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Senate Homeland Security and Governmental Affairs Committee Holds Hearing on Threats to the Homeland

LIST OF PANEL MEMBERS AND WITNESSES

GARY PETERS:

The committee will come to order. Today's hearing is an important opportunity to discuss the wide range of threats facing our nation. I'm grateful that our top national security and law enforcement officials are here with us this morning to provide critical updates about what their agencies are doing to address threats to the homeland.

This year this hearing comes at a crucial moment. We are seeing a heightened threat environment and communities across the country in reaction to the ongoing conflict between Hamas and Israel. Many Americans are fearful of that increased tensions around the conflict could lead to violence in their communities here at home as incidents of anti-Semitic, anti-Arab, and anti-Muslim hate continues to grow.

Terrorism, and in particular, domestic terrorism fueled by white supremacist and anti-government ideologies remains one of the most serious threats to our homeland security. And I look forward to hearing from our witnesses today about how their agencies are working to address both international as well as domestic terrorism.

Our nation also faces emerging threats from biological, chemical, nuclear, and radiological weapons, especially if those weapons fall

into the wrong hands. I have long been concerned about the danger this possess -- poses, which is why I led the effort to reauthorize the Office of Countering Weapons of Mass Destruction and will continue to work towards that end.

We must also reauthorize the Chemical Facility Anti-Terrorism Standards Program and ensure that facilities that store or produce chemicals are secure from terrorist threats. We'll also discuss the significant threat that cyber attacks pose to our national and economic security. Bad actors such as foreign agents from China and Russia, cyber security criminals, and so-called hacktivist groups are constantly adapting, posing a serious risk to our critical infrastructure and to our election security.

I am proud of the bipartisan work that this committee has done to strengthen American cyber security. Our bipartisan reforms are helping to protect schools, federal agencies, state and local governments, and other targets from cyber-attacks. That said, there is a whole lot more we must do to stop criminal hackers and foreign adversaries from exploiting network vulnerabilities, and I look forward to discussing those topics here today.

The use of unmanned aircraft systems in our country has also rapidly increased. And while these tools help our economy and law enforcement personnel, they also bring serious security risk. Drones can threaten manned aircraft operations, target large public gatherings, and even be used to transport contraband across our borders.

I look forward to hearing what our witnesses have to say about the threat of unmanned aircraft systems and the urgent, urgent need to reauthorize the counter UAS capacities of the federal government,

which are set to expire later in November. One of the most serious challenges we face and one of the toughest to tackle is that of climate change and natural disasters.

This is an existential threat to our planet and continues to affect our national security. As extreme weather events become more common, we have to spend more resources on disaster recovery. Climate change also poses direct threats to our security infrastructure affecting ports, manufacturing facilities, transportation routes, and many other parts of our supply chains.

Today, we'll hear more about how our national security agencies are addressing climate change and what else we must do to mitigate this threat. And finally, this hearing presents a unique opportunity to discuss border security as we learn more about the administration's work to secure our northern and southern borders, prevent human trafficking, and stop the flow of deadly drugs like fentanyl into our communities.

The full range of these threats from terrorism to drones to climate change pose great danger to our communities and our panel of witnesses will provide an essential perspective. They will help us understand what our agencies are doing to mitigate these national security threats and what more Congress and the administration can do to keep every American safe.

I look forward to a very productive discussion. Ranking Member Paul you are recognized for your opening remarks.

RAND PAUL:

In 1976, the Church Committee issued its final report revealing decades of widespread abuse by federal intelligence agencies against

US citizens. The bipartisan Church Committee outlined countless examples of how the federal government used powers that were meant to counter foreign threats against its own citizens in an effort to protect society.

These abuses happened under presidents of both parties. Domestic groups, like the NAACP and the Women's Liberation Group engaged in nonviolent lawful political expression, were targeted and surveilled for contradicting the approved government initiative and narrative. Intelligence agencies used their powers to serve ideological purposes attempting to covertly influence social policy and political action.

