 word revenge fantasy about a boy turned serial killer, according to the report. According to the U.S. Secret Service's analysis, Beierle was motivated to carry out violence by his inability to develop or maintain relationships with women. Although the origins of "anti-feminist" and "incel" movements vary, the shooter's final crime in 2018 is part of a string of gender-based ideology-driven attacks calling for violence against women.

New report tells horrors facing threatened election officials

The Los Angeles Times [3/15/2022 8:00 AM, Staff, 3779K] reports that, in the combustible days and weeks following the November 2020 election, Adrian Fontes was threatened so many times he lost count. As Maricopa County recorder, Fontes oversaw the balloting in Phoenix and its sprawling suburbs, the swing portion of a swing state and one of the focal points of President Trump's unhinged efforts to overturn Joe Biden's victory. With tensions mounting, as armed demonstrators gathered outside his office and a SWAT team parked itself inside, Fontes packed "Go bags" so his wife and children could quickly flee their home. After one death threat, the family evacuated for several days. The menace facing Fontes and his staff was not unusual. A new survey by the Brennan Center for Justice found 1 in 6 election officials nationwide said they have been threatened, part of a dramatic rise in tensions as voting and elections have become an increasing political flashpoint. "These attacks have forced election officials across the country to take steps like hiring personal security, fleeing their homes and putting their children into counseling," according to the center, a research and policy organization affiliated with New York University. All because election workers were doing their job and a bunch of sore-losing chuckleheads didn't like the result. Maricopa County Recorder Adrian Fontes talks to the media in Phoenix as 2020 ballots are counted behind him. More than 1 in 4 of those surveyed by the Brennan Center said they were concerned about being assaulted. Over half said they worried about the safety of their colleagues. More troubling, 30% said they knew of at least one election worker who had left the position in part because of intimidation or increased threats. It bears repeating that, despite Trump's continued and incessant lies, U.S officials judged the Nov.

3, 2020, election - which saw record-high turnout amid the worst pandemic in a century - "The most secure" in the country's history. "There is no evidence that any voting system deleted or lost votes, changed votes or was in any way compromised," the Department of Homeland Security said in a statement co-signed by some of Trump's own appointees.

Gunman who attacked Florida yoga studio gave off decades of warning signs, Secret Service finds

NBC News [3/15/2022 6:13 AM, Pete Williams, 5101K, Neutral, Primary] reports the Florida man who opened fire inside a Tallahassee yoga studio in 2018, killing two women and injuring five, repeatedly engaged in offensive and criminal behavior for decades, presenting missed opportunities to prevent the rampage, the Secret Service said in a new analysis issued Tuesday. The agency's National Threat Assessment Center studied the background of Scott Beierle, the 40-year-old man who walked into Hot Yoga on Nov. 2, 2018, drew a semi-automatic handgun and began shooting. A few minutes later, he shot and killed himself. But for decades, he gave off warning signs involving inappropriate and criminal behavior toward women and girls, the report found. He was fired from several jobs, banned from some public places, thrown out of the military and even arrested. Friends and family members feared him, and his parents slept with the bedroom doors locked when he lived with them. "Tragedies like this one are successfully prevented every day with behavioral assessment programs," said Steven Driscoll, the threat center's assistant chief. "Nothing about this attacker's behavior should be considered normal. His misogyny was extreme, and it began at a young age." Secret Service researchers found that he touched girls without their consent in high school and openly admired Hitler and the Aryan Nations. After failing in his dream of becoming a screenwriter, he lived with his parents and wrote stories and songs described as "dark, violent and misogynistic."

[MA] New York Man Pleads Guilty to COVID-19 Relief Fraud Scheme

The United States Department of Justice [3/15/2022 4:50 PM, Staff, Positive, Secondary] reports a New York Man pleaded guilty today to charges arising from a scheme to fraudulently obtain business loans and unemployment pandemic relief funds made available under the Coronavirus Aid, Relief, and Economic Security (CARES) Act. Ronald Buie, 35, pleaded guilty to one count of wire fraud before U.S. District Court Judge Douglas P. Woodlock who scheduled sentencing for June 24, 2022. Buie was charged on Jan. 25, 2022. Buie engaged in a scheme to defraud the U.S. Small Business Administration (SBA) by submitting fraudulent applications for loans offered in connection with the CARES Act. As part of this scheme, Buie used various false identities to apply for and obtain fraudulent SBA loans in amounts exceeding \$219,000. Buie also submitted fraudulent documentation to apply for and obtain a fraudulent SBA loan for \$60,000 for his company, Platinum Car Service LLC. Specifically, in support of his loan application, Buie provided what he purported to be a monthly bank statement for his business checking account showing an ending balance of more than \$198,000, whereas bank records for that particular month show that the actual balance was less than \$3,000. In addition, Buie's scheme also involved the utilization of various false identities to apply for Pandemic Unemployment Assistance benefits in Massachusetts and Ohio. United States Attorney Rachael S. Rollins; Mark Comorosky, Special Agent in Charge of the U.S. Secret Service, Boston Field Office; Jonathan Mellone, Special Agent in Charge of Department of Labor, Office of Inspector General, Labor Racketeering and Fraud Investigations; and Ketty Larco-Ward, Inspector in Charge of the United States Postal Inspection Service made the announcement today. Valuable assistance was provided by the U.S. Secret Service, New York Field Office;

Massachusetts Department of Unemployment Assistance; and the New York City Police Department. Assistant U.S. Attorney William F. Abely, Chief of Rollins' Criminal Division, is prosecuting the case.

[PA] Suspect in Stabbings at Museum of Modern Art Apprehended in Philadelphia

The Wall Street Journal [3/15/2022 5:41 PM, Allison Prang and Ginger Adams Otis, Positive, Primary] reports a man sought in connection to a stabbing of two employees at New York City's Museum of Modern Art was apprehended early Tuesday morning in Philadelphia, the New York Police Department said. The man, identified by police as 60-year-old Gary Cabana, had allegedly attacked the employees on Saturday afternoon after he was denied entry to the museum in Midtown Manhattan because of a revoked membership. A 24-year-old male victim was stabbed once on the left collarbone, and a 24-year-old female victim was stabbed once in the back of the neck and twice in the lower back. The wounds weren't life-threatening. The NYPD said the investigation is continuing. Chief Essig said the Secret Service got involved in the matter when threats were made against former President Donald Trump. The Secret Service said that, for security reasons, it doesn't discuss "the means and methods used to conduct our protective operations or matters of protective intelligence."

[PA] Lebanon County police seek help identifying suspects who used fake money at Walmart

FOX 43 [3/15/2022 8:45 PM, Grace Ganz, 19K, Neutral, Secondary] reports North Lebanon Township Police Department is calling on community members to help officers identify suspects who used fake money at an area Walmart. Police say the three suspects pictured below passed counterfeit currency at the store on 1355 E Lehman St. on March 12 at 10:50 p.m. According to police, the suspects initially tried to use the counterfeit money in the store's electronics department, but the cashier denied them. Police say they then took their items to an elderly cashier at general checkout, where they bought \$1,534 of merchandise. The suspects purchased the items "using 29 counterfeit \$50's and 7 \$20's totaling \$1,590.00," according to a report from Crimewatch. The report also stated the suspects fled the Walmart in a light-colored minivan or SUV.

[MD] Serial Fraudster Pleads Guilty in U.S. District Court in Maryland to Two New Fraud Schemes and to Violating His Supervised Release for a Previous Federal Fraud Conviction

The United States Department of Justice [3/15/2022 12:00 PM, Staff, Positive, Secondary] reports Jason Evans, age 47, formerly of Anne Arundel County, Maryland, pleaded guilty yesterday to two counts of bank fraud, in connection with two separate fraud schemes, to aggravated identity theft, and to violating his supervised release on a previous federal bank fraud conviction. The guilty pleas were announced by United States Attorney for the District of Maryland Erik L. Barron and Special Agent in Charge Bo Keane of the United States Secret Service - Baltimore Field Office. According to his plea agreement, in 2015, Evans was sentenced to four years in federal prison, and began five years of supervised release on January 17, 2018. Evans admitted that from June 29, 2019 through August 30, 2019, he fraudulently obtained and used a credit card in the name and identity of "JM" using JM's name, date of birth and social security number. The bank approving the credit card application also opened a business account connected to that credit card. Evans then obtained a counterfeit Pennsylvania driver's license bearing the name of JM and a photograph of Evans, with the date of birth altered to be consistent with Evans' age. On

July 30, 2019, Evans presented the credit card and the counterfeit driver's license at a bank in the 7900 block of Ritchie Highway in Glen Burnie, Maryland, and requested a cash advance of \$14,400, which the bank approved. The next day, Evan used the credit card and counterfeit Pennsylvania driver's license at a store in Annapolis, Maryland, to purchase Apple merchandise totaling \$12,114.74, including nine iPhone XS Max cell phones. On August 6, 2019, Evans presented the credit card and counterfeit Pennsylvania driver's license in JM's name at a bank in the 1000 block of Washington Boulevard in Laurel, Maryland, and requested a cash advance of \$14,400. The cash advance was not immediately approved due to a problem with the bank's computer system, but before the system could be rebooted and the transaction identified as fraudulent, Evans left the bank, leaving the fraudulently obtained credit card and counterfeit license in JM's name behind.

[GA] Man used bleach, \$1 bills and a little creativity to make \$235K in fake cash, feds say

The Ledger-Enquirer [3/15/2022 3:44 PM, Julia Marnin, Positive, Secondary] reports a man got a little creative and led a counterfeit money scheme by using bleach, real \$1 bills and a printer that he traveled with to create fake \$100 bills totaling \$235,000, federal officials in Virginia said. This comes after he was convicted twice in 2015 for using counterfeit money, court documents obtained by McClatchy News state. Most recently, he'd bleach the real dollars and print images of \$100 onto them before handing them out to co-conspirators for them to make purchases, according to the U.S. Attorney's Office for the Eastern District of Virginia. New Jersey resident Hollis Forteau, 38, was sentenced to five years in prison on Monday, March 14, federal officials said. "Mr. Forteau is sincerely regretful for any harm that he had caused," his lawyer Daymen Robinson told McClatchy News in a statement. "He will immediately begin to reimburse those who suffered economic lost and do his best to make amends for his conduct." In December 2019 and January 2020, Forteau and at least six others working with him drove from Philadelphia, Pennsylvania, to Virginia, where he directed the others to make purchases at local retailers with the fake cash, according to court documents. Then, prosecutors say, they drove to the same retailers at a different location to return the items they illegally bought and obtain real cash. Forteau would take a cut of the money, prosecutors said. "To ensure a consistent supply" of the fake bills, Forteau traveled with a printer, which was bought with counterfeit money, and a laptop to create them in hotel rooms, according to court documents.

[FL] Variety of drugs, including fentanyl, found after Florida Keys traffic stop, cops say

The Bradenton Herald [3/15/2022 3:34 PM, David Goodhue, Positive, Secondary] reports a man and woman from Jacksonville were arrested on several felony charges after Monroe County deputies say they found multiple drugs, including fentanyl, in their car in a traffic stop in the Florida Keys. The pair, Jeremiah Persyns, 38, and Ashley Caroline Young, 35, are being charged with trafficking in opium, cocaine possession, possession of drug paraphernalia and possession of pills without a prescription. As of Tuesday afternoon, they were both in county jail on Stock Island with no bond information immediately available. Deputy Juan Carlos Marino pulled them over around 7:40 p.m. Monday near 12th Street in the Middle Keys city of Marathon. He said he stopped them because the Chevy SUV Persyns was driving had illegal tint on the windows, according to sheriff's office spokesman Adam Linhardt. Persyns first told Marino that he didn't have his driver's license, before providing a fake name, Linhardt said. According to the sheriff's office, deputies searched the car and found 9.9 grams of fentanyl, 6.6 grams of cocaine, 2 grams of methamphetamine,

1.8 grams of marijuana, Oxycodone and Xanax pills, Multiple syringes and pipes, Deputies also found four counterfeit \$100 bills, which Young said were intended for buying more drugs, according to the sheriff's office.

[Canada] South Shore woman charged with trying to poison Trump deemed fit to stand trial

The Montreal Gazette [3/15/2022 6:00 PM, Paul Cherry, Neutral, Secondary] reports Pascale Ferrier, the South Shore resident who is charged with threatening to kill a U.S. president after she allegedly tried to send Donald Trump a letter laced with poison, has been found competent to stand trial. The results of a mental health evaluation conducted by a psychologist were mentioned Tuesday afternoon during a status hearing before Judge Dabney Friedrich at the U.S. District Court in Washington, D.C. According to a court document filed in the case earlier this month, the evaluation was ordered to determine whether Ferrier is "suffering from a mental disease or defect rendering her mentally incompetent to stand trial, unable to understand the nature and consequences of the proceedings against her and to properly assist in the preparation of her defence." Ferrier, a resident of St-Hubert, was arrested on Sept. 20, 2020 when she showed up at a border crossing in Buffalo, N.Y. and told U.S. border agents she was the person behind a threatening letter that contained the poison ricin and was addressed to Trump at the White House while he was president. The letter was intercepted on Sept. 18, 2020 when it arrived at the White House mail sorting facility, and the Secret Service turned it over to the FBI.

[Maldives] Fake US Dollars sold in Maldives' black market

The Edition [3/16/2022 3:56 AM, Lamy Abdulla, Neutral, Secondary] reports police cautions public on the purchase of US Dollars from unauthorized parties on Wednesday as reports of sale of fake Dollars have increased. They said there has been an increase of the sale of forged US Dollars through messaging communities such as Viber and other social media platforms. These communities advertise themselves as offering money exchange services, and that police were currently investigating such cases as well. These transactions are conducted by talking to people wishing to purchase Dollars privately once they express interest in the community. The money changes hand when they meet in person, often in places visited by few people. Foreign exchange via unauthorized parties is a widely practiced business in Maldives. However, due to the sale of fake Dollars, the police have urged to conduct such transactions via authorized channels only. They also urged the public ensure they have received valid notes as well.

Coast Guard

[MD] Cargo ship stuck in Maryland's Chesapeake Bay presenting Coast Guard 'logistical challenge'

ABC News [3/15/2022 12:49 PM, Bill Hutchinson, 23K] reports that a loaded 1,095-foot cargo ship remained stuck Tuesday morning in Maryland's Chesapeake Bay, presenting Coast Guard officials with what they described as a "logistical challenge" to free the vessel without polluting the environment. The container vessel, named Ever Forward, ran aground Sunday night after leaving Baltimore, Petty Officer 1st Class Steve Lehmann, a spokesman for the Coast Guard's Mid-Atlantic district, told ABC News Tuesday morning. Lehmann said the ship is stuck in about 23-feet of water but is not blocking traffic in the bay's deep-water channel. "It's a pretty big logistical challenge," Lehmann said about freeing the ship.

Lehmann said a Coast Guard environmental team boarded the ship to make an assessment of its condition and determine how to safely get it towed off what is believed to be a sandbar without polluting the water or causing harm to the crew. "We're making sure all boxes are checked," said Lehmann, adding that a timeline has not yet been established on when an attempt to free the vessel will be made. Lehmann said no one was injured and no pollution has been detected as a result of the mishap. He said the Coast Guard was notified of the incident around 9 p.m. Sunday. Coast Guard officials said the ship was apparently traveling outside the deep-water channel when it got hung up. Lehmann said the ship is believed to be owned by Evergreen Marine Corp., noting the company's name on the side of the vessel. [Editorial note: consult video at source link] The AP [3/15/2022 6:25 PM, Staff] reports that technical experts boarded the Ever Forward on Monday to evaluate the ship's condition, Maryland Port Administration Executive Director William P. Doyle said in a statement Tuesday. He said various experts are working with divers to determine the best course of action to free the ship. Officials haven't yet determined what caused the ship to run aground, Coast Guard Petty Officer 3rd Class Breanna Centeno said in an email Tuesday.

Reported similarly:

Reuters [3/15/2022 12:51 PM, Staff, 5304K]

CBS News [3/15/2022 12:04 PM, Caitlin O'Kane, 2818K]

CISA/Cybersecurity

[Germany] Germany Issues Hacking Warning for Users of Russian Anti-Virus Software Kaspersky

Reuters [3/15/2022 5:31 PM, Staff] reports that Germany's cyber security agency on Tuesday warned users of an anti-virus software developed by Moscow-based Kaspersky Lab that it poses a serious risk of a successful hacking attack. The BSI agency said that the Russia-based cyber-security company could be coerced by Russian government agents to hack IT systems abroad or agents could clandestinely use its technology to launch cyberattacks without its knowledge. Kaspersky said in a statement it was a privately-managed company with no ties to the Russian government. It said that the warning by BSI was politically motivated, adding it was in contact with the BSI to clarify the matter. The BSI warning comes as Russia's invasion of Ukraine escalates with the Russian army's shelling of the capital of Ukraine. The BSI said that German companies as well as government agencies that manage critical infrastructure were particularly at risk of a hacking attack.

[Russia] Bipartisan Senate group urges DHS to provide answers on Russian cyberthreat

The Washington Times [3/15/2022 4:55 AM, Ryan Lovelace, 350K] reports a bipartisan group of 22 senators urged the Department of Homeland Security to provide details about the government's preparedness for cyberattacks from Russia, as its invasion of Ukraine has American lawmakers on edge. Fears of a catastrophic Russian cyberattack accompanying physical attacks on Ukraine that could spiral out of control have not yet materialized. The senators wrote to Homeland Security Secretary Alejandro Mayorkas to get information on the government's plan to defend against cyberattacks, hacks and disinformation that may still come. The 17 Democrats, four Republicans and one independent requested a briefing to explain what the Cybersecurity and Infrastructure Security Agency (CISA) is doing to protect against state-sponsored attacks and to share information about what business

sectors are targets, as well as how the government is sharing technical guidance to small businesses and organizations and how the threat of disinformation has changed since Russia's invasion, among other things. CISA recently released new details about its work to prepare for a major cyberattack. The agency said Monday that it hosted a three-day cyber exercise last week called "Cyber Storm VIII," which included about 200 organizations from government, the private sector and other countries to simulate the discovery of a widespread cyberattack and coordinate a response.

Terrorism Investigations

Attacks on Asian American women are igniting a conversation about public safety

CNN [3/15/2022 12:48 PM, Harmeet Kaur, 5600K] reports that What hit Hong Lee so hard about the killing of Christina Yuna Lee was how easily it could have been her. Late one night in February, Christina took a car back to her New York Chinatown apartment, where a man followed her up six flights of stairs and forced herself into her home. She cried out desperately for help, but before anyone could reach her, she was stabbed dozens of times to her death. Christina was an Asian American woman around Hong's age. They shared a mutual friend. And Hong, too, had an experience that left her afraid for her life -- a memory that has been fresh on her mind lately given the string of Asian American women who have been killed in recent weeks. Michelle Go was pushed to her death on the New York City subway tracks. GuiYing Ma died from her injuries after being struck repeatedly in the head with a rock last year in Queens. Julia Li was killed while driving in St. Paul, Minnesota. Mary Ye, a spa worker in Albuquerque, New Mexico, was shot and killed during an attempted robbery. Fang Sihui, a spa owner in the same city, was killed under similar circumstances just three weeks earlier. All the while, the trauma from last year's Atlanta spa shootings still felt raw. "It's just odd to me that all these attacks are happening all at once," Hong said. The brutality and seeming frequency of these high-profile incidents have Hong and other Asian American women on edge. But making sense of the tragedies has proved especially difficult. The victims have been from various class backgrounds -- attacked on streets and subway platforms, at homes and workplaces. The perpetrators have been White, Black and Hispanic -- their actions sometimes without expressing obvious anti-Asian bias. Meanwhile, rates of homicides and other violent crimes increased last year in cities nationwide. As 74% of Asian American and Pacific Islander women report having personally experienced racism or discrimination in the past year, community members are pushing leaders to do more to address public safety. But without a clear, identifiable pattern to the attacks, advocates, elected officials and citizens are divided about the root of the problem -- and what's needed to solve it.

[DC] Document on plan to occupy Capitol Hill buildings, Supreme Court on January 6 discovered by prosecutors

CNN [3/15/2022 2:14 PM, Katelyn Polantz, 5600K] reports that prosecutors have discovered a written plan to "infiltrate" and "occupy" six congressional office buildings and the Supreme Court on January 6, 2021, as part of the federal investigation into Proud Boys leader Enrique Tarrio, according to his indictment and a source familiar with the case. The nine-page planning document, titled "1776 Returns," is mentioned briefly in the federal indictment filed last week against Tarrio, who is accused of orchestrating key participants in the US Capitol attack that day. A source revealed more details than were previously known about the plan. In court, prosecutors described an unnamed person sending Tarrio the document in late December 2020. "The revolution is important," the person told him.

According to prosecutors, Tarrío replied: "That's what every waking moment consists of ... I'm not playing games." The written plan doesn't mention violence and contains two prongs -- one called "Storm the Winter Palace" in which organizers would "fill the buildings with patriots" and another called the "Patriot Plan." That one-page list of demands would be distributed in the streets, declaring "we the people" request a new election on January 20, 2021, and falsely claiming "the evidence of election fraud is overwhelming." Though the document doesn't call for seizing the US Capitol, its timing and themes track closely to the 1 p.m. ET assembly of the rioting crowd on Capitol Hill that ultimately overtook the Capitol building. The planning document is included in Tarrío's indictment as part of the alleged actions that support a conspiracy charge against him and others. While the document is notable enough to be included in the charging documents, it is unclear who authored it or how widely it was distributed, or whether Tarrío distributed it to other Proud Boys. His five conspiracy co-defendants have pleaded not guilty, and Tarrío is appearing in federal court on Tuesday in Florida for a detention hearing. The Justice Department wants him to remain in jail as he awaits trial.

[DC] Proud Boys leader charged in Jan. 6 plot jailed until trial

The [AP](#) [3/15/2022 3:08 PM, Adriana Gomez Licon, 566K] reports that a leader in the far-right Proud Boys extremist group will remain jailed until his trial on charges that he remotely led a plot to stop Congress' certification of Joe Biden's 2020 presidential victory. In a Miami courtroom Tuesday, U.S. Magistrate Judge Lauren F. Louis cited the danger that prosecutors say Henry "Enrique" Tarrío poses to the community. The judge said her decision would be explained in detail later in a written order. Though he wasn't at the Capitol with other members of the Proud Boys during the violent insurrection on Jan. 6, 2021, prosecutors say Tarrío created the leadership structure, organized the group of men and directed them to the Capitol. They say Tarrío organized encrypted chats with Proud Boys members in the weeks before the attack, had a 42 second phone call with another member of the group who was moving in and out of the building during the riot and took credit for the chaos at the Capitol. "This is a crime that struck at the heart of our democracy," said prosecutor Jason McCullough. "It is difficult to imagine something that is graver than this crime." Tarrío's attorney Nayib Hassan said his client was not at risk of fleeing from authorities and doesn't have a violent background. Hassan said other defendants charged in the same alleged conspiracy and who were present at the Capitol during the riot have been allowed pretrial release.

[Cuba] Plea discussions launched in stalled 9/11 case at Guantanamo

The [AP](#) [3/15/2022 3:02 PM, Ben Fox] reports prosecutors have initiated discussions on a potential plea agreement to resolve the long-stalled case of five men held at the Guantanamo Bay detention center who have been charged with planning and providing assistance for the Sept. 11, 2001, terrorist attacks. The discussions, which attorneys for one defendant said Tuesday were ongoing, are a significant development in a case that has been mired in pre-trial litigation at the U.S. base in Cuba for nearly a decade. All five, including the self-described mastermind of the 9/11 plot, face potential death sentences if convicted by military commission, though repeated delays and legal challenges have made even setting a trial date elusive. Among the other defendants is Khalid Shaikh Mohammad, a senior al-Qaida figure who has portrayed himself as the architect of the plot. The government has resisted efforts to try the men separately, and an earlier effort to reach a settlement was rebuffed by former President Donald Trump's Attorney General Jeff Sessions.

[Cuba] Washington invitation opens way for U.N. expert's Guantanamo visit

Reuters [3/15/2022 2:33 PM, Emma Farge, 5304K] reports a U.N. expert told the world's top rights body on Tuesday that she had received a preliminary invitation from Washington to Guantanamo Bay, Cuba, in what could lead to the first-ever visit by one of the body's special rapporteurs. "I am pleased to report to this council session that the U.S. government has extended a preliminary invitation...to engage in a technical visit to the U.S. naval station in Guantanamo Bay, Cuba," Fionnuala Ní Aoláin, the special rapporteur on human rights and fundamental freedoms while countering terrorism told the Geneva-based Human Rights Council. Ní Aoláin released a report to the council on Tuesday on secret detentions in which she repeated a call to close the site, which she said still has at least 38 male Muslim detainees.

National Security News

U.S. less effective at countering terrorist threats in Afghanistan and Somalia since troop withdrawal

The Washington Post [3/15/2022 7:56 PM, Karoun Demirjian, 12597K] reports U.S. troops' exit from Afghanistan and Somalia has limited the United States' ability to conduct counterterrorism operations against groups linked to al-Qaeda and the Islamic State, the American generals in charge of the Middle East and Africa told senators Tuesday. "In my view, we are marching in place at best," Army Gen. Steven Townsend, who leads U.S. Africa Command, told members of the Senate Armed Services Committee of the security picture in Somalia. "We may be backsliding." For years, the United States has been trying to weaken the terrorist organization al-Shabab, which Townsend has called "the most lethal arm of al-Qaeda." Those efforts were complicated in the last year, following the full exit of U.S. troops from Somalia, a departure ordered by President Donald Trump near the end of his tenure in the White House. Townsend said that counterterrorism efforts have experienced reduced efficacy due in part to the fact U.S. troops have been "commuting to work" from neighboring Djibouti, where the U.S. military maintains a permanent base. The AP [3/15/2022 3:53 PM, Lolita C. Baldor, 2164K] reports former President Donald Trump ordered the complete withdrawal of the roughly 700 U.S. troops in Somalia as one of his final acts in office. Gen. Frank McKenzie, head of U.S. Central Command, said the U.S. has not launched any strikes on Islamic State insurgents in Afghanistan since the U.S. military pulled out of the country last August. He said the militant group has grown since the U.S. left and there are concerns about its ongoing development. He said the group has carried out high-profile attacks in Afghanistan and still aspires to strike the U.S. and allies. McKenzie said the Taliban, which swept across Afghanistan and took control of the government last year, still is trying to counter the Islamic State. But he said it is more difficult for the Taliban to control al-Qaida elements in the country, because the two groups have long been more closely aligned. McKenzie said that without sustained counterterrorism pressure, militants have more time and space to prepare for attacks. Sustained military pressure prevents groups from being able to grow, train and plot, he said.

NATO defense ministers to discuss sending 'substantially more forces' to its eastern borders

The New York Times [3/16/2022 1:50 AM, Victoria Kim] reports NATO defense ministers will discuss stepping up defenses along their eastern front as Russia's attacks inch closer to the alliance's doorstep, the organization's secretary general said on Tuesday. The ministers were set to meet on Wednesday ahead of next week's extraordinary NATO summit, where

President Biden is scheduled to discuss how to respond to Russia's invasion. European allies are putting more pressure on the United States to take more direct action in addition to sanctions and military aid in face of relentless Russian attacks and widespread civilian suffering. Ministers will discuss "concrete measures" to reinforce its eastern flank, on the ground and in the air and on the water, said Jens Stoltenberg, the secretary general of NATO, in advance of the meeting of defense ministers. The Russian invasion and its coordination with Belarus "creates a new security reality" in Europe, he said. "We need to reset NATO's military posture for this new reality," he said. "This could include substantially more forces in the eastern part of the alliance at high alertness and more pre-positioned equipments.

[Belgium] Biden to travel to Brussels for NATO summit amid Russia's war on Ukraine

FOX News [3/15/2022 1:28 PM, Brooke Singman, 10541K] reports that President Biden is expected to travel to Brussels, Belgium, next week for a NATO summit on Russia's war in Ukraine, the White House said Tuesday. Biden will join the "extraordinary" NATO summit that will convene March 24. White House press secretary Jen Psaki said the president will "Discuss the ongoing deterrence and defense efforts in response to Russia's unprovoked and unjustified attack on Ukraine as well as to reaffirm our ironclad commitment to our NATO allies." Biden is also set to join a scheduled European Council Summit to discuss "Shared concerns about Ukraine, including transatlantic efforts to impose economic costs on Russia, provide humanitarian support to those effected by the violence, and to address other challenges related to the conflict." The president's plans to travel to Europe come as Russia's war against Ukraine rages on. Vice President Kamala Harris, who returned to the U.S. over the weekend, traveled to Europe last week to represent the United States in bilateral meetings with European leaders. While in Warsaw, she also met with Canadian President Justin Trudeau. Harris also traveled to Bucharest, Romania, for a bilateral meeting with Romanian President Klaus Iohannis. Harris' visit came after the U.S. sent additional U.S. troops to the countries and neighboring countries to strengthen NATO's deterrence and defense as Russia continues its invasion of Ukraine.

[Ukraine] Congress cuts humanitarian spending despite billions for Ukraine

Roll Call [3/15/2022 9:00 AM, Rachel Oswald, 113K] reports that the bipartisan spending deal that Congress cleared last week provides billions of dollars in aid for Ukraine, but it cuts other humanitarian programs meant to address mounting hunger crises elsewhere in the world, including Afghanistan and West Africa. When the bill's \$4.1 billion in emergency supplemental humanitarian funding for Ukraine is excluded, the baseline fiscal 2022 spending level for humanitarian accounts covered by the State-Foreign Operations title comes in at \$6.8 billion — a \$1 billion cut compared to fiscal 2021 enacted levels. The Biden administration had requested over \$8.5 billion in total fiscal 2022 funding spread over two principal humanitarian aid accounts: the State Department's Migration and Refugee Assistance account and the U.S. Agency for International Development's International Disaster Assistance account. The initial House-passed bill and one offered in the Senate, written by majority Democrats, would have largely fulfilled the White House's humanitarian funding request. In interviews and statements, foreign aid advocates said they were "embarrassed" and "flabbergasted" that Congress reduced funds for dealing with the worst refugee displacements since World War II and other crises caused by mounting natural disasters and manmade conflicts. "It cuts the humanitarian [account] disastrously," said Lisa Peña, director of policy, budget and appropriations for the bipartisan U.S. Global Leadership Coalition. "This bill was insufficient prior to [Russian President Vladimir] Putin even moving

his tanks near the border with Ukraine. We knew there were food price spikes on food and other commodities prior to the war in Ukraine.”

[Ukraine] U.S. providing over \$186M in additional humanitarian aid to Ukraine

Axios [3/15/2022 4:58 PM, Ivana Saric, 526K] reports the U.S. is providing over \$186 million in additional humanitarian assistance to Ukrainians internally displaced or forced to flee abroad by Russia's unprovoked invasion of Ukraine, Secretary of State Antony Blinken said Tuesday in a statement. This aid comes on top of the nearly \$293 million the U.S. has provided to Ukraine and the region since the start of the invasion in late February, making the U.S. the "largest single-country donor of humanitarian assistance to Ukraine," Blinken said. Yahoo News/The Hill [3/15/2022 6:17 PM, Morgan Chalfant, 13319K] reports "This will provide further support for humanitarian organizations responding to the crisis and complement the generosity of the neighboring countries that are welcoming and supporting refugees," Secretary of State Antony Blinken said in a statement. "We call for an immediate end to Russia's continuing war against Ukraine and for Russia to facilitate unhindered humanitarian access in Ukraine and safe passage for those who seek to leave the cities where they are trapped," he said. "Humanitarian aid deliveries must be allowed to continue without interference, and humanitarian workers must have safe passage to deliver aid and assistance to those in need." The United Nations estimated Tuesday that 3 million people have been displaced by Russia's invasion of Ukraine, which began about three weeks ago.

[Ukraine] Two Journalists Working for Fox News Killed While Covering Ukraine-Russia War

The Wall Street Journal [3/15/2022 4:48 PM, Benjamin Mullin] reports two journalists working for Fox News, a cameraman and a consultant, were killed on assignment covering the war in Ukraine, network chief Suzanne Scott told employees Tuesday. Pierre Zakrzewski, a cameraman for Fox News, and Oleksandra "Sasha" Kuvshynova, a consultant, were reporting near Kyiv alongside foreign-affairs correspondent Benjamin Hall when their vehicle was struck by fire on Monday, Ms. Scott said in notes to staff. Based in London, Mr. Zakrzewski was a war photographer who had covered several major conflicts for Fox News, including in Iraq, Afghanistan and Syria, the network said. Since the Russia-Ukraine war began, journalists have been shot at, beaten and jailed while covering the conflict and protests, according to the Committee to Protect Journalists. Another journalist, Ukrainian Yevhenii Sakun, was killed earlier this month when Russian military forces shelled a television tower. Last year, Mr. Zakrzewski was recognized internally at the network with an "Unsung Hero" award for helping to get Afghan freelance associates and their families out of the country. Mr. Zakrzewski was an Irish citizen. Micheál Martin, Ireland's prime minister, said in a statement that he is "deeply disturbed and saddened" by Mr. Zakrzewski's killing. Mr. Hall is hospitalized in Ukraine. He joined the network in 2015 and has reported from the front lines in Syria and Iraq, according to his author page on Fox News's website. Several journalists working for U.S. media have been killed covering the war in recent days. On Sunday, Brent Renaud, a journalist who was on assignment for Time Studios, was shot and killed near the front line of the war. Andrey Nebitov, a police official in the Kyiv region, blamed the killing on Russian troops and said two other correspondents were injured. Before he was injured on Monday, Mr. Hall told Fox News viewers that Mr. Renaud's death was a reminder that the violence in Ukraine affects everyone in harm's way.

[Ukraine] White House insists no-fly zone over Ukraine ‘could prompt a war with Russia’

FOX News [3/15/2022 3:06 PM, Brooke Singman, 10541K] reports President Biden maintains that creating a no-fly zone over Ukraine "could prompt a war with Russia," the White House said Tuesday, as Ukrainian President Volodymyr Zelenskyy insists that NATO order Russian planes not to fly over his country. Zelenskyy is expected to repeat his plea when he addresses Congress virtually Wednesday morning. Members of Congress have stopped short of calling for a no-fly zone, with many echoing Biden's concerns that the move could be escalatory. "It is also true that the president has to look at decisions that are made through the prism of what is in our national security interest and global security interest," White House press secretary Jen Psaki said Tuesday. But a growing number of bipartisan lawmakers have been urging the Biden administration to facilitate a deal with Poland to send MiG-29 planes to Ukraine for additional air support as Russia continues its multi-front war on the country. Meanwhile, the president is set to travel to Brussels, Belgium, for a NATO summit on March 24 where he will discuss the "ongoing deterrence and defense efforts in response to Russia's unprovoked and unjustified attack on Ukraine as well as to reaffirm our ironclad commitment to our NATO allies." Biden is also set to join a scheduled European Council Summit to discuss "shared concerns about Ukraine, including transatlantic efforts to impose economic costs on Russia, provide humanitarian support to those effected by the violence, and to address other challenges related to the conflict."

[Belarus] U.S. sanctions Belarus president Lukashenko and others

Axios [3/15/2022 1:37 PM, Ivana Saric, 526K] reports that the Treasury Department on Tuesday announced sanctions against Belarus strongman Aleksandr Lukashenko, his wife and several Russians "connected to gross violations of human rights." Why it matters: Belarus has backed Russia's unprovoked invasion of Ukraine, allowing attacks on Ukraine to be launched from its territory. An earlier set of sanctions targeted Belarus' technology exports and sanctioned entities that have supported the Belarusian security services, military and defense sectors. The big picture: While Lukashenko has been sanctioned before, the Treasury Department said it was "re-designating" him, noting that in his nearly 30 years in power he has corruptly used his influence to "grant unique privileges and advantages to his associates" while targeting those who have opposed him. Lukashenko's wife, Halina, has been sanctioned for the first time, "for being a senior-level official, family member of such an official, or a person closely linked to such an official who is responsible for or has engaged in public corruption related to Belarus." Secretary of State Antony Blinken said in a statement that Lukashenko and his immediate family members would be banned from entry to the U.S. Several Russians were also sanctioned for their connections to the detention and death of whistleblower Sergei Magnitsky and for "gross violations of human rights" against human rights advocate Oyub Titiev. What they're saying: "Today's designations demonstrate the United States will continue to impose concrete and significant consequences for those who engage in corruption or are connected to gross violations of human rights," Andrea Gacki, director of Treasury's Office of Foreign Assets Control, said in the statement. "We condemn Russia's attacks on humanitarian corridors in Ukraine and call on Russia to cease its unprovoked and brutal war against Ukraine," Gacki added.