The government distorted and exaggerated facts, leveraged mass media, and attacked the leadership of groups it considered to be threats to the social order. One of these so-called threats to social order was Martin Luther King Jr. The purpose of the Church Committee's yearslong investigation was to expose the intelligence agencies' unlawful overreach into the private lives of Americans.

The committee hoped that its findings would result in more transparency and accountability to ensure that these abuses never occurred again. They say history repeats itself -- doesn't repeat itself, but it often rhymes. Unfortunately, as we sit here today, I fear that our federal government is still undertaking many of the same tactics that the Church Committee found to be unworthy of democracy and occasionally reminiscent of totalitarian regimes.

Federal agencies, including the FBI and the DHS, continue to operate in a manner that is outside the scope of their authorities, wasting taxpayer dollars and infringing on the rights of Americans. Earlier this month, the Fifth Circuit Court of Appeals found that the federal

agencies, including the FBI and DHS, likely violated the First Amendment.

In fact, the judge said it was one of the worst, if not the worst violation of the First Amendment in the history in -- our American history by coercing social media companies to remove speech the government disagreed with related to the origins of COVID-19 pandemic lockdowns, vaccine efficacy, and the Hunter Biden laptop stories.

FBI and DHS regularly met with social media companies and pressured them to remove content it deemed as misinformation, including posts and accounts that originated from within the United States and including posts and accounts that are verifiably true. And the censorship of the Constitution -- a constitutionally protected speech on social media is just one example of the executive branch actions in recent years weaponizing the federal government against its people.

The FBI continues to misuses authority under section 702 of the Foreign Intelligence Surveillance Act. You would think we'd be going after foreigners. But we are using the Foreign Intelligence Surveillance Act to go after Americans, as we observed and was done with individuals participating in the George Floyd protests.

Un -- unconstitutional access to Americans activities was instituted against those in the George Floyd protests. DHS warned of violence from Americans who questioned the efficacy and safety of the COVID-19 vaccines and protested government overreach associated with pandemic mitigation measures. These agencies, charged with protecting the security of our nation, targeted parents who protested restrictive COVID-19 policies at school board meetings and labeled Catholics as potential domestic terrorists.

It is hardly a surprise that the faith of Americans in their government is dwindling. Instead of focusing on rampant violent crime across the nation and the unprecedented crisis at the border, FBI and DHS are using their resources to surveil and censor law abiding Americans engaged in constitutionally protected speech.

When the federal government's activities are improperly focused inward, legitimate national security threats go unnoticed. The Church Committee highlighted the important point highlighting that the FBI placed more emphasis on domestic dissent than on organized crime and its effort to combat foreign spies suffered because of its focus on American protest groups.

The narratives from the past and the present draw concerning parallel. The lessons of the Church Committee report resonate nearly 50 years later. Yet the cycle of executive branch overreach continues. The American people deserve accountability from the federal government and Congress cannot continue to abdicate its constitutional duty to conduct oversight.

As the Church Committee aptly pointed out, power must be checked and balanced, and the preservation of liberty requires the restraint of laws. It is our responsibility to ensure that the principles of American democracy endure and I hope my colleagues on both sides of the aisle will work with me to do just that.

GARY PETERS:

It is the practice of the Homeland Security and Governmental Affairs Committee to swear in witnesses. So if each of our witnesses would please stand and raise your right hand. Do you swear the testimony you will give before this committee will be the truth, the whole truth, and nothing but the truth. So help you God. Thank you.

You may be seated. Secretary Alejandro Mayorkas is the seventh Secretary of the Department of Homeland Security. Secretary Mayorkas has led a distinguished career over three decades as a law enforcement official and a lawyer in the private sector. He has served as the department's deputy secretary, as director of US Citizenship and Immigration Services, and at the Department of Justice as Assistant United States Attorney in the Central District of California.

Secretary Mayorkas, thank you for appearing before our committee once again. You are recognized for your opening statement.

ALEJANDRO MAYORKAS:

Chairman Peters, Ranking Member Paul, distinguished members of this committee. In September, the Department of Homeland Security published the 2024 Homeland Threat Assessment, laying out the most direct pressing threats to our security. Already in the weeks since the assessment was published, the world has changed.

Hamas terrorists horrifically attacked thousands of innocent men, women, and children in Israel on October 7th, brutally murdering, wounding, and taking hostages of all ages. In the days and weeks since, we have responded to an increase in threats against Jewish, Muslim, and Arab American communities and institutions across our country.

Hate directed at Jewish students, communities, and institutions add to a preexisting increase in the level of anti-Semitism in the United States and around the world. As the last few weeks have shown, the threat environment our department is charged with confronting has evolved and expanded constantly in the 20 years since our founding after 9/11. Today, individuals radicalized to violence can terrorize using a vehicle or a firearm.

A transnational criminal organization needs only to conceal 2.2 pounds of fentanyl in a commercial truck or passenger car crossing through our land port of entry to kill as many as half a million people. Lone actors and nation states such as Russia, Iran, and the People's Republic of China can use computer code to steal sensitive personal information, shut down critical infrastructure, and extort millions in ransom payments.

Compromising deepfake images can exploit and ruin the life of a young person. Extreme heat, wildfires, and devastating hurricanes are increasing in frequency and severity. And our department's founding rationale, the threat posed by foreign terrorists using weapons of mass destruction remains. The 260,000 men and women of the Department of Homeland Security work every day to mitigate these threats and many more.

I am immensely proud to be here today on their behalf to discuss the work they do, the challenges they face, and most importantly the support they require from Congress to do their jobs. Thank you for the opportunity to do so. I would like to focus today on two such means of critical urgent support. First, Congress must not allow key DHS authorities to lapse.

Our department's authority to implement the chemical facility antiterrorism standards expired on July 28th. That means the Cybersecurity and Infrastructure Security Agency is barred from inspecting over 3,000 high risk chemical facilities, identifying who is accessing them, and whether they are stockpiling dangerous chemicals.

Historically, more than a third of inspections identify at least one gap in a facility's security. Our Counter Drone Authority will expire on

November 18th, challenging among other missions the Secret Services ability to protect the president and vice president and customs and border protections ability to patrol the southwest border and intercept cartel drones ferrying drugs and other contraband through the air.

ALEJANDRO MAYORKAS:

Our department's office of Countering Weapons of Mass Destruction authority will expire on December 21st. That would hinder our ability to detect biological and illicit nuclear material threats and safeguard against the use of AI in the development of biological weapons as President Biden charged us with doing yesterday in his executive order on artificial intelligence.

Finally, key elements of our intelligence collection authority under section 702 of the Foreign Intelligence Surveillance Act will expire on December 31st. Expiration would leave our country vulnerable to attack supported by American citizens and it would cripple our ability to identify and secure American citizens who are the targets of such attacks.

Renewing each of these four authorities is common sense, bipartisan, and critical to our national security. This is not a moment to let our country's guard down. Second, we need Congress to allocate sufficient resources to enable our nation's front line officers to carry out their difficult jobs and keep the American people safe.

Two weeks ago, our administration requested critical supplemental Homeland Security funding that would help do just that. This funding package would allow us to more effectively combat the scourge of fentanyl, stem the impacts of historic migration, and accelerate work authorization for eligible non-citizens.

This funding will, in short, make a critical difference in our department's operational capacity and in our national security. Ensuring the safety of the American people is a national imperative and a governmental obligation. I look forward to partnering with Congress to deliver for the men and women who keep our country safe.

I look forward to working with you to address the threats and challenges America faces today and in the years to come. And I look forward to your questions. Thank you.

GARY PETERS:

Thank you, Mr. Secretary. Director Christopher Wray is the eighth director of the Federal Bureau of Investigation. Director Wray began his law enforcement career over two decades ago, serving in the Department of Justice as an assistant US attorney for the Northern District of Georgia. He has also served on the president's corporate tax fraud force and supervised the Enron tax force in addition to playing a key role in national security objectives for the department.