[Iran] Russia raises hopes for a return to the stalled Iran nuclear talks

The Washington Post [3/15/2022 3:49 PM, Liz Sly, 12597K] reports Russian Foreign Minister Sergey Lavrov said Tuesday he has received "written guarantees" from the United

States that Western sanctions on Russia related to Ukraine won't affect Russia's role in the Iran nuclear deal, potentially paving the way for a resumption of stalled talks to revive the agreement. Lavrov was speaking alongside Iranian Foreign Minister Hossein Amirabdollahian, who was visiting Moscow for talks on reviving the 2015 deal, which were suspended Friday after a new Russian demand for guarantees on the sanctions threw the discussions into disarray. Lavrov's comments suggested that Moscow has decided to accept a limited interpretation of its demand that the United States agree in writing to protect Russian dealings with Iran from the new sanctions imposed in response to its invasion of Ukraine. Lavrov said the guarantees Russia has sought were contained in the draft text of an agreement already negotiated by diplomats in Vienna to restore the 2015 Joint Comprehensive Plan of Action, as the nuclear deal is known. "We received written guarantees. They are included in the text of the agreement itself," Lavrov said. "All projects and areas of activity envisaged by the JCPOA have been protected, including the direct involvement of our companies and specialists." Russia's new demand had initially seemed to encompass a much wider range of trade and investment dealings with Iran that could be constrained under the new, Ukraine-related sanctions, giving rise to fears that Moscow intended to hold the Iran deal hostage to the Ukraine war. The Wall Street Journal [3/15/2022 6:10 PM, Laurence Norman] reports the European Union, which coordinates the talks, announced a break in the negotiations on Friday, blaming "external factors" for preventing a deal that is "essentially ready." A senior western diplomat said Tuesday evening that Russia's chief negotiator at the talks, Mikhail Ulyanov, had informed the EU that Russia would accept narrower guarantees ensuring that Russia could carry out the nuclear work it is mandated to do under the 2015 nuclear deal. That includes a uranium swap with Iran, the redesign of the Fordow nuclear facility and the provision of nuclear fuel to Iranian reactors. "Russia says happy with guarantees on nuclear projects and not asking for anything else," said the diplomat, who asked to remain unidentified because of the sensitive nature of the talks. "So we can go ahead with negotiations that are now exclusively US-Iran." State Department spokesman Ned Price said Tuesday evening that "we are not going to sanction Russia for undertaking, for participating in nuclear projects that are part of the" nuclear deal.

[Russia] Russia issues sanctions against Biden and a long list of US officials and political figures

CNN [3/15/2022 2:07 PM, Maegan Vazquez, 5600K] reports that Russia on Tuesday imposed sanctions against a wide range of American officials, including President Joe Biden, marking another escalations in tensions between Russian President Vladimir Putin and the West as Russian military forces continue their invasion of Ukraine. According to a statement issued Tuesday by the Russian Foreign Ministry, the government is adding the following individuals to a "stop list," barring them from entering Russia: Biden, US Secretary of State Antony Blinken, Defense Secretary Lloyd Austin, Chairman of the Joint Chiefs of Staff Gen. Mark Milley, Biden national security adviser Jake Sullivan, CIA Director William Burns, White House press secretary Jen Psaki, deputy national security adviser Daleep Singh, USAID Director Samantha Power, Deputy Secretary of the Treasury Adewale Adeyemo and US Export-Import Bank President Reta Jo Lewis. The "stop list" also includes other non-governmental individuals, including the President's son, Hunter Biden, and former US presidential candidate and former Secretary of State Hillary Clinton. The move is largely symbolic as it seems unlikely that members of Biden's administration would be traveling to Russia any time soon as the US and its allies move to punish Putin and members of Russia's elites for invading Ukraine. Biden and his administration have ruled out potential

meetings with Putin and have questioned whether he is seriously interested in a diplomatic solution to the war.

[Russia] NATO chief warns of risk of accidental Russian strike in allied nation, calls for increased air defense

FOX News [3/15/2022 2:01 PM, Caitlin McFall, 10541K] reports that NATO Secretary-General Jens Stoltenberg warned against the increasing possibility of an accidental military strike by Russian forces in a neighboring NATO nation. "We are ready to protect and defend every inch of NATO allied territory," he told reporters on Tuesday. "When we see more military activities, when we see actually fighting going on close to NATO borders, there's always a risk for incidents and accidents." "Therefore, we have to make every effort to prevent such incidents and accidents and if they happen, to make sure that they don't spiral out of control and create really dangerous situations," he added. The secretary-general's comments came just days after Croatian authorities said an armed Soviet-era drone crashed outside the capital of Zagreb after flying over Romania and Hungary. "I can say that we are stepping up our vigilance," Stoltenberg told reporters, adding that preliminary findings show that the drone was not in fact loaded with explosives as claimed by the Croatian Ministry of Defense. "We are both increasing the capabilities we have to monitor, to track, but also to ensure that we are able to react if needed," he continued. "If anything, it demonstrates the need to further strengthen integration, further strengthen information sharing among allies, and also to invest more and upgrade everything from radars to our persons of air and missile defense systems." Russia has launched more than 900 missiles at Ukrainian targets since the invasion began nearly three weeks ago. Western targets near the Polish border have been increasingly hit and concerns have mounted that a misguided missile could strike a NATO nation as fighting continues.

[Russia] Without sending troops, the U.S. wages 'hybrid warfare' against Russia

NPR [3/15/2022 5:39 PM, Greg Myre] Audio: [HERE](#) reports the U.S. and Russian militaries have both talked for years about "hybrid warfare" as the future of war. Yet it remains a fuzzy term with no fixed meaning. The general idea is waging unconventional war on multiple fronts, and well beyond the traditional battlefield. What's clear is the U.S. and its allies are doing this now — perhaps on a scale never seen before — as they attempt to counter Russia in the war in Ukraine.

[China] White House warns of 'consequences' if China provides aid to Russia: 'The world is watching closely'

FOX News [3/15/2022 3:35 PM, Brooke Singman, 10541K] reports the White House said there will be "consequences" if China provides aid to Russia amid its multi-front war on Ukraine, warning that "the world is watching closely." U.S. intelligence officials said Russia asked China for military and economic aid following its invasion of Ukraine. In an attempt to protect intelligence sources, U.S. officials have been reluctant to detail what type of aid is being sought. "There are a range of sanctions we obviously have in place and we watch, of course, if there's a violation of those and we also watch if there is support provided for the military invasion of another country," White House press secretary Jen Psaki said Tuesday. Psaki said that, at this point, "any potential impacts or consequences" will be discussed "through private diplomatic channels." Psaki's comments come after White House national security adviser Jake Sullivan met with the director of Chinese Foreign Affairs Commission Yang Jiechi Monday in Rome, Italy, for an "intense seven-hour session." "We do have deep concerns about China's alignment with Russia at this time, and the national security adviser

was direct about those concerns and the potential implications and consequences of certain actions," the official said, without commenting directly to the reports that Russia had requested aid from China after invading Ukraine. The official, though, maintained that the Biden administration is "communicating directly and privately to China about our concerns about the kinds of support that other countries might be providing to Russia." Sullivan, ahead of the meeting, warned that there "will absolutely be consequences for large-scale sanctions evasion efforts or support to Russia to backfill them."

[North Korea] North Korea Weapons Test Appears to Have Failed

The Wall Street Journal [3/16/2022 1:44 AM, Timothy W. Martin] reports North Korea test-fired an unknown projectile on Wednesday, though the launch was unsuccessful, South Korea's military said, a stumble that Pyongyang has largely avoided in recent years. The attempted launch occurred at 9:30 a.m. local time from the Sunan area, on the outskirts of Pyongyang, according to the South Korean military. The projectile appeared to have exploded during an early boost phase just after taking flight, at an altitude of roughly 12 miles or less, a South Korean military official said. Japan's Defense Ministry said it was aware of the launch but unable to confirm the flight of any ballistic missile. The AP [3/15/2022 9:22 PM, Hyng-Jin Kim, Kim Tong-Hyung, 2164K] reports it wasn't immediately clear what North Korea launched on Wednesday morning or at what stage it had an apparent failure. But the launch, the 10th of its kind this year, shows North Korea is determined to press ahead on its push to modernize its weapons arsenal and pressure its rivals into making concessions amid dormant denuclearization talks. Experts say past failures still have moved North Korea closer to its goal of acquiring a viable nuclear arsenal that could threaten the American homeland. Of eight "Musudan" intermediate-range missiles tests in 2016, only one of those launches was seen by outside analysts as successful, which led to debates of whether North Korea's path toward ICBMs had been cut off.

{End of Report} RETURN TO TOP



September 24, 2021

(b) (6), (b) (7)(C)

Officer

U.S. Department of Homeland Security
Office for Civil Rights and Civil Liberties
Compliance Branch, Mail Stop #0190
2707 Martin Luther King Jr. Avenue SE
Washington, D.C. 20528-0190
CRCLCompliance@hq.dhs.gov

VIA ELECTRONIC MAIL

Re: DHS Rights Violations in Del Rio, Texas

Dear Officer **(b) (6), (b) (7)(C)**

We are writing to file a formal complaint about operations of the U.S. Department of Homeland Security (DHS) and the conduct of DHS's officers and agents in and around Del Rio, Texas. We are aware that Customs and Border Protection's (CBP) Office of Professional Responsibility (OPR) and DHS's Office of Inspector General (OIG) are narrowly investigating Border Patrol's recent violence toward Haitian migrants, including CBP officers on horseback using whip-like reins as weapons against migrants. This complaint extends more broadly than the scope of those investigations, however.

As described below, this complaint complements the pending investigations and covers a range of violations committed in connection with CBP's grotesque treatment of migrants. The clear violations of primarily Haitian migrants' civil, legal, and human rights and dignity necessitate immediate involvement of the

Office for Civil Rights and Civil Liberties (CRCL), including urgent steps needed to ensure the protection of victims and witnesses, and preservation of their testimony.

We request, in filing this complaint, an immediate dialogue with CRCL staff about a variety of serious violations of migrants' rights documented by advocates and attorneys on the ground in Del Rio with whom our organizations have been closely in touch. These reported violations include:

- denial of the statutory and international law rights to apply for asylum, and violation of the *non-refoulement* principle;
- a complete absence of fear-based screening, including for affirmative Convention Against Torture claims as required even under Title 42 restrictions;
- lack of interpreters for communication with DHS officials, including those necessary to guard against (further) violations of *non-refoulement*;
- denial of access to attorneys and legal workers necessary to ensure migrants know their rights and are not removed or expelled in violation of law and that witnesses are identified;
- substandard conditions of nourishment and sanitation in punishing heat;
- verbal abuse from DHS guards and CBP officers/agents;
- physical intimidation from CBP officers/agents;
- physical violence, including what appear to be assaults, against migrants by CBP officers/agents;
- misleading statements made by DHS officers to migrants that they were being flown to other locations within the United States for processing when, in reality, they were being expelled to countries of origin, including instances involving a serious risk that torture will follow;
- inadequate medical care; and
- content-based access restrictions on media outlets covering the situation at Del Rio.

In addition to conducting those investigations, we implore your office to act with urgency to ensure that victims and witnesses of CBP misconduct and their families are not expelled, deported, or returned to Haiti, Mexico, or any third

countries, and are permitted immediate access to counsel to understand their rights, including eligibility for U and T visas, and to assist in the investigations that have already commenced as well as that which we are requesting your office undertake.

The protection of crime victims and witnesses from immigration enforcement has long been a priority guiding the use of prosecutorial discretion (including the decisions to detain or remove). In a 2011 directive issued by then-director John Morton, ICE officials were instructed to “minimize any effect that immigration enforcement may have on the willingness and ability of victims, witnesses, and plaintiffs to call police and pursue justice.”¹ These include people who are pursuing legitimate complaints of civil rights violations, such as those affected by the egregious violence of CBP in Del Rio, and the actions of ICE and DHS to send potential witnesses and victims back to Haiti and third countries where they will experience further harm, poverty, and violence, and be unable to participate in the investigations of harm against them at Del Rio.

Moreover, by conducting immediate expulsions and removals, and engaging in the offenses and rights violations detailed here, DHS has failed to comply with the victim-centered approach embraced by the Biden administration,² and the recent ICE Directive 11005.3, *Using a Victim-Centered Approach with Noncitizen Crime Victims* (Aug. 10, 2021). The directive instructs ICE to withhold civil immigration enforcement action against victims or witnesses participating in criminal investigations.³ (§2.2). The overarching justification for taking such an approach is that “[w]hen victims have access to humanitarian protection, regardless

¹ ICE Directive No. 10076.1, *Prosecutorial Discretion: Certain Victims, Witnesses, and Plaintiffs* (June 17, 2011), <https://www.ice.gov/doclib/foia/prosecutorial-discretion/certain-victims-witnesses-plaintiffs.pdf>

² On July 30, 2021, ICE Acting Director Tae Johnson issued a statement affirming ICE’s “duty to protect and assist victims of crime,” noting that “[t]his is true regardless of whether victims are noncitizens encountered through civil immigration enforcement activities or victims of crimes that are directly under ICE’s jurisdiction.” *Statement from Acting ICE Director Tae D. Johnson on the agency’s victim-centered approach*, <https://www.ice.gov/statements/victim-centered-approach>.

³ ICE Directive 11005.3, *Using a Victim-Centered Approach with Noncitizen Crime Victims* (Aug. 10, 2021), (ICE Victims Directive) § 2.2, https://www.ice.gov/doclib/news/releases/2021/11005_3.pdf. This section states: “Assisting law enforcement partners. Absent exceptional circumstances, during the pendency of any known criminal investigation or prosecution, ICE will not take civil immigration enforcement action against victims and witnesses without approval from Headquarters Responsible Officials and may, where applicable and appropriate, issue deferred action or a stay of removal to victims and witnesses. Where available information indicates a noncitizen may be a noncitizen crime victim or witness, ICE should identify victim status as soon as practicable when victim status is unknown or unclear.” Exceptional circumstances are defined by the directive at section 3.4 as national security concerns or where a noncitizen poses an articulable risk of death, violence, or physical harm to any person.

of their immigration status, and can feel safe in coming forward, it strengthens the ability of local, state, and federal law enforcement agencies, including ICE, to detect, investigate, and prosecute crimes.” (§1). For the principles espoused by the Biden administration to be honored with integrity, it is crucial that they be applied to victims and witnesses of offenses committed by DHS personnel.

We believe it is probable that offenses qualifying for protection under this directive were committed by CBP personnel at the Del Rio site where mostly Haitian migrants converged, and by ICE in the expulsions that followed.⁴ Accordingly, DHS should take steps to comply with the directive and employ discretion in the application of enforcement mechanisms⁵ to the affected population, which includes all those present at the Del Rio site when these events occurred. In the meantime CBP and ICE should halt all further expulsion flights, and conduct orderly processing and parole of all migrants from the Del Rio site to safe locations (in communities and outside of detention) in the United States, where further investigations can be conducted, and the requisite immigration benefits and community support provided.

The disparate treatment faced by Black migrants, including the aforementioned violence, abuse, and denials of rights, is not only deeply concerning, but it is also unlawful. We urge your office to act with dispatch to address the violations and uphold applicable law and policy. We are ready at any time to speak with CRCL and provide evidence and context for these claims. Please contact us on Friday, September 24, 2021 to acknowledge receipt of this complaint and discuss next steps.

Haitian Bridge Alliance
The UndocuBlack Network
Black Alliance for Just Immigration (BAJI)
African Communities Together

⁴ INA §101(a)(15)(U)(iii); 8 U.S.C. §1101(a)(15)(U)(iii) (listing qualifying crimes including felonious assault, obstruction of justice, witness tampering, unlawful criminal restraint, false imprisonment, and attempts to commit such offenses, as well as any similar offenses).

⁵ Section 3.2 of the ICE Victims Directive provides a non-exhaustive list of enforcement actions that may be considered, including issuing, filing, or canceling a Notice to Appear; detaining or releasing someone from custody; granting deferred action or parole; and executing a final order of removal.

Al Otro Lado
Aldea - The People's Justice Center
American Immigration Lawyers Association
Americans for Immigrant Justice
Amnesty International USA
Asylum Seeker Advocacy Project (ASAP)
ASISTA
Bellevue Program for Survivors of Torture
Black LGBTQIA+ Migrant Project (BLMP)
Bridges Faith Initiative
CASA
Center for Gender & Refugee Studies
Columbia Law School Immigrants' Rights Clinic
Diocesan Migrant & Refugee Services
Florence Immigrant & Refugee Rights Project
Global Justice Clinic, Washington Square Legal Services
Harvard Immigration and Refugee Clinical Program
HIAS
Human Rights First
Human Rights Watch
Immigrant Defenders Law Center
Institute for Justice and Democracy in Haiti
International Mayan League
International Refugee Assistance Project (IRAP)
Justice Action Center
Latin American Working Group (LAWG)
Mississippi Center for Justice
National Immigrant Justice Center
National Immigration Law Center

National Immigration Project (NIPNLG)
NETWORK Lobby for Catholic Social Justice
Oasis Legal Services
Refugee And Immigrant Center for Education and Legal Services
(RAICES)
Revolve Impact
RFK Human Rights
Tahirih Justice Center
The Advocates for Human Rights
Transgender Law Center
U.S. Committee for Refugees and Immigrants
Witness at the Border
Women's Refugee Commission

CC:

Hon. Alejandro N. Mayorkas, Secretary, U.S. Department of Homeland Security
Hon. Antony Blinken, Secretary, U.S. Department of State
Hon. Merrick B. Garland, Attorney General, U.S. Department of Justice
Amb. Susan Rice, Domestic Policy Council
Mr. Jake Sullivan, National Security Advisor

(b) (6), (b) (7)(C)

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TRANSCRIPT

September 21, 2021

COMMITTEE HEARING

SEN. GARY PETERS, D-MICH.

SENATE HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS COMMITTEE HEARING

THREATS TO THE HOMELAND: EVALUATING THE LANDSCAPE 20 YEARS AFTER

9/11

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SENATE HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS COMMITTEE

HEARING THREATS TO THE HOMELAND: EVALUATING THE LANDSCAPE 20

YEARS AFTER 9/11

SEPTEMBER 21, 2021

SPEAKERS:

SEN. GARY PETERS, D-MICH., CHAIR

SEN. THOMAS R. CARPER, D-DEL.

SEN. MAGGIE HASSAN, D-N.H.

SEN. JACKY ROSEN, D-NEV.

SEN. KYRSTEN SINEMA, D-ARIZ.

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

CHRISTOPHER A. WRAY, DIRECTOR, FEDERAL BUREAU OF INVESTIGATION

CHRISTINE ABIZAID, DIRECTOR, NATIONAL COUNTERTERRORISM CENTER,

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

PETERS: The committee will come to order.

First of all, I'd like to thank each of our witnesses for being here today, as well as your service to our nation. You have extremely challenging jobs and have shown an unwavering commitment to keeping the American people safe. Every year, this committee hears from our nation's top national security and law enforcement leaders to examine critical threats to our homeland security. Our nation recently marked the 20th anniversary of the September 11th terrorist attacks, and from the fearless first responders who bravely ran into danger to save others, to families who were torn apart, we'll never forget the sacrifice and the sorrow of that tragic day.

We must also continue to support our selfless servicemembers who have fought in Afghanistan, Iraq and all around the world. It was out of the ashes of 9/11 that the Department of Homeland Security was created with one primary mission: keeping Americans safe from all threats.

In the 20 years since those horrific attacks, the threats to our nation's safety have become increasingly complex and widespread. We must stay vigilant to the threat posed by foreign terrorism, and we must do more to address the growing and deadly threat posed by domestic terrorists. Our national security agencies have noted that domestic terrorism driven by white supremacist and antigovernment ideologies pose the most lethal violent threat to our nation's security.

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

Our nation also continues to experience an increasing number of cyber attacks which jeopardizes sensitive information that have the potential to disrupt our daily lives with just a few clicks of a button. From the SolarWinds and Microsoft Exchange hacks to the ransomware attacks on the Colonial pipeline, every sector of our economy and every level of our government are at risk of cyber attacks from foreign adversaries or criminal organizations. Our financial networks, critical infrastructure and vital institutions all remain vulnerable to these relentless attacks, and we must ensure that we're taking every possible measure to secure our networks, hold these attackers accountable and deter future breaches.

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

The scale and severity of the security threats we are facing today can certainly be daunting, and given the increasing strains placed on the Department of Homeland Security, we must ensure that they have the resources and personnel to effectively carry out this critical mission. From securing our borders, including our southern border that is currently seeing an unprecedented number of migrants seeking safety and security in the United States, to responding to numerous natural disasters and taking the lead role in vetting and resettling Afghan refugees, DHS is playing a vital role in many of the most urgent issues facing our nation. DHS personnel, along with our FBI and other national security personnel, are on the front lines working to address these critical situations. And while many of us will never know the names of the thousands of personnel working tirelessly behind the scenes at your agencies to protect our country, we are all counting on you, and I appreciate each of our witnesses for taking the time to join us today. I look forward to a -- a comprehensive and insightful discussion of how we can best safeguard our nation.

And with that, turn over to Ranking Member Portman for your opening comments.

PORTMAN: Thank you, Mr. Chairman. Thank you for convening this incredibly important annual hearing on threats to the homeland.

And thanks to our distinguished witnesses for attending. We look forward to the opportunity to hear from you today. There's a lot to talk about.

PORTMAN: The theme of the hearing is "Twenty Years After 9/11", so our focus today is the evolution of the threat landscape since the devastating attacks on that fateful day.

In 2001, it was the Taliban who provided a safe haven for Al-Qaida in Afghanistan, a safe haven to launch a devastating attack on our homeland, killing nearly 3000 people.

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

To a large degree, you have to say we've been successful. We've not had a mass casualty foreign terrorist attack on American soil during those intervening 20 years. I don't think any of us would have thought that was possible back on 9/11.

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

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

The new Taliban looks very much like the old Taliban, with terrorists on the United Nations Security Council's blacklist at its highest ranks. In fact, the leader of the Haqqani Network, a U.S.-designated terrorist organization, which maintains close ties to Al-Qaida, and cooperates with ISIS-K, was named the acting interior minister. This means the Taliban official in charge of combating terrorism is on the FBI's most-wanted list.

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

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

The rushed and unplanned nature of the evacuation also resulted in too many left behind. Actually, some American citizens and green card holders and many Afghans who have stood by us as drivers, interpreters, who worked for NATO or worked for the United Nations.

And because of the chaos at the Karzai airport, it appears that many who did get evacuated and admitted to the United States do not have a record of working with the U.S. government or our partners. And yet they are not being subject to normal security screening and vetting procedures.

We have a moral responsibility to welcome the Afghan evacuees who stood by us and who've had to flee their country because of the feckless actions of the Biden administration. I agree with that. We also, though, have a moral responsibility to do everything in our power to ensure the safety and security of American citizens and American communities by doing the proper vetting. So we are not releasing terrorists or criminals into our ranks.

I'm disappointed, as the administration knows, that despite my requests on September 1, the day after the withdraw, members of this committee have yet to receive a classified briefing on vetting procedures, even as we were told that evacuees are being resettled in our states. We cannot do proper oversight without basic information.

I realized there was a classified staff precinct (ph) briefing yesterday, a few weeks after the request. I was told by the staff that they did not learn anything in addition to what was presented in an unclassified setting. So I repeat my request today that members of this committee be provided a classified briefing as soon as possible.

These recent events, they put the heightened foreign terrorist threat top of mind. In fact, the director of national intelligence has stated that, quote, "Terrorists remain interested in using chemical and biological agents in attacks against U.S. interests and possibly the U.S. homeland," end quote.

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

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

And further, we cannot ignore the ongoing crisis at the southern border. This also affects our homeland. The Biden administration's decision to dismantle the previous administration's border policies with no consideration of the consequences and nothing in its place has resulted in a historic surge of unlawful migrants, unaccompanied children, and deadly narcotics like fentanyl coming into our country. And make no mistake: The Mexican cartels are benefiting from this and gaining strength on both sides of the border. The trafficking of dangerous drugs across our borders has helped fuel an addiction epidemic that has hit communities in my home state of Ohio particularly hard, with overdose deaths increasing over the last year after we made so much progress in saving lives over the few years before the pandemic.

We must redouble our efforts to stop these drugs from flooding our communities. As far as I'm concerned, demand reduction remains the key, but the higher volumes reduce the price of these drugs on the streets, expand the number of drugs available, and cause, therefore, more devastation.

It is clear that the border is a public health and humanitarian crisis and has been for months. But particularly now, just look at Del Rio, Texas, where more than 10,000 migrants, mostly Haitians, who have been living in Latin America, some for years, have been living in squalor under a bridge.

This is not new, by the way. It's just a logical extension of what has been happening on the border since the Biden administration came to office and reversed the policies that were in place, again, without putting in place policies to deal with what was totally predictable, a surge.

It is also a national security threat. More than one in four migrants encountered at the border last month was not from Mexico or the three Central American countries sometimes called the Northern Triangle. 25 percent were not from any of those countries. Nearly all of them avoided going to a port of entry, and instead were apprehended by Border Patrol agents. The Border Patrol has now made more than 1 million apprehensions of unlawful migrants at our southern border since President Biden was inaugurated, and they will tell you, a lot of folks got away.

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

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

PETERS: Thank you, Ranking Member Portman.

It is the practice of the Homeland Security and Governmental Affairs Committee to swear in witnesses, so if each of you, please stand and raise your right hand: Do you swear 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?

You may be seated.

Our first witness is Secretary Alejandro Mayorkas, who is the seventh secretary of the Department of Homeland Security. Previously, he served as the department's deputy secretary and as director of U.S. Citizenship and Immigration Services, and began his public service at the Department of Justice.

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

MAYORKAS: Thank you very much, Chairman Peters, Ranking Member Portman and distinguished members of the committee. Good morning, and thank you for inviting me here today to discuss the threat landscape facing our homeland 20 years after 9/11 alongside my colleagues from the Federal Bureau of Investigation and the National Counterterrorism Center.

During the past few weeks, I've attended numerous events to remember that tragic assault on our democracy. Each commemoration was a powerful reminder of why we serve in memory of those whom we lost and in pursuit of our noble mission to protect the homeland.

Today, we face a diverse and evolving threat landscape that includes domestic and international terrorism, malicious cyber activities, an ongoing global pandemic, transnational crime, climate change and more. Through the extraordinary talent and dedication of the more than 250,000 individuals who comprise our department, we are meeting the challenge to protect our homeland and keep our communities safe. Every day, our department's personnel make tremendous sacrifices to achieve this mission. I would like to take a moment to describe the major threats facing our country today and the work we are doing to combat them.

First, we have built a multi-layered security and screening and vetting architecture to combat the evolving terrorist threat. We remain ever-vigilant in protecting the homeland from foreign terrorists seeking to do us harm, the very reason (ph) the department's creation, while combating the most significant and persistent terrorism-related threat facing our country today, which stems from both homegrown and domestic violent extremists who are inspired by a broad range of ideological motivations.

To meet this challenge, DHS has established a dedicated Domestic Terrorism Branch within our Office of Intelligence and Analysis, launched the Center for Prevention Programs and Partnerships to provide communities with evidence-based tools and resources to address early risk factors, and redoubled our efforts to share timely and actionable information and intelligence with our partners across every level of government. This year, for the first time, we designated combating domestic violent extremism as a national priority area in FEMA grant programs, resulting in at least \$77 million being spent on capabilities to detect and protect against these threats in communities nationwide.

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

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

Third, as cyber threats have grown, so have our efforts to increase our nation's cybersecurity resilience and protect our critical infrastructure. Ransomware incidents are on the rise. Last year, victims paid an estimated \$350 million in ransoms, a 311 percent increase over the prior year, with the average payment exceeding \$300,000. In July, in partnership with the Department of Justice and other federal agencies, DHS launched stopransomware.gov to help private and public organizations of all sizes combat ransomware and adopt cybersecurity best practices. Our experts at the Cybersecurity and Infrastructure Security Agency, or CISA, stood up the Joint Cyber Defense Collaborative to bring together partners from every level of government and the private sector to reduce cyber risks.

To better protect our critical infrastructure, TSA recently issued two new security directives after soliciting industry feedback to strengthen the cybersecurity and resilience of our nation's pipelines. CISA and our Office of Intelligence and Analysis are also working with all 50 states, local jurisdictions, and election technology experts to keep our elections secure. To further lead the way, we are building a top-tier cybersecurity workforce by investing in the development of diverse talent pipelines and building the expertise to keep addressing changing threats. We are also increasing and optimizing grant programs to improve cybersecurity capabilities across every level of government and in local communities.

Fourth, we continue making risk-based investments to keep our borders secure, including from threats posed by transnational criminal organizations. We are collaborating with international partners to disrupt these groups, combat their illicit activities like drug trafficking and human smuggling, and hold accountable those with ties to their logistical operations while streamlining multinational cooperation on investigations and prosecutions.

Fifth, DHS continues to support nationwide efforts to combat the ongoing COVID-19 pandemic. FEMA has helped stand up more than 800 community vaccination centers, including almost 200 mobile sites to more equitably increase access to COVID-19 vaccines across vulnerable and rural populations. The Transportation Security Administration acted to protect the health of the traveling public and transportation personnel by implementing a federal mask mandate at airports, on commercial aircraft, and in various modes of service transportation. Meanwhile the U.S. Secret Service and Immigration and Customs Enforcement have partnered with other federal agencies to protect Americans from COVID-19-related fraud and criminal activity, including by preventing more than \$3 billion worth of much-needed COVID-19 relief from fraudulently ending up in the pockets of criminals.

MAYORKAS: Finally, we are countering the current and growing existential threat posed by climate change. Hurricane Ida was just the latest manifestation of a devastating reality: natural disasters rising in intensity and destructive reach. However, this threat is not new, nor is it unique to any region. To help communities recover and remain resilient, President Biden doubled the size of the Building Resilient Infrastructure and Communities program, pouring \$1 billion into wildfire resilience efforts, flood control initiatives and much more.

DHS all -- also authorized nearly \$3.5 billion in Hazard Mitigation Grant Program funding to help states, tribes and territories adapt and prepare for the impacts the climate crisis. Further, FEMA revised its policies to overcome historic inequities in its aid programs and ensure a fairer and more equitable distribution of assistance to minority, low-income and other disenfranchised communities.

Two decades after 9/11, the Department of Homeland Security remains focused on protecting our country from evolving threats, both seen and unseen, and safeguarding our communities. We can execute this critical mission because of our incredible workforce and because of our key partners, the members of this

committee, our counterparts abroad, the private sector, nongovernmental organizations and local communities. We will remain vigilant, resilient and agile. We will do so to -- to continue countering the threats of today and of the next 20 years.

Thank you for your leadership and your continued support, and I look forward to answering your questions.

PETERS: Thank you, Secretary Mayorkas.

Our next witness is Director Christopher Wray. Director Wray is the eighth director of the Federal Bureau of Investigation. Previously, Mr. Wray served as assistant attorney general for the Criminal Division at the Department of Justice. He also served on the president's Corporate Fraud Tax (ph) Force and supervised the Enron Tax (ph) Force, in addition to playing a key role in the national security objectives for the department.

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

WRAY: Thank you, and -- and good morning, Chairman Peters, Ranking Member Portman, members of the committee. I'm honored to be here today to discuss the threats facing our homeland.

A week and a half ago, we marked a somber -- really, sacred anniversary in this country: 20 years since the September 11th attacks. September 11th reminds us of evil and loss, the nearly 3,000 victims taken from us that day, and their families. But 9/11 also reminds us of sacrifice and selflessness, of -- of common purpose. It reminds us of the first responders and everyday heroes we lost that day, and all those who suffered illness as a result of their selfless work after the attacks, including members of our FBI family.

And still, two decades later, our response to September 11th and the lessons learned from those attacks drive our approach to combating all the threats Americans face today. It was 9/11, after all, that turned the FBI into an agency focused on disrupting threats and taught us how to build deeper, more effective partnerships both here at home and around the world. And good thing we made those changes, because as we'll discuss this morning, there's no shortage of dangers to defend against.

Just a flavor before we even get to terrorism: On the cyber front, we're now investigating over 100 different types of ransomware, each with scores of victims, and that's on top of hundreds of other national security and criminal cyber threats we're working against every day.

In our violent crime work, we recently arrested over 600 gang members in a single month. That's just one month.

Protecting our nation's innovation, we're opening a new China counterintelligence investigation every 12 hours, and every day, we receive thousands of tips into our National Threat Operations Center, many of which involve imminent threats to life, requiring swift action.

The list goes on and on. I'm not going to have time to discuss most of them before we get started, but I do want to spend a few minutes on terrorism and the challenges facing those protecting against it.

Preventing terrorist attacks remains our top priority, both now and for the foreseeable future. Today, the greatest terrorist threat we face here in the U.S. is from what are, in effect, lone actors. Because they act alone and move quickly from radicalization to action, often using easily-obtainable weapons against soft targets,

these attackers don't leave a lot of dots for investigators to connect, and not a lot of time in which to connect them. We continue to see individuals radicalized here at home by jihadist ideologies espoused by foreign terrorist organizations like ISIS and Al Qaida, what we would call homegrown violent extremists.

But we're also countering lone domestic violent extremists, radicalized by personalized grievances ranging from racial and ethnic bias to antigovernment, anti-authority sentiment, to conspiracy theories. There is no doubt about it: Today's threat is different from what it was 20 years ago, and it'll almost certainly continue to change, and to stay in front of it, we've got to adapt, too.

And that's why over the last year and a half, the FBI has pushed even more resources to our domestic terrorism investigations. Since the spring of 2020, so the past 16, 18 months or so, we've more than doubled our domestic terrorism caseload from about a thousand to around 2,700 investigations, and we've surged personnel to match, more than doubling the number of people working that threat from a year before.

But we're also surging against threats by foreign terrorist organizations like ISIS, Al Qaida and Al-Shabaab. Their operatives continue to look for vulnerabilities, and have not stopped trying to carry out large-scale attacks against us. And we are certainly watching the evolving situation in Afghanistan.

Now, 9/11 was 20 years ago, but for us at the FBI, as I know it does for my colleagues here with me, it represents a danger we focus on every day. And make no mistake: The danger is real. Our adversaries are committed, and they're hoping to succeed just once, while we're working to bat a thousand. So we are working with our partners to identify and stop would-be attackers before they act.

WRAY: Just within the past couple of years, we've thwarted potential terrorist attacks in areas like Las Vegas, Tampa, New York, Cleveland, Kansas City, Miami, Pittsburgh and elsewhere. Now, we're proud of our successes, but we need to stay on the balls of our feet, relentlessly vigilant against the next plot by our adversaries and their next attempts to attack us.

Our workforce has been battling the threat of terrorism and every other threat we face right through the teeth of a pandemic and rising danger to their own safety. And I say that because over the past year, we have seen a sharp and deeply disturbing uptick in violence against the law enforcement community.

In just the first eight months of this year, 52 law enforcement officers have been feloniously killed on the job. Just put that in context, that's an officer murdered in this country every five days and already more than it was in all of 2020.

And of course, that doesn't even count all of those who've died in the line of duty facing the other inherent dangers of the job, much less the scores of agents, officers, analysts and other dedicated professionals who died from COVID-19. And we will be forever indebted for their bravery and sacrifice and are bound and determined to honor them all through the way we approach our work, while we remain focused on our ultimate mission -- protecting the American people and upholding the Constitution .

So thank you for taking the time for you -- to hear from me today and I look forward to your questions.

PETERS: Thank you, Director Wray. Our next witness is Director Christine Abizaid -- I've got -- Mr. -- Director Abizaid is the Director of the National Counterterrorism Center, with 14 years of national security experience.

She is the eighth Senate-confirmed Director and the first woman to lead the United States counterterrorism enterprise. Formerly, she served as Deputy Assistant Secretary of Defense for Afghanistan, Pakistan and Central Asia, and as Senior Intelligence Analyst for the Defense Intelligence Agency.

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

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

As noted in my statement for the record, 20 years after 9/11, the United States faces a changed threat from foreign terrorist organizations. The threat today is less acute to the homeland but it continues to become more ideologically diffuse and geographically diverse.

Even as the United States has ended its longest war in Afghanistan and takes on a broader array of national security priorities, NCTC remains committed to our mission to deter and disrupt terrorist efforts to harm the United States, both at home and abroad. The United States continues to have success in degrading foreign terrorist operations, including their threat to the homeland, though these terrorists have proven adaptive over years of CT pressure.

Turning first to the international counterterrorism landscape, the 26 August suicide bombing by ISIS Khorasan at the International Airport in Kabul, which tragically killed 13 U.S. service members and scores of Afghanistan, illustrates that foreign terrorist groups continue to place a premium on attacks against the United States.

ISIS Khor (ph) in Iraq and Syria, in addition to maintaining a strategic interest in conducting attacks in the West, remains committed to its long term goal of establishing an Islamic caliphate and is fomenting sectarian discord, eroding confidence in governments and exploiting security gaps to create conditions favorable for seizing territory again after significant losses several years ago.

For its part, Al-Qaida has changed significantly since 9/11. The group and its affiliates and allies have repeatedly demonstrated their ability to adapt to changing CT environments and geopolitical realities. Part of this adaptation has included shifting from its core leadership structure in the Afghanistan-Pakistan region to a more geographically dispersed network of affiliates and veteran leaders across Africa, the Middle East and South Asia.

And while years of CT pressure has degraded the Al-Qaida network, the group and its affiliates remain intent on using individuals with access to the United States to conduct attacks. This was most recently demonstrated by Al-Qaida in the Arabian Peninsula and their probable approval of the 2019 attack in Pensacola, Florida, where a Saudi Air Force officer killed three and wounded eight U.S. service members.

Now, here in the United States, the primary threat in the homeland comes from individuals inspired to violence, either by foreign terrorist groups or other domestic grievances and ideologies. U.S.-based, home-grown violent extremists, HVEs, who are largely inspired by Al-Qaida or ISIS, will likely continue to attempt attacks because of their personal and ideological grievances, their attraction to foreign terrorist messaging and their access to weapons and targets. HVEs, they mobilize without specific direction from foreign

terrorists and they act independently and often with few associates, which makes detection and disruption very difficult.

Separately, one of the other most pressing threats to the homeland comes from domestic violent extremists, DVEs, and in particular, racially or ethnically motivated violent extremists and militia violent extremists, who often mobilize to violence independent from direction of a formal or centralized organization.

Since 2015, the threat from these individuals has increased, and since 2018, we saw DVEs pose the most lethal terrorist threat inside the homeland. We assess that DVEs will continue to pose a heightened threat for years to come, in part because many of the factors that underpin their motivations are likely to endure. Social polarization, negative perceptions about immigration, conspiracy theories promoting violence, distrust of government institutions and biases against minority groups will likely drive some DVEs to conduct attacks this year.

We also remain vigilant against Iran and its agents and proxies -- principally, Lebanese Hezbollah and their intent in retaliating in the United States for the January 2020 killing of former IRGC Quds Force Commander Qasem Soleimani.

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

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

ABIZAIID: More than 15 years after its establishment, the National Counterterrorism Center is uniquely positioned to lead in this environment, working alongside our partners in the Intelligence Community, and importantly, the FBI and DHS, as we move into the next phase of our counterterrorism fight.

We will continue to discover, analyze and warn about ongoing and future threats as part of a broader set of foreign policy challenges that the United States will face in the 21st century.

And we will continue to find innovative ways to synthesize, manage and exploit our unique access to terrorism data from across a spectrum of sources to identify threats that might otherwise go unnoticed. We mark the 20th anniversary of 9/11, recognizing the remarkable CT successes of the last two decades, and with gratitude, deep gratitude to the military, law enforcement, diplomatic and intelligence professionals, who made these successes possible.

Working together, we have succeeded in preventing another major 9/11 style attack in the homeland. But we must not be complacent. NCTC and the larger intelligence community and homeland security infrastructure must continue to collaborate and maintain the ability to innovate in an era of rapid technological change, and stay ahead of the next evolution of the terrorist threat.

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

PETERS: Thank you, Director Abizaid, for your opening comments. Director Wray, this this morning, it was reported that the FBI held back the digital key necessary to unlock the computers of hundreds of businesses and organizations that were subjects of (inaudible) cyber attack for almost three weeks. I want to hear why the bureau would do this.

Sharing the key sooner, certainly could have potentially avoided millions of dollars in recovery costs. And I understand we need to both support cyber attack victims and bring perpetrators to justice. I understand that dual tasks that you have, but certainly, this committee would like to hear your explanation for the Bureau's actions in related to this key.

WRAY: Well, thank you, Mr. Chairman. Let me start by saying that, as I'm sure you can appreciate, since we're talking about an ongoing investigation. I'm somewhat limited in what I can say here. But first, let me say that Kaseya, in particular has been a great help to law enforcement and CISA. And they've joined in our response to the threat.

And I will say there's no substitute, as you and I have discussed previously, for a private sector partnership in this space, to stop the avalanche of ransomware attacks that we continue to see. We are constantly using technical information that we obtained through our investigations, and pushing it out to enable effective defense and we don't wait for our investigation to be done to do it.

But when it comes to the issue of encryption keys or decryption keys, there is a lot of testing and validating that is required to make sure that they're going to actually do what they're supposed to do. And there's a lot of engineering that's required to develop a tool that required to put the tool to use.

Sometimes we have to make calculations about how best to help the most people because maximizing impact is always the goal. And whenever we do that, in these joint enabled sequence operations, we are doing it in conjunction with other government agencies, CISA and others. We make the decisions as a group not unilaterally.

These are complex, case specific decisions designed to create maximum impact. And that takes time in going against adversaries. We have to marshal resources not just around the country, but all over the world.

PETERS: Director Wray, you mentioned, there were other federal agencies. So there were consulted. What other federal agencies were consulted to making this decision?

WRAY: Well again, I want to be careful here and not talking about a specific ongoing investigation. Other than to say that when we are working in as a general matter in joint sequence operations designed to maximize impact against an adversary.

We, of course, work closely with our usual partners, prominent among them CISA. But also members of the intelligence community, and other agencies as well, and then depends on the industry, whether there might be other agencies involved.

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

WRAY: Again, Mr. Chairman, I certainly understand why the keen interest in the topic and I'm trying to be as responsive as I can be, while trying to be sensitive to an ongoing investigation. So I'm doing my best to try to

be responsive and informative while also being careful not to as Department of Justice policy prohibits me from discussing an ongoing specific investigation.

PETERS: Well, I understand that Director Wray. But I believe this committee certainly deserves and needs a full accounting of FBI cyber activities, including classified activities. And I would hope, but today, you could commit to me and to this committee that you would provide us with a complete the briefing on this operation, but also broader FBI, cybersecurity operations and plans. Would you please commit to the committee that you would be willing to do that

WRAY: Happy to work with the committee to see what more information we can provide to be helpful and responsive. And I certainly agree that some of that might be better done in a classified setting.

And so I'll have my staff follow up with yours to see what we can do to be more illuminating, recognizing, again, that some of this has to do with a very sensitive, ongoing, very much ongoing investigation.

PETERS: I'd appreciate that. Secretary Mayorkas, on numerous occasions during this administration, as well as the last administration, I've asked for additional transparency regarding the ongoing border restrictions between the United States and Canada.

I will tell you that my constituents are deeply frustrated by this, particularly given the trade and the relationships that people have across the border. The two of the busiest border crossings in North America that are in Michigan, between Michigan and Canada.

And those restrictions remain in place for Canadians to come across who have been fully vaccinated to enter the United States at land ports of entry. My question to you, Mr. Secretary, will you commit to provide my office and the public with the specific criteria, the administration is using to justify ongoing restrictions for fully vaccinated Canadians of land ports of entry?

MAYORKAS: Mr. Chairman, I most certainly will, I know that you have expressed your concerns directly to me on a number of occasions, and I can assure you that we are reviewing our exercise of the title 19 authorities to restrict travel through the ports of entry.

In light of the pandemic, we are very mindful of the economic consequences and not only the economic consequences, but the consequences on family members who haven't seen one another for quite some time.

And so I do make that commitment to you. Could you tell some of the criteria now, so we are looking primarily, Mr. Chairman, at the public health rationale, the fact that the Ark of the Delta variant is not yet where we need it to be.

However, the President did make an important announcement yesterday to provide relief to the 212(f) international travel restrictions in early November, two vaccinated individuals. That is a first step in our ongoing review of the travel restrictions born of the pandemic, and its current situation here domestically.

PETERS: So why those, but not Canadians?

MAYORKAS: So we are taking it iteratively. We are looking at the situation not only at the ports of entry on our northern border, but also on our southern border. We have heard similar concerns with respect to border communities on the south, and the impact economic and family impact of the restrictions.

We are looking at what we can do operationally, and we are moving in a very sequential and controlled manner. And I'd be happy to provide more information to you after this hearing, Mr. Chairman.

PETERS: Well, I appreciate it Mr. Secretary. We will want that information provided as quickly as possible. And we'll look forward to meeting with your folks on it.

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

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

I want to focus on the enhanced threat that just occurred in the past month. And that is again, the way we left Afghanistan in a chaotic rushed way and what we've created in the meantime. Director Abizaid, you said in your testimony this morning, the U.S. has ended its longest war. And I suppose that's true. But in a way, we haven't have?

The war was about terrorism, and keeping Afghanistan from being a platform for terrorist attacks against United States. What we lost a month ago was eyes and ears on the ground, and the ability to do just that. We have 2,500 troops there. Prior to the evacuation, we hadn't had a single casualty thank god in 18 months, we have 7,500 NATO troops with us.

And we had the ability to do what we do not have now the best example that might be what happened tragically with the drone attack. The so called over the horizon alternative that the Biden administration keeps talking about failed miserably, didn't it? Again, not having those eyes and ears on the ground makes it harder for us to protect the homeland.

So I guess in a way we ended the longest war, but in another way we've made things more dangerous. Let me ask you about that. You talked about the ISIS case, suicide bombing as an example of a threat. Well, that happened during the evacuation.

Again, we hadn't had, thank god a casualty in 18 months, until we lost those 13 brave soldiers, sailors, and marines. You also said in your testimony that the terrorists around the world are quote using individuals who have access to the U.S. to conduct attacks. I look at what's going on with the evacuation and us not knowing who's coming to this country.

And that's a statement of fact, we just don't know. Having tried my (inaudible) to find out from the State Department and Department of Homeland Security is happening so quickly and was so chaotic, we just don't know. So I'd asked you, Director Abizaid, is our homeland more or less safe following from attack following the U.S. withdrawal from Afghanistan?

ABIZAID: Thank you, Senator for the question. With respect to Afghanistan, as I mentioned, the terrorist group that we're most concerned about presenting a threat, both in the region but also a future external threat is obviously one ISIS-K, ISIS Corizon, and to Al Qaeda, and Al Qaeda's affiliate there.

Now over the years and sustained CT pressure on both groups, principally al Qaeda. But given ISIS-K's, more recent arrival on the scene, also significant counterterrorism pressure, and that pressure there has really relegated those two groups to primarily a regional threat.

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

PORTMAN: Well, you've done some monitoring and assessment already. I mentioned, the Defense Intelligence Agency and CIA have adjusted their projections as to the threats of the homeland, and particularly Al Qaeda moving back into Afghanistan. So would you say again, is our homeland safe or less safe?

ABIZAID: The CIA and (assistance) that I'm aware of are within the range that we had assessed prior to the drawdown one to three years? I think it's fair to say that...(CROSSTALK)

PORTMAN: they're saying it's less time now, and they're saying that's a conservative estimate.

ABIZAID: I think it is fair to assess that. It is that the development of those groups' external operations capability, we've got to monitor and assess whether that's going to happen faster than we had predicted otherwise. A very dynamic environment right now.

PORTMAN: I think that is a yes, that we're less safe, following the U.S. withdrawal from Afghanistan. I mean, that's, I think it's pretty, pretty obvious. Director Wray, comments on that? Do you think we're more or less a following the U.S. withdrawal from Afghanistan?

WRAY: Well, I think I would share most of Director Abizaid's summary. And of course, you've cited some of the information you've gotten from our intelligence community partners, obviously, we are concerned about what the future holds.

Whether it's the possibility of another safe haven, whether it's the possibility of ISIS-K, being able to operate more freely in a less secure environment. Whether it's the possibility of events in Afghanistan serving as some kind of catalyst or inspiration for the terrorist attacks elsewhere in the region, or potentially with homegrown violent extremists.

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

WRAY: Certainly concerns me.

PORTMAN: He's on your most wanted list, isn't he?

WRAY: I believe so.

PORTMAN: Well, look, the question is, what do we do now? You know, and I hope that we have an enhanced response to the threat and not just the kind of feckless drone strike that we saw, the tragic drone strike that we saw.

With regard to the evacuees, Mr. Secretary, we haven't had a chance to talk yet. I know you tried to reach me and I appreciate that. And I do think we've got a real problem here. I mean, the best numbers we have our that.

Very few of the people who have come over our so called SIVs, meaning the people who actually helped us who were drivers and interpreters or otherwise assisted to U.S. effort. Secretary Blinken, in his testimony last week said there are about 20,000 people who had applied for SIV. 708 of them have come through the evacuation as far as we know, that's the best numbers we have. In fact, when you look at who's come, not only did we leave American citizens behind and obviously leave a lot of these S IVs behind who, you know, stood by us.

It looks like they're about 6,500 American citizens who came that's about 11 percent about 3,500 lawful permanent residents that's just under 6 percent. There were about 3,000 people with visas, including these SIVs, that's about 5.5 percent. And the rest, around 75 percent of the people who came are called parolees, meaning they don't fit any of those categories.

And we're pushing very hard to get the information again, we're desperate to have a classified briefing to be able to get into that, because apparently, you can't provide it in an open setting. Or maybe you just don't have the information.

But does that concern you that three quarters of the people who we have brought into this country, and by the way, we brought about half the people into America by 60,000, about 120,000 are still overseas. And we're told that among those people overseas or even fewer American citizens or permanent green card holders or SIVs.

But does it concern you that we don't have in place a way to properly vet and handle these individuals, including allowing us individuals, you know, to walk off and military bases that they choose to do so today?

MAYORKAS: Ranking Member for First of all, as a preliminary matter, I was disappointed to learn that of your disappointment with respect to the information that you've received, even in the classified context, and I will...

PORTMAN: We haven't had a classified briefing yet.

MAYORKAS: Well, yesterday, I understand, the staff had and I will...

PORTMAN: The staff had one, and they report to me, at least was that they didn't receive anything new that they hadn't already received, including in our phone call yesterday, which was not classified.

So the point is, we would just love to get whatever you all need to do to give us the information, we just don't have the information.

MAYORKAS: And precisely why I wanted to articulate my apology and make sure that we remedy that situation right away.

PORTMAN: Thank you.

MAYORKAS: You're entitled to that information. So we do have a robust screening and vetting process, in addition to expertise both in the transit countries, and here domestically, to ensure the safety and security of the American people.

Let me say with respect to the population of individuals, who are not American citizens, lawful permanent residents, or special immigrant visa holders, we also have in that remaining population, individuals who applied for Special Immigrant Visas, but whose applications had not yet been completed at the time of the evacuation.

We have individuals who have been employed locally in Afghanistan by the United States who have assisted us in Afghanistan. We have other individuals who qualify for Special Immigrant Visa status. Individuals who qualify for P1 or P2 classification of refugees.

So it's a very mixed population. And we screen and vet that remaining group as we screen and vet all.

HASSAN: Thank you.

PORTMAN: We'll just discuss more later. But wait, there's some discrepancy there. We look forward to working...

(CROSSTALK)

HASSAN: Senator, there is going to be a second round of questions, and we've gone well over here. So I'm going to turn to Senator Carper now.

CARPER: Thanks very much. I'm the last Vietnam veteran serving in the United States Senate. I remember for a while I withdraw from Vietnam. I remember watching on television as American helicopters rose from the ground in Saigon and attached to them all over those helicopters were Vietnamese people trying to get out of that country.

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

I think from the time that Donald Trump, I'm not a real political guy, my colleagues though. But from the moment he sat down with the Taliban and the negotiation caught our two presidents to 2,500 people, I think the guy was well cast. I think the pitch was pretty well telegraphed. And I said to myself, this may not end well. And it didn't.

I think your question for us now is, what do we do now? What do we do now? We're out of Afghanistan. We're trying to make sure that about 125,000 other people who are Afghans who helped us, would they have

a chance to get out of there and be resettled here. And I think our challenges await how do we handle the resettlement?

How do we handle that? Mr. Secretary, that is a big part of your job held by Delaware and Jack Markell, former governor to make it go well. And I've been (watching) one of the questions for me today is what do we need to be doing not just in this committee, not just in the Senate, but what do we need to be doing as a body writ large, to help make sure that the folks that are coming here have a new chance in their lives, have a chance to get settled?

Do a lot of them want to work? We have a lot of employers that are looking for workers. And maybe at the end of the day that something good hopefully can close on a very tragic. I stood on the tarmac with the President on military leadership, my congressional delegation about a month ago as we received the sacred remains of 12 of our heroes, Navy, Air Force, rather Navy, Marines, Army, and it was a sad, sad and hard, hard day.

What do we do now going forward? There's a lot to do. We need to work together to make sure that we learn from always what's happened in the past. We learn what's happened the last 20 something years and go forward, without having been said.

I want to ask my first question if I could, to Mr. Wray, Director Wray. In 2020, the FBI arrested 180 individuals on domestic terrorism related matters. Of these arrests, 75 were identified as white supremacists, extremists. For years now, we've been hearing about the rising threat of racially motivated attacks, specifically attacks carried out by white supremacists.

You may have heard me say before that in order to address, you probably must understand and address the root causes of that problem. Director Wray and Secretary Mayorkas, why have we seen such rising racially and ethnically motivated extremism and violence in this country in recent years? And what is the root cause? And how are we tackling it? Mr. Secretary.

MAYORKAS: Senator Carper. Let me if I may take a moment to answer a point you made or respond to a point you made. There's important legislation that is pending that would bestow upon individuals evacuated from Afghanistan, the same benefits that refugees receive, and that would assist in their resettlement here in the United States, and their integration into our communities.

And we're extraordinarily proud and inspired by the unity that we see across the country. We have seen regrettably, over the last several years, Senator, arise in the manifestation of hate. We've seen the propagation of false narratives, we've seen an increase in anti-government sentiments, and we are very watchful of and vigilant in response to any signs of connectivity between those ideologies and acts of violence. That is where our focus is.

CARPER: Alright, thank you. Director Wray, please. Same question. Root cause, what is it? What are we doing about it?

WRAY: So I think our focus is, of course, on the violence, not on the ideology itself. I would say that we, one of the things that we've done about two years ago is create a domestic terrorism hate crimes fusion cell, which was designed to bring together both our domestic terrorism experts as well as our hate crimes experts and try to get ahead of the threat and be more proactive in going against the threat.

And we're very proud for example of the work that fusion cell in preventing an attempted attack on a synagogue outside of Las Vegas, for example. I will say that a big part of the threat that you're asking about is the social media dimension.

You know, some of these same people before might have been stewing away in, the basement or the attic, one part of the country and not communicating with other. But today, terrorism moves at the speed of social media, and you have the ability of lone actors disgruntled in one part of the country to spin up similar like minded individuals in other parts of the country and urge them into action or inspire them into action.

I think that is a huge part of the threat that you're asking about.

CARPER: Alright. Thank you. Another question, if I could with respect to Afghanistan and counter terrorism, this would be for all three witnesses. And I'd like to start, if I could, with Director Abizaid please. Question. As we grapple with the fall of the government of Afghanistan. Our focus remains on how to get the Americans that are at risk allies to safety.

However, as we know, and as I believe you've mentioned mentioned in your testimony, ma'am. Terrorist organizations thrive when they can exploit instability, and weak government institutions. And that said, it's important that we look ahead to our ever changing landscape in that region following the Taliban takeover of Afghanistan.

To that end, I like to ask each of you take a moment to address the following. How has our threat landscape changed since the U.S. withdraw from Afghanistan just three weeks ago? And how are your agencies working to address the shifting threat landscape that will undoubtedly continue to evolve? Follow up. I will follow up, that's the one I'd like to tackle, please, if you would.

CARPER: I'd ask each of you to try to be relatively brief, there will be a second round of questions.

HASSAN: Thank you. Thank you Madame Chair.

ABIZAID: Thank you very much. The threat from Afghanistan, I think is the top of our priority in terms of understanding what that dynamic landscape is likely to produce in terms of an external threat.

We do think that principally the operating groups, ISIS-K, and Al Qaeda present a significant threat in the region. They are going to have to contend with the new de facto government in Afghanistan, the Taliban, principally ISIS-K.

And this will be an absolute top priority as we develop our intelligence capabilities, our over the horizon capabilities, to make sure that we're monitoring any changes in the threat landscape, and able to arm policymakers to address that.

CARPER: Thank you. Thank you very much. Madam Chair, I'm just gonna ask that there are other two witnesses, and I respond to the record of that same question. Thanks very much, and it's good to see you all. Thank you very much for being here, for your service and for your leadership of the men and women in the (fed) with whom you serve. Thank you.

And I'll note in addition to the response for the record, I'm sure others will be asking you a similar question and you can elaborate on Senator Carper's question, and then Senator Johnson.

JOHNSON: Secretary Mayorkas, I'm putting a chart that I've been keeping on the (apprehension) southwest border. I'll just give you some quick numbers here. To date, just found here. Other than almost 1.3 million apprehensions, were averaging last few months 6,700-6,800 people per day.

It's a large caravan per day being apprehended by Border Patrol 800-1,100 known got away, which would equate somewhere over 300,000 got aways, known got aways for the year. If you annualize these figures, then couple 100,000 people per month. That will be up to about 2.1 million apprehensions. The get away is 300,000-400,000. We're up to 2.5 million people.

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

MAYORKAS: Senator, I do. And let me speak to that..

JOHNSON: Let me ask you a couple of questions here. We this committee received it was dated September 11th. But apparently this letter was not received till Thursday. I didn't find out about it till yesterday. I released it to the public immediately.

By recent, retired U.S. border Patrol Chief Rodney Scott. In this letter, former Chief Scott states, he is sickened by the avoidable and rapid disintegration of what was arguably the most effective border security in our nation's history, and of course, the chart shows it. We'd pretty well secured the border.

We've stopped the flow of unaccompanied children, we've stopped the flow of family units, because of the migrant protection protocols or the agreements that the President Trump put in place that the building of the wall. We were serious about border security until your administration took office.

He stood before this committee and said he would enforce the laws. You have not done that. Let me go on. Chief Scott says to think that well-resourced terrorist networks, criminal organizations and hostile nations are not going to do the same.

In other words, exploit the open border is naive. Here's what's very troubling. He said the Secretary and other political appointees within DHS have provided factually incorrect information to congressional representatives and to the American public.

So let me ask you this the secretary of the 1.3 million people that we've apprehended, how many people have been returned? How many people are being detained? And how many people have been dispersed? And I want some numbers here. And again, 1.3 million people, how many people have been returned? How many people are being detained? How many people have been dispersed to all points around America?

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

JOHNSON: I want them now. Why don't you have that information now?

MAYORKAS: Senator, I do not have that before me.

JOHNSON: Why not? Why don't you have that basic information?

MAYORKAS: Senator, I want to be accurate in the...

JOHNSON: I'm looking for ballpark figures. Is it about half, did we dispersed about half of that or we have about 600,000 people we dispersed?

MAYORKAS: Senator, these are the tools that we employ. We use the Title 42 authority that is the Public Health Authority, empowered by the Centers for Disease Control to expel individuals in light.

JOHNSON: So I'm hearing that you're not using that to the full extent, that we've got 40 50 percent of people even apprehended under Title 42 that are not being returned. Is that accurate?

MAYORKAS: That is actually inaccurate.

JOHNSON: OK, so what is, OK, so if you're saying that

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

JOHNSON: I actually want answers to my question. What is the real figure then?

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

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

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

JOHNSON: So if you're saying that 40-50 percent is not accurate. If you know that that's not accurate. You must have the real number.

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

JOHNSON: No, that's not what I said at all. I said, we're not returning everybody under Title 42. We're dispersing a number of those individuals.

(CROSSTALK)

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

JOHNSON: OK. You are talking about the process. I want numbers. I'm going to expect numbers. By the way, you know, last year, in which you didn't stick around for a second round of questions, you didn't come in here

in person, I sent you questions for the record, I've gotten no response whatsoever. And you came before this committee and you committed to responding to congressional oversight. And you have not done so. And according to former chief Scott, you have provided factually incorrect information to Congress. So we're expecting you to up your game as it relates to congressional oversight.

But let me quick switch to Afghanistan. We had a briefing yesterday morning, telephone briefing. And one of the assertions is that the -- out of the 124,000 Afghans that were evacuated out of Afghanistan, the majority, I can't remember -- like the vast majority, almost all worked for some government agency, military, whatever. I asked the question, how do you know that? I didn't get an answer. I've also talked to the commanding general and the people on the ground in Fort McCoy that have about 13,000 of these Afghans in their custody right now at -- in Tomah, Wisconsin, in Sparta, Wisconsin.

I continue to ask. I understand the screening, that we're screening against the terrorist watch list and no-fly list, that type of thing. So I understand how if, for example, an ISIS fighter or al Qaeda terrorist, if they just happen to be one of those watch lists, if we have a match we're going to keep them out of the country. What are we doing to positively identify people, to connect them to these agencies or the members of the military that they did have connection with so we have positive ID before we disperse? Because, let's face it, 124,000 people, we've got 700,000 SIVs, we've got about 6,000 U.S. citizens. That leaves 117,000 people we don't know who they are. How do we know who they are positively, not just in terms of derogatory information?

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

(CROSSTALK)

JOHNSON: But many don't even have IDs.

HASSAN: The senator's time is expired.

I'll now recognize myself for my round of questions. I just want to thank the ranking member as well as Chair Peters for this hearing. I want to thank the witnesses today not only for being here but for your service to our country. And I hope you will thank all the women and men you work with for their service as well.

Secretary Mayorkas, I want to start where Senator Peters left off on the issue of the current status of the northern border. As you know, I asked you about this in July. You and your staff were part of a Zoom meeting that we had with business leaders in New Hampshire as well as representatives of the Canadian Consul General's Office in August. And I just have to say I was very disappointed with the administration's decision yesterday about the Canadian border. Right now, I just want to be clear, non-vaccinated Canadians who have a negative COVID test can get on a plane and fly to the United States, but vaccinated Canadians, and they have a higher vaccination rate than we do, cannot cross a port of entry into our country.

One of the things that came up in August in our meeting was the department's obligation to assess the economic impact of border closures on the domestic economy. For states like mine, where tourism is the second-largest sector, I want to understand whether you have provided that analysis to the White House. You said in our meeting that ultimately this is a White House Task Force decision. Because I do not understand the

public health rationale here at all for closing the northern border to vehicular traffic when it is essentially open to air traffic.

MAYORKAS: Senator, I know of your disappointment. You have expressed it quite clearly to me. I should say that the decision is an all-of-government decision. The relevant equity holders are involved in the decision-making. We are very mindful of the economic impact. We are reviewing both the public health and the family impact consequences of our decision on a daily basis. And we are proceeding iteratively in light of, quite frankly the arc of the Delta...

(CROSSTALK)

HASSAN: And I understand that. And I'm going turn to some other questions now, but this is the same response we have gotten for weeks and months without anybody explaining to us the public health rationale for a decision that is keeping Canadians and Americans from seeing each other, businesses from doing their business with each other, tourists from coming to states like mine. Nothing like being at NASCAR in mid-July in Loudon, New Hampshire, our biggest single event of the year, and realizing that our stands were partly empty because the Canadians who usually visit and enjoy the Magic Mile couldn't come even though they have a high vaccination rate and the public health threat was not explained at all, and especially in light of the fact that we were allowing Canadians to fly in, just not drive in. So I'll look forward to getting some more detailed response from the administration.

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

We'll start with you, Director Wray.

WRAY: Well, I appreciate the question. Certainly, as we get to the 20th anniversary here now, it's worth remembering that al Qaeda has not stopped trying to hit us. For us, if there is good news, the good news is that we're in a fundamentally different posture here in terms of the FBI's stance than we were at the time of 9/11. And that starts with our over 200 joint terrorism task forces which encompass something like 4,500 different federal, state, and local partners. So we are aggressively using those task forces all over the country to engage with sources, follow up with ties between subjects that we have under investigation with individuals overseas working with our foreign partners to put information together. We're putting heavy focus on community outreach as the evacuees settle here in the United States to both A, try to get in front of any radicalization that could occur while they're there. But also to try to open up the lines of communication to make sure that if somebody sees something about someone in those communities they'll say something to us.

HASSAN: Thank you. Secretary Mayorkas.

MAYORKAS: Senator, we continue to screen and vet individuals seeking to arrive in the United States by any means; sea, land and air. We have not relaxed our vigilance over the years. We speak very frequently about a rise in prominence of certain types of threats. The domestic violent extremist, the homegrown violent extremists, that does not mean that that rise in prominence suggests that we have taken our eye, our focus off the prior iteration, that is ever present.

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

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

WRAY: So certainly we are seeing - you're exactly right, cryptocurrency now beings used across a wide range of threats. Both the ones you mentioned and others. We're seeing it in everything from buying criminal tools, like bot nets (ph) to laundering proceeds, abating sanctions, as you say, raising money for terrorist operations, dark net marketplaces. We are and of course all that boils down to making it harder and harder for us to follow and then ideally seize the money.

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

But it is becoming, I think, a phenomenon that permeates pretty much every program we have. And I don't expect that to change. In fact, if anything, I expect it to increase.

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

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

HASSAN: Thank you very much. Senator Lankford.

LANKFORD: Thank you. Thank you all for being here. Secretary Mayorkas, let me run through some quick numbers of things that are just requests that we have outstanding trying to be able to get additional information. None of this should be difficult but we're just trying to figure out - get our hands around what's happening with the refugees and parolees that are coming from Afghanistan.

So just some quick things that we want to be able to follow up on; not expecting you to answer right now but we do need to follow-up on it. We understand from the administration over 100,000 people have been evacuated from Afghanistan. We've heard a second number that 37,500 are actually coming into the United States and going through process. We don't know the remaining, where they're going, who they are, are they coming here or not.

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

We're also trying to get information about for individuals that come into the United States that go through the vetting process that fail the vetting process, what will happen to them or for individuals that come in as parolees but then commit criminal acts. What will happen to those individuals?

We already have reports of some of the locations where some Afghan parolees are being held that there's been some sexual assaults that have happened in those locations. And we're trying to get more information about that and to find out what happens to those individuals and where things go. None of those should be unrealistic questions. Those all should be data points that should be coming to you. And wanted to know if we can get those and how quickly we can get those?

MAYORKAS: (Inaudible) -

LANKFORD: Yes.

MAYORKAS: So, over 60,000 (ph) individuals have been brought to the United States for screening (ph) and vetting. There are approximately 12,000 Afghan evacuees located in (inaudible).

LANKFORD: Mr. Secretary, your microphone I think is off.

MAYORKAS: I apologize. Of the over 60,000 individuals who have brought - who have been brought into the United States and I will give you approximate figures and I will verify them. Approximately 7 percent have been United States citizens, approximately 6 percent have been lawful permitted residences, approximately 3 percent have been individuals who are in receipt of their special immigrant visas. The balance of that population are individuals whose applications have not yet been processed for approval who may qualify as SIVs and have not yet applied who qualified or would qualify, I should say, as P1 or P2 refugees who have been employed by the United States government in Afghanistan and are otherwise vulnerable Afghan nationals such as journalists, human rights advocates, et cetera.

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

There's also a very odd request that came in, by the way thank you for the data on that and we'll follow-up on the rest. There's an odd request that came from OMB. OMB asked Congress to include the C.R. that's coming up next week, asked Congress to waive all grounds of inadmissibility for Afghan parolees. I have to tell you I was a little astounded when I saw that, to say they'd like to include that in there. Because the grounds for inadmissibility for Afghan parolees are things like terrorism, association with terrorist organizations, money laundering, human trafficking, drug trafficking, polygamy, prostitution, persecute of religious or individuals based on religious or political opinion, those who have commissioned torture or attributed (ph) judicial killings.

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

MAYORKAS: So there must be a miscommunication because we actually deny entry. We deny admission to individuals in many of those categories.

LANKFORD: Right and should.

MAYORKAS: So I will have to drill down on that.

LANKFORD: Yes, this was the request that came from OMB to start after - a request to be able to put it into the continuing resolution. So future parolees would not be denied based on these things. And I'd say I'm a little bit confused by that. And I would tell you, I would adamantly oppose withdrawing any of those, and I would assume you would as well.

MAYORKAS: And there must be some miscommunication there, Senator, and I'll look into that immediately.

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

You and I have spoken before, shifting subjects, on our southwest border, about MPP. That the federal courts have stepped back in and said to you, you have to reinstate the Trump policy for the migrant protection protocols and to be able to put those back in place. You told me you were going to deliver to me a timeline on the process of where that was going to go. How are you going to follow the federal courts to be able to reinstate that policy? I've not received that document yet. Where are th at document and that timeline?

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

LANKFORD: It'd be great. I'd like to be able to see that timeline and be able to know what status we have on that.

Last summer, you also told me that you were going to get to me by mid-August, during our budget hearing, that you were going to get to me by mid-August, the ICE enforcement guideline update. That's been a preliminary document that's been sitting out there for a while that you and I both spoke about. I don't have that final document yet. You had told me before it'd be there -- be done by mid-August. Where are we on that?

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

LANKFORD: Do you expect that recent crossers (ph) will still be a priority on that?

MAYORKAS: I do.

LANKFORD: Where are we on just enforcement for recent crossers? We had some information that we got in late last night from the ERO office, saying that there's about 100 -- what was the final number here? A hundred and -- let me pull it up exactly. One hundred seven thousand eight hundred seventeen individuals have been released into the United States from the ERO office with different statuses. That's been changed.

That was the notice to report. That's now been changed. There are different notations on that. But 107,000 of those individuals, we have quite a few of those, tens of thousands, that have now not reported. That would be recent crossings.

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

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

LANKFORD: Well, the best guess that we have at this point is about 28,963 as of last night are beyond their reporting timeframe. That's around 29,000 people so far that have not reported that we're given the notice to report. I just want to know where are they, and are we actually pursuing those individuals?

MAYORKAS: Those -- we -- those individuals we do consider to be a -- a priority for enforcement, Senator.

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

PETERS: Thank -- thank you, Senator Lankford.

Senator Paul, you're recognized for your questions.

PAUL: Thank you.

Director Wray, when -- when Orwell first wrote "1984," people were concerned about that dystopian future, what it might mean, big brother, invaded our privacy, our homes, our communications. But defenders of privacy took some consolation in the fact that the technology didn't exist for two-way TVs, and so much of it seems so futuristic. Now, U.S. intelligence agencies have the ability to record and listen to every phone call in the world. We have sometimes collected phone calls from an entire country for an entire month at a time. We even have done it here in -- at home in America.

For years, the NSA collected millions of Americans' data without first having an individualized warrant. James Clapper notoriously lied, as we all know, to Congress about this massive surveillance program. He's now paid to deliver highly partisan rhetoric on a left-wing news outlet. Many in the FBI have been accused of bias. Some have been convicted, some have been let go, McCabe, Clinesmith, Peter Strzok, Lisa Paige.

So, it's kind of hard to argue that somehow we can get people in the FBI that are above bias. It's -- it seems to be something that goes with the territory. Maybe it was a bad spate of time where we had a whole bunch of them all at once. But it's a problem. When we investigate a presidential campaign, I think it's important that we realize the potential for bias that exists in the people bringing an investigation forward, but also incredibly important that we should devolve or -- or at least consider using the Constitution and not using warrants that are used on foreigners.

So, we have two different standards. We have a constitutional standard, which is typically used for Americans, where we use the Fourth Amendment. And the Fourth Amendment says you have to have probable cause, you know, of a -- of a crime. The FISA court standard is not a Fourth Amendment; it's an extra-constitutional standard. It's less than the Constitution. It's probable cause of being associated with a foreign government.

The problem is, is that when we have presidential candidates, they're all going to have foreign policy advisors; most of them will have a long-standing history in either government of some sort. They'll have people who

do talk to foreigners all of the time. So, you can see how someone with bias, and I think that's what happened during the investigation that turned out to be untrue on the Russia collusion. So, we had a massive investigation of a presidential campaign. And I don't think enough of us have stepped back to say, well, my goodness, should we be using FISA warrants for the Foreign Intelligence Surveillance Court?

Should we be using that kind of warrant on an American, particularly an American running for office, who has all of these contacts? Do you think it's appropriate that we use FISA court warrants to investigate presidential campaigns?

WRAY: What I do think is appropriate is that we use FISA warrants to investigate counterintelligence threats to the United States, as long as it's done inconsistent with the minimization and querying procedures that are carefully approved...

PAUL: You don't think there was any problem with this investigation with a Crossfire Hurricane? You think it was all completely appropriate, nobody in the -- in the chain of command was biased, and it just occurred because they were curious? We just convicted -- just indicted one of the Clinton lawyers yesterday for lying to you guys. You guys took it, hook line and sinker, and said, oh, well, we'll just investigate a major presidential candidate. Of course, there's a huge problem.

And if you don't see that there's a problem, and that we need more controls on this, and that we need to somehow obey the Constitution, I would say the same for President Biden. I would say the same for a president of any party, what a crazy upturned world where there would be, you know, the biases there. There's no way to get -- the reason we have checks and balances with the judiciary is so we can kind of get over the potential bias that occurs in the FBI or the CIA or anywhere else. If you do n't have to go to a court, and you go to a court that doesn't obey the Constitution, that's held in secret, that's not justice. And it's going to be ripe for abuse. You don't agree with that?

WRAY: There are -- are parts of what you said that I'd like to weigh in on. So first, as to what happened in the so-called Crossfire Hurricane matter. I would say to you today, and I have said publicly on a number of occasions, that what that inspector general report describes by certain FBI personnel, I consider to be unacceptable and unrepresentative of the FBI that I see every day, having joined in 2017. And not something that I think can ever happen again. So, I want to make sure that you a nd I are talking, not past each other on that.

Now second, I've put in place over 40 corrective measures, everything the inspector general has recommended, and then some, to make sure that what happened there does not happen again.

PAUL: I think that's admirable, and I appreciate that point of view. But you know, when Hamilton wrote that if men were angels, you know, we wouldn't need the Constitution. We still were relying on angels working at the FBI. We're relying on you saying; we're going to get a better set of people, we're not going to have that bias anymore. I think that's admirable; that's what I would want in someone being the Director. But what we need is something beyond that. And this is what our founding fathers did when they set up the Fourth Amendment is we had a constitution, and we had the Fourth Amendment, an incredibly important amendment, and then we had a judicial system.

Now, the FISA court doesn't obey the Fourth Amendment. It has a less-than-constitutional standard. It allows you to have warrants without obeying the Fourth Amendment, and people don't realize this. You use FISA

warrants that do not obey the Fourth Amendment; you have a lower standard for going after foreigners. I'm actually OK with that.