Director Wray, welcome back to the committee for your testimony here today. You're recognized for your opening statements.

CHRISTOPHER WRAY:

Thank you. Good morning, Chairman Peters, Ranking Member Paul, members of the committee. discussions about the most pressing national security threats that -- what we face and what we're doing to tackle them are always important, but it seems especially well timed this year with the dangerous implications, the very fluid situation in the Middle East has for our homeland security.

The reality is that the terrorism threat has been elevated throughout 2023, but the ongoing war in the Middle East has raised the threat of an attack against Americans in the United States to a whole nother level. Since the horrific terrorist attacks committed by Hamas against innocent people in Israel a few weeks ago, we've been working around the clock to support our partners there and to protect Americans here at home.

We assess that the actions of Hamas and its allies will serve as an inspiration, the likes of which we haven't seen since ISIS launched its so-called caliphate several years ago. In just the past few weeks, multiple foreign terrorist organizations have called for attacks against Americans and the West. al-Qaeda issued its most specific call to attack the United States in the last five years.

ISIS urged its followers to target Jewish communities in the United States and Europe. Hezbollah has publicly expressed its support for Hamas and threatened to attack US interests in the Middle East. And we've seen an increase in attacks on US military bases overseas carried out by militia groups backed by Iran.

Here in the United States, our most immediate concern is that violent extremists, individuals or small groups, will draw inspiration from the events in the Middle East to carry out attacks against Americans going about their daily lives. That includes not just homegrown violent extremists inspired by a foreign terrorist organization, but also domestic violent extremists targeting Jewish or Muslim communities.

We've already seen that with the individual we arrested last week in Houston who'd been studying how to build bombs and posted online about his support for killing Jews. And with the tragic killing of a six year old Muslim boy in Illinois and what we're investigating as a

federal hate crime. But as I said a few moments ago, on top of the homegrown violent extremists and domestic violent extremist threat, we also cannot and do not discount the possibility that Hamas or another foreign terrorist organization may exploit the current conflict to conduct attacks here on our own soil.

We have kept our sights on Hamas and have multiple ongoing investigations into individuals affiliated with that foreign terrorist organization. And while historically our Hamas cases have identified individuals located here who are facilitating and financing Hamas' terrorism overseas, we're continuing to scrutinize our intelligence to assess how the threat may be evolving.

But it's not just Hamas. As the world's largest state sponsor of terrorism, the Iranians, for instance, have directly or by hiring criminals mounted assassination attempts against dissidents and high ranking current and former US government officials, including right here on American soil. And along those lines, Hezbollah, Iran's primary strategic partner, has a history of ceding operatives and infrastructure, obtaining money and weapons, and spying in this country going back years.

Given that disturbing history, we are keeping a close eye on what impact recent events may have on those groups' intentions here in the United States and how those intentions might evolve. For example, the cyber targeting of American interests and critical infrastructure that we already see conducted by Iran and non-state actors alike, we can expect to get worse if the conflict expands as will the threat of kinetic attacks.

But across the country in each in every one of the FBI's 56 field offices, we are addressing these threats with a sense of urgency. Among other

things that means working closely with our federal, state, and local partners through our FBI led Joint Terrorism Task Forces to ensure that together we stay laser focused on mitigating threats.

Taking an even closer look at existing investigations and canvassing our sources to improve our intelligence and then sharing that information with our partners and doing all we can working with our partners to protect all houses of worship and people of all faiths here in the US. Bottom line, we're going to continue to do everything in our power to protect the American people and support our partners in Israel.

Now protecting Americans from the threat of terrorism is and remains our number one priority. But as you all know, the range of threats we battle each and every day is enormous. From cyber-attacks to economic espionage, to violent crime and narcotics trafficking and everything in between, and none of the problems we tackle is getting any easier.

But we have continued to work to outpace our adversaries by disrupting over 40 percent more cyber operations last year and arresting over 60 percent more cyber criminals than the year before. We're aggressively working to protect America's economic security from China's relentless efforts to steal our innovation and intellectual property with around 2,000 active investigations across all 56 FBI field offices.