If you're not a U.S. citizen, and you're investigating someone overseas, and you're eavesdropping on them, I'm actually fine with the FISA standard. But I'm not fine with the FISA standard for Americans, particularly Americans who are running for office. Particularly for the person running for the highest office, who is interconnected with all kinds of countries and always will be. And once you get biased people, once there's not perfection, and we get biased people in the FBI, the problem is the system can be abused. I think the only fix -- it's admirable to have some regulations and some checks and balances you put in place, but the only real fix would be we should obey the Constitution. I don't think Americans nor political candidates should be investigated using a Foreign Intelligence Surveillance Court.

WRAY: Thank you, Senator, for your -- your kind words about the corrective measures we've put in place. I would say too that I believe the FISA court operates within the Constitution. So, we might have a difference of opinion on how we characterize it. I would also say to you that -- that as we sit here, 20 years after 9/11, and as somebody who was in FBI headquarters on the day of those attacks and saw the immediate aftermath, as we started to reverse engineer what went wrong on 9/11, much has been discussed back in those years about the so-called wall that was built up between law enforcement and intelligence. And a lot of the reforms that have occurred, thanks to this Congress, thanks to the courts, thanks to the executive branch, to make sure that there is not a wall between the information sharing that has to occur has been part of what's kept Americans safe since then.

So, I would want, of course, to work with you on any ideas that you have, but also to make sure that we don't rebuild the wall that made us all less safe and cost 3000 innocent lives on the day of those attacks. Thank you.

PAUL: I appreciate your opinion on the FISA court having the same standard as the Constitution. They don't. The Fourth Amendment says you have to have probable cause that someone has committed a crime or is committing a crime. It's a much different standard. The FISA court standard is probable cause that you have a relationship with a foreign government.

It's a much lower standard, much more open to abuse, and you don't have a public court -- a public court or judges which might protect the rights of an individual. If what happened in Crossfire Hurricane is allowed to stand and would allow the FBI to do this again, we can see a time when the intelligence agencies can completely take over our political process. It's a very dangerous thing. And I think most people got caught up in the partisanship of the time, whether they liked or disliked President Trump. And instead of really thinking about this, there still is a problem.

To my mind, we need to reform the FISA system, and we should not use FISA warrants on Americans. It'd be -- should be reserved because it's a lower constitutional standard should be reserved for foreigners.

PETERS: Thank you, Senator Paul.

Senator Scott, you are recognized for your questions.

SCOTT: Thank you. Thank each of you for being here. Secretary Mayorkas, is -- are you responsible for or DHS responsible for vetting all of the Afghan refugees coming in?

MAYORKAS: I am responsible for the work of the department.

SCOTT: Sure. So since -- let's say since the 1st of August, how many Afghan refugees have been denied entrance into the United States?

MAYORKAS: I don't have that number at my fingertips. I know it is very de minimis.

SCOTT: OK and --

MAYORKAS: In terms of -

SCOTT: Why would that be?

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

SCOTT: OK. So the Afghan refugees that have gotten into the United States and our bases if you found something, what's your process? How could you send them home? What's your -- what's your process for doing that?

MAYORKAS: So there are a number of options available to us, Senator. Number one, we can of course seek their voluntary return to a -- to a third country. Number two, we place them, if there is a reason to do so, we would place them in enforcement proceedings and seek their removal immediately.

SCOTT: And you would be able to -- do you believe you'd be able to send them back to Afghanistan?

MAYORKAS: Well whether it's Afghanistan that's something under review. But whether it's Afghanistan or another country, we would indeed seek their removal from the United States.

SCOTT: OK. So your -- DHS was set up as a result of 9/11, right? And so we've had significant military presence in Afghanistan for quite a while, it's gone. So now we don't have the same ability to defend the homeland that we did when we had military in Afghanistan. So what changes have you made to make sure that DHS is doing its job to make sure Americans are safe?

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

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

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

MAYORKAS: I believe it is (ph) identified as such, Senator.

SCOTT: Sure. So earlier this month the Taliban announced the senior leadership. One (inaudible) appointment was Sirajuddin Haqqani, to be Afghan's Interior Minister. He's on the -- he's on the FBI's Most Wanted List

and designated as a global terrorist due to his role in the January 2008 attack on a hotel Kabul that killed six people including an American citizen.

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

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

SCOTT: OK. All right. Do each of you agree that it seems to be counter intuitive that it would be against national security interest for somebody like that to be in senior leadership of the Taliban? You all (ph) can agree with that, right?

WRAY: Yes.

MAYORKAS: Yes.

SCOTT: And we've had conflicting testimony about how many people are left there. We've had someone -- Secretary Blinken said 100 citizens to 200. We had earlier that it could be as much as 9,000. We don't exactly know what it is. First off (ph), were you -- were the two of you disappointed when our military came home without all the American citizens?

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

SCOTT: But were you disappointed that it didn't happen before we brought our military home?

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

SCOTT: OK. Director Wray?

WRAY: Well certainly I would be disappointed if we don't do right by the -- all those Afghans who worked so bravely side-by-side with us over the past 20-years. And that's why we're all working so hard, as Secretary Mayorkas said, to try to make sure that we get the right people, underline the right people, out where they can be brought to safety.

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

SCOTT: But he's still on the list?

WRAY: But still to have (ph) -- the reward is still -- is still posted.

SCOTT: OK. So how -- so first off were you -- Director Wray, were you disappointed that we didn't get all of our -- just even American citizens let alone all the individuals that helped us, were you disappointed that those all didn't come home before our military left?

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

SCOTT: So what does the two of you believe is going to be our ability to continue to get Americans home or on top of that individuals that have helped us? When you've got a terrorist and on our FBI Most Wanted List, maybe not the top 10 but some number, and he's part of the leadership there. What's our chances actually that this is going to happen, that we're going to get American citizens home? Or Afghans that helped us?

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

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

Do you realize that if you talk to a typical American now and you hear the numbers, that over a million people have come here illegally this year, we only have a little over 300 million people that live in this country, so (inaudible) be 300 (ph) people in this country today have come here illegally in eight months, right. Doesn't that -- isn't that inconsistent with what you're saying though?

I mean -

MAYORKAS: Senator, I don't -- I don't believe so. First of all the number of encounters isn't necessarily individual encounters but rather we see some level of recidivism in light of our exercise of the Title 42 expulsion authority under the CDC's legal powers. We apprehend, expel and remove a considerable number of people. I know Senator Johnson took me to task for not having the data immediately at my fingertips in this hearing.

But in fact I do have some August numbers that I could provide that actually reflect the number of apprehensions, the distinction between total encounters and number -- a number of individual -- unique individuals encountered, the number of individuals expelled under Title 42, and the number of individuals processed for expedited removal under Title 8 of the United States Code. I do have those numbers for August.

SCOTT: So, it's over 200,000 were apprehended, right?

MAYORKAS: In -- in total encounters in August of 2021, was 208,887 unique encounters, where meaning unique individuals, were 156,641.

PETERS: Thank you, Senator Scott. (inaudible) our members, we do have a second round. Thank you, Senator.

Senator Romney, you are recognized for your questions.

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

Director Wray, are the -- are the threats from domestic violence extremists rising? And if they are, are they rising based on those that are, if you will, inspired from foreign groups, or are they rising from those that are inspired by domestic groups or? And I don't know whether you distinguish that way but -- but is it on the -- my impression is that it's substantially increasing, but largely domestic, but that may not be the case. So, are the threads greater for these individuals and by source, domestic or international?

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

ROMNEY: Right.

WRAY: The first bucket, the homegrown violent extremists, has been humming along fairly consistently at about 1000 investigations, sometimes a little more, sometimes a little less, over the last few years. The domestic violent extremist's bucket has been going up quite significantly over the last few years, which is why we're now at 2700 domestic terrorism investigations when if you went back two and a half years ago, we were probably more about 1000. So, it's been a really significant jump there.

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

ROMNEY: Yeah, that is -- that is daunting. And we may get a chance to talk about why you might believe that -- that the -- the latter group, the -- the homegrown domestic inspired violent extremists is rising.

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

We've had our disagreements in the past about how much of the illegal immigration problem is caused by pull versus push factors and -- and your view that we need to address so-called root causes, which is poverty and -- and corruption in other countries. My view is that we -- we can't solve the problems of the rest of the world. And, in fact, we can't solve all of our own problems, let alone for the rest of the world. But what we can address are the unnecessary pull factors, if you will. The unnecessary features that we have in place that -- that draw people into coming -- coming into our country illegally.

And let me just discuss with taxes. If -- if -- if a -- an illegal individual wants to work here and wants to pay U.S. taxes, they're -- they're able to do that, is that right? They're able to do that by getting an identification number, is that right?

MAYORKAS: I believe they are, Senator.

ROMNEY: Yeah, I -- I -- I think they're called the ITIN. They can apply for an ITIN. They are able to do so. Under the administration's human infrastructure bill, their -- their children can also get an ITIN. You can also get that tax number for the same purpose or for whatever purpose they might have.

MAYORKAS: I -- I don't know the answer to your question, Senator.

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

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

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

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

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

You're -- you're looking at very similar aspects of the same challenge we have, which is protecting the homeland. Should we rethink how we do this? Are we duplicating the worker -- or Director Wray -- any one of you could respond to that.

WRAY: Well, I guess I would speak to it from the perspective of somebody who was heavily involved in this mission on the day of 9/11 and in the first four years afterward and then coming back from the private sector now. And I -- I think we are well organized against the terrorist threat. We do have; I would view as not overlapping responsibilities, but complementary ones. And I do think that one of the -- the real positive developments learned the hard way from 9/11 is how well we all work together. Our -- our folks have in particular worked well with other agencies as well on the terrorist threat.

And I think there are valuable lessons to be learned from that. It doesn't mean that it can't always be improved. I tend to be dissatisfied by nature. So, I expect continued improvement, but I think we're on the

right track as far as that goes. And Lord knows we need it because the threats, as we just discussed, are not getting easier. They're getting harder.

ROMNEY: Thank you, Director.

PETERS: Senator...

ROMNEY: Mr. Chairman...

PETERS: Thank you, Senator Romney.

Senator Ossoff, you are recognized for your questions.

OSSOFF: Thank you, Mr. Chairman.

First, Secretary Mayorkas, I want to thank you and your team for responding to the letter, the bipartisan letter that I sent with Senator Scott requesting reforms to FEMA disaster relief practices that were discriminatory against black Americans, especially in the south. I'm grateful to you and your team for making those reforms. I would like to ask you, please, how would you characterize the specific mission of the Office of Intelligence and Analysis and what differentiates it from the other 17 component agencies in the intelligence community?

MAYORKAS: So, if I can, it -- it dovetails with the question that Senator Romney asked. I think we're cooperating and are -- are more cohesive now than we ever have been before. And I think that, to the extent that we sometimes have redundancies, those are intentional redundancies for a belt and suspenders approach to our homeland security and our -- and our national security. The Office of Intelligence and Analysis is really an office of partnership. What it does is it gathers information and intelligence from across the threat landscape.

And what it is uniquely situated to do is to push that information and intelligence out to our state, local, tribal and territorial partners so that the first responder community is equipped and empowered to address the threat in its communities. One of the things that the Office of Intelligence and Analysis has become so much better at over the past nine months, is in fact, working with the Federal Bureau of Investigation in the joint terrorism terrorist -- the Joint Terrorist Task Force model, and we partner in the dissemination of information bulletins, conference calls, and the like with local law enforcement.

OSSOFF: Thank you.

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

ABIZAID: I actually think it's very strong, especially when you're talking about counterterrorism intelligence. You know, I think the -- the shift from in the post-9/11 environment was a shift to a need-to-share sort of mentality across the intelligence community but also our state and local partners, our lead federal agencies in the homeland, FBI and DHS as well. So, I've been very impressed as I've come back in to lead the center with the degree of information sharing that happens across the intelligence community in classified channels. But I've also been very impressed with by the degree to which we work to downgrade as much information as

possible and engage directly with state, local, tribal, and territorial elements to make sure that we're getting the threat information to the right individuals, so they're unable to take action where they need to.

OSSOFF: Thank you, Director Abizaid.

Director Wray, we spoke on March 2 in the Judiciary Committee about the extent of violence in communities across the country. The alarming increase in violent crime, particularly from 2019 to 2020. Also, from 2020 until this year. The City of Atlanta, 113 homicides this year. That's a 16 percent increase from last year, a 64 percent increase from 2019.

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

WRAY: So, I do think as much as it's a phenomenon in -- in our home state of Georgia, it is also in other parts of the country as well. And while there might be variations from city to city, I think there's a number of factors that contribute to it. I think the impact of COVID can not be underestimated, whether it's trial backlogs, early inmate releases, unemployment, et cetera. You have more juveniles committing violent crime. You have certain prosecution practices and decreased sentences which put recidivist back out on the street more readily. And that adds to its challenge.

You also have the prevalence of fire arms including interstate trafficking, by that I mean fire arms in the hands of those who are prohibited, legally prohibited from having them. So all those factors together create a combustible mix.

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

So you put no one factor by itself, but you put all those things together and that's part of why you're seeing, I think, the increase in homicides. But you're also seeing increases in car jackings and other violent crimes. Not just in Atlanta, not just in Georgia but in cities all over the country. And it's something that I suspect every member of this committee hears about from its constituents with increasing frequency for good reason.

OSSOFF: Thank you, Director Wray. Mr. Secretary, a couple of questions related to Congressional oversight of the department. I recognize you've got a tough job. You and I have spoken in public and in private about the importance of responsiveness to the Senate, to this committee, to the permanent subcommittee on investigations, which I chair and for which Senator Johnson's the Ranking Member.

But a number of request that we sent to the department back in July we still have not seen timely production of relevant documents and records. I want to ask why? I also want to stated here publically for the record, while we got you, that regardless of the administration's party the Senate has an obligation to conduct vigorous oversight and to be assertive in using our authorities and prerogatives to secure the information necessary to oversee the executive branch past and current activities.

And in my capacity as chair of the permanent subcommittee on investigations, I intend to be assertive in seeking that information. But could you comment, please, on why these requests, now three months outstanding, remain outstanding?

MAYORKAS: Senator, you're - forgive me, your concern is resident (ph). In fact we've done an internal review of the pace of our responsiveness and we've implemented new procedures to ensure a greater responsiveness. That is indeed an obligation of ours and a commitment of ours and a commitment of mine, personally.

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

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

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

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

PETERS: Thank you, Senator Ossoff. For the panel, you've been going a long time and I know that a break is warranted. But so what I'm planning on doing is we have Senator Hawley up and Senator Rosen, that gets us really close to an expected vote. So it will be a good time to take a break at that time. So if you could bear with us for at least two more questions, unless someone else shows up. But we'll take a break and then have a second round of questions at that time.

Senator Hawley, you are recognized for your questions.

HAWLEY: Thank you very much, Mr. Chairman. Thanks to all the witnesses for being here. Mr. Secretary - Secretary Mayorkas, let me start with you, I want to ask you about the continued uncontrolled illegal immigration of the country. Which I think is a very serious threat to the homeland. In July I asked you about the migrant surge that's been occurring on your watch and you said this, I'm quoting you now, "We have a plan, we are executing the plan, the plan takes time to execute and we are doing so."

Now since that time, CBP has released data that showed two straight months of illegal border encounters above 200,000, which as you know hasn't happened in decades. My question is when is your plan going to work?

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

HAWLEY: My question is when is it going to work?

MAYORKAS: So it is in fact working, we have seen over the last several weeks if not the month a drop in the number of encounters at the United States border. We have been working very closely with Mexico to increase interdictions. We have addressed the issue of recidivism and if in fact people have been previously removed we are referring them to criminal prosecution.

We have increased lateral flights across the border to facilitate the expulsion of individuals under Title 42.

HAWLEY: I don't mean to interrupt you, Mr. Secretary, except our time is so limited. I just want to be sure that I understand, 200,000 border encounters over two straight months, a record in decades - for over decades and you're telling me that this is success. Are you happy with what's happening at the border now? Is this success?

MAYORKAS: Senator, as I said then and I say now, we have a plan, we're executing our - on our plan and we will continue to do so.

HAWLEY: But you just testified that it's working. I'm just trying to understand. This is - is this success? Are you telling me that this is successful, your plan is successful currently?

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

HAWLEY: Are you happy with your progress?

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

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

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

HAWLEY: And now -

MAYORKAS: We have increased, if I may, Senator, we have increased the number of repatriation flights to Haiti and to other third countries. The size of the population in Del Rio, Texas has diminished considerably. And let me say two very important things, which I observed first-hand in Del Rio, Texas yesterday. Number one, is the human tragedy. Just the vulnerability of the individuals who are under the bridge in Del Rio, we can not minimize that, is an extraordinarily difficult thing to see.

Number two, I met with quite a number of border patrol agents and officers in Del Rio, Texas. I saw them working with members of the Department of Health and Human Services to deliver medical attention. I saw them working with the American Red Cross to deliver medical kits.

HAWLEY: How many are currently - I'm sorry Mr. Secretary, but we've got very limited time. How many are currently right now at the encampment?

MAYORKAS: I'd have to check as to today's numbers, it is below 10,000 is the latest information I have.

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

MAYORKAS: So Senator, if you take a look at the conversation - the discreet situation in Del Rio, Texas, one will view it differently than other challenges along the southern border. That was a very rapid ...

HAWLEY: Why?

MAYORKAS: ... if I may, Senator, that was a very rapid increase - really unprecedented increase in the number of individuals, primarily Haitian nationals crossing in one discreet part of the border, and what we did there is we developed a plan and we were (ph) executing on that plan and therefore ...

HAWLEY: Mr. Secretary, this happened on your watch. Listen, here's the problem, every time before you come before this Committee you always say it's going to get better, our plan is going to work at some future point and you also usually say it's really not as bad as it looks.

And then every time you leave it gets worse and worse, this is a humanitarian crisis in Del Rio, you can spin it whichever way that you want. But you're quite right, we should not minimize the humanitarian conditions for which frankly, you're responsible - you and your administration are responsible. Tens of thousands of people living in conditions that are startling - startling, brought here because of your policies.

Let me give you an example, "The Washington Post," reported on Sunday that one Haitian woman said that she and her family decided to travel from Chile, where she was residing, to Del Rio because they heard, and I quote, "President Biden was letting people in."

And of course you've offered this temporary protective status that Haitians illegally residing in the United States starting in May, then you've halted deportation flights earlier this summer - don't you think that you bear responsibility for this latest crisis?

MAYORKAS: Senator, let me speak to a number of the things that you have said. Number one, temporary protected status was in fact extended to Haitian nationals, resident in the United States before July 29.

Individuals who arrived after July 29 are not eligible for temporary protected status. That is a provision of the law that we execute based on the circumstances that are contemplated in the legislation ...

HAWLEY: Mr. Secretary, my time is almost expired. I just want an answer, do you bear responsibility for the crisis in Del Rio?

MAYORKAS: Second, Senator.

HAWLEY: Does that mean you're not going to answer me?

MAYORKAS: Senator - I am answering, if you'd give me the opportunity.

HAWLEY: That's a yes or a no question. Do you bear responsibility for the crisis in Del Rio? Yes, or no?

MAYORKAS: Senator, the smuggling organizations ...

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

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

HAWLEY: But you don't think you played any role, or your policies have played any role in fostering and fomenting (ph) this crisis that has ensnared so many thousands of people?

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

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

Thank you, Mr. Chair.

PETERS: Senator Hawley, thank you.

Senator Rosen, you're recognized for your questions.

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

I want to talk a little bit about domestic terrorism, I'm going to switch up a little bit. Twenty years after 9/11 we know threats to the homeland, they've only become more diverse, they've become more complex - and the rapidly growing threat, we all know this, domestic violent extremism.

As you have (ph) testified before, Director Wray, especially in March that the number of domestic terrorist investigations has doubled since 2017 to 2,000 this year. The bureau has now elevated the threat of domestic extremism to the same level as posed by ISIS.

And Secretary Mayorkas, you recently stated - I'm going to quote, "that domestic violent extremism is the greatest terrorist related threat we face in our homeland."

And so I applaud the administration for releasing the first ever national strategy for countering domestic terrorism, which codifies a national strategy that domestic violent extremists specifically white supremacist extremists pose the most persistent and lethal threat to the United States, the most persistent and lethal threat. So I have a question, of course for Director Wray, and for you, Mr. Secretary I will go first.

Secretary Mayorkas, could you provide us with an update on the new Center for the Prevention Programs and Partnerships, or as you're calling it CP3, which helps prevent individuals from radicalizing into domestic violent extremism and interferes when individuals unfortunately do so?

MAYORKAS: Thank you very much, Senator. That office, that Center for Prevention Programs and Partnership is really executing a different strategy than has previously been undertaken.

What we are doing is focused on disseminating information to local communities and empowering and equipping them to address the reasons why people are driven to extreme ideologies and perhaps even acts of violence. And we are distributing grant funds as well as information - it's all about empowering and equipping communities to address the situation from the ground up.

ROSEN: Well, nobody knows their own community better than those that work within it. Thank you.

Director Wray, I want to direct this next question to you. I understand the FBI Counterterrorism Division maintains a section to specifically investigate, of course, domestic terrorism. Are you collecting data specifically on the threat from white supremacists?

And secondly, as part of the national strategy for countering domestic terrorism, how does the FBI plan to enhance collaborative reporting? That data collection that we need and we can collaborate targeting our efforts with law enforcement partners to prevent radicalization and attacks?

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

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

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

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

ROSEN: And I'm going to move into cybersecurity, but before I do that, do you have the work force you need and what are the challenges you have - I guess I could probably address this in every area - hiring, training and retaining work force?

WRAY: Well, I would say that - a couple of things on that. Certainly the domestic terrorism case load has exploded, and meanwhile, the international terrorism case load hasn't (ph) subsided, and that's just within terrorism. So we absolutely need more resources there and any resources Congress sees fit to send our way, can assure you they would be quickly put to good use.

On the - there is a piece of good news, which is that at the FBI the last couple of years, our recruiting numbers have gone exorbitantly up, contrary to the trend you would see more generally in the country. So we tripled the number of people applying to be special agents of the FBI in '19, '20 and '21 compared to what it was before that. Highest it's been in about a decade.

We are not having too many retirements. Our attrition rate is now down to under one percent, which is, I would say, pretty good, but - but the - the counter-balancing against that is the unbelievable challenge of all these threats that we're dealing with.

And there's a lot of people with great ideas and good ideas but what we should be doing more of - I haven't found anybody with much in the way of good ideas about what it is we can suddenly do less of.

ROSEN: Right, thank you. I want to just move quickly - and I know I'll probably have to take this answer off the record - but cybersecurity resilience because the cyber - Cyberspace Solarium Commission said the U.S. government still (inaudible) rigorous, codified and routinely exercised processes for identifying, assessing and prioritizing critical infrastructure risks across the federal government between public and private sectors.

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

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

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

ROSEN: Thank you. Appreciate that. I see my time is up.

(UNKNOWN): Mr. Chair ...

PETERS: Thank you, Senator Rosen.

(UNKNOWN)Before a quick break (ph), cause I forgot to ask this, can - ask that we - ask consent that we enter recently retired U.S. Border Patrol Chief Rodney Scott's letter into the record?

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

So the - this letter comes from somebody with a great deal of - of credibility and should be taken very seriously. But anyway, I'd ask that it'd be entered into the record.

PETERS: Without objection, it will be entered. We have another senator that joined us - Senator Sinema is online. I - this will be the end of the first round. I'll - I'll recognize Senator Sinema. This will end the first round. It'll come to a close, we'll take a break at that time, and then come back for a second round.

Senator Sinema, you're recognized for your questions.

SINEMA: Well, thank you, Mr. Chairman. Secretary Mayorkas, one of the significant challenges our nation and my state of Arizona face is the ongoing crisis at the southwest border. It remains critical for Congress and the administration to work together to secure the border, protect our communities and ensure migrants are treated fairly and humanely.

I appreciate the efforts you've taken to improve DHS operations at the border. As we both know, there's more work to do. We've seen close to one and a half million encounters at the border this fiscal year, with over 270 of those happening in the Tucson and Yuma sectors.

CBP officials in those sectors consistently talk about the importance of Title 42 authority in managing the situation at the border and those sectors, but recent court decisions could limit the use of Title 42 authority in the future, which would put more pressure on our border workforce and processing capacity. Additionally, with the severe challenges in the Del Rio sector, we learned last week that CBP will be transporting 400 migrants each week to Arizona for processing.

So what steps does DHS need to take to improve processing capacity and capability at the southwest border to manage this ongoing crisis, including the situation we're seeing in Del Rio?

MAYORKAS: Thank you so much, Senator. So we've taken a number of steps, some of which I alluded to earlier in my response to Senator Hawley's question. We are moving individuals across the southwest border to facilitate the expulsions under the Center for Disease Control Title 42 authority. We are using expedited removal under Title 8 as an additional authority.

We have begun prosecution of individuals who have prior removal orders and who are recidivists. We - we are sending flights - repatriation flights into the interior of Mexico to make recidivism more difficult. We are employing quite a number of measures to increase the number of encounters and also to deter irregular migration, and we are seeing progress in that regard.

SINEMA: Now, following up specifically on Title 42, obviously court decisions will play a significant role in the future of Title 42, but this authority was always meant to be temporary and will end at some point. In June, as you know, I led a bipartisan letter that requested a detailed plan for the end of Title 42. I'm asking today if you'll work with my office to schedule an in-depth briefing for the committee on your plans to facilitate a smooth and orderly transition for the end of Title 42, when DHS will resume relying only on traditional statutory authorities?

MAYORKAS: We most certainly will do so, Senator.

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

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

MAYORKAS: Thank you very much, Senator, for that question. I will say that we're already taking and have taken a number of steps to address the actions of TCOs. We are working increasingly in the task force model as a force multiplier. We are using technology air assets, especially our force multipliers and extremely effective tools. We can use more resources with respect to our air assets, and we have undertaken a number of law enforcement operations to address the activities of these transnational criminal organizations. Operation Sentinel, which is -- addresses their logistical network here in the United States, is but one example.

SINEMA: Thank you.

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

WRAY: So I appreciate the question. Certainly, ransomware attacks, as Secretary Mayorkas referred to earlier, have -- have gone up, and the total volume of payments have gone up, both quite significantly. And it affects, as you say, Senator, not just large organizations, but also small ones. And what the FBI can do and is doing is we have cyber task forces in all 56 field offices, and each of them is designed in part to be able to engage quickly with victims to be able to respond as quickly as possible to help them manage and disrupt and mitigate against the threat.

We -- on the virtual currency side, the crypto currency side, we have created subject matter teams, experts at headquarters that both train, so to create more of a force multiplier effect in all the field offices, but also support investigations. Because as you say, following the money in that space is exceptionally challenging, and requires new and more creative, innovative tactics, much as we did, for example, in the Colonial Pipeline case, where we were able to not only follow, but seize a big chunk of the ransom that was being paid in crypto currency before it got to the bad actors. And we want to do more of that, but that case illustrates in particular the importance of the private sector, big or small, engaging with the FBI as quickly as possible. Speed really matters in these instances, and when they do engage that quickly, there's all kinds of things that we can potentially do to -- to follow the money.

SINEMA: Thank you, Director.

Back to Secretary Mayorkas, you know, the world has changed a great deal since DHS was established in the aftermath of the 9/11 attacks. And today, the department has a responsibility for a wide swath of disparate missions. You handle counterterrorism, border security, transportation security, disaster response, as well as cyber security and critical infrastructure protection. So as new threats confront our country, how is DHS assessing and adjusting a structure to respond to the changing threat landscape? And what changes do you feel are needed in the short term?

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

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

SINEMA: Thank you, Secretary.

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

Thank you, Mr. Chairman.

PETERS: Thank you, Senator Sinema.

Well, I know our witnesses, we -- we are thanking you for these -- these answers to all these questions, but one -- it's time for a little bit of a break for you. We have a second round. That concludes the first round. Not every senator's coming back for a second round, but I know there are a number that have other questions they would like to ask. So I -- I will adjourn now briefly for roughly 10 minutes. There has been a vote called, so I would urge all of our members, please vote early. Get back to the committee hearing room so that we can move this forward.

So with that, we will adjourn for 10 minutes.

(RECESS)

PETERS: The committee has - comes back into order. We'll now begin a second round of - of questions, the same seven minute time as the first round. Although - Senator Padilla, before I start the second round, you were not here for the first round and you have not had a chance to ask a question, so you are recognized for your questions.

PADILLA: OK. Thank you, Mr. Chair, appreciate this opportunity, and thank you to the three leaders participating this morning. Want to touch on an issue that's an ongoing challenge in so many sectors, and that is the - the power, the danger of misinformation.

So as we all know, the - that despite the arduous journey from Central America or elsewhere to the United States, migrants continue to make the dangerous trek to the U.S. border in hopes for a better life. Many are fleeing unemployment or natural disasters, maybe corruption in their home countries, violence or other factors, and it certainly makes coming to the United States appealing.

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

Now, while most immigrants are being turned away or expelled from the southern border because of a - the CDC's Title 42 rule, misinformation continues to spread. I'd love to hear from Secretary Mayorkas about not

just the impacts you're observing of misinformation but also what the Department of Homeland Security is doing to combat this misinformation, both at the border, in the - in Central America or elsewhere.

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

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

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

PADILLA: That's great. And so - and that'll be a - an ongoing challenge, as well. Second, more of a statement than a question but I want to go on record in - in the following - you know, as most (inaudible) what's happening at the border is unacceptable on so many fronts, and I too want to strongly condemn the inhumane treatment of Haitians or anyone else who is fleeing violence or natural disasters and seeking protection in our countries.

I have heard your statements, Mr. Secretary, about the need to create safer and more orderly pathways of legal migration to the United States so that people do not have to make the dangerous journey to the southern border by other means.

I want to make sure I - I reserve sufficient time for Ms. Abizaid. As of September 14th, some 64,000 Afghans have been brought safely into the United States. Many of these individuals were allies of the United States military, have familial ties to the United States or represent vulnerable populations who are currently being targeted by the Taliban, I understand that many of my colleagues have raised questions as to whether or not there has been sufficient vetting of these individuals.

Prior to their arrival to United States or entry into United States. So, in your role as the Director of the National Counterterrorism Center, can you please just share with us or give us a better appreciation and understanding of the vetting process?

That Afghan refugees, parolees, and evacuees must pass before being allowed to be admitted into the United States?

ABIZOID: Thank you, Senator for the question. And especially because it gives me the opportunity to really highlight publicly the work that NCTC but also the entire Intelligence Community. Working in collaboration with our FBI, DHS, and other partners in the agency did. To surge resources to make sure that the appropriate screening and vetting of these individuals was undertaken.

Now the Intelligence Community role and NCTCs role is one part of a system of screening and vetting. It is something that we typically get information from our partners overseas to understand individuals. The

information about individuals seeking to come to the United States. We use that information and run it against our IC databases.

To make sure that if there's any derogatory information that might have bearing on whether that individual should come or not. That we bring that to bear as adjudicators decide the status of an individual. The work that we undertook as part of the Afghan evacuation operation absolutely considered that screening process as part of it.

And those screening efforts are ongoing for the population of Afghans that are seeking entry into the United States.

PADILLA: Thank you very much. Thank you, Mr. Chair.

PETERS: Thank you, Senator, Padilla. Well, as we've been discussing, throughout this hearing. We have been subjected to consistent cyber-attacks ransomware in particular and attacks against critical infrastructure. And Secretary Mayorkas, in your opening statement, you discussed a number of activities, that DHS is engaged in an attempt to mitigate.

The impact of these attacks or prevent these attacks from occurring in the first place. And as you know, and I believe you've been briefed, and you and your staff has been working with the Ranking Member Portman and I. On legislation to provide the government with incident reporting on cyber incidents and ransomware attacks in particular.

But broadly, encompassing all cyber-attacks. So, Secretary Mayorkas, could you tell this committee how this kind of authority to collect this information. How will that help you prevent cyber-attacks from occurring in the first place? And ensure that our critical infrastructure can operate the way it should?

MAYORKAS: Mr. Chairman, and Ranking Member Portman we're very grateful for this committee support of the cybersecurity and infrastructure security agency. That legislation, which calls for a new reporting regime will be of tremendous value in elevating the cybersecurity of this country. Because it really requires a public private partnership.

And if in fact, for example, a company that suffers a cyber incident provides that information to us in the federal government. Then we can ensure that a replicant of that harm is not suffered elsewhere in the country. If everyone is compelled to provide incident information to us.

Then we learn from one we learn from two and collectively then we disseminate to all. And that raises the cyber hygiene of the landscape writ large.

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

WRAY: Absolutely. I think the key will be to make sure that the information reaches the FBI real time. Because as I testified and responsible in the earlier questions. Speed hours matter in this particular arena. Getting the information from the private sector on a more consistent and timely basis will be critical for us at the FBI.

As well for I think five reasons. One, it allows us to better understand the full extent of the threat of particular intrusion sets nationwide. Second, it enhances our ability to warn about trends, tactics, techniques,

procedures in a much more meaningful way. Third, it allows us to provide support for a greater number of victims and collect more evidence. And therefore, bring more cases.

Forth and allows us to help collect - connects seemingly unrelated incidents into attribution to a single actor, which is incredibly value in its own right. To ensure that we're holding them accountable for the full extent of their activity. But then last but not least, it allows us to follow the money, and in many cases cease it.

And I can't underscore enough how important that is our strategy is to go after the actors, their infrastructure, and their money. And legislation like this would help us do that. As long as we get the information in real time.

PETERS: Thank you. On March 2021, National Intelligence Report assessed that domestic violent extremist were and I quote. "The most persistent and lethal threat", unquote, to the United States. The FBI has found the same. And I helped pass a requirement in the fiscal year 20 NDAA that required both the FBI and the DHS to report data on this threat.

Yet both of your agencies took close to a year to provide roughly half of the response that we're looking for. A year to provide half. Director Wray, in the case of the FBI half would be a very generous assessment of what the FBI provided. It's considerably less than that. And if we can't get that kind of data, it's difficult for us to understand what the efforts are.

What efforts are being made, and how we might be able to support those efforts. You have reporting requirements under the law. And I would hope that you would comply on time and in full. Can I get a commitment that we can get the rest of that information, that's well over a year passed the expected date?

WRAY: Well certainly, you could have my commitment that we're going to do better. And work with you as quickly as we can to get you the information that we can. Part of the challenge that we're not happy about is of course, the pandemic hit. And many of the people that were involved in pulling together the information were either - otherwise occupied.

With a significant Domestic Terrorism Operations that we had or otherwise sidelined. The other part of it is, as I understand that a lot of the information may be information that wasn't collected or kept in a way that the committee might have been looking for. So, you are absolutely right, that we need to do better than we have.

And you have my commitment that we will do better than we have. But we - I understand we have a regular cadence now of engagement with your staff. Prioritizing the items that that you need soonest. And you have my commitment that we'll work with you on that.

PETERS: Well, I appreciate that. And we will be continuing to reach out to get that to happen. You know, experts have assessed that in the last five years domestic extremist groups have expanded their use of online platforms. To recruit, plan, export, and spread violence, and terrorize Americans. Last week, I wrote a letter to the heads of Facebook, Twitter, and YouTube.

Seeking information, including the act (ph) of their efforts to coordinate with federal, state, and local governments. To detect and to prevent online extremists' efforts. So, my question to you, Director Wray, as we're less than a year past the violent January 6 attack on the US Capitol. And the attempt to disrupt the peaceful transfer of power, which is without question, a dark stain on our history.

All of which was planned, organized, and spread online. So, my question is, what specific steps is the FBI doing now to combat the use of social media to plan domestic terrorist attacks? Have you stepped up your activities and give us a sense of what you are doing?

WRAY: So certainly, when it comes to social media. When we get tips and leads, we're trying to make sure that those are being prioritized and pursued. We're trying to improve our own communications with social media companies. That partnership, as you and I've discussed before, in the election influence context has continued to improve.

So, we're trying to leverage that a little bit. Among the other things that we're trying to do are, build out our human source base better. So that we can separate kind of the wheat from the chaff within the social media information that we get. Because the volume of this stuff is just astounding. And then last, we're also looking at better use of data analytics.

Again, to try to see if we can separate the weak from the chaff (ph) within the information that we get. Certainly, when it comes to looking at social media. There are long standing Department of Justice policies. The so-called Attorney General Guidelines and the DIAG (ph) that had been in place for 15 - 16, maybe more years. That kind of govern what we can and cannot do. And again, a complicated subject to explain. But we are committed to aggressively acting in this space, just as we are in others.

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

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

PORTMAN: Thank you, Chairman. Let me start by saying that I appreciate what the men and women who work for you do every day. They wake up every morning and try to figure out how to keep our country safe. And I think every member of this panel appreciates that and commends them. I do think our policies are making it hard for them. And that's what this is really about today.

Is what can we change policy wise to reduce rather than enhance the threats to our homeland. As I said earlier, I think it's extraordinary that over these 20 years, we haven't had a major mass casualty foreign terrorist event. We certainly had our share of attacks but not the kind we saw on 9/11. And that's a tribute to them. But our policies worry me.

And I'd like to dig a little deeper on a couple of them quickly. I appreciate what you said on social media Director Wray. And certainly, in the cybersecurity, we look forward to working with you Mr. Secretary on that legislation. To ensure we have incident reporting. And we get our handle a handle on the increasing cyber threat and the ransomware.

But on these two issues we've already talked about today. One is the Afghan evacuees and the potential problems we may have if we don't have a system in place a policy in place. That makes it people again who work for you and others able to do their job. I'm concerned about and second regards immigration. Getting back to what has been said about those individuals who were evacuated in this hasty and chaotic process.

We left people behind. We all know that. We left American citizens behind. But mostly we left behind people who had helped us. But we also had people get on these flights to leave, who as far as we know, at this point

had no connection to us. In the sense of helping us or helping our allies. And Secretary Mayorkas, your information is probably different than mine.

Based on what you've said today. We have pushed and pushed as you know. And I said, I'm very frustrated, we can't get a classified briefing maybe to dig to the bottom of this. But we don't really need, in my view, a classified briefing. We just didn't know who these who these folks are. And by the way, it may surprise some of our constituents to find out.

That when these folks come over and again about 60,000 are here, about 120,000 total, 60,000 are still overseas. They're, they're permitted to walk. In other words, when they land in Dulles (ph) or land in Philadelphia, they're allowed to leave and go into the community. Is that accurate? Mr. Secretary, just yes or no, please.

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

PORTMAN: But if they - when they land, if they choose not to go to the military base and to and to walk. They're able to do that.

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

PORTMAN: Well, I mean, OK. So, they have to get...

MAYORKAS: There are mandatory. But they are...

PORTMAN: They have to get a shot, that's fine. But they're permitted to come into our country. And, you know, I've - my staff has been out there to see the arrivals. I have a friend who went to meet his interpreter who served in Afghanistan. And, you know, they said, you can take him with you. But if you do, you could lose his benefits. I understand that.

But my point is, we don't have a system in place to keep people who want to walk. Now, the other question is, who are these people? And as I said, 75 percent of them are not green card holders, are not citizens, they're not SIV holders. They're not even applicants for SIV. You indicated otherwise. So, we just need to get to the bottom of it.

Because you want to know I assume, just as we want to know, you know. How can we ensure who these people are? And this notion that they've been vetted as we would normally vet. I mean, how can we vet people? Are you going to call the Taliban government and say, you know, is this information about this criminal record accurate? Of course, we can't.

Normally we would be able to contact the government. Of course, we didn't have an embassy because we have evacuated it. So, we didn't go through the normal screening to Director Abizaid, your answer earlier. We didn't go through the normal screening process that you would for someone applying for a Visa. You couldn't because we didn't have the Visa Officials and the foreign officer to do it.

So, I'm just going to leave that out there. Because I mean, a lot some more questions on it. And I can - could push on what we've heard. But let me just say yesterday when the State Department was pushed on this. And

we were asked how many of those parolees applied for SIV or were family members or former employees? The State Department said, quote, "none of us really know", end quote.

If that's the answer, fine. But if the answer is, as you said, today, Mr. Secretary, you know, they're all accounted for, and we know who they are. We'd certainly like to know that. With regard to immigration. This obviously is a huge crisis right now on the border, again, over 200,000 people last month. And let me just hold up these couple of charts because they're interesting, I think, for a number of reasons.

One is, with regard to encounters at the border. We've seen this chart, Senator Johnson's got a much more colorful, interesting chart. But this is where we are. And I've condensed it a little bit just to start, you know, in the 2018, high (ph) time period. This is when President Biden is inaugurated, we see this big increase. So, we all know about that. And this is why policies, again, are making the job much harder for the people who you work with to be able to keep an orderly and legal process at the border.

This is obviously a crisis. But here's the second one. Maybe (ph) keep them together if you can. Hold this one up to. This is the people who are coming to our border from outside of Mexico or El Salvador, Guatemala, Honduras. So called Northern Triangle. Look at that. That increase is much more dramatic. And these are people who come from Latin America, but they also come from Romania.

I mean they're coming from all over the world, we obviously see them coming from Haiti. And the Haitian the photos of what's going on there. I mean look at this chart. I mean, it's obviously a humanitarian crisis. It's really discouraging to see. But what we're told, what we're told is very different what we've heard today.

We're told by ICE Customs, Immigration Customs Enforcement, that only 353 Haitians have been flown back to Haiti out of the 13,000 to 15,000, that you said were there. And yet, you're telling us today, you know, we're taking care of it, the numbers well below 10,000. That must mean that they were either removed to Mexico or released. I don't think they were removed to Mexico.

Because part of the problem with Title 42 is, Mexico is not taking people unless they're Spanish speaking from Latin America. So, we just again, we need to have our information clear. And in terms of why they came, I think this idea of a pull factor is very real. You know, how I feel about the asylum system? I think it's a pull factor.

And as I told you, I've visited some of these countries in Latin America and Central America recently. And the Presidents of these countries say we don't like what you guys are doing. Because you're pulling our good people away. You're pulling our young people away. We want them to stay here, actually. But they're coming to the border, not because of disinformation, necessarily.

As Senator Padilla talked about, and I appreciated his question. But a lot of its accurate information. Because the smuggler can say - the human smuggler can say to his family, give me 10,000 bucks. I'll take your kid. I guarantee they can get in. Just say you are seeking asylum. And with regard to the Haitians, this is what you hear.

The Mayor of Del Rio, I believe said this, and others who said. That Section Eight, which is not Section 42, was being applied to Haitians. And the word got out. And the smugglers heard about it. And they said Haitians are getting in, under Section Eight and others are permitted to come into the country. And boom, then they came, of course.

On Section 42, the Rodney Scott letter, which we got by snail mail, so I didn't get it until over the weekend. And we've circulated to all the offices now. But and it's part of the record today. He says in October 2020, he was told that 91 percent of total encounters were processed under Title 42. And expelled - people were expelled on average, in an average of 90 minutes.

He said a report I received in August 2021 indicated that nearly 53 percent, were granted exemptions from Title 42. With the majority ultimately being released into the United States. So, I understand what you're saying about recidivism. That some of these are people who have been stopped more than once, that's why the numbers are higher.

But if it's because of Title 42, then it would have been much more true under the previous administration, than this administration. Because we've gone from if these numbers are right, 91 percent were processed under Title 42 and expelled in 90 minutes. And 53 percent now are being granted exemptions, at least as of August.

So, you know, Title 42 maybe short live for reasons that are beyond our control in the Judicial Branch. I understand that. But then we need an alternative. We've got to figure out a way to discourage people from coming to our country by letting them know the border is not open.

You can't just come and say that you claim asylum and be able to come in the United States indefinitely. You have to be able to prove that. And as you know Mr. Secretary, it's something you and I've talked about a lot. And I think until we do that and get to that point, those Haitians who were told, hey, we're applying Title Eight, which means you can come into the country.

Rather than 42 are going to keep coming and others will keep coming. And it's not anybody's interest. And by the way, there's notion that this can all be solved by investing in Latin America. Particularly in the Northern Triangle Countries. That's our response and administration typically is we're going to invest in the non-tribal countries. I'm not against that.

We've done a lot of it 3.6 billion over the last five years. So, another 4 billion we'll see. That's not the ultimate answer, I don't think. But these are all people who came in from outside of Mexico and outside of the Northern Triangle. So, are we also going to have a program to stop the push factor in these other countries, including some countries outside of Latin America?

Anyway, my time is expired. I apologize for going over time. But as you know, Mr. Secretary have a passion about this. I want to get it right if we have an orderly lawful process. So, the most generous country in the world in terms of immigration can continue to do so. And our citizens can support it.

But based on a system that actually works for Latin America, for us, and for the rest of the world. Thank you, Mr. Chairman.

PETERS: Thank you, Ranking Member Portman. Senator Carper, you're recognized for your question.

CARPER: Thanks Mr. Chairman. Again, our thanks to Secretary Mayorkas, to Director Wray, to Director Abizaid for joining us today for your testimony. And really for your leadership. You've taken on really tough jobs. And I've had a few tough jobs in my life, and they don't begin to compare to what you're doing. And thank you for taking on all these responsibilities.

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

In past years, that Directory Wray has stated that the bureau views China as one of the greatest threats to our nation. Due to their counterintelligence and economic espionage interest. As it relates to targeting economic assets and seeking information related to our intellectual property. As we pivot to our national security posture to address near peer adversaries, as opposed to traditional threats and actors.

Could each of you have Mr. Secretary and Director Wray. Could you speak to how your agencies are working together and separately, to combat the threat that China poses to our national interest and overall security? Mr. Secretary.

MAYORKAS: Thank you very much, Senator Carper. Let me identify three different lines of effort that we are executing. In response to the threat to our economic and therefore national security that China poses. Number one, of course, we have the infringements on - in theft of intellectual property.

And we're working very closely in response to that with the Federal Bureau of Investigation. Secondly, in the service of human rights on the one hand, and a fair marketplace at competitive marketplace on the other. We are stopping the importation of goods that are produced in whole or in part through forced labor. Third, we are addressing pure criminal activity, the theft of property by organizations emanating from the PRC.

We are also of course, addressing the cybersecurity threat that has emanated there and has attacked some of our federal agencies.

CARPER: OK, thanks. You can hold it right there, if you will. And let me yield to Director Wray. Thank you, Mr. Secretary.

WRAY: Well, thank you, Senator for the question. As you know, this is something I feel - to use Senator Portman term very passionately about. And I think there is no country that presents a greater threat to our innovation, our economic security, and our democratic ideas than the People's Republic of China.

Which is why we have over 2000 active investigations tied back to the PRC government across all 56 field offices. It's an almost 1300 percent increase in economic espionage investigations tied to China from about a decade ago. As I said in my opening, we're opening a new investigation that's tied back to China about every 12 hours.

And it covers pretty much every sector of the economy in every state in the nation. We - one of the things that we stood up now 18 months or so ago. Would be two years ago was a Counterintelligence Task Force structure, modeled after the Joint Terrorism Task Force model that works so well, on the terrorism front. So, we have a National Counterintelligence Task Force here in the DC area.

And then we have Counterintelligence Task Forces in every Field Office. And those in turn bring on partners, from other federal agencies, in some cases, even state and local agencies. And so that's a big part of our effort. The other thing I would say is it's not just investigations.

We just - the reality is we're not going to be able to investigate our way out of this threat. And so, a big part of our Field Offices works together with our partners. I've talked a lot, for example, Secretary Mayorkas about critical infrastructure. And that piece of it is trying to get out to the private sector, out to the academic sector and try to help them understand the threat better.

So that they better harden themselves against the threat. So those are some of the things that I've learned (ph).

CARPER: That's good. That's encouraging. So, Mr. Secretary, as you mentioned, in your testimony, Department of Homeland Security Center for Prevention Programs and Partnerships, also known as CP3. Aims to expand the department's ability to prevent terrorism and targeted violence through the development of local prevention frameworks.

The CP3 office has been rebranded multiple times, as you know, in the past. In fact, it used to be called the Office for Community Partnerships. Previous congress's, I've introduced legislation, bipartisan legislation, actually. To codify this office in order for there to be consistent leadership and resources for it. Is CP3 or a similar office to counter the rise of domestic terrorism, something that Congress should work now to codify?

And what benefits would that provide to the department and to efforts to combat domestic terrorism? Given it is one of the top threats facing our homeland. Go right ahead.

MAYORKAS: Senator, I'm very grateful for your support of the office and for the department. As a whole, this office is centered on empowering and equipping neighborhoods, communities across the country. To address the threat of domestic violent extremism, homegrown, violent extremism from the ground up.

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

CARPER: Thank you for that encouraging response. A question, if I can for Director Abizaid, if I will. Is there a question that you've not been asked? Is your question not been asked as you prepared for this hearing that you wish you'd been asked? And if - for the next minute, just tell us what that question is? And give us an answer. Thank you.

ABIZAID: Well, generally, I've been advised that the fewer questions, the better. I would say that, you know, in general, the global terrorism landscape remains a top priority for us. As a government and for the National Counterterrorism Center, which was purpose built to - in the wake of 9/11 connects the dots.

Related to the terrorist threat overseas related to how it may present itself in the domestic context. And we've worked very hard over the last 14 years of our existence to make sure that we're fulfilling that role appropriately. I've been really proud coming on board at the National Counterterrorism Center to see not just the work of NCTC. But to see the work that we're doing across the Intelligence Community and across the CT community to stay vigilant against the threat.

However, it may evolve. And we have to be very serious, in understanding that it will, in fact, evolve again, and vigilance is required.

CARPER: Great. Well, thank you for that question. And for the answer. To all of you today. Thank you for your leadership. It's great to see you and we're grateful for your leadership. Thank you so much.

PETERS: Thank you, Senator Carper. Senator Johnson, you're recognized for your questions

JOHNSON: Directory Wray have you read the Michael Sussman indictment?

WRAY: I've had a chance to glance at it. But I haven't had time yet to read through it.

JOHNSON: I would suggest to you and everybody else read that because it really does lay out exactly what happened to create this political turmoil for two or three, four years. Really during the Trump administration. Lays out how the Hillary Clinton campaign paid for through Michael Sussman completely false allegations that the Trump was cooperating with the Alpha (ph) Bank.

Planted that story. Had an audience with James Baker, FBI. So that the FBI would open up investigation. So, they can report that news. Same exact, dynamic in terms of the false Steele Dossier that also was - contained Russian disinformation. Which the FBI knew about is certainly is no later than January 2017. You worked at the Justice Department, as did Michael Sussman.

Did you know Michael Sussman?

WRAY: To my knowledge, I've never met the man.

JOHNSON: But do you know - did you know him by reputation?

WRAY: Not particularly.

JOHNSON: OK. What - did you think James Baker knew Michael Sussman?

WRAY: I really can't speak to whom James Baker knew.

JOHNSON: Do you think it's credible that James Baker, James Comey, Andrew McCabe, Lisa Strzok or Peter Strzok, Lisa Paige. These individuals had no idea who Michael Sussman was and who his clients might be?

WRAY: Sir, I certainly understand why you're asking the question.

JOHNSON: Good.

WRAY: Given, but if I could just finish. Given that this is an ongoing criminal case being brought by the special counsel with whom we are actively cooperating.

JOHNSON: OK.

WRAY: I want to make sure I don't..

JOHNSON: That's fine I won't get an answer. But let me just make the final point here. So, either the FBI was completely clueless or corrupt. That they didn't check into whether Michael Sussman might have been

working for the Hillary Clinton campaign. Before they opened up the investigation just plead (ph) to the press.

Which puts this nation through three, four years of political turmoil. There needs to be a political accountability. And I hope John Durham has a whole lot more that he's going to be revealing. Because I got virtually nothing out of you based on subpoenas. In - I mean, it was interesting listening to your exchange with Senator Paul. You said it was unacceptable what happened. That's good. I'm glad to hear that.

But you were confirmed in August of 2017. In February 2018 the Senate Intel Committee was briefed by Bill Priestap. And the bottom line of that is Bill Priestap of the FBI continued to say the Steele Dossier was credible. Even though the FBI knew in January 2017 that contained Russian disinformation. Now that was under your watch. Do you have an explanation on that?

WRAY: Senator, as I said, we've been working very closely with Special Counsel Durham. And I want to be careful not to start talking...

JOHNSON: OK.

WRAY: ...about things that may be...

JOHNSON: That's fine. So, another non-response. In February 2020, Senior democrats produced a false intelligence product classified. Leaked it to the press. Accusing Senator Grassley and I have - soliciting Russian disinformation to send me (ph). Completely false. But I can't tell you me news stories were written about that. Fast forward to August of 2020.

By the way, I held a hearing on Russian disinformation as part of my Foreign Relations Committee responsibilities in 2015. I'm well aware of the problem of Russian disinformation. So, I didn't need a briefing that the FBI requested to give me. So, I didn't ask for this briefing in August 2020. When I went into the briefing, there was absolutely no relevant information.

It was a completely BS hearing. And I asked the briefers, who directed you to give me that briefing? And all they can say was, ah, you know, it's interagency. Well, you know, there are people in the interagencies.

I wrote a letter immediately asking, first of all, what was the -- what was the -- the backing -- backup material for the briefing? I asked who directed it? I knew as a setup; I knew it would be used just like the -- the false intel product that was used previously. So, I wasn't happy. And, of course, then lo and behold, in late April, early May, it was leaked. That briefing was leaked to the Washington Post again accusing me of, you know, disseminating Russian disinformation. Nothing could be further from the truth. It's false.

So, I got a number of questions that remain unanswered. I sent you a similar letter. What backed up the August briefing? Who directed that briefing? To this day, I have gotten no response.

Now, how -- how is it so difficult to -- and by the way, Senator Grassley, former President pro tempore (ph) of the Senate, former chairman of the -- the Senate Judiciary Committee is asking the same questions. Why is it that we can't meet with you? Why is it you will not provide us that basic information of who directed a briefing to two U.S. senators that were then leaked for political purposes, used against us, false? Why won't you answer that very basic question?

WRAY: So, Senator, I want to be a little bit careful of what I can say...

JOHNSON: Oh, I can imagine you'd want to be -- be careful. Yeah. Yep. Go ahead.

WRAY: I want to be a little bit careful about what I can say in this kind of setting about getting into specifics. I understand this is an important topic to you. Before we deliver a defensive briefing, like the one that you're describing here, we follow a standard, defined process that involves interagency discussion, a deliberative process to figure out whether a defensive briefing is even warranted. Just to take a step back, though, because it's important, the entire purpose of defensive briefings to an individual...

JOHNSON: Mr. Wray, listen, listen, you're just describing a process, and I understand the process great. The process obviously broke down. There are all kinds of processes, putting in safeguards in the FISA court that were obviously violated in that corrupt investigation. So again, I'm just asking a simple question. Why won't you tell me in detail who's engaged in that process?

But I'm not going to get -- so I'm asking you to provide that answer. I'm providing -- I'm asking you to give me a briefing. Meet with me and Senator Grassley. We deserve to know the answers. Quite honestly, the American people deserve to know the answers.

Secretary Myorkas, real quick in my 30 seconds left, you said you've gotten some numbers on the border? Are you willing to finally share them? Like for example, like out of the 1.3 million people that have been apprehended -- that I get the complications. There have been multiple arrests of the same individual. Fine. So, that relevant piece of information would be how many people have you dispersed in America out of those 1.3 million people?

How many people have been released in the -- into the interior either with a notice to appear or even worse notice, a notice to report? And again, you have to live in a fantasy world to think that they're gonna report. But go ahead. How many people have been released?

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

JOHNSON: OK, I'll be expecting that information very soon. OK, thank you.

PETERS: Senator Johnson.

Senator Lankford, you're recognized for your questions.

LANKFORD: Mr. Chairman, thank you very much.

(inaudible) you have tens of thousands of people right now that are coming at the border. You have tens of thousands of people that are underneath bridges, as we've seen under several of the international bridges at this point in the process of actually moving some of those folks out of the country. What is the process for actually relocating individuals under Title 42 authority out of that area, under those bridges? You've started that process with the Haitians, but walk me through quickly in the process? Because I have multiple other questions.

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

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

MAYORKAS: Our goal is to do so within the next 10 days or 9 days. We expect to see dramatic results in the next 48 to 96 hours. And we'll have a far better sense in the next two days.

LANKFORD: And what do you anticipate is coming at you as far as additional numbers? Because obviously, this number grew exceptionally quickly of Haitians and others from all over the world coming.

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

LANKFORD: It does. And that was actually the -- the ongoing statement of the Trump administration over and over again, to say that why they put the MPP in process to discourage people from coming doing the exact same thing that you were doing, trying to be able to get them back to their home country. Apply from there. There is this false belief that I hear from some that if you're going to apply for asylum, it seems to be America's the only place in the world to apply for asylum for. So, we have people from all over -- all over the world that are making their ways, paying cartels to be able to come through Mexico, to be able to come to the United States and be by this perception that OK, well, they're coming here because of economic reasons, asylum, of disaster, whatever it may be.

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

Mr. -- Mr. Wray, let me -- let me ping a question to you that you and I have not spoken about before, but it's exceptionally important to me. There's been a tremendous number of individuals that are dealing drugs that have a dramatic effect on my state as they do on your home state. Much of that is coming across our southwest border; we're very aware of that. But some of that is actually being run by criminal operations inside our prisons. One of the pushes that I've had for a while has been the issue of cell phones inside of prisons.

Because we see it in both state prisons and in federal prisons where we have drug cartels being literally run out of the prison still. It's one thing for a victim of crime to be able to end up and to be exposed to crime; it's another thing to realize the person that perpetrated that is still operating their gang. What can we do to actually facilitate getting cell phones out of prisons, and what kind of cooperation do we need with other agencies to clear that?

WRAY: I think we have reasonably good work on that being done with -- with federal prisons, in the VOP, for example. But as you say, with state prisons, you know, it's more of a range depending on their resources. If -- if it's all right, I'd like to sort of taking a little bit of time to think about that...

(CROSSTALK)

LANKFORD: ... I've had this conversation with FCC and with some other folks. There are some regulatory issues that need to be done. There's some cooperation that needs to be there with multiple agencies, and I'd love to be able to maintain that -- that conversation because it's a big issue. When you're a victim of a rape, and your rapist actually contacts you by cell phone from their prison, that's got to be resolved. And if you're victims of drug crimes, and you're still dealing with that in the days ahead.

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

MAYORKAS: Senator, if they do not check-in we -- we make a determination based on the facts whether or not they need to be the subject of priority enforcement action for evading law enforcement and not honoring their obligations as a condition of their release on alternatives to detention. One of the things that we are looking at is assessing the efficacy of the phones and determining whether, in fact, they are a valuable enforcement tool. And we're collecting data on that, and I would look forward to providing it to you.

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

MAYORKAS: I do not, Senator, we'll get that to you.

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

MAYORKAS: Yes -- yes, they are.

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

MAYORKAS: Individuals who do not fulfill their responsibilities to appear in the report are considered a -- a border security enforcement priority.

LANKFORD: OK. And that -- that goes back to one of my questions before about just trying to get a good ballpark figure of how many people that fit into that priority group are actually having enforcement on them currently. I understand there's a new process on prosecutorial discretion that's being used by some of the attorneys to actually go before the court; once folks have actually been obtained and going before the courts,

then attorneys for DHS and ICE are coming and saying allow us prosecutorial discretion to be able to release this individual. Is that a new process, or is that something that's ongoing?

MAYORKAS: Prosecutorial discretion is something that has been...

LANKFORD: That's been around for a long time. I'm just talking about actually going to the court and requesting it.

MAYORKAS: I -- I believe that has been long-standing.

LANKFORD: OK. We'll -- we'll follow up and get additional details on this because it's my understanding there's been -- I've received some recent information about 6234 cases that had been dismissed. And in the process of those cases, that once they're actually in the process, and some of them included some folks with a criminal record as well. And we're just trying to get additional information.

MAYORKAS: I look forward to providing that to you. I know that the Office of Legal Counsel within Immigration and Customs Enforcement has promulgated new guidelines for its attorneys. And if you don't have those guidelines, we'd be pleased to share them...

LANKFORD: That'd be helpful. This goes back to the ICE guidelines before on detention, that we're trying to get clarity on it, that we talked about that needed by August. You had said I would have it by August, don't have it. What are we doing on enforcement in -- inside of the country? What are we doing on prosecutorial enforcement? This goes back to the deterrence issues. If individuals are able to get into the country and they don't have any consequences on them, they'll continue to be able to come, where they come across the border with a child so they can work their way through, or where they'll find other avenues to be able to get in. If there's not enforcement, it'll continue to accelerate, so...

MAYORKAS: Thank you.

PETERS: Thank you.

LANKFORD: I appreciate it.

PETERS: Thank you, Senator Lankford.

Senator Rosen, you're recognized for your questions.

ROSEN: Thank you, Chairman Peters. Appreciate the second round. Appreciate our witnesses staying around. It's very important.

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

So Secretary Mayorkas and Director Wray, to both of you, how can Congress better empower federal law enforcement officials to combat online hate before it escalates into this -- any real-world violence? How do

you work with the digital platforms? And what kind of support can we provide you with, whether it's through this committee or other committees of jurisdiction to -- to help you do this job?

Secretary Mayorkas, you can go first.

MAYORKAS: I -- I'd to, you know, thank you very much, Senator Rosen. You know, I've -- I've heard Director Wray speak though very compellingly about two forces on the domestic landscape that are really converging to create the increase that we have observed over the last few years. Number one is the fact that we're speaking very often of lone actors or loosely-affiliated groups of individuals, not the traditional organized structures, number one.

And number two is he -- as he referenced earlier in this hearing, the fact that social media has a terrain that can so easily propagate misinformation, false information, and allow communications to occur among loosely-affiliated individuals.

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

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

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

WRAY: Well, without weighing in on a specific legislative proposal, what I would say -- and I've spoken about this many times -- I can't overstate the impact of default encryption and the role it's playing including on -- in terrorism. And what I mean by that is more and more, the information that's going to allow us to, as I said to, I think, Chairman Peters earlier in an exchange, separate the wheat from the chaff in terms of social media, is being able to, with lawful process -- that is, appropriate court warrants -- get access to those communications where the -- the most meaningful discussion of the violence is occurring. And more and more, technology's moving in a direction where no matter how bulletproof the affidavit in support of the warrant, no matter how ironclad the judicial -- independent judicial approval, and no matter how horrific the criminal activity that's being investigated, we will be blind to it. And I think that is something that is worthy of Congress' attention.

ROSEN: Well, thank you. I look forward to having some more conversations with you off-line about that.

I want to move over and talk about a little -- a little bit about the nonprofit security grants. I know we've talked about these before, and -- and of course, a rise -- alarming rise in anti-Semitism again. We're talking about our domestic violent extremists here. And despite the alarming rise, the Nonprofit Security Grants, they fulfill less than half -- less than half of the applications it received for grants this year, far outstripping the \$180 million that Congress provided through regular appropriations for fiscal year 2021.

So Mr. Secretary, given the growing -- growing need for the Nonprofit Security Grant Program, again, we talked earlier about the community's understanding how to best protect themselves from any attacks or -- or

-- or make themselves -- any vulnerabilities that they have. How does DHS -- you know, we haven't given you enough resources. How can you fill this gap, and what else do you need from us to do -- for us to do?

MAYORKAS: Thank you very much, Senator. I -- I am engaged with the faith-based community on this very issue. We are extensively so, and I am taking a look at our grant programs writ large across the board, not only the Nonprofit Security Grants, but the Urban Area Security Initiative Grant Program, some of its components and the like to see how those dollars can meet the threats to ensure that any gaps are closed. I'd like to circle back with you on what we find...

ROSEN: Thank you.

MAYORKAS: ... and what -- what other support we need. I'm very appreciative.

ROSEN: No, and -- and I want to really circle back on the UASI and talking about those formulas, as -- as I spoke about earlier with critical infrastructure. We have to think about how our UASI grants are funded, as well as the Nonprofit Security Grants, because we have critical infrastructure in -- in many places, and we want to be sure that those formulas reflect the broad spectrum of a -- of threats that we may see now, not -- especially on the cyber front and -- and other ways.

So I really appreciate, again, all of you being here. I look forward to having some more conversations and putting forth some meaningful legislation out of this committee, as well as others.

Thank you, Mr. Chairman.

PETERS: Well, thank you, Senator Rosen.

Before -- before Ranking Member Portman and I make some brief closing remarks, Secretary Mayorkas, I think I'd like to ask you about some -- some very concerning images that were released yesterday that appear to show Border Patrol agents appear whipping Haitian migrants. These acts certainly are intolerable, and a complete diversion from your agency's mission. And my question to you is, can you explain to the committee what you'll be doing to address what American saw in the -- when looking at those images?

MAYORKAS: I'm -- I'm very pleased you asked that question. It has been uppermost in my mind since I first saw the images late yesterday, Mr. Chairman.

We commenced an investigation at my direction immediately. The Office of Professional Responsibility within the Department of Homeland Security's U.S. Customs and Border Protection, number one. Number two, we alerted the inspector general of the incidents. Number three, I directed that the Office of Professional Responsibility be present on site in Del Rio 24/7 to ensure that the conduct of our personnel adheres to our policy -- to -- to our policies, to our training and to our values. I was horrified to see the images, and we look forward to learning the facts that are adduced from the investigation, and we will take actions that those facts compel. We do not tolerate any mistreatment or abuse of a migrant, period.

I also want to say and I think it's very important to say that I saw two other powerful things yesterday when I was there under the bridge in Del Rio. Number one, I saw the (inaudible) vulnerability of the Haitian population, the predominantly Haitian population. And I cannot overstate how difficult that is to see. We are speaking about vulnerable individuals in tragic circumstances.

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

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

PETERS: Thank you for those comments. Ranking Member Portman, you have some closing remarks?

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

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

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

And again it's not just that the smugglers who are providing disinformation to these poor families, not just in Latin America now but around the world, it's the fact that they're providing accurate information. That if you come to the border, particularly with a child, you can come in. And that's unfortunately the result of a policy that we have put in place that makes a draw. So unless you're a single man coming to the border you're probably are being told the right thing which is the United States is a place where people want to come and live and work.

And we should be doing it in a legal and orderly way. So, Mr. Secretary, I know you and I have a lot more to talk about in that area but I would hope that today, with everything going on, you talked about his surging border patrol to Del Rio to help. Where'd they come from? Well they came from shutting down checkpoints all over the Southwest. I mean is that smart?

You talked about the fact that there's so much focus there. We shut down the bridge there in Del Rio, commercial traffic ended, the economic impact on that community. So this is obviously what we're doing is not working.

On domestic terrorism we talked about the huge challenge of social media, the need for us to enhance the non-profit (inaudible) grant program and other ways to deal with the very real threat of domestic terrorism. Secretary Wray talked about how it's grown.

And then on the Afghan evacuees we just have a difference of opinion about the facts and we just need to know what that facts are. And we need to be sure that we're doing our, what I believe is our moral responsibility taking care of people who helped us particularly given the way in which we left which left a lot of people in a very vulnerable situation. But also be sure we know who they are. And be sure that we're not putting ourselves in a position where, as Director Abizaid said early in her testimony, foreign terrorist are looking for ways to get people into our country. That's something we of course all want to avoid and not take risks on.

So we look forward to our classified briefing on that, if that's what's necessary to get the information. It doesn't have to be classified, that's fine for us too. We just want to get the information to be able to ensure that we're doing our proper oversight.

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

PETERS: Thank you, Ranking Member Portman. Director Wray, I just want to go back to the first line of questioning and the question that I asked you. And I certainly understand and respect that Kazai is an ongoing investigation. But the FBI actions here may have costs millions of dollars and possibly even more than that. The FBI, in my mind, is going to need to explain this action. We need to know who signed off on it? Who was aware? And whether the cost to the bottom line of American families and businesses were considered in that decision process?

We also need to know what operational benefits the FBI believe it would gain by withholding this information and if you were actually successful? These are just some of the questions that come to mind immediately. And this is just (inaudible) immediately because we got this information not from the FBI but we received this information by reading "The Washington Post". We would hope that we would get information of this critical nature in a direct manner not through reading it in a secondary source.

And perhaps the most importantly we need to know if the FBI has done this before and if it's occurring in other cases? And I would expect a classified briefing that is substantive (ph) not just can/can't (ph) responses.

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

In closing, to join Senator Portman and all my colleagues in thanking the witnesses for being here today. I certainly, we all recognize that you have extremely busy schedules and we're grateful that you took the time to be here and to answer some tough questions on the tough problems that we're facing as a country. The committee is working to address many of the issues that were discussed today. I look forward to continuing our conversation about cyber attacks and what tools and information the federal government needs to better prevent breaches and attacks at our hearing coming up in a couple days on Thursday.

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

The committee will be continuing our oversight of security and border security personnel practices at both the northern and the southern borders. And in the coming days the committee will receive a classified member briefing on the multiagency efforts to screen and resettle Afghan refugees.

While we have spent several productive hours during this hearing examining our nation's greatest security threats there's still much more work to do for this committee to continue - to conducting the oversight that we are required to do and ensuring that our national security agencies are effectively focused on all of their critical missions.

I look forward to continuing to work productively with my colleagues on the committee to ensure that we're doing everything - absolutely everything in our power to safeguard American communities.

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

END

Sep 21, 2021 17:42 ET .EOF

Mayorkas transcript

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DHS MORNING BRIEFING

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By TechMIS

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Editorial Note: The DHS Daily Briefing is a collection of news articles related to Department’s mission. The inclusion of particular stories is not intended to reflect their importance, nor is it intended to endorse the political viewpoints or affiliations included in news coverage.

TO: Homeland Security Secretary & Staff

DATE: Sunday, September 26, 2021 8:00 AM ET

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Biden administration has removed just 2K of 30,000 migrants who surged border in Del Rio

FOX News [9/25/2021 4:06 PM, Adam Shaw, 9251K] reports the Biden administration has removed just 2,000 of the more than 30,000 migrants who surged to the border in Del Rio in September, Homeland Security Secretary Alejandro Mayorkas said Friday. Scenes of approximately 15,000 migrants camped under the Del Rio bridge drew national and international headlines, as well as outrage from lawmakers on both sides of the aisle. Mayorkas on Friday announced from the White House podium that "there are no longer any migrants in the camp underneath the Del Rio International Bridge." He told reporters nearly 30,000 migrants had surged to the border since Sept. 9, and that approximately 12,400 had been allowed to have their cases heard by an immigration judge "to make a determination on whether they will be removed or permitted to remain in the United States." These migrants were released into the United States with either a notice to appear in court or a notice to check into an Immigration and Customs Enforcement (ICE) office. Mayorkas said an estimated 8,000 migrants "have decided to return to Mexico voluntarily" and just over 5,000 are being processed by DHS to determine whether they will be expelled or placed in immigration proceedings in the U.S. Mayorkas said 2,000 of the 30,000 who attempted to enter the U.S. this month were removed by the U.S. aboard 17 flights.

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The [AP](#) [9/25/2021 7:31 PM, Staff, 302K] reports fourteen Mexican army soldiers were briefly detained and then returned to Mexico after they crossed into the U.S. at a border bridge in El Paso, Texas. U.S. Customs and Border Protection said in a statement that two Mexican military vehicles crossed the bridge that links El Paso to Ciudad Juarez, Mexico in the early hours of Saturday. CBP said the soldiers, their weapons and equipment “were secured for safety and processing,” and noted the soldiers said “they did not realize they had entered the U.S.” One of the Mexican soldiers “was assessed a civil penalty after CBP officers discovered a personal use amount of marijuana in his possession,” according to CPB. All 14 soldiers, their equipment and vehicles were returned to Mexico a few hours later after Mexican army officers came for them. [Reuters](#) [9/25/2021 5:31 PM, Staff, 5304K] reports the U.S. Customs and Border Protection (CBP) said. “Just after midnight today CBP officers working at the Bridge of the America’s international crossing in El Paso noted two Mexican military vehicles crossing the boundary and entering the U.S.,” the CBP told Reuters in an emailed statement. Thirteen of the 14 Mexican soldiers were processed without incident, but one soldier was assessed a civil penalty after CBP officers discovered a personal use amount of marijuana in his possession. All 14 soldiers, their equipment and vehicles were returned to Mexico before 5 a.m, said the CBP. Mexico’s Defense Ministry did not immediately respond to requests for comment.

Reported similarly:

[Univision](#) [9/25/2021 7:06 PM, Isaias Alvarado, 366K]

[TX] Acting CBP chief ‘shocked’ by images of Border Patrol on horses, as administration doubles down

[FOX News](#) [9/25/2021 4:18 PM, Adam Shaw and Peter Hasson, 9251K] reports the acting Commissioner of Customs and Border Protection (CBP) told staff in an email Friday that he is “shocked” by images that show Border Patrol agents on horseback blocked Haitian migrants in Del Rio – just hours after President Biden repeated a false claim that the images show migrants being “whipped” and promised to make them “pay.” “Along with many of you, I was shocked by the images from Del Rio of Horse Patrol Units that have dominated the media in recent days,” acting Commissioner Troy Miller said in the email. “What those images appear to portray is terrible and is not who we are.” Initial claims that agents were using “whips” were debunked by officials and agents, who noted the migrants were using long reins to control the horse, and were twirling their reins to move the horse forward. Since then, additional video has emerged which also fails to show agents using whips or migrants being whipped. Meanwhile, the photographer who took the initial images that sparked the “whips” claim said: “I’ve never seen them whip anyone.” But Democrats and activists promoted the narrative, with DHS Secretary Alejandro Mayorkas claiming that the images “painfully conjured up the worst elements of our nation’s ongoing battle against systemic racism.” Mayorkas also claimed that his initial comments on Monday, in which he appeared to back agents alongside Border Patrol Chief Raul Ortiz, were made before he actually saw the pictures. [CBS News](#) [9/25/2021 7:10 AM, Staff, 2612K] reports President Biden promised there would be consequences as an investigation is launched into Border Patrol agents’ treatment of Haitian migrants at the U.S.-Mexico border. This comes as the huge encampment by a bridge in Del Rio, Texas, with nearly 15,000 migrants less than two weeks ago, is now gone. Manuel Bojorquez reports. [Editorial note: consult video at source link]

[NM] Fort Bliss: Female military service member assaulted by Afghan evacuees, FBI investigating

USA Today [9/25/2021 10:11 AM, Aaron Martinez, El Paso Times, 6282K] reports a female U.S. military service member was assaulted by male evacuees at the Doña Ana County Range Complex where Afghan refugees are being housed, Fort Bliss officials said. The woman, whose name and age were not released, was assaulted Sept. 19 by a “small group of male evacuees” at the complex in New Mexico, Fort Bliss officials said. The incident is being investigated by the FBI. “We take the allegation seriously and appropriately referred the matter to the Federal Bureau of Investigation,” Fort Bliss officials said in an emailed statement. “The safety and well-being of our service members, as well as all of those on our installations, is paramount.” No details on the assault or the suspects have been released. The victim is among 1,000 service members who are part of Operation Allies Welcome. The U.S. operation is to “support vulnerable Afghans, including those who worked alongside us in Afghanistan for the past two decades, as they safely resettle in the United States,” according to the U.S. Department of Homeland Security. The number of refugees at the Doña Ana County Range Complex was not immediately available. Thousands of refugees have come to the U.S. after fleeing Afghanistan as the U.S. ended its 20-year presence there in late August. Officials said additional security and safety measures are being put into place at the complex. “Task Force-Bliss is also implementing additional security measures to include increased health and safety patrols, additional lighting, and enforcement of the buddy system at the Doña Ana Complex,” officials said. “We will cooperate fully with the FBI and will continue to ensure the service member reporting this assault is fully supported.”

[Haiti] Haiti prime minister warns inequality will cause migration to continue

The Hill [9/25/2021 7:17 PM, Celine Castronuovo, 1776K] reports Haitian Prime Minister Ariel Henry warned the international community Saturday that global migration will continue as long as there is inequality. In a video address to the United Nations General Assembly, Henry, who took office in July shortly after Haitian President Jovenel Moïse’s assassination, argued that “human beings, fathers and mothers who have children, are always going to flee poverty and conflict,” according to The Associated Press. “We do not wish to challenge the right of a sovereign state to control the entry borders into its territory, or to send back to the country of origin those who enter a country illegally,” he said, but noted that world leaders should expect overwhelming levels of migration to persist. “Migration will continue as long as the planet has both wealthy areas, whilst most of the world’s population lives in poverty, even extreme poverty, without any prospects of a better life,” he argued, the AP reported. AP [9/25/2021 12:05 PM, Jennifer Peltz] reports the beleaguered island country’s embattled prime minister pointedly said that inequalities and conflict drive migration, but he stopped short of directly criticizing Washington over the issue. “We do not wish to challenge the right of a sovereign state to control the entry borders into its territory, or to send back to the country of origin those who enter a country illegally,” Prime Minister Ariel Henry said in a video speech to the U.N. General Assembly’s annual meeting of world leaders. But “human beings, fathers and mothers who have children, are always going to flee poverty and conflict,” he added. “Migration will continue as long as the planet has both wealthy areas, whilst most of the world’s population lives in poverty, even extreme poverty, without any prospects of a better life.” A massive migrant camp — largely made up of Haitians, many of whom had been in Mexico or other Latin American countries for years — sprouted in the town of Del Rio, Texas, peaking last week at over 14,000 people hoping to gain entry to the U.S. The camp has now been cleared. Some people have been deported; about 12,400 migrants have been allowed into the U.S., at least temporarily, to pursue their claims to stay, Homeland Security Secretary Alejandro Mayorkas said.

Reported similarly:
[CNN](#) [9/25/2021 3:50 PM, Caitlin Hu, 4876K]

Citizenship and Immigration Services

Who is David Neal, new director of the Immigration Court, and how he will face the challenge of processing 1.4 million pending cases

[Univision](#) [9/25/2021 1:05 PM, Jorge Cancino, 366K] reports one of the main challenges for the new director of the Immigration Court (EOIR), David L. Neal, will be to reduce the gigantic backlog experienced by the courts with more than 1.4 million pending cases. On Friday, Attorney General Merrick Garland announced the appointment of Neal, who will also be responsible for overseeing the chairmanship of the Board of Immigration Appeals (BIA), the Chief Immigration Judge, the Chief Immigration Officer, Administrative Hearings and all agency staff. In announcing Neal's appointment, Garland said that "the Department of Justice's commitment to a fair and efficient immigration court system, governed by due process and the rule of law, is exemplified in recent policy changes and in our search for important additional resources."

House-passed measure includes \$6.3 billion for Afghan refugee resettlement, path to green cards

[FOX News](#) [9/25/2021 7:35 PM, Adam Shaw, 9251K] reports the Democratic-controlled House this week passed a continuing resolution that included language requested by the White House that would fund the resettlement effort of tens of thousands of Afghans to the tune of \$6.3 billion, while also giving a timetable for them to be eligible for green cards. The continuing resolution is designed to keep the government funded until Dec. 3 and until lawmakers can pass a budget for fiscal year 2022. It passed the House on a 220-211 vote. The Senate is expected to vote as early as Monday. It includes \$28.6 billion for disaster relief, an increase of the debt limit, and \$6.3 billion for the Afghan evacuation process -- which the administration has said expects to see 95,000 refugees brought to the U.S. over the next year. That money is designated for housing evacuees at facilities, screening, humanitarian assistance and resettlement. But Republicans had sounded the alarm about parts of the White House proposal to allow all refugees who come in from Afghanistan and are paroled into the U.S. to apply for a green card after a year of having entered the U.S. if they have entered any time between July 2021 and the end of September 2022. The House bill gives the Department of Homeland Security 150 days to make a decision on an asylum application submitted by an Afghan evacuee. If asylum is granted, then the asylee can apply for a green card after a year.

Customs and Border Protection

[NJ] More than 190 fugitives arrested in New Jersey operation dubbed 'Clean Sweep'

[CNN](#) [9/25/2021 6:07 AM, Alaa Elassar, 4876K] reports a multi-agency law enforcement operation in New Jersey resulted in the arrest of more than 190 fugitives, according to the US Marshals Service. Operation "Clean Sweep" focused on capturing some of the state's "most violent offenders," including gang members, sex offenders, and violent criminals, US Marshals said in a news release on Wednesday. "By employing a strategically focused approach to policing, our state, county, local, and federal, partners were able to locate and

apprehend some of the most dangerous fugitives in the state of New Jersey," US Marshal Juan Mattos Jr. said in the release. "By removing these violent offenders from the streets, the communities they preyed upon can immediately feel more secure." The US Marshals Service worked with the District of New Jersey and the New York/New Jersey Regional Fugitive Task Force to conduct the sweep, which they describe in the release as a "high-impact fugitive apprehension initiative." Among those arrested were 72 gang members, 13 suspects wanted for homicide, and 80 suspects wanted for weapons offenses, according to the release. More than 1.4 kilograms of narcotics, \$5,259, and 16 firearms were confiscated, the US Marshals Service said. Other agencies that participated in the operation included the Essex County Prosecutor's Office; Essex County Sheriff's Office; Camden County Sheriff's Office; New Jersey Department of Corrections; New Jersey State Police; Newark Police Department; and Customs and Border Protection Special Response Team.

[TX] U.S. reopening Texas border crossing after clearing out migrant encampment
CBS News [9/25/2021 2:01 PM, Sophie Reardon, Manuel Bojorquez, 2612K] reports a U.S.-Mexico border crossing in Texas is partially reopening on Saturday, U.S. Customs and Border Patrol announced. The Del Rio Port of Entry had been closed for several days as U.S. officials cleared a nearby migrant encampment that had grown to include nearly 15,000 people, many of them Haitian migrants. "Following efforts this week by U.S. Border Patrol, Office of Field Operations and DHS partners to expedite processing of the migrant flow to manageable levels and with public safety restored, CBP reopened trade and travel operations at Del Rio Port of Entry," Saturday's statement from CBP said. The border will reopen to passenger and pedestrian traffic Saturday afternoon, followed by commercial cargo traffic on Monday morning, CBP said. On Friday, Del Rio Mayor Bruno Lozano said, "As of right now, there are zero persons under the bridge." At least 2,000 were deported and 5,000 are still being processed and could be expelled, according to Homeland Security Secretary Alejandro Mayorkas. The rest, officials said, were either released into the U.S. under the asylum process or returned to Mexico voluntarily. Mayorkas has rejected calls to stop the deportations. "We have in fact determined, despite the tragic and devastating earthquake, that Haiti is in fact capable of receiving individuals," he said Friday.

Reported similarly:
CBS News [9/25/2021 12:12 PM, Staff, 2612K]

[TX] Portion of Texas border where thousands of migrants crossed to reopen
The Hill [9/25/2021 2:35 PM, Jordan Williams, 1776K] reports the portion of the United States' border with Mexico in Texas where thousands of Haitian migrants crossed will be reopened for trade and travel operations Saturday afternoon. U.S. Customs and Border Protection (CBP) said in a statement that it was able to reopen operations at the Del Rio Port of Entry following efforts to "expedite processing of the migrant flow to manageable levels." CBP said travel operations will resume at the Del Rio Port of Entry for passenger traffic at 4 p.m. on Saturday. Cargo operations will begin at 8 a.m. on Monday. The port of entry was closed last week after an estimated 15,000 Haitian migrants camped out under a bridge in Del Rio. Homeland Security Secretary Alejandro Mayorkas said Friday that there were no longer any migrants under the bridge. Mayorkas said that about 2,000 Haitians had been deported through repatriation flights under Title 42, the controversial policy allowing for expulsions for public health reasons. Roughly 8,000 voluntarily returned to Mexico, and another 5,000 are in CBP custody.

Reported similarly:

[CNN](#) [9/25/2021 3:37 PM, Rosa Flores, Conor Powell and Ray Sanchez, 4876K]

[Mexico] Haitians heading to US change plans, Haitian migrants to be offered residency, permits by Mexico

The [AP](#) [9/25/2021 9:38 AM, Marcos Martínez Chacón] reports other Haitians already in Ciudad Acuña and Del Rio, Texas were telling them the U.S. was flying people back to Haiti. That Sunday, more than 320 people were sent Port-au-Prince on three flights. As U.S. authorities moved out the last of the more than 14,000 migrants gathered beside a border bridge in Del Rio, thousands of other Haitians who were en route to the border from South America were realizing their time window to make it to the United States had closed. So now, as they have done before, they are looking to legalize their status in the countries they find themselves in, get work and wait until the next opportunity to once again head north. So far this year, about 19,000 Haitian migrants have requested asylum in Mexico. The agency's director, Andrés Ramírez said this week via Twitter that the number of Haitian applications through August this year was 56% above all those received from 2013 to 2020. He said hundreds had arrived this week to all of the agency's offices across Mexico. Mexico has been sending migrants from Ciudad Acuña to the southern city of Tapachula near the Guatemala border this week. The government has maintained what is essentially a containment policy that seeks to keep asylum seekers in southern Mexico and away from the U.S. border. But it is Mexico's poorest region, there is little work and migrants have grown tired of waiting there. [USA Today](#) [9/25/2021 3:11 PM, Natalia E. Contreras and Omar Ornelas, 6282K] reports Acuña Deputy Mayor Felipe Basulto Corona made an offer to Haitian migrants huddled in a makeshift camp in a park near the Rio Grande. "The Mexican government is going to offer the opportunity to those who want to stay in Mexico to proceed with the legal residency and work permit procedures here," he told them Friday, if they vacate the park and move to a rented private building in Acuña being used by Mexican immigration authorities. "You will not be imprisoned, you will not be detained. You are free, you are home," Basulto Corona told them. Eventually, about 50 Haitian migrants — men, women and children — at Braulio Fernández Aguirre Park agreed to move to the building.

Transportation Security Administration

[FL] Record number of passengers with weapons warned at Florida airports

[Telemundo](#) [9/25/2021 4:19 PM, Staff, 14K] reports Fort Lauderdale-Hollywood International Airport broke a record for passengers detected with weapons at checkpoints so far this year, with more than a hundred, while the total number of Florida air terminals exceeded, with 456 the total figures 2020. "With more than three months to go until 2021, the stage is set for a regrettable and dangerous record, a record that no airport wants to set," said Sari Koshetz, spokeswoman for the Transportation Security Administration, when releasing the figures. Across the "statewide" of Florida TSA officials have seen an increase in the number of passengers carrying weapons to airport checkpoints. "This is a worrying trend that threatens the safety of other passengers and our officers," he added. He explained that it also poses the risk of an accidental discharge with "tragic results" considering the way in which some travelers throw their suitcases on the X-ray belt for detection. 103 weapons have been detected at TSA checkpoints in Fort Lauderdale, more than the record of 100 in 2019. At Orlando International Airport it reached 80, Tampa 71 and Miami 51 so far of the year. This Thursday alone, TSA officers detected three weapons in Fort Lauderdale, all loaded, and three in Miami, two of them loaded.

Federal Emergency Management Agency

Sam intensifies to a Category 4 Hurricane - U.S. NHC

Reuters [9/25/2021 4:52 PM, Bhargav Acharya, 5304K] reports Hurricane Sam has intensified to a category 4 hurricane, with some additional strengthening expected through Saturday night, the U.S. National Hurricane Center (NHC) said. Sam is located about 1,025 miles (1,655 km) east-southeast of the northern Leeward Islands, packing maximum sustained winds of 140 miles per hour (220 km/h), the Miami-based weather forecaster said.

Reported similarly:

CBS News [9/25/2021 5:32 PM, Tori B. Powell, 2612K]

[NH] New Hampshire delegation backs disaster declaration request

The AP [9/25/2021 8:43 AM, Staff] reports New Hampshire's Democratic Congressional delegation is backing the governor's request for federal disaster declarations following storms and flooding in July and August. Republican Gov. Chris Sununu asked the Federal Emergency Management Agency for help after mid-July storms caused at least \$2.3 million worth of damage in Cheshire County and a second round of storms July 29-Aug. 2 caused more than \$3.2 million worth of damage. U.S. Sens. Jeanne Shaheen and Maggie Hassan and U.S. Reps. Annie Kuster and Chris Pappas followed up this week, sending their own letter in support of the declarations.

[LA] Caskets are still scattered around a Louisiana community as residents struggle to recover from Hurricane Ida

CNN [9/25/2021 5:09 AM, David Williams, 4876K] reports Hurricane Ida devastated Ironton, Louisiana, as it made its deadly march inland, with powerful flood waters that knocked homes off their foundations, swamped buildings with several feet of water and swept caskets out of their tombs, scattering them around the community. Some of those caskets are still sitting there almost four weeks after the category 4 storm, as residents work to salvage anything they can from their homes and prepare for the grueling process of rebuilding. Members of the Louisiana Cemetery Response Task Force and its contractors were in Ironton on Tuesday to see what is needed to recover the caskets and get them to a staging area where they can be identified before they are returned to their proper resting places. Parish debris crews have begun picking up materials placed on the side of the road as residents clean out their homes. Additionally, parish president Kirk Lepine has asked FEMA for authorization to remove debris from private property, according to a post on the Plaquemines Parish Government Facebook page. The National Guard has been working to clear the roads in Ironton, but that effort has been slow because there's still standing water, the post said. FEMA is also encouraging residents to apply for housing and other disaster assistance.

[MS] Mississippi gets ready to repair highway collapse from Ida

The AP [9/25/2021 10:58 AM, Staff] reports Mississippi will soon start rebuilding a section of highway that collapsed during torrential rainfall brought by Hurricane Ida, the head of the state Department of Transportation says. Two people were killed and nine were injured Aug. 30 as seven vehicles plunged, one after another, into a deep pit that opened up on the dark, rural stretch of Mississippi Highway 26 near Lucedale. One of the injured people died

in a hospital Sept. 11. Department of Transportation Director Brad White told legislative budget writers Friday that the department has completed a geotechnical review and will choose a company early next month to repair the damage for about \$1.2 million. He said the highway could reopen in about 45 days. White said the area had already received more than double its average annual rainfall before the hurricane, and then Ida dumped more than 12 inches (30.5 centimeters) of rain in less than one day. The stretch of highway is on a hillside, and White said the deluge blew out a pipe that ran under the roadbed.

[ID] Idaho morgues are running out of space for bodies as covid-19 deaths mount

The Washington Post [9/25/2021 1:27 PM, Derek Hawkins, 11773K] reports as covid-19 deaths reach record highs in the state of 1.8 million, hard-hit areas are struggling to keep pace with the surge in victims. Some hospitals, funeral homes and coroners say they've been pushed to the limit. Some morticians have even started embalming bodies that wouldn't normally need the procedure so they don't have to refrigerate them, the Idaho Statesman reported. "Idaho is having its viral tsunami at the moment," said Robert Kim-Farley, a infectious-disease expert at UCLA Fielding School of Public Health. "I anticipate that we'll see even more deaths coming in the near future because of the fact that cases are still increasing. It's going to get worse before it gets better." Statewide, hospitalizations have shot upward since early summer, leading officials to authorize rationing of medical care for the first time in Idaho's history. Intensive care unit admissions are at their highest level, exceeding the worst of the winter wave, data from the health department shows. Unvaccinated patients account for the vast majority of the state's latest deaths, which have risen sharply since the beginning of September, according to tracking by The Washington Post. Idaho's rolling average for daily deaths peaked at 23 this month — a high number for the sparsely populated state, where just 41 hospitals have emergency rooms, according to the Idaho Hospital Association. The state is logging 68 new daily cases per 100,000 residents, the sixth-most in the country, The Post's analysis shows. To combat the virus spread, Idaho Gov. Brad Little, a Republican, recently mobilized the National Guard to help overwhelmed hospitals. The state has also expanded access to monoclonal antibody treatment and sent money to providers to help alleviate staffing shortages. But Little has resisted issuing a statewide mask mandate — his lieutenant and political rival, Janice McGeachin has tried to ban them entirely — and has threatened legal action against the Biden administration's vaccine requirements for businesses, even while describing the shots as "our ticket out of the pandemic." During previous spikes in deaths, some states and the District of Columbia received trailers from the Federal Emergency Management Agency to help hold the dead. So far, Idaho hasn't had to request them, according to Niki Forbing-Orr, a spokeswoman for the health department. "Idaho has been supporting the sharing of existing mortuary capacity throughout the pandemic and would submit a request to FEMA after all resources in the state have been exhausted," she said in an email. "We are monitoring the situation very closely."

[CA] Crews scramble to make progress against California wildfires

The Los Angeles Times [9/25/2021 5:57 PM, Alex Wigglesworth, 3710K] reports crews were hoping a shift in the weather would help them get the upper hand against several wildfires burning in Northern California and the southern Sierra. But forecasters warned Saturday the window of opportunity could be short-lived, as a cooling trend was expected to be followed by warmer temperatures and dry winds. The Fawn fire north of Redding had burned 7,544 acres and was 10% contained as of Saturday morning. At least 100 structures were believed to have been destroyed based on a survey by fire crews, but damage

assessment teams were out Saturday conducting a more detailed review, said Scott Ross, public information officer with the California Department of Forestry and Fire Protection. The fire started Wednesday and quickly spread amid gusty winds, forcing evacuations, Ross said. Alexandra Souverneva, 30, of Palo Alto, was charged with arson for allegedly sparking the fire. Authorities did not disclose a potential motive but said she may be linked to other fires in the county and state. Conditions had already started to cool off, helping to boost relative humidity levels. The trend was expected to continue, with temperatures at least 10 degrees below average by Tuesday, said Sierra Littlefield, a meteorologist with the National Weather Service in Sacramento.

[CA] Fawn Fire destroys 100 buildings, winds expected to shift; California woman charged with arson in spreading Fawn Fire

SFGate [9/25/2021 11:19 AM, Amy Graff, 2701K] reports a weekend forecast with cooler temperatures and shifting winds is expected to help firefighters contain a Northern California wildfire 225 miles north of San Francisco that has destroyed 100 structures as it tears through a parched, drought-stricken landscape. The Fawn Fire, first reported Wednesday near the community of Mountain Gate just north of Redding, was 7,544 acres Saturday morning with 10% containment, Cal Fire said. Authorities arrested a 30-year-old Palo Alto woman Thursday on suspicion of starting the blaze. Alexandra Souverneva was charged Friday with felony arson to wildland with an enhancement due to the declared state of emergency California is under, Shasta County District Attorney Stephanie Bridgett said at a Friday press conference. Some 5,200 people have been evacuated due to the blaze, the California Office of Emergency Services reported. The number of destroyed structures is likely to go up as damage inspection teams hit the ground Saturday to conduct assessments. Cal Fire said 9,000 structures continue to be threatened by the fire. Photos and video showed some homes blazing but the number of residences lost was not known. FOX News [9/25/2021 1:15 PM, Julia Musto, 9251K] reports a California woman has been arrested by authorities on suspicion of starting the state's 6,820-acre Fawn Fire. Speaking to reporters on Friday, Shasta County District Attorney Stephanie A. Bridgett said that 30-year-old Alexandra Souverneva of Palo Alto, Calif. had been found with an operable lighter in her pocket. "We received the [CAL FIRE] report yesterday and today we announce that we have filed felony arson charges against her not only for arson but also for committing an arson during a state of emergency. The maximum penalty that she currently faces is nine years in state prison," she said. The investigation into the incident is still underway, though Bridgett noted that additional charges are likely and that Souverneva may be linked to other fires in the county and other fires and charges statewide. "Souverneva was then interviewed by Cal Fire law enforcement officers and information was gathered leading officers to believe Souverneva is responsible for causing the fire. She was subsequently arrested then transported and booked into the Shasta County Jail," Cal Fire wrote then. "Cal Fire will be submitting its case to the Shasta County District Attorney's Office recommending Souverneva be charged with "arson to wildland." This charge receives an enhancement due to the declared "state of emergency" California is currently in due to wildfire danger."

Reported similarly:

CBS News [9/25/2021 12:28 PM, Staff, 2612K]

[CA] PG&E charged with manslaughter for California fire

Reuters [9/25/2021 1:04 PM, Staff, 5304K] reports prosecutors in Northern California on Friday charged power utility Pacific Gas & Electric with four counts of manslaughter and

other felonies, alleging it failed to cut down a sickly tree that fell onto power lines and sparked a deadly wildfire. Fred Katayama reports. [Editorial note: consult video at source link]

Secret Service

Lawyers to urge no restrictions for Reagan shooter Hinckley

The [AP](#) [9/25/2021 8:52 AM, Ben Finley, Neutral, Secondary] reports Lawyers for John Hinckley Jr., the man who tried to assassinate President Ronald Reagan, are scheduled to argue in court Monday that the 66-year-old should be freed from restrictions placed on him after he moved out of a Washington hospital in 2016. Since Hinckley's move to Williamsburg, Virginia, a federal judge has made him live under various conditions that dictate much of his life. For instance, doctors and therapists must oversee his psychiatric medication and decide how often he attends individual and group therapy sessions. Hinckley's attorney, Barry Levine, has said that Hinckley should get what's called "unconditional release" because he no longer poses a threat. In a May court filing, the U.S. government had said it opposed ending the restrictions. It also retained an expert to examine Hinckley and determine "whether or not he would pose a danger to himself or others if unconditionally released." Findings from such an examination have not been filed in court. But a 2020 "violence risk assessment" conducted on behalf of Washington's Department of Behavioral Health said Hinckley would not pose a danger. Timothy McCarthy, a Secret Service agent who was shot during the assassination attempt, told the AP that he doesn't "have a lot of good Christian thoughts" about Hinckley. "But in any case, I hope they're right," McCarthy, 72, said of mental health professionals and the court. "Because the actions of this man could have changed the course of history."

'View' host Ana Navarro tests negative for coronavirus after testing positive before Harris interview

The [Hill](#) [9/24/2021 11:10 PM, Jordan Williams, 1776K, Neutral, Secondary] reports "The View" co-host Ana Navarro said Friday evening that she has tested negative for COVID-19 after testing positive earlier in the day ahead of an interview with Vice President Harris. Navarro confirmed on CNN's "Anderson Cooper 360" that she's since taken a rapid antigen test and a PCR test, both of which returned negative results. She said she is waiting for a third test so she can fly home to Miami. Navarro applauded Harris's team, the Secret Service and the team at "The View" for how the situation was handled.

[AL] Moody man to appear in federal court later this month

The [Daily Home](#) [9/24/2021 6:05 PM, Staff, 5K, Neutral, Secondary] reports a Moody man is set to appear in court for sentencing later this month after he and a Center Point man pled guilty for participating in a conspiracy to defraud his former employer. According to a news release from the Northern Alabama U.S. Attorney's office, Joshua Daniel Powell, 40, of Moody, a former manager at the Chick-fil-A in Five Points, pleaded guilty to conspiracy to commit wire fraud in June and is scheduled for a sentencing hearing Oct. 20. U.S. Attorney Prim F. Escalona and U.S. Secret Service Special Agent in Charge Patrick M. Davis announced earlier this week that Larry James Black, Jr., 37, of Center Point, the former director of hospitality at the same location and Powell's co-defendant, pleaded guilty to conspiracy to commit wire fraud and bank fraud before U.S. District Judge Madeline H. Haikala. Black's sentencing hearing is scheduled for January 20, 2022. The U.S. Secret

Service Cyber Fraud Task Force investigated the case. Assistant U.S. Attorney Edward J. Canter prosecuted the case.

Coast Guard

[LA] NTSB: Broadcasting only boat size led to fatal towboat crash

The [AP](#) [9/25/2021 9:00 AM, Janet McConaughy] reports a fatal head-on crash between barges pushed by two towboats in Louisiana was caused by inadequate communication and failure to broadcast their total sizes, the National Transportation Safety Board says. The RC Creppel overturned and sank after the collision with the Cooperative Spirit about 5:30 a.m. on Jan. 26, 2020. Its pilot, captain and one of two crewmen were never found. A second crewman was rescued. The first of two barges pushed by the RC Creppel hit some of the 40 barges pushed by the Cooperative Spirit as they tried to pass each other in a bend of the Mississippi River near Destrehan, said the report released in August. The agency said neither boat's pilot had entered the total dimensions of boat and tow into the boat's automatic identification system, even though earlier NTSB reports have pointed out that it's important to do so. The NTSB said estimated damage to the three vessels and 11 of the barges totaled nearly \$3.8 million. The agency noted that in 2016 it recommended that the Coast Guard, the American Waterways Operators and the Radio Technical Commission for Maritime Services work together to change regulations, procedures, and equipment standards to ensure that automatic information systems broadcast tow size and configuration as well as boat length. "We generally expect the actions we recommend to be completed within 5 Years; however, these safety recommendations are nearly 5 Years old, and we have not received any updates from the Coast Guard regarding them in more than 4 Years," NTSB wrote to the Coast Guard on Aug. 20. The tugboat, towboat and barge industry group described what it's done toward that end a year ago and the radio commission responded Sept. 7 but the Coast Guard hasn't updated the board since 2017, according to NTSB webpages. The Coast Guard is preparing a response including its actions since 2017, Coast Guard spokesman Kurt Fredrickson said in an email Tuesday.

Terrorism Investigations

Grocery workers have borne the brunt of the pandemic. Now supermarket shootings are on the rise.

The [Washington Post](#) [9/25/2021 8:00 AM, Joanna Slater, Laura Reiley, Caroline Anders and María Paúl, 11773K] reports earlier this week, a gunman opened fire inside a Kroger supermarket outside Memphis, turning the routine task of grocery shopping into a terrifying encounter with gun violence. Such events are no longer exceptional: at least three other deadly shootings have taken place at supermarkets this year, continuing a recent trend. According to data from the Federal Bureau of Investigation, shootings at grocery stores have risen in recent years. Between 2000 and 2020, 78 people were killed in 28 such incidents, FBI data shows. While some of the shootings were at smaller markets or convenience stores in gas stations, major chains such as Walmart and Kroger have experienced multiple shootings at their locations since 2018. Earlier this year, a gunman killed 10 people at a King Soopers outlet, owned by Kroger, in Boulder, Colo. Grocery stores have been a recurrent setting for this kind of violence in part because they are open from early morning until late at night, they cater to a broad demographic range which occasionally results in interpersonal friction, and, even in the pandemic, they have been one

of the few retail environments that were consistently open, says William Flynn, co-founder of the Power of Preparedness, a security training company, who formerly worked for the New York Police Department and the Department of Homeland Security. Grocery chains are not eager to discuss publicly the measures they are taking to respond to the threat. Walmart, Publix and Wegmans did not respond to requests for comment. Whole Foods said it had no one immediately ready to speak about the company's emergency preparedness.

[DC] FBI had informant in crowd during Capitol riot: report

The Hill [9/25/2021 11:58 AM, Jordan Williams, 1776K] reports the FBI had an informant in the crowd during the Jan. 6 attack on the U.S. Capitol, The New York Times reported Saturday, citing confidential records it obtained. The informant's name was not revealed in the records, though he was affiliated with a Midwest chapter of the far-right group the Proud Boys, according to the newspaper. Based on an account of the informant's activities detailed in the records, the informant described meeting up with men from other Proud Boys chapters at 10 a.m. at the Washington Monument and eventually entering the Capitol. The informant has since denied that the Proud Boys intended to use violence on Jan. 6 but rather were consumed by a herd mentality. He has also denied that the group planned to attack the Capitol in interviews, the Times reported. "While the FBI's standard practice is not to discuss its sources and methods, it is important to understand that sources provide valuable information regarding criminal activity and national security matters," the statement said.

National Security News

[Russia] Russia says it's in sync with US, China, Pakistan on Taliban

The AP [9/25/2021 9:18 PM, Edith M. Lederer, 37K] reports Russia, China, Pakistan and the United States are working together to ensure that Afghanistan's new Taliban rulers keep their promises, especially to form a genuinely representative government and prevent extremism from spreading, Russia's foreign minister said Saturday. Sergey Lavrov said the four countries are in ongoing contact. He said representatives from Russia, China and Pakistan recently traveled to Qatar and then to Afghanistan's capital, Kabul, to engage with both the Taliban and representatives of "secular authorities" — former president Hamid Karzai and Abdullah Abdullah, who headed the ousted government's negotiating council with the Taliban. Lavrov said the interim government announced by the Taliban does not reflect "the whole gamut of Afghan society — ethno-religious and political forces — so we are engaging in contacts. They are ongoing." The Taliban have promised an inclusive government, a more moderate form of Islamic rule than when they last ruled the country from 1996 to 2001 including respecting women's rights, providing stability after 20 years of war, fighting terrorism and extremism and stopping militants from using their territory to launch attacks. But recent moves suggest they may be returning to more repressive policies, particularly toward women and girls.

{End of Report} [RETURN TO TOP](#)

B1 VIDEO SCRIPT
Incident and Workforce Support

TARGET DATE: September 21 , 2021 1800 hrs.

Title: Accountability, Transparency, Integrity
Speaker: Chief Raul Ortiz

Regarding the incident that occurred between U.S. Customs and Border Protection horse patrol units and migrants seeking to enter the United States in Del Rio, Texas, CBP is conducting an internal investigation and is cooperating with the U.S. Department of Homeland Security's Office of the Inspector General.

CBP stresses honor and integrity in every aspect of our mission and expects our officers and agents to adhere to the oath they take to uphold the laws of this country. We will continue to prioritize processing migrants in a safe, orderly, and humane way.

Our agents have overwhelmingly done the best they can under very difficult circumstances, but that does not mean we allow misconduct or mistreatment of migrants to occur and are taking this incident seriously.

Operational guidance has been provided to horse patrol units to keep order, as well as to look for any migrants that are in need or medical distress. Any abuse or mistreatment of a migrant is unacceptable. It is against CBP's policy, training and our core values.

I'd like to take a moment to recognize the outstanding efforts that I have witnessed on the ground in Del Rio the past week. First to the men and women of the United States Border Patrol, I could not be prouder of the work you have done and continue to do to manage the situation in Del Rio Sector.

With your efforts, we have managed to move migrants out quickly and will continue to lower those numbers daily. I know that every one of you are putting in long hours and extra days as you work through this challenge. Your dedication to duty is what makes the Border Patrol one of the premiere law enforcement agencies in the nation. That we hold ourselves to high standards, equally so.

I have worked with our Headquarters team, CBP, and DHS to get you the additional resources, personnel and supplies needed to support this mission. Time and time again you are asked to rise to the occasion, and while I am never surprised, I am always proud to see it.

I see you in the hardest moments, and I see you at your best. Thank you.

To our fellow federal, State, local law enforcement and community partners that are standing side by side with our agents providing additional support, thank you. Your help is greatly appreciated, and we could not accomplish this mission without it.

The current work in Del Rio is key to our wider border security mission and helping to keep our country safe. Accountability, transparency, and integrity will continue anchor us.

Please continue to watch out for one another, keep up the amazing work you are doing, and thank you for all that you do. Honor First!

FINANCE COMMITTEE QUESTIONS FOR THE RECORD

Hearing on the nomination of Chris Magnus (CBP Commissioner)

October 19, 2021

Questions from Chairman Wyden

Question 1: Commitment on Forced Labor & Transparency

Chief Magnus, if confirmed, you will be overseeing the full gamut of U.S. efforts to exclude products made with forced labor from commerce—including investigations, remediation where possible, and prohibiting the entry of products determined to be made with forced labor. In this capacity, you have to work with humanitarian groups, foreign governments, third-party auditors, importers, and others to stop these practices. At the same time, you have to facilitate the flow of legitimate trade.

It is critical that all stakeholders understand what CBP is doing and the magnitude of your work. CBP already provides quarterly data on the number of Withhold Release Orders issued, the number of shipments stopped, and the value of that cargo. That is essentially the final results of your work, but there is very little insight into the front end or investigation stage.

In line with recommendations made to CBP by the Government Accountability Office (GAO) in October 2020, if confirmed, will you commit to provide public summary data describing the number of allegations received, open investigations, suspended or inactive investigations, and other relevant information on a regular basis?

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Answer: Forced labor is an assault not only on bedrock American values, but on American companies' ability to compete in a fair marketplace. If confirmed, I absolutely commit to providing the data you request, consistent with GAO's 2020 recommendations to CBP.

As we discussed, it is important that CBP strike a balance between on the one hand, sufficient transparency to ensure that good actors have the information they need to comply with rules and regulations relating to forced labor content – and on the other, ensuring the integrity of ongoing investigations into potential bad actors.

If confirmed, I will work hard to ensure that the vast majority of companies who choose to comply with the rules, including small businesses and mom and pop shops without the resources of large corporations, have the information they need to succeed in doing so. I would look forward to working with your office and this committee, as well as GAO, to address this critically important issue.

Question 2: Commitment on Tech - Electronic Device Border Searches

As Commissioner, you'll have authority over CBP's practices with respect to electronic device searches at the border. As you know, when Americans enter or leave the country, their phones and electronic devices can be searched without a warrant due to something known as the "border search exception" to the Fourth Amendment.

I believe this exception is a load of baloney. Crossing the border shouldn't give the government a free pass to throw out our Constitutional rights and thumb through our phones without any suspicion of wrongdoing.

Now, the 9th Circuit has limited CBP's authority to conduct warrantless device searches to illegal content. However, everywhere else in the country, CBP can conduct warrantless searches for anything of interest.

Chief Magnus, this double standard makes no sense. If confirmed, are you open to considering adopting the same policy, nationwide, that CBP already follows in our home states of Oregon and Arizona?

Answer: Upholding Americans' constitutional rights to privacy is critically important to me. I believe we can respect Fourth Amendment protections against unreasonable search and seizure while ensuring our border is secure against threats to our national security. As a police chief in a community near the border, I have heard concerns from community members regarding invasive secondary searches at the border, including occasionally seizure of phones and other devices that did not appear to be necessary.

If confirmed, I absolutely commit to reviewing CBP's current policies relating to border searches to ensure they are based in evidence, and firmly rooted in the federal government's statutory authorities. As part of that review, I certainly commit to getting up to speed on the standard set by the 9th circuit, and to considering adopting that standard in CBP's operations nationwide, provided it is feasible to do so without compromising our national security. If confirmed, I look forward to working with your office and the Committee on this important issue.

Question 3: Taiwan

Taiwan is an important partner of the United States in the Indo-Pacific region. It is currently a member of our Visa Waiver program and Global Entry. I believe it is important to continue to strengthen and expand our cooperation with such a strong democratic partner.

Taiwan applied to join CBP's Preclearance program last year. However, its application was rejected earlier this year without any political leadership at CBP.

If you are confirmed, do you commit to review and reconsider Taiwan's application?

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Answer: I certainly recognize the importance of the United States' partnership with Taiwan and understand the significance of the relationships that CBP establishes with Taiwanese

counterparts. While I'm not familiar with Taiwan's Preclearance application or the reasoning behind CBP's decision, I do know that the Preclearance program is an important tool in CBP's layered and risk-based approach to border and national security. I understand there are a number of standards and thresholds as part of CBP's process to establish a Preclearance location, and if confirmed, I would certainly review the application and decision made on Taiwan's application.

Question 4: Women in CBP Workforce

Chief Magnus, an area of serious concern is CBP's standing as a federal agency with the fewest women per capita in its workforce. The agency has long struggled to maintain a workforce of women. Recent reporting indicates that women make up 5% of CBP agents, while women typically comprise an average of 15% of the workforce in every other federal law enforcement agency. In fact, the ratio of men to women among Border Patrol agents trails behind that of the U.S. Marines. This gender disparity affects CBP's ability to effectively represent the population it serves and may negatively impact the agency's ability to engage with women, families, and children.

If you are confirmed, what steps will you take to address this gender disparity within CBP's workforce? Will you commit to seeking input from women currently and formerly employed by CBP for their insights on how CBP can better recruit and retain women to increase representation?

Answer: I absolutely commit to working to address the extreme gender disparity within CBP's ranks if I am confirmed as CBP Commissioner. As a law enforcement officer with four decades' experience, I know well the challenges we face in addressing gender disparities in the policing profession. I also believe that the best police forces are representative of the communities and populations they serve, and that our practices and policies are often enriched and bettered by shared experiences or commonalities between members of the force, and those in our community.

If confirmed, I will seek to understand the areas in which CBP may have fallen short in the past, including recruiting, pay, specific benefits and policies, retention incentives, and promotions -- and work to address any obstacles to hiring and retaining women within our ranks, as well as within CBP's leadership. In addition, I will seek out input from women who currently serve or previously served within CBP, as well as women leaders in policing, to understand what policies and practices may help to address gender disparities and ensure that women are not only hired and retained, but supported and promoted into leadership positions within the agency.

United States Senate Committee on Finance
Hearing on “The Nomination of Chris Magnus, of Arizona, to be Commissioner of U.S.
Customs and Border Protection, Department of Homeland Security”
October 19, 2021
Questions for the Record for Chris Magnus

Senator Cortez Masto

Question 1

If confirmed, will you consider placing trained child welfare professionals within CBP facilities that hold children and require proper training for all CBP personnel who interact with children?

Answer: The safety and well-being of children has always been incredibly important to me as a public safety officer. As both President Biden and Secretary Mayorkas have said, a Border Patrol station is no place for a child. I agree firmly with their statements. My understanding is that as of this spring, the Administration had significantly decreased the amount of time children spent in CBP custody by surging vetting and other resources to the border. With that said, if confirmed, I will certainly make it a priority to understand what treatment is available to children in CBP’s care, regardless of the duration of their stay, and to request additional resources from Congress as appropriate. I would be pleased to work with your office and this Committee to do so.

In addition, as I stated during my confirmation hearing, I am very supportive of the recently created Border Processing Coordinator role which I believe has bipartisan support. As I understand it, this role would take over some of the administrative and processing functions that Border Patrol agents have so often performed over the last several years, allowing those agents to return to the critical law enforcement role along the border for which they were originally hired.

It is critical that all CBP personnel receive proper training to carry out their roles, especially those who may be coming into contact with vulnerable children. If confirmed, I would be happy to work with your office, and this Committee, to identify and address any gaps in training.

Question 2

If confirmed, how will you balance the need to facilitate efficient trade while keeping our ports safe and secure?

Answer: I recognize that the core of CBP’s mission is ensuring the safety and security of the American people, while also facilitating the flow of legitimate trade and travel through our nation’s ports of entry. Enforcing U.S. trade laws, while safeguarding the flow of lawful trade, helps ensure a balanced playing field for American workers, businesses, and consumers.

If confirmed, I would ensure that CBP has the appropriate staffing levels at the ports to manage the efficient and secure clearance of cargo. I would also prioritize the development and modernization of technology resources, like the Automated Commercial Environment (ACE)

system, inspection equipment, and other tools to meet the demands of both the facilitation and security missions.

I also recognize that CBP's ability to successfully facilitate trade and enforcement trade laws requires strong relationships with a wide array of stakeholders. The Commercial Customs Operations Advisory Committee (COAC) and other trade groups, small businesses, labor organizations, federal, state, and local partners, and many others all have a role in facilitating the flow of legitimate cargo across our borders. I have built relationships with diverse groups of stakeholders throughout my law enforcement career, and would welcome the opportunity to do so if confirmed to lead CBP.

Question 3

Air travel and transport is crucial to my home state of Nevada's economy and the workers who make it a top global destination for visitors all over the world. We know our local economy still has further to go until we see business and international travel fully come back. As we welcome our international visitors back, we need to ensure that our customs and security operations are running as effectively as possible.

What policies will you include at our airports to restore safe ease of entry to travelers seeking to visit places like Nevada and how will you work with our Airport Authority to ensure efficient transport of goods and trade compliance?

Answer: Ensuring the efficient and secure flow of lawful trade and travel are primary missions for CBP, and are critical drivers for the nation's economy, particularly at the state and local level. If confirmed, I would focus on staffing and technology to ensure the agency is prepared to meet the need as international passenger traffic increases. I would review the agency's staffing processes to ensure that CBP is able to meet the passenger and cargo clearance demands across the country. The role of technology and automation in these processes cannot be overlooked, and I would leverage the agency's use of biometrics to speed traveler clearance, promote trusted traveler programs to expedite processing, and look to public-private partnerships to augment CBP's capabilities at key ports of entry.

I would certainly be open to working closely with airport authorities, and other trade and travel stakeholder groups. If confirmed as Commissioner of CBP, I would prioritize spending time in the field, meeting with the agency's frontline personnel, as well as the key partners with whom CBP works to efficiently facilitate and secure the movement of cargo and people across our borders. I would also encourage CBP's leaders and personnel in the field to build and expand upon relationships with those key stakeholders, improving communication to ensure facilitation and enforcement are the norm at the nation's ports of entry.

Question 4

In addition to ensuring that ports-of-entry at our domestic airports are adequately staffed to handle the increase in passengers once our international borders reopen, we also must make sure that staffing vacancies are filled at CBP's preclearance locations in Canada, the Caribbean, and

elsewhere. These preclearance locations provide strategic screening operations before travelers and their baggage arrive in the United States, which strengthens our risk-based security system, relieves workload pressures at our domestic ports-of-entry, and expedites arriving passengers continuing on their journey.

With preclearance staffing levels down significantly due to the COVID-19 pandemic, how do you plan to replenish the CBP officers at the preclearance locations?

Answer: I certainly recognize that COVID-19 has dramatically impacted the volumes of international travel, and if confirmed, I would review CBP's staffing levels and processes across the organization. As with any staffing decisions, I would want to balance the needs across all U.S. ports of entry and Preclearance locations, and would work closely with air carriers and foreign partners to ensure the agency meets the demands in those Preclearance locations. The agency must be prepared to meet the increasing volumes in international travel, and Preclearance is a key part of the agency's security and facilitation capabilities.

United States Senate Committee on Finance
Hearing on Chief Chris Magnus, Nominee to be Commissioner of U.S. Customs and Border
Protection
October 19, 2021

Questions for the record for Chief Chris Magnus, Nominee to be Commissioner of CBP
Senator Carper
Question 1

Trade and Expediting Goods Across the Border

Chief Magnus, if confirmed you will oversee the Office of Field Operations within CBP, which conducts inspections and enforces immigration and customs laws at designated ports of entry.

As you know, U.S. ports are facing some of the heaviest congestion they seen in years and shipments of goods are being delayed across the country in large part due to the impacts of the pandemic.

Senator Cornyn and I have introduced legislation, the Customs-Trade Partnership Against Terrorism or C-TPAT Pilot Program Act. This bill would expand a successful program within CBP that allows trusted merchants to voluntarily submit themselves to enhanced screening and information sharing in exchange for a fast-track customs clearance process for imported goods.

1. If confirmed, will you commit to working with me and Senator Cornyn on this legislation?

Answer: If confirmed as CBP Commissioner, one of my top priorities will be to ensure we do our part to ease historic congestion brought about by the COVID-19 pandemic at our ports of entry. I appreciate your and Senator Cornyn's leadership to identify and expand this pilot program within CBP, which I understand basically applies the model of TSA Pre-Check, or CBP's Global Entry, to imported goods and cargo in order to expedite screening while enhancing security. If confirmed, I would certainly commit to reviewing this legislation, and would be happy to work with your offices to address this very important priority.

2. And additionally, if confirmed, what steps would you take to evaluate CBP's work to effectively screen freight at the border?

Answer: If confirmed, I commit to learning as much as I can regarding CBP's freight screening operations at our ports of entry. As you note, historic supply chain difficulties brought about by the pandemic have highlighted the need for CBP to continue innovating to expedite screening at our ports of entry, while ensuring threat detection is not compromised.

I look forward to working with CBP's INVENT office, among other entities within DHS, to understand the available technologies, as well as what is in development, and would be happy to report back to your office regarding my findings.

Question 2

Immigration Reform

For years, I have worked with my colleagues on both sides of the aisle to achieve comprehensive immigration reform. Unfortunately, we still face a number of issues in our immigration system that need to be addressed.

As you know, the men and women of CBP are on the frontlines each day confronting the challenges created by an immigration system in need of reform.

1. *To that end, what issues do you predict CBP will face given the need to drastically reform our nation's immigration policies and procedures?*

Answer: As I noted in my confirmation hearing, I do believe we face an immigration system that is fundamentally broken. It is apparent that a lack of asylum officers and immigration judges has led to a severe backlog of cases in the Executive Officer of Immigration Review (EOIR) immigration court system, with the result that we are unable to expeditiously grant asylum protections to those who are eligible, while quickly sending others home. Agents trained to secure the border between our ports of entry are instead often charged with processing vulnerable children and families seeking asylum protections at our borders, often in cramped Border Patrol stations far from needed medical services.

Although the men and women of CBP have overwhelmingly risen to meet this incredibly difficult challenge, the current system has no doubt led to suboptimal outcomes in terms of safety of migrants, agents, and border communities; border security between the ports of entry; and agent morale.

If confirmed, I would certainly hope to work with Congress to address the current, broken system. I understand there is bipartisan agreement, for example, on the need to recruit and hire border processing coordinators, a position which would reduce some of the current administrative burden on Border Patrol agents so they can get back to the roles for which they are trained, and to more effectively meet our asylum obligations under the law.

Regardless of whether immigration reform by Congress comes to pass, if confirmed, I commit to acting as an honest broker to understand the law enforcement, border security, resource, and personnel challenges that CBP faces, and to advocating for our resource needs directly within the Administration and to Congress.

2. *How will you work with your counterparts to make sure these challenges are heard and addressed at all levels of the agency?*

Answer: A difficult challenge of the current broken immigration system, as you understand well, is that no single agency or even Department within the federal government has jurisdiction over all of these issues. Within DHS, CBP, ICE, USCIS, and a number of other components each play a role in enforcing and administering laws

relating to immigration and border security. In addition, the State Department has a large role to play in helping to address the conditions that lead so many, including from the Northern Triangle region of Central America, to make the journey to the U.S. For that reason, interagency cooperation and communication are critically important in order to address the current challenges.

If confirmed, I commit to building close working relationships with partner agencies within and outside of DHS, and to serving as an honest broker in relation to CBP's needs on the ground. As a police chief, I believe in the need to hear from frontline officers as well as from the community. I will make it a priority to understand issues officers are seeing on the ground, and share that intelligence to senior levels within the Department as best I can. I also commit to maintaining open lines of communication with the State Department, ICE-HSI, CBP's international attachés, and my counterparts in Mexico, Canada, and other countries to ensure we are getting the best intelligence relating to potential surges and threats to our national security, and putting in place adequate preparations to address those as an interagency.

Senator Menendez
Questions for the Record for Chris Magnus
Senate Committee on Finance
October 19, 2021

Questions for Chris Magnus

Cargo Security and Examinations

One third of all containers on the east coast of North America comes through Port New York and New Jersey. In 2020 and despite the pandemic, the Port handled a record high 7.6 million TEUs. The Port of Newark is one of the largest ports in our nation and contains multiple outlets to air, sea, and rail cargo.

1. What is the percentage, on average, of cargo containers being scanned in our ports today?

Answer: While I'm not aware of the specific percentages, if confirmed, I would certainly look into CBP's scanning capabilities. I would look forward to working with your office to understand the specific needs or any gaps that may exist, and to address any concerns.

2. Non-Intrusive Inspection (NII) Systems are critical for CBP's ability to quickly and effectively examine large volumes of commercial traffic at our ports of entry, what factors are used by CBP to prioritize funding for (NII) systems between our land borders and seaports?

Answer: While I'm not fully versed on CBP's criteria for prioritizing NII investments, if confirmed, I would look forward to reviewing that process to understand how the agency makes funding decisions for these important systems.

3. NII technology is a cornerstone of CBP's multilayered strategy of enforcement. Is muon tomography scanning technology effective at identifying anomalies within the contents of dense cargo containers that enter our seaports?

Answer: I agree that NII technology is a critical component in CBP's cargo security mission. While I'm not currently aware of muon tomography scanning technology's capabilities or effectiveness, if confirmed, I would look forward to reviewing the technology to understand how it might augment the agency's current scanning capabilities at our seaports.

CBP Oversight and Accountability

During the hearing you were asked about the incidents involving border patrol agents using force against Haitian migrants at the border in Del Rio, and about how you planned to make sure agents were following U.S. and international law when encountering asylum seekers and refugees at the border. You responded that you planned to rely on training and hiring practices to address the issue. A new Human Rights Watch report, details systematic abuses by border patrol

agents from 2016-2021, including sexual assault, and a lack of accountability for those responsible for such abuses. The report relied on internal records that were released only as a result of Freedom of Information Act (FOIA) litigation.

4. What measures would you take as CBP commissioner to address the concerns raised in this report? Please detail how will you bring specific accountability to individual victims and improve serious deficits in transparency, oversight, and accountability within the agency.

Answer: I couldn't agree more strongly that accountability is critical not only to ensure that CBP personnel are acting in accordance with the law, agency policies, and American values, as well to preserve the agency's ability to carry out its mission.

I agree that a full, fair, and impartial investigation is necessary in response to any instance in which officers are alleged to have violated the law or policy, or mistreated migrants in any way. If confirmed, you have my commitment that I will seek out the status of investigations relating to the allegations contained in the Human Rights Watch report, to providing findings to Congress and the public wherever possible, and to ensuring appropriate consequences for any officers found guilty of wrongdoing.

In my 13 years as a police chief, I have worked hard to establish the principle of "internal procedural justice" in each department I have led. This principle states that within a police department, officers should be able to understand the actions of their supervisors, and face fair and predictable consequences for their actions. My officers know that I believe in full, impartial, and fair investigations of any allegations of wrongdoing, not only to provide accountability but in cases of false accusations, to protect them and our department. They know that if they are found to be in the right, I will stand behind them one hundred percent. Likewise, if they are in the wrong, there will be swift, impartial accountability and consequences up to and including termination. If confirmed as CBP Commissioner, I will set forth the same expectations in order to protect the integrity of the agency, and the vast majority of men and women within CBP who carry out a difficult mission under challenging circumstances with honor each and every day.

Finally, as I stated during my confirmation hearing, I believe in candor and transparency with the public in the agencies I lead. Though this is not always the easiest or most politically advantageous path, I have found that sharing information with the public we serve is the only way for us to improve. If confirmed, I commit to working with this and other oversight committees regarding internal accountability, and to requesting additional resources on this front if they are required.

"Remain in Mexico" Policy (Migrant Protection Protocols, MPP)

The Administration issued a memo to terminate the Trump-era Return-to-Mexico (MPP) program in June of this year, but is now moving to reinstate the program as required by a federal court order. Since the Biden administration took office, there have been another 6,356 reports of

kidnapping, rape, torture, and other attacks against migrants blocked at ports of entry or expelled to Mexico by DHS and forcibly returned to Mexico under MPP.

Earlier this year, I urged the Administration to issue a new termination memo for the Migrant Protection Protocols. A new DHS memo will help clarify that the agency was deliberate and thoughtful in its approach to rescission of MPP, and that the agency's decision was neither arbitrary nor capricious but a sound exercise of judgement after extensive review of both the MPP program's numerous problems and its fundamental lack of necessity.

5. Will you work to support the process of issuing a new memo terminating the MPP program? Can you provide a timeline for when this memo will be issued?

Answer: If confirmed as CBP Commissioner I will uphold the law, including not only our baseline statutory obligation to provide asylum protections to those found eligible, but any court orders to which the Department and CBP are currently subject. To that end, I will certainly provide decisionmakers within DHS and the Administration with any information requested as they develop various options in order to comply with court orders as well as our existing obligations under statute, and would be happy to keep your office and this Committee apprised.

I share your humanitarian concerns regarding the implementation of the previous MPP program, and appreciate your leadership in encouraging treatment of migrants that upholds our responsibilities to provide asylum protections under the law. As I am not yet in the agency, I cannot speak to the timeline for a new DHS memo relating to the MPP program, and would refer you to the Department.

Questions for the Record

Ranking Member Crapo

1. Question for Chris Magnus (CBP Commissioner Duties)

If confirmed you will oversee the largest law enforcement agency and the second-largest revenue-collecting source in the federal government. Your duties would cover the core missions of counterterrorism, border security, and trade enforcement, and facilitating travel of over 410 million people through ports of entry, including managing nearly 60,000 employees and a budget of over \$18 billion— half of which is discretionary.

- Mr. Magnus, are you prepared to lead and carefully carry out these significant responsibilities? If so, can you tell me how your previous experience may qualify you to do so?

Answer: As police chief serving a community less than an hour from our U.S. southern border with over four decades in law enforcement, a proven track record of transformational leadership in departments I've led, and a history of building diverse stakeholder coalitions to achieve public safety objectives, I believe I am well-qualified to take on the challenge of leading Customs and Border Protection at this time.

- Move fast break stuff
- Honest broker. Not afraid to identify concerns at the border, or to advocate for out of the box solutions
- Work hard / fast learner. Intellectual humility → willing to learn
- Trade security is border security
- As I mentioned in my confirmation hearing, there will no doubt be areas
- Great men and women – smart. Trade enforcement, border chiefs. sectors

2. Question for Chris Magnus (Trade Facilitation and Enforcement)

The discussion regarding trade facilitation and trade enforcement is often discussed as a trade-off. In other words, if you want to process trade efficiently, you have to give up something in terms of security.

To me, that's wrong. Trade facilitation and trade enforcement are complementary. Pre-screening at foreign ports, for example, reduces commercial burdens for goods, but also catches threats earlier.

- If confirmed, how would you work to address CBP's responsibilities with respect to trade facilitation and trade enforcement? Please include any particular programs or technologies which you think need prioritization, as part of your answer.

Answer: I agree that both trade facilitation and enforcement must be complementary priorities, particularly within CBP's mission and operations. Effectively enforcing U.S. trade laws, while safeguarding the flow of lawful trade, helps ensure a balanced playing field for American workers, businesses, and consumers.

If confirmed, I would ensure that CBP has the appropriate staffing levels at the ports to manage the efficient and secure clearance of cargo. I have heard about staffing needs in conversations throughout the nomination process, and I would want to ensure that the agency is best able to meet the facilitation and enforcement needs at ports of entry nationwide. I would also want to ensure that this conversation extends to the agency's trade experts and leaders, with proper resourcing for key teams within the Office of Trade, the Centers of Excellence and Expertise, and other key areas that contribute to CBP's enforcement of forced labor, intellectual property rights, anti-dumping and countervailing duty, and other critical trade laws.

I would also prioritize the development and modernization of technology resources, like the Automated Commercial Environment (ACE) system, inspection equipment, and other tools to meet the demands of both the facilitation and security missions. I have been encouraged to hear about CBP's efforts to modernize and innovate in both the facilitation and enforcement areas, particularly with tools like blockchain and data analytics. These tools become more important as our international trade and travel traffic increases, and as CBP staffing demands increase.

I would also want to ensure that CBP's efforts to modernize align with the agency's authorities, which is why, if confirmed, I would learn more about the 21st Century Customs Framework and how the agency can work with Congress to ensure CBP has the tools and authorities to meet the complex enforcement and facilitation needs of the international trade landscape.

I also recognize that CBP's ability to successfully facilitate trade and enforcement trade laws requires strong relationships with a wide array of stakeholders. The Commercial Customs Operations Advisory Committee (COAC) and other trade groups, small businesses, labor organizations, federal, state, and local partners, and many others all have a role in safeguarding the flow of legitimate cargo across our borders. I have built relationships with diverse groups of stakeholders throughout my law enforcement career, and would welcome the opportunity to do so if confirmed to lead CBP.

3. Question for Chris Magnus (21st Century Customs Framework)

A major CBP initiative is its 21st Century Customs Framework. A key element of it is to improve CBP's visibility into supply chains. Such visibility can help address any number of problems, including attempts to evade antidumping and countervailing duties.

However, I want to make sure we do not simply collect data for the sake of having data. In fact, too much information can be counterproductive and prevent us from identifying threats or challenges. We need to collect the right type of data, and leverage it efficiently, including with stakeholders and our foreign partners.

- If confirmed, how would you make sure CBP's data collection efforts are not unreasonably burdensome?

Answer: I agree that data collection and other efforts must not be overly burdensome, particularly for small businesses that may not have the same level of resources as larger companies. If confirmed, I would seek out the stakeholders most likely to be impacted by any CBP data requirements. I know The Commercial Customs Operations Advisory Committee (COAC) plays an important advisory role, and I would engage closely with COAC to understand the impacts of any agency proposals. I would also expand these discussions to include other trade groups, small businesses, labor organizations, federal agency partners, and many others that might impact or be impacted by CBP's facilitation and enforcement priorities. I have spend much of my career building relationships with a broad range of stakeholders, and would continue to do so if confirmed to lead CBP.

4. Question for Chris Magnus (Critical Race Theory)

On June 10, 2021, the Federal Law Enforcement Officers Association (the Association), which represents federal law enforcement officers and agents across 65 federal agencies and supports U.S. Border Patrol Agents and Officers, issued a letter to the Chairman and Ranking Member of the Senate Committee on Homeland Security and Governmental Affairs to express concern over a nominee's "embracement of radical theories such as 'critical race theory.'"

The Association letter called into question the "nominee's ability to neutrality, fairness, and impartiality." It further explained that extremist views have no place in the federal workforce, and that radical theories "stand in stark contrast to the Administration's own positions on wanting to unite our nation."

Separately, the Association's leadership came out against President Biden's COVID-19 vaccine mandate that includes the federal workforce, stating that it "villainizes employees" for having concerns or being hesitant to being vaccinated. The Association's President said that "our federal government should trust its employees to make their own medical decision under consultation with their doctor, not mandate by their employer." The Association's President is also quoted as saying that "Vaccination should be promoted through education and encouragement—not coercion."

- Do you agree with the Association's position against President Biden's COVID-19 vaccine mandate, which includes the federal workforce generally and U.S. Border Patrol Agents and Officers in particular?

Answer: As a former paramedic and EMT with four decades' experience in public safety, I take public health concerns very seriously. As I stated in the hearing, this means that I am supportive of any and all measures necessary to combat the spread of COVID-19, including vaccinations and testing for migrants, as well as for federal officers whose jobs require frequent contact with the public.

With that said, if confirmed as CBP Commissioner, I commit to always serving as an honest and fair broker in understanding the concerns of the agency's workforce, and working to address them in good faith wherever it is possible to do so without harming operational and public health requirements.

- Do you agree with the Association's concerns about incorporating what it characterizes as "radical theories such as 'critical race theory,'" given the Association's suggestion that embracing such ideology within the Customs and Border Protection agency could call into question issues of neutrality, fairness, and impartiality?

Answer: If confirmed as Commissioner of U.S. Customs and Border Protection, I will view it as my responsibility to foster an inclusive and professional work environment in which all officers, agents, and administrative personnel feel supported in their roles contributing to the agency's mission. I believe that the principles of equality, fairness, and mutual respect are critical to that goal. With that said, I agree that extremism is a serious concern, and if confirmed will ensure it is a top priority

5. Question for Chris Magnus (Critical Race Theory)

The Federal Law Enforcement Officers Association (the Association), on September 28, 2021, issued a press release expressing its support for U.S. Border Patrol Agents and Officers working to maintain safety and security at our borders. According to the press release:

"The Administration repeatedly claims 'the border is not open,' yet the wave of individuals entering the country illegally and the lack of resources and personnel to respond to these entrances makes it clear the border is functionally open... The Administration must be honest about the crisis on the ground and give federal law enforcement officers deployed to our borders the tools to enforce the law... The answer is simple; the Administration must reinstitute the border policies that work, including the Remain in Mexico policy and denial of asylum or other claims without the supporting evidence. The safety of all Americans requires a return to rule of law at the border."

- Do you agree with the Association's assessment of a crisis situation at the border and, if not, what, in particular, do you disagree with in the portions of the Association's September 28, 2021 press release provided above?

Answer: If confirmed as Commissioner of CBP, my job will be to enforce the laws as written by Congress. As I stated during my confirmation hearing, I agree that the current situation at the southwest border, particularly in the Rio Grande Valley, presents significant challenges.

If confirmed, I will advocate for appropriate resourcing, staffing, training, and support for the men and women of CBP, including in the Border Patrol and within the Office of Field Operations. In some cases, this will mean hiring additional border processing coordinators to assist in transferring vulnerable minors to HHS custody or issuing Notices

to Appear, in order to free up agents to return to the border security mission. In other cases, this may mean advocating within the administration for technology such as vehicles and radios, recruiting and pay incentives, and other resources in order to help agents do their jobs efficiently and safely.

In my decade plus as a police chief, I have built a track record of successfully advocating for my workforce's needs, and I commit to doing so if confirmed in this role.

Questions for the Record
Senator Chuck Grassley

Nomination of Chris Magnus to be Commissioner of U.S. Customs and Border Protection

1. During our exchange in your confirmation hearing, you committed to providing a response in writing regarding what, in your view, is the statutory basis for the Notice to Report process that has been utilized by U.S. Customs and Border Protection (CBP) in recent months. Please provide that response here.

Prosecutorial discretion, right? is there case law on this or something.

2. During our exchange regarding the Notice to Report process during your confirmation hearing, you stated that “Obviously, the better practice would be to have individuals be Noticed to Appear as opposed to Noticed to Report.” That being the case, will you commit to expeditiously terminating the Notice to Report process and returning CBP to the standard practice of issuing Notices to Appear if confirmed as Commissioner of CBP?

[It is my understanding that Notices to Appear are no longer issued by the agency]. If confirmed, I certainly commit to working toward a goal of ensuring notices to appear are issued. In addition, I would hope to work with Congress and partners in the Administration on immigration reform to ensure sufficient immigration judges and asylum officers in order to restore a functioning system.

3. Earlier this year, the Biden Administration announced the creation of “humanitarian exceptions” to the order issued by the Centers for Disease Control and Prevention (CDC) pursuant to Section 362 and 365 of the Public Health Service Act, commonly referred to as the Title 42 order.

During our exchange in your confirmation hearing, I asked you for your views on the scope of humanitarian exceptions to the Title 42 order and the extent to which they should be utilized. In response, you said that you would “need to learn more about” the exceptions and have more information in order to answer the question.

- I hope that you have been able to learn more about the Title 42 humanitarian exceptions since that time, and I would like you to provide a response to that question here.

Answer: Title 42 public health authority; Administration retains the ability to set immigration priorities, including humanitarian exemptions in order to uphold obligations under our own and international law. Would defer to Admin and public health officials as to tradeoffs between providing some humanitarian relief, particularly to vulnerable children, while taking steps to limit spread of COVID-19 pandemic.

4. If confirmed as Commissioner of CBP, will you commit to working faithfully and expeditiously to re-implement the Migrant Protection Protocols (MPP) in compliance with the August 13th federal district court order from the Northern District of Texas?

Answer: If confirmed as CBP Commissioner I will uphold the law, including not only our baseline statutory obligation to provide asylum protections to those found eligible, but any court orders to which the Department and CBP are currently subject. To that end, I will certainly provide decisionmakers within DHS and the Administration with any information requested as they develop various options in order to comply with court orders as well as our existing obligations under statute, and would be happy to keep your office and this Committee apprised.

5. As you are aware, there have been widespread media reports regarding videos and photographs of mounted Border Patrol agents, who are employees of CBP, positioned on the banks of the Rio Grande River attempting to disperse Haitian migrants who were crossing the river.

These photos and videos led to the creation of a false narrative that mounted Border Patrol agents were engaged in the “whipping” of migrants, a claim the photographer himself has publicly refuted. Despite that, numerous senior Administration officials, including Secretary Mayorkas and President Biden, have made harsh public statements about the agents and their actions. DHS is currently undertaking an internal investigation of the matter.

- If this internal DHS investigation confirms that the Border Patrol agents involved did not, in fact, whip any migrants, will you – if confirmed as Commissioner of CBP – commit to ensuring that they receive a public apology on behalf of the agency for the way that they have been portrayed in recent weeks?

Answer: If confirmed as Commissioner, ensuring the integrity and fairness of our internal procedural justice process will be one of my highest priorities. This means that our officers should be able to expect a fair, impartial investigation in any instance of alleged wrongdoing. If the investigation finds that they were doing the right thing, they will have my full support. Conversely, if an investigation finds that they acted in a manner inconsistent with the agency’s policies, training, or values—or with the law—they can expect swift consequences.

As I stated during my confirmation hearing, if confirmed, I am committed to transparency and accountability, both for agency leadership and our agents, and would see no problem with releasing the results of the investigation to Congress, and if at all possible, the public.

6. In written testimony to the Senate Judiciary Committee on December 12, 2018, you said that you agreed with the statement that constructing physical barriers along the southern border was a “medieval solution to a modern problem.”

In 2006, Congress passed the Secure Fence Act, which authorized the construction of hundreds of miles of fencing/physical barriers along the southern border. It passed the U.S. Senate by a vote of 80-19, and was supported by 26 Democratic senators - including then-Senator Barack Obama, then-Senator Hillary Clinton, then-Senator Joe Biden, and

Senator Schumer.

- Do you believe that, in voting for passage of the Secure Fence Act of 2006, 80 United States senators, including three future Democratic Party presidential nominees and two future Democratic presidents, voted for a “medieval solution to a modern problem?”

Answer: As you may have seen in my written statement, the quote you reference likening the border wall to a “medieval solution to a modern problem” was from an elected Republican sheriff here in Arizona with responsibility for policing a community with 125 miles of border. With that said, I believed at the time, and still do, that a physical barrier in itself is an incomplete solution to our border security, and must be combined with technology and people in the right places in order to be effective.

- Are you opposed to the construction of any new physical barriers along the southern border?

Answer: No, I am not. I believe there are some areas along the border where additional barrier simply does not make sense, either because the environment is too remote, the terrain provides a natural barrier, the area is frequented by crossers, or technological solutions are more appropriate.

With that said, I am open to advocating for any and all solutions, including additional infrastructure, technology, and staffing, that can improve the effectiveness of our border security along the southwest border, provided that these solutions maintain agent and migrant safety and minimize environmental disruption and other adverse community impacts.

- Do you believe that physical barriers have any role to play in securing the southern border? If not, why not? If so, how and where do you think they should be deployed?

Answer: Absolutely think physical barriers a key part of border security, along with technology and Border Patrol agents. If confirmed, will speak with Border Patrol agents, community stakeholders, and others to understand greatest needs

7. In response to one of my questions during our exchange at your confirmation hearing, you said, “I think it’s very important that local communities do work with federal agencies that include ICE and the Border Patrol.”

My understanding is that it is commonplace for chiefs of police in border communities to have an open working relationship with the Border Patrol Chief in their area. For example, it is my understanding that the Chief of Police in McAllen, Texas, has an open working relationship with the Chief Border Patrol Agent in the Rio Grande Valley Sector.

I believe that similar dynamics exist in the El Paso, El Centro, Del Rio, San Diego, and Yuma Sectors.

- Prior to your nomination, how open was your working relationship with the Chief Border Patrol Agent in Tucson Sector?

Answer: As you note, as a local police chief, I have always found relationships with federal, state, and other law enforcement agencies incredibly important. My relationship with the USBP Tucson Sector Chief was warm prior to my nomination to this position, and has remained that way in the six months since.

- Can you give me specific examples of the times you spoke with and worked with the Chief Border Patrol Agent in Tucson Sector?

Answer: My Department holds monthly meetings with the current USBP Sector Chief, including in the six months since I was nominated to serve as CBP Commissioner.

8. Again, in response to one of my questions during our exchange at your confirmation hearing, you said, "I think it's very important that local communities do work with federal agencies that include ICE and the Border Patrol."

In March 2017, it was reported that the Tucson Police Department, of which you serve as Chief, impeded a Border Patrol operation.

The case involved an individual named Carlos Erazo-Velasquez who escaped from Border Patrol custody after being taken to a hospital for evaluation. Erazo-Velasquez had been taken into custody for illegal entry and assaulting an agent during his initial detention. Some reports indicated that, in addition to ceasing efforts to assist Border Patrol in the case, the Tucson Police Department went so far as to refuse the Border Patrol's request to set up an incident command post in a police department substation parking lot.

Reports indicated that the Tucson Police Department apparently made these decisions due to the "current political climate" surrounding immigration enforcement.

- Given that you were the Chief of Police in Tucson at the time, can you provide an explanation for the Tucson Police Department's actions in this case?

Answer: In the incident you describe, the Tucson Sector Border Patrol contacted us as they were working to locate an individual who had escaped their custody. We worked closely with their officers to search for the individual for over two and a half hours, as well as devoting numerous additional resources to support the search for the escaped individual. I would have to direct you to the person who reported the story for additional insight.

- Do you deny that the "political climate" surrounding immigration enforcement at the time played any role in the Tucson Police Department's decision-making in

this case?

Answer: Yes. The request to set up in a substation parking lot was denied because it was not located near the escapee's last known whereabouts and not due to any political considerations.

9. There are approximately 1.2 million illegal immigrants in the United States with final orders of removal, meaning that they have received due process and have been ordered removed from the United States by an immigration judge. Do you agree that they should all be removed from the United States in an expeditious manner?

Answer: I agree that immigrants with final orders of removal are subject to deportation from the United States. With that said, in my experience as a police officer, I am very familiar with the concept of officer discretion to focus limited resources on the greatest threats to public safety. In addition, I understand the statute governing final orders of removal provides for alternatives, including supervision and detention, which may be appropriate in some cases. I would ultimately defer to ICE, which as you know is the agency charged with immigration enforcement, as to whether expeditious removal is feasible or appropriate for all 1.2 million individuals referenced here.

10. If reports are correct, CBP will soon confirm that in Fiscal Year 2021 it had the highest ever number of encounters with illegal immigrants attempting to cross the southern border in any fiscal year since records began. Do you agree with former Border Patrol Chief Rodney Scott that this unprecedented surge at the southern border poses a national security threat?

Answer: I think there's no question that a high number of encounters at the southwest border has a real impact on Border Patrol resources and bandwidth. It is my understanding that many of those encounters are repeat attempts under Title 42 public health authorities due to the pandemic, but that doesn't decrease the workload on men and women.

With that said, CBP's mission is to secure our ports of entry and our borders against threats. Obviously take discussion of any specific national security threats seriously, and if confirmed, will immediately seek briefings on threat landscape and seek to work with this Committee and within the Department to ensure we continue to retain the capability to identify and interdict.

11. Do you believe that COVID-19 vaccines should be mandated for illegal immigrants before they are released from DHS custody into the interior of the United States?

Answer: As a former paramedic and EMT, and given my four decades of experience in public safety, I take public health concerns very seriously. I believe we must take any and all measures to guard against the unnecessary spread of COVID-19, including but not limited to mandatory testing and vaccinations for migrants in the federal government's custody.

If confirmed, I commit to working with partners at the state and local level, as well as within the federal government, to ensure we are taking all appropriate steps to mitigate the potential spread of COVID-19.

12. During an October 20th roundtable event hosted by House Minority Leader Kevin McCarthy, the Mayor of Uvalde, Texas, – which is within the Del Rio Sector – described how he has repeatedly requested that Border Patrol provide him with data and statistics regarding the illegal immigrant population being encountered by Border Patrol in the area.

According to the Mayor, he received the following response from Border Patrol:

“I was told point blank from Border Patrol that they are not going to give me any information – nor are they going to give any mayor or any county judge any information going forward because they’ve been told from Washington not to give it to us.”

- If confirmed as Commissioner of CBP, will you commit to looking into this issue and, if such a policy has been put in place regarding CBP information sharing with state and local partners, will you commit to expeditiously reversing it?

Answer: Yes. In my current role as a private citizen, I am not aware of any such policy. However, if confirmed, I would absolutely set a tone of coordination, cooperation, and mutual respect with state and local governments and law enforcement agencies, as I have enjoyed with state and Federal partners throughout my career in policing.

13. As you are likely aware, there is currently a crisis in our global supply chains. This crisis has been caused by a number of factors and has resulted in shipping delays, congested ports, a backlog of shipping containers, and increased prices of goods. If confirmed, how do you plan to manage the supply chain crisis and mitigate its effects on American workers and consumers?

Answer: I could not agree more that preserving and reinforcing America's supply chain is one of our top priorities, and is certainly something that I care deeply about. I also recognize, particularly as we approach the busy holiday season, the urgency surrounding this issue is only increasing. Although CBP is only one actor at the ports, and certainly not the only entity that has responsibility for the smooth movement of goods through the ports, it plays a very important role. If confirmed, I would want to ensure that the agency has the appropriate staffing at ports, that CBP is working closely with port authorities, carriers, brokers, labor groups, and other key partners in the trade community to meet the increasing cargo screening and clearance demands.

I would also prioritize the continued modernization of technology resources, like the Automated Commercial Environment (ACE) system, inspection equipment, and other tools to meet the demands. These systems can have serious impacts on the flow of cargo,

and ensuring that these tools are well-resourced and updated are critical to that facilitation mission. These tools become more important as our international trade and travel traffic increases, and as CBP staffing demands increase.

14. Trade enables us to engage economically with consumers around the world, which is very important since 95% of the world's consumers live outside the United States. However, ports around the globe, specifically in the U.S. are packed with ships waiting to be offloaded. Some of these ships have been sitting for a longer period of time than it took for them to cross our oceans. If confirmed, how will you address this backlog of shipping containers and congestion within our ports?

Answer: I share your concerns about the backlog of cargo ships at ports across the country and recognize the urgency of addressing these delays. As you know, while CBP is critical to the efficient flow of cargo through our ports, the agency is only one piece of this larger situation. If confirmed, I would want to ensure that the agency is staffing the ports at the appropriate levels, and is meeting the demands to process and clear cargo as it arrives. In support of the President's guidance, I would ensure CBP is flexible and proactive, surging personnel or adjusting hours as necessary. I would also ensure that CBP leadership and staff are working closely with port authorities, local governments, carriers, labor groups, and other key partners in the trade community to respond to existing and emergent needs.

In addition to adjust operations on the front line, I would want to prioritize technology and automation that supports the facilitation of legitimate cargo. CBP's ongoing maintenance and improvement of the Automated Commercial Environment (ACE) system is critical to the smooth flow of cargo. Tools like ACE are the critical backbone to the agency's cargo operations, and if confirmed, I would ensure these systems and tools are prepared to meet current and future demands.

Magnus Confirmation Hearing Questions

Submitted by Senator Cornyn

October 22, 2021

Blood Plasma Donations

For over 30 years, Customs and Border Protection has allowed donors with B-1/B-2 visas and border crossing cards to enter the United States for the purpose of donating blood plasma. These donors were able to receive a small payment in connection with their donations – just as any plasma donor residing in the United States would receive. There is urgent need to collect plasma, as it is the essential ingredient used to create therapies in treating an array of rare and serious diseases, many of which are life-threatening. Recently, CBP issued a new policy that finds payment to B-1/B-2 visa holders as equivalent to engaging in labor for hire and, as such, plasma donors are no longer able to rely on B-1/B-2 visas and border crossing cards to enter the United States to donate plasma. Should you be confirmed, would you seek to reverse this recent harmful change in CBP policy and return to the system under which B-1/B-2 visa holders can cross the border, donate life-saving plasma, and receive payment, just as any American citizen would?

Answer: I certainly recognize the importance of blood plasma in an array of medical therapies and interventions. While I am not familiar with the reasoning behind CBP's recent policy guidance on B-1/B-2 visa holders' eligibility to enter the U.S. to donate blood plasma, if confirmed, I would certainly review the decision and share any additional information with your office.

**Senator Rob Portman
Post-Hearing Questions for the Record
Submitted to Chris Magnus**

**Nomination of Chris Magnus to be Commissioner of U.S. Customs and Border Protection
Tuesday, October 19, 2021**

1. If confirmed, do you commit to installing the technology capability already paid for at the border which includes sensors, cameras, communications, and lighting to be able to give your Border Patrol officers the opportunity to be able to respond more effectively and more efficiently?

Answer: If confirmed, I commit to considering any option that increases the effectiveness of our Border Patrol agents while maintaining the safety of agents, migrants, and the surrounding communities, and which does not unnecessarily harm the nearby environment, and to advocating for the adoption of such common-sense approaches to the best of my ability.

Although I am not immediately familiar with each of the specific technology purchases you mention, if confirmed, I would be happy to work with your office and within the agency to learn more, and as you and I discussed, I will not hesitate to advocate for needed resources to assist the men and women of the Border Patrol in carrying out their mission.

2. From the perspective of safety for both migrants and Border Patrol agents, is it safer or more dangerous for asylum-seekers to pay human smugglers and drug cartels to cross the Rio Grande river in the middle of the night compared to going to a U.S. port of entry?

Answer: I would say it is certainly more dangerous for migrants, as well as for Border Patrol agents, to travel through the Rio Grande in the dark than it would be to approach a U.S. port of entry.

3. When Customs and Border Protection is asked why the vast majority of alleged asylum seekers are crossing the border avoid the ports of entry, they respond that the ports are not equipped to handle these asylum seekers. If confirmed, do you commit to requesting the resources and cooperation of other agencies of the federal government so that our ports of entry can be equipped to decrease danger to migrants and Border Patrol agents?

Answer: If confirmed, I would certainly be open to considering any solutions that could increase migrant and agent safety while upholding our obligation to provide asylum protections to those eligible under the law. As we have seen in previous years, as well as this summer, unanticipated surges of large numbers of migrants to our southern border can overwhelm CBP resources and capacity in any given sector, leading to safety and health risks for migrants and CBP personnel, increased time in CBP custody for unaccompanied minors, and transportation and logistical challenges that might otherwise be avoided.

With that said, such a proposal would require significant engagement with CBP's Office of Field Operations, as well as our partners in GSA who I understand hold many of the leases for CBP's land ports of entry in order to ensure safety. From my experience visiting ports of entry in Arizona, many of the traffic lanes around our ports of entry already experience significant pedestrian traffic which can be dangerous both for the pedestrian, as well as for vehicles attempting to enter and exit the U.S. I would be happy to work with your office and others in border states to learn more about this proposal and understand how it might best be carried out.

4. Despite the fact that asylum seekers are walking up to Border Patrol agents to turn themselves in, it is estimated that there are still over 1,000 migrants or "got-aways" who evade apprehension each day at the border. If confirmed, will it be acceptable to you that 1,000 people cross daily without authorization or screening into the United States?

Answer: I certainly appreciate the premise of your question and agree we face a rate of apprehensions at the border that is very high. With that said, as a law enforcement officer, I would hesitate to say any one daily statistic should define success or failure for Border Patrol operations without additional context. Certainly, the estimate you cited seems high, but if confirmed I would want to gain a full understanding of how that estimate is derived and with what fidelity, what the historic trends are around those numbers and how that statistic compares, and whether there are other numbers that might be more relevant to assessing our efficacy.

For example, it is my understanding that the rising numbers of repeat attempt crossers reported this year may actually be a sign that the Border Patrol is catching a far greater proportion of those who attempt to cross the border than in previous decades. If that is the case, I would be interested to know whether the number of those who evade apprehension is higher or lower than in previous years, in order to inform thinking about investments in technology, personnel, and physical barriers in the future.

With that said, to your point, I understand and appreciate the concern that high levels of apprehensions at the border mean a high workload for the Border Patrol, and create the opportunity for exploitation by malicious actors seeking to sneak past without detection. If confirmed, I certainly commit to working with your office and others within DHS to seek ways to address this issue, including through comprehensive statutory reform.

5. The Department of Homeland Security concluded that border apprehensions decreased by at least 70% in the following sectors of the border where a barrier was installed: Yuma, San Diego, El Paso, and the Rio Grande Valley. Do you agree or disagree with the Department of Homeland Security that previous border wall installation has been effective?

Answer: As I said in my confirmation hearing, I certainly believe that physical barriers placed in the right areas can be effective elements of an overall border security strategy. In particular, I agree that the construction of limited physical barriers, particularly in areas near population centers and at busy crossings, including in some of the areas you named, likely helped to reduce apprehensions in the late 2000s, especially in concert with other factors

including dramatic increases in CBP funding for technology and personnel, as well as fundamental changes to Mexico's economy.

With that said, the Department's 2020 announcement attributing drops in apprehensions to wall construction appears in some cases to compare different seasons of the same year, so I would need additional information to assess the effectiveness of that particular investment.

6. Other than public messaging that our borders are not open, what specifically will you do to reverse the trend of rising numbers of migrants arriving from outside of Mexico and the Northern Triangle?

Answer: Work with partners / State Department / build relationships with counterparts in Mexico to better anticipate surges of migrants from outside those 4 countries.

Tough problem – driven by pandemic, global factors. Certainly would want to work with Congress to find ways to address this and broader system.

7. CBP publishes some monthly statistics on migrants' country-of-origin but neglects to list all nationalities of migrants who are encountered at the southwest border, including from special interest areas. If confirmed, will you commit to providing our committee the full data regarding the country-of-origin on a monthly basis?

Answer: Yes. If confirmed, will seek to be as transparent as possible with Congress, provided data are available.

8. What role do local police agencies have with their federal partners on matters involving unlawful migrants who commit crimes here?

Answer: Arrest and carry out regular law enforcement. Up to the local government to determine policies or laws relating to carrying out federal immigration enforcement. Need to take public safety into place. As stated in hearing, in Tucson and other jurisdictions, advised not to hold migrants without an arrest warrant from ICE. However, have spoken out against the adoption of extreme measures that would have prohibited cooperation with federal LE, and have consistently worked well on a variety of issues with fed LE

9. The Enforce and Protect Act allows Customs and Border Protection (CBP) to investigate companies who evade anti-dumping and countervailing duties. Do you support the creation of an Administrative Protective Order (APO) process to facilitate confidential information sharing with interested parties under this program?

Answer: CBP plays an important role in enforcing against evasion of anti-dumping and countervailing duties, particularly in helping level the playing field for American workers, business, and consumers. In my discussions with members of the trade community, I have heard that the Enforce and Protect Act has enabled CBP to make great strides in its overall enforcement and collection of anti-dumping and countervailing duties, while also providing important transparency to the domestic industry and other impacted by these unfair, illegal

practices. While I am not familiar with the Administrative Protective Order (APO) concept in this context, if confirmed, I would certainly look into its potential use for both enforcement and transparency, recognizing the value of sharing information with trade stakeholders impacted by these unfair practices.

10. Do you believe EAPA should allow petitioners to file allegations when the importer is unknown? Specifically when companies and stakeholders see evasion occurring by tracking prices and market dynamics but do not know who is doing it. This would increase the use of EAPA and avoid delays caused by companies having to hire investigators to track down alleged EAPA violators on their own before coming to CBP with a formal allegation.

Answer: I have heard a lot from members of the trade community about anti-dumping and countervailing duty collection and enforcement, and understand that it is often the importers and businesses that can first identify unfair practices and potential evasion within their industries. From my career in law enforcement, I also understand the value that leads and evidence from interested parties can provide an investigative agency. If confirmed, I would certainly look into options for CBP to gather this type of information, as well as any impediments that may exist for interested parties seeking to provide this information for further review by CBP's enforcement experts.

11. If confirmed, will you support making these improvements to EAPA? Do you believe either of these changes require additional legislation?

Answer: EAPA has significantly improved enforcement and transparency around anti-dumping and countervailing duty investigations, and if confirmed, I would certainly be interested in reviewing these and other proposals to build upon that success. I would be eager to work closely with your office and your Congressional colleagues, the trade community, and CBP's trade enforcement experts to understand what changes can and should be made, and what improvements require legislative action.

United States Senate Committee on Finance
Hearing to Consider the Nomination of Chris Magnus, of Arizona, to be Commissioner of
U.S. Customs and Border Protection, Department of Homeland Security, vice Kevin K.
McAleenan, resigned
October 19, 2021
Questions for the Record

Senator Pat Toomey

Mr. Chris Magnus

Question 1

During your hearing, you noted several times that the immigration system is “broken,” but declined to lay out a specific plan for how to address the problems at the border within the current immigration system. Experts have cited that one of these problems is the admittance of thousands of migrants into the United States, often without adequate procedures to ensure they will pursue their immigration cases in immigration court once they have been released into the country.

- a. *Do you agree that there are tools in current immigration law that CBP could use to limit the number of migrants being admitted into the interior of the country?*
- b. *If yes, please provide 2 specific examples.*
- c. *If confirmed, would you use these tools to limit the number of migrants admitted into the interior of the country? Why or why not?*
- d. *Do you agree that there are tools in current immigration law that CBP could use to better ensure that migrants who are admitted into the United States actually pursue their immigration cases as required under immigration law?*
- e. *If yes, please provide at least 1 specific example.*
- f. *If confirmed, would you use this tool to ensure that migrants admitted into the interior of the country pursue their immigration cases in immigration court? Why or why not?*

Answer: As you mentioned, I noted during confirmation hearing system broken – not enough asylum officers; immigration judges. Current statute provides Congress with the ability to appropriate more. Not within CBP remit, but wld advocate for that to provide faster asylum decisions, ensure those who are eligible to be here can stay; rest can leave.

Border processing coordinators – bipartisan proposal, but understand already authority in law. Need enough to take some of the strain off BPA’s so they can get back to border.

Address problems at border within the current system: will be a real challenge! All I can do is honest broker survey workforce advocate for resources / staffing provide advice to decisionmakers on what seeing on the ground.

Probably not CBP, but again – yes. Immigration cases under DOJ; enforcement under ICE. Asylum officer under USCIS. Both courts and USCIS could use additional to more quickly dispose of asylum cases.

NTA's – understand we're not doing NTR anymore, but if confirmed, obviously goal would be to work as closely as possible with ICE to ensure court cases show up, or open to proposals to place asylum officers at POEs so there's not even any need for that

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Questions for the Record for Chris Magnus

Senator Daines

Question 1

Do you think Title 42 removals have been an effective tool in helping deter illegal migration?

Answer: public health authority, not meant to deter illegal immigration. Effective in providing ability to turn people back. Agree need plan for when it ends – cannot rely on for routine border enforcement.

Question 2

Do you have concerns with the impact President Biden’s vaccine mandate will have on the CBP workforce?

Answer: (No) // public health // EMT // honest broker

Question 3

How would you seek to address some of the issues around lack of housing in remote border locations that officers are experiencing?

Answer: Work with many including your office to better understand the problem. Won't be leading from my desk – want to get out and understand issues. Difficult job, remote areas, need support – at northern as well as southern border.

Question 4

How will you work to ensure full staffing along the northern border given the large numbers of CBP staff that were relocated to the southern border to deal with the crisis there?

Answer: Work with many including your office to better understand the problem. Won't be attempting to lead from behind my desk – want to get out and understand issues. Difficult job, remote areas, need support – at northern as well as southern border.

Question 5

With the coming reopening of the US-Canada border, will you ensure that all Points of Entry return to pre-pandemic hours of operation?

Answer:

Question 6

How will you work to address some of the challenges with morale in the workforce due to many officers belief that leadership is more concerned with politics than having their backs?

Answer:

Question 7

Will you commit to full transparency and provide briefings to any member who requests one with regard to the work CBP is doing to screen and vet Afghan evacuees?

Answer: Yes

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Questions for the Record for Chris Magnus

Senator Young

While the questions below are numerically separated by theme for clarity and convenience, some may include sub-part questions denoted alphabetically. **Please note that individual responses to each sub-question are expected** and that a single response to multiple sub-questions will be treated as unresponsive.

For the purposes of questions that clearly end in “yes or no,” answers other than “yes” or “no” will similarly be deemed unresponsive to such questions.

Question 1

Chief Magnus, in your discussion with Senator Daines during your hearing you agreed with the recommendation of operational Border Patrol agents that “additional barrier or wall could be useful” to help secure our border and that there are “gaps where that could make sense.”

During my questioning, you stated that you were not familiar with the Department of Homeland Security’s (DHS) recent announcement about cancellation of the border contracts. I was disappointed that your preparation for this hearing did not include familiarizing yourself with recent U.S. Customs and Border Protection (CBP) decisions regarding our border security.

In preparation for answering the below series of questions, I would ask that you now familiarize yourself with that announcement, dated October 8, 2021, and available here:

<https://www.dhs.gov/news/2021/10/08/dhs-terminate-border-barrier-contracts-laredo-and-rio-grande-valley>.

Although the press release is scant on details, it announces the cancellation of “all border barrier contracts located in the Rio Grande Valley Sector” and “the remaining border barrier contracts” within the Laredo Sector. I understand that you are not at CBP and therefore do not know the precise details about these contracts. However, the release clearly identifies the sectors affected by this decision – sectors that alone accounted for nearly half of *all* encounters by CBP along the Southern Border in August 2021.¹

¹ <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters-by-component>

- (a) Do you believe that physical barriers placed in porous areas of the border slow down individuals attempting to enter the United States illegally and help prevent CBP from being overrun, yes or no?

Answer: Yes. 657 miles of border wall, feel great about em

- (b) Given the extreme challenges present in the Laredo and Rio Grande Valley Sectors, including media reports regarding the situation in these and nearby areas, do you believe that it is prudent to cancel border barrier contracts in these sectors, yes or no? Please explain your reasoning.

Answer: Again, have not had a chance to review the location and needs of specific contracts. My understanding is that many migrants in these areas are presenting themselves to Border Patrol agents in order to claim asylum protections under U.S. law; in this area, where there are rivers, farms, and environment, might not be most appropriate approach as compared w/ tech etc. If confirmed, will speak with Border Patrol personnel to understand needs on the ground, and commit to conveying those concerns to DHS leadership. Honest broker and look forward to learning more, including from you

- (c) From an operational lens, would you agree that these regions may in fact be the precise kind of areas that would benefit from a physical border barrier, yes or no?

Answer: Really depends. River clearly slows down migrants; on the other hand, if we anticipate surges or cross-traffic from cities on one side of border to the other, could be that wall needs to be completed. Understand that Texas, has legal considerations not present in NM, AZ, and CA, including private property rights and treaty obligations.

If confirmed, want Border Patrol agents to have best resources available to carry out their mission in a humane way. Commit to honest broker, going down looking, report back, work with your office.

- (d) If confirmed to this position, do you commit to reinstating the border barrier contracts identified in the above-referenced October 8th announcement, yes or no? If your answer is “no,” please explain.

Answer: If confirmed as CBP Commissioner, my job will be to enforce the law. Commit to looking into any and all tools available to help BPA's do jobs safely, humanely, and effectively, and to being an honest broker with DHS leadership regarding needs. Happy to work with your office to do so.

- (e) Based on media reports and the publicly-released DHS data, please identify or elaborate on any other geographic areas or sectors you believe a physical border barrier would aid enforcement.

Answer: Some discussion at hearing of places where just a gate needs to be closed.

Happy to take a look at that and advocate for what I think is appropriate, including building the gate – makes sense to me not to have USBP agents on the line. and – technology for wall – Sen. Portman has mentioned. This is something I'd be open to taking a look at, while understanding the needs and concerns of surrounding community, in order to increase officer and migrant safety.

Question 2

- (a) If confirmed as CBP Commissioner, do you commit to ensuring that policies, tools, and resources utilized by CBP officers will be driven by operational effectiveness rather than political optics, yes or no?

Answer: In my 40 year law enforcement career, I have always been driven by the mission of enforcing the law as written, and supporting the men and women I lead. Additionally, have advocated for at times politically unpopular positions, including for example the sanctuary cities thing, as well as propositions that the police union supported, for example raises and new cars. If confirmed as CBP commissioner, committed to doing the exact same.

- (b) If confirmed to this position, do you commit to being transparent with members of the U.S. Senate, whether in the minority or majority, and provide timely and substantive responses to questions or concerns that are raised regarding border enforcement policy? Please answer yes or no.

Answer: Yes.

Question 3

Chief Magnus, I found it troubling during our dialogue at the hearing that in preparation for that hearing that you did not familiarize yourself with 8 U.S.C. § 1325, which is the operative statute criminalizing unauthorized entry into the United States. In preparation for the below questions, I would ask that you now review that statute.

- (a) Do you agree that 8 U.S.C. § 1325 makes it a federal crime for an individual to enter or attempt to enter the United States at any point other than a border inspection point or other official port of entry, yes or no?

Answer: As I stated during the hearing in response to sen. X's questioning, yes, I do.

- (b) Do you believe that the law of the United States should be upheld and that criminals should be handled in accordance to the law, yes or no?

Answer: As I stated during the hearing in response to sen. X's questioning, yes, I do.

In your dialogue with Senator Cornyn during the hearing, you refer to what you call “discretion” by law enforcement relating to “which laws will be enforced and how they’ll be enforced.”

- (c) If confirmed, will you commit to enforcing 8 U.S.C. § 1325 in its entirety on an unbiased and uniform basis, without engaging in selective enforcement?

Answer: If confirmed as CBP Commissioner, my job will be to enforce the law. As I discussed with Senator Cornyn during the hearing, operational realities, including resource and time constraints, mean that 100% performance 100% of the time is not likely. But certainly will not be making policy decisions regarding enforcement – only gaps, as in any Administration, will be dictated by resource constraints.

- (d) If your answer to part (c) above is “yes,” please explain how you reconcile that response with your decision to refuse assistance to U.S. Immigration and Customs Enforcement, who were presumably seeking to enforce 8 U.S.C. § 1325, among other statutes, while serving as Tucson Police Chief? If your answer to part (c) above is “no,” please explain in detail the legal and public policy rationale for declining uniform enforcement.

Answer: Not aware of the incident to which you are referring. In my career as TPD Chief, have worked closely with state, federal, and local law enforcement, including ICE, DEA, CBP Tucson Sector, and others, to ensure public safety, cooperate on investigations and arrests, and so on. Often difficult and dangerous circumstances for my officers as well as our federal partners.

- (e) Do you believe there is a difference between a law enforcement officer using their “good discretion” in the field, as you referenced officers are trained to do during your hearing, and an agency-wide directive that calls for the non-enforcement of federal statute, such as the unprecedented guideline released by Secretary Mayorkas on September 30, 2021?²

Answer: My understanding is that the Secretary’s enforcement priorities maintain recent border crossers as a priority, as well as defer to the discretion of field agents when it comes to criminal backgrounds. While I cannot speak to the policy behind this decision, it would stand to reason that without action from Congress, and with 12 million immigrants subject to deportation in country, some amount of prioritization is appropriate. However, if confirmed, my responsibility will be to

Question 4

In your dialogue with Senator Menendez during the hearing, you stated that a “full and thorough investigation is necessary before any final conclusions are drawn” regarding the actions of Border Patrol agents that responded to the surge of mostly Haitian migrants in the Del Rio Sector of the Southern Border. I appreciate your commitment to ensuring these agents are given fair treatment, but I have concerns that not all in the Biden-Harris administration share that commitment.

In the wake of footage of Border Patrol agents on horseback attempting to block migrants from entering the county illegally, our country’s leaders were quick to vilify the agents in the press

² <https://www.dhs.gov/news/2021/09/30/secretary-mayorkas-announces-new-immigration-enforcement-priorities>

while leaving out key contextual details. President Biden stated, “I promise you, those people will pay. There will be an investigation underway now and there will be consequences. There will be consequences.”³ Jen Psaki, the White House Press Secretary, has described the images as “horrible and horrific.”⁴ Vice President Harris said she was “deeply troubled” by the “horrible” incident and planned to discuss the matter with DHS Secretary Mayorkas.⁵ Secretary Mayorkas himself stated he “was horrified” and that the photographs of the incident “troubled him profoundly.”⁶

- (a) Chief Magnus, do you believe that the Border Patrol agents involved can reasonably expect a fair investigation while the President, Vice President, and DHS Secretary have all but announced their guilt already?

Answer: As a police chief for 13+ years, my job will be to ensure men and women have support they need, but also face accountability and predictable consequences for wrongdoing. If confirmed, will do same as CBP Commissioner. My understanding is that investigation is ongoing, and results have not yet been shared. In general, I share the concern of many regarding images from Del Rio. I believe regardless of the outcome of the investigation, a discussion about tactics is in order. I have long questioned the appropriateness and safety of horse patrols to apprehend subjects on foot; Risks safety of officer and subject. CBP's investigation into the Del Rio incident is indeed ongoing.

- (b) Based on your decades of experience in law enforcement, do you believe that President Biden and others biased the investigation with their statements?

Answer: I don't know enough to know what impact the statement had in this particular case, but if confirmed, you have my commitment that I will fiercely advocate for the independence of internal investigations within CBP, as well as sufficient resources to ensure that those few who are responsible for wrongdoing and bad acts within the agency face appropriate consequences, and do not affect the morale of the many who do important work day in and day out.

I have had the opportunity to visit the border and meet some of the brave men and women of Border Patrol, an agency that has long struggled with officer morale due to vilification in the media and by certain elected officials. I worry this challenge with morale has only worsened during the crisis at our Southern Border this past year.

- (c) How do you plan to address the feeling among agents and officers who feel unsupported and under-resourced?

Answer: I think this is a super valid concern. Want to talk to them. Have built a track record of advocating for labor, even when I was on management side. Got them new

³ <https://www.washingtontimes.com/news/2021/sep/24/biden-vows-there-will-be-consequences-after-outrag/>

⁴ <https://www.nbcnews.com/politics/white-house/white-house-says-horses-will-no-longer-be-used-border-n1279950>

⁵ https://www.washingtonpost.com/politics/mayorkas-border-patrol-haitians/2021/09/21/fd1fd09e-1ad4-11ec-a99a-5fea2b2da34b_story.html

⁶ <https://www.forbes.com/sites/jemimamcevoy/2021/09/21/homeland-security-chief-says-videos-showing-migrant-mistreatment-at-border-troubled-me-profoundly/?sh=652b37d92f3f>

cars, new radios, and a raise. Brought around unlikely allies to my side. Get them back doing the job they were hired to do with BPC's. Internal procedural justice, etc. Going to train as professionals and expect them to enforce law like professionals. Identify influencers within the workforce and reward.

- (d) Do you believe that events such as what we saw in Del Rio – where Administration officials made snap judgments, withheld context, and were quick to blame Border Patrol officers based on inflammatory tweets – is worsening this issue and could result in further retention issues at CBP?

Answer: I believe in transparency and accountability, and if I'm confirmed there will be both. Internal procedural justice! Exonerate if no wrongdoing; consequences if yes.

- (e) If confirmed to this position, do you commit to ensuring these officers receive a prompt and unbiased investigation into this matter?

Answer: Yes.

- (f) If confirmed to this position, do you commit to restoring mounted patrols to enable Border Patrol officers to efficiently and safely navigate the terrain along the Southern Border?

Answer: Basically no. Long had concerns about tactics. If confirmed, committed to reviewing. Also I don't think they've been un-enstated

Of the 30,000 migrants who crossed into the Del Rio Sector during the Haitian migrant surge last month, Secretary Mayorkas confirmed that more than 12,000 have been released into the United States. That's the size of a small city – in fact, it would rank in the largest 10% of Indiana communities. The logistical challenge of moving such a crowd is enormous, but what truly concerns me is how the Biden-Harris administration could be caught so off guard.

- (g) How does a caravan of illegal immigrants the size of Bedford, Indiana, show up at Del Rio and the U.S. government is completely unprepared?

Answer: Big concern! If confirmed look forward to addressing. Relationship with Mexico, better intel, feedback from guys on the ground – all incredibly important not only to the mission but to officer and migrant safety.

- (h) Reports indicate that similar caravans continue to build in Central America and Mexico.⁷ What steps are necessary to ensure that CBP's intelligence is properly tracking and preparing for such waves?

Answer: Don't know, look forward to finding out. Have to strengthen relationships in Mex.

⁷ <https://www.nbcnews.com/politics/immigration/border-apprehensions-hit-new-yearly-high-another-migrant-caravan-gathers-n1281995>

Earlier this month, I joined a number of my colleagues in asking Secretary Mayorkas about DHS's use of Title 42 authority,⁸ which permitted the deportation of the vast majority of migrants in this influx due to the public health risks associated with such mass migrations. We are still awaiting Secretary Mayorkas's response to our letter.

- (i) Do you agree that Title 42 is an important tool to control public health as the world grapples with the pandemic, yes or no?

Answer: Yes.

- (j) If it is true that over half of the migrants in this migrant surge remain in the United States – either detained or released – does that strike you as DHS utilizing its Title 42 authority properly?

Answer: Title 42 is a CDC authority. Not sure about #s. Compassion for children important?

More broadly, pandemic tools should not be what we rely on in order to have a functioning asylum system. Need asylum officers, immigration judges, appropriate resourcing & staffing for USBP.

- (k) If confirmed to this position, do you commit to providing Secretary Mayorkas with the information necessary to respond to our October 6, 2021 letter and encourage him to respond promptly, yes or no?

Answer: Yes (to the extent it's with CBP – check)

Question 5

During the past year of record-breaking illegal migration into the United States, over 100,000 of those apprehended by CBP have been unaccompanied children. This underscores the grave dangers associated with encouraging individuals to seek refuge in the United States through illegal means, rather than by utilizing proper channels. In a chilling report by the New York Post,⁹ it appears as though the Biden-Harris administration has been flying thousands of underage migrants to New York in the middle of the night, and it has been similarly reported that migrants have been bussed across the nation. Clearly the border crisis does not just impact border towns along our nation's southwest border, but it has fifty-state impact.

- (a) In your decades of experience leading law enforcement departments across the nation, did you expect consistent openness and transparency from state or federal agencies whose operations impacted the city you were entrusted to protect? Why or why not?

⁸ <https://www.young.senate.gov/newsroom/press-releases/young-gop-colleagues-press-dhs-for-answers-on-release-of-haitian-migrants-into-us>

⁹ <https://nypost.com/2021/10/18/biden-secretly-flying-underage-migrants-into-ny-in-dead-of-night/>

SEE BELOW for response. Answer: Yes. For officer safety, coordination and cooperation critically important. In article above, appears this not an LE issue, but still.

Tucson drop-offs presented a difficult situation during surge in 2018 – no coordination. If confirmed would want to look into; if CBP, commit to improving cooperation to the greatest extent possible

- (b) Do you believe that it would be improper for the federal government to transport migrants from their place of apprehension to a different jurisdiction without full and open cooperation with the relevant governors, mayors, and elected officials?

Answer: As an LE officer, will say in Tucson presented a difficult situation during surge in 2018 – no coordination. If confirmed would want to look into; if CBP, commit to improving cooperation to the greatest extent possible

- (c) If confirmed to this position, do you commit to providing timely and substantive updates to senators and members of Congress related to migrants that are relocated into their constituencies, including advanced notice before such relocation occurs, yes or no? If your answer is “no,” please explain.

Answer: Of course

Question 6

In addition to the record number of migrant encounters that CBP has reported in its monthly data releases over the past year, the agency also tracks so-called “got-aways” that refer to illegal crossings that are tracked directly or indirectly – such as through drone surveillance technology – but are never apprehended or pursued for a variety of reasons. Recently, former Border Patrol Chief Rodney Scott, a 29 year veteran of the Border Patrol, stated that there have been over 400,000 documented got-aways over the past year.¹⁰ While CBP publishes monthly records of its apprehensions at the border, I would like to see more transparency about the number of individuals CBP is tracking each month that are *not* apprehended by Border Patrol officers.

If confirmed to this position, do you commit to providing Congress with monthly updates regarding the number of got-aways being tracked by CBP, along with their methods of entry and intelligence related to human or drug trafficking by those who seek to evade ports of entry? Please answer yes or no. If your answer is “no,” please explain why Congress and the American people do not deserve this kind of transparency.

Answer: Yes, although the thing about gotaways is they got away, so not sure how much of this info will be available

Question 7

¹⁰ <https://www.washingtonexaminer.com/news/many-sneaked-over-southern-border-and-got-away-in-past-year>

I have heard escalating concerns from my constituents regarding the record backlog of processing items for entry into U.S. commerce at the shipping ports. As the most manufacturing intensive state in the country, Indiana manufacturers rely on timely access to inputs. I understand that the pandemic is the cause of some of this congestion. However, many shipping ports suffered chronic gridlock prior to the pandemic that was only exacerbated by supply chain disruptions. Businesses in my state cannot simply endure costly delays that last for months on end. Delays mean that business is lost, perishable goods spoil, seasonal products become unsellable, and major manufacturing processes are put on hold.

- (a) If confirmed, how do you anticipate addressing the backlog present at our shipping ports, both in the near-term and long-term?

Answer: I could not agree more that addressing supply chain delays and the backlogs at ports of entry is a top priority, and is certainly something that I care deeply about. I also recognize that the urgency surrounding this issue is only increasing, particularly as U.S. manufacturers try to meet strong consumer demand. Although CBP is only one actor at the ports, and certainly not the only entity that has responsibility for the smooth movement of goods through the ports, it plays a very important role. If confirmed, I would want to ensure that the agency has the appropriate staffing at ports, that CBP is working closely with key stakeholders to meet the increasing cargo screening and clearance demands.

I would also prioritize the continued modernization of technology resources, like the Automated Commercial Environment (ACE) system, inspection equipment, and other tools to meet the demands. These systems can have serious impacts on the flow of cargo, and ensuring that these tools are well-resourced and updated are critical to that facilitation mission. These tools become more important as our international trade and travel traffic increases, and as CBP staffing demands increase.

- (b) How will you engage the business community to ensure that their concerns are addressed and problems can be tackled?

Answer: Stakeholder engagement has always been a priority for me. If confirmed, I would want to ensure that CBP leadership and staff are working closely with key partners in the trade community, including the Commercial Customs Operations Advisory Committee (COAC) and other trade groups, small, medium, and large businesses, labor organizations, federal, state, and local partners, and many others all have a role in the flow of legitimate cargo across our borders. I have built relationships with diverse groups of stakeholders throughout my law enforcement career, and would welcome the opportunity to do so if confirmed to lead CBP.

Question 8

As you know, an important component of our international air travel security apparatus is the CBP Preclearance process, which allows Americans and foreigners flying into the United States to undergo immigration and customs screening at their point of departure. This process both

allows travelers to expedite their arrival into the United States and allows CBP to stop inadmissible travelers or goods before they step foot on a plane. Because of legal jurisdictional challenges that surround the program, such preclearance systems rely on bilateral agreements between the U.S. and host countries – currently, there are 16 such sites between 6 countries. The last U.S. customs preclearance facility to open was at the Abu Dhabi International Airport in 2014, with dozens of applications having stalled in the meantime.

- (a) Chief Magnus, are you supportive of expanding U.S. preclearance capabilities as a way to foster commercial and recreational revitalization as the world recovers from the COVID-19 pandemic?

Answer: I share your view that the Preclearance program is an important and innovative tool for both economic and security partnerships around the world. I recognize the critical role of the Preclearance program in the agency's layered and risk-based approach to border and national security, as well as its impact on the partner nations in which Preclearance locations operate. I understand there are specific standards as part of CBP's process to establish a Preclearance location, as well as any partner country's ability to provide funding and authorities for Preclearance operations. If confirmed, I would certainly review the agency's plans to expand Preclearance operations, while also balancing those needs with staffing demands at U.S. ports of entry.

- (b) Currently, there are CBP preclearance relationships with nations in North American, Europe, and the Middle East. Do you believe the U.S. should focus its next preclearance agreements with other regions of the world, such as the Indo-Pacific?

Answer: I recognize the significance and value of CBP's Preclearance locations around the world, and the critical role of the Preclearance program in the agency's layered and risk-based approach to border and national security. I understand there are a number of standards and thresholds as part of CBP's process to establish a Preclearance location, including risk-assessments specific to potential locations and regions. If confirmed, I would certainly review the agency's focus on any regions globally, including the Indo-Pacific. I would also welcome the opportunity to learn more from you and your staff about any specific regions with potential for partnerships.

On September 29, 2020, CBP announced an expansion of the Preclearance program and invited interested foreign airports to apply for partnership. Among those that applied was the Taoyuan International Airport in Taiwan.

- (c) Do you believe that Taiwan would be a good fit for the nation's first preclearance agreement in the Indo-Pacific?

Answer: I certainly recognize the importance of the United States' partnership with Taiwan and understand the significance of the relationships that CBP establishes with Taiwanese counterparts. While I'm not familiar with the details of Taiwan's Preclearance application, I do know that the Preclearance program is an important tool in CBP's layered and risk-based approach to border and national security. I understand there are a number of standards and

thresholds as part of CBP's process to establish a Preclearance location, and if confirmed, I would certainly review the application and any decisions made regarding Taiwan's application.

(b) (7)(E) request Details

Due Date: 10/21/2021 Clock Days: 0

Requester Information

Requester	(b) (6), (b) (7)(C)	Tracking Number	(b) (7)(E)
Organization		Submitted Date	09/21/2021
Requester Has Account		Received Date	09/21/2021
Email Address		Perfected Date	09/22/2021
		Last Assigned Date	09/22/2021
Phone Number		Assigned To	Office of Information Technology (OIT)
Fax Number			
Address		Last Assigned By	(b) (6), (b) (7)(C) U.S. Customs and Border Protection)
City			
State/Province		Request Track	Complex
Zip Code/Postal Code		Fee Limit	\$50.00

Request Handling

Requester Info Available to the Public	No	Request Type	FOIA
Request Track	Complex	Request Perfected	Yes
Fee Category	N/A	Perfected Date	09/22/2021
Fee Waiver Requested	Yes	Acknowledgement Sent Date	
Fee Waiver Status	Pending	Unusual Circumstances	No
Expedited Processing Requested	Yes	Litigation	No
Expedited Processing Status	Pending	Court Docket Number	
		5 Day Notifications?	No

Description

Long Description Pursuant to the Freedom of Information Act, CNN requests any correspondence (emails, letters and/or memoranda) sent or received by U.S. Border Patrol Chief Raul Ortiz or Chief Counsel Scott K. Falk between September 19, 2021 and September 21, 2021 related to any of the following terms: "rein" or "reins" "cord" or "cords" "whip" or "whips" or "whipping"

Has Description Been Modified No

Description Available to the Public No

Short Description

Additional Information

Type of Records Requested	Other
On Behalf Of First	N/A
On Behalf Of Middle	N/A
On Behalf Of Last	N/A
Date of Birth	N/A
Aliases	N/A
Alien Number	N/A
Parents' Names	N/A
Significant Case Groups	N/A
Linked Tracking Number	N/A
Case Type	N/A
Video Requests	Select a Video Option
Reading Room Submission	DOES NOT Require Upload to the CBP Reading Room
IDVRS Body-Worn Camera Evidence Serial Number	N/A

Attached Supporting Files

Attachments Available to the Public?
No

Attached File Name	Size (MB)	File Type
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No supporting files have been uploaded.