And -- and over the past two years alone, we've seized enough fentanyl to kill 270 million people. That's more than 80 percent of all Americans. Now I am incredibly proud of the FBI's 38,000 skilled and dedicated professionals who tackle these complex challenges to protect their fellow Americans. Which leads me to my final point, I

think it is our shared responsibility to make sure that the FBI's men and women have the tools they need to keep us all safe.

And indispensable in that toolkit against foreign adversaries are the FBI's FISA 702 authorities. It would be absolutely devastating if the next time an adversary like Iran or China conducts a major cyber-attack we don't see it coming because 702, one of our most important tools, was allowed to lapse. Or -- or with everything going on in the world, imagine if a foreign terrorist overseas directs an operative to carry out an attack here on our own backyard, but we're not able to disrupt it because the FBI authorities have been so watered down.

So I'm happy to talk more about all the things the FBI has done in the last few years to make sure we are good stewards of our vital 702 authorities, but I want to close by thanking you again for having me here today and I'm happy to answer any questions that you have.

GARY PETERS:

Thank you, Director Wray. Director Christine Abizaid is the eighth Senate confirmed director of the National Counterterrorism Center. Previously she served on the National Security Council staff as both director for counterterrorism and senior policy advisor to the assistant to the president for Homeland Security and Counterterrorism.

She has also served as Deputy Assistant Secretary of Defense for Afghanistan, Pakistan, and Central Asia, as a senior intelligence analyst for the Defense Intelligence Agency. Welcome to the committee. Director Abizaid, you are recognized for your opening comments.

CHRISTINE ABIZAID:

Thank you. Chairman Thompson, Ranking Member Paul, members of the committee, thank you for the opportunity to appear before you to discuss today's terrorism landscape. This hearing is especially timely as we continue to monitor the response of global terrorist actors in the wake of Hamas's tragic and brutal 7 October terrorist attack inside Israel.

The deadliest day in Israeli history resulted in the deaths of over 1,400 people, including more than 32 Americans, thousands injured, and over 240 civilians and soldiers taken into Gaza as hostages, at least a handful of which are Americans. Now entering the fourth week of the conflict, we have seen reactions from terrorists and violent extremists across the ideological spectrum who are exploiting the renewed salience of the Israeli-Palestinian issue for their own causes, often threatening attacks against particularly US, Israeli, and Jewish interests worldwide.

Now this comes at a time when the intelligence community had been tracking an overall reduced threat emanating from terrorist actors in the Middle East and was focused on a more discreet though geographically dispersed terrorist threat. How this conflict unfolds in the coming days, weeks, and months and the degree to which it helps renew otherwise declining terrorist actors across the globe will require careful monitoring.

Let me review the terrorist actors of most concern in the current environment and those who are most likely to shape the future of the threat to the United States. In the United States homeland Jewish, Arab, and Muslim communities are facing a heightened threat environment. Here we remain concerned about lone actors mobilizing to violence against innocent civilians inspired by Hamas' attacks or by other groups calls for terrorism.

This is consistent with our years long assessment that the individual or small cells of violent extremists, whether inspired by al-Qaeda, by ISIS, by a racial or ethnic animus or other causes, are the most likely to carry out a successful attack in the United States or Europe. In addition to lone actors, hierarchically organized groups like al-Qaeda and ISIS remain of concern.

They are seeking to capitalize on this moment to galvanize supporters and organize for attacks. Their ability to do so from their core operating arenas is much diminished after years of counterterrorism pressure, but we are monitoring closely any attempts to leverage this crisis to rebuild or refocus against the United States.

Of particular concern are the ISIS and al-Qaeda affiliates in West and East Africa, the al-Qaeda branch in Yemen, and the ISIS branch that is operating out of Afghanistan. More regionally, Iran and its proxies are a significant concern, principally for their ability to generate attacks in the Middle East that could have significant escalatory consequences.

While we have no intelligence to indicate that Iran or its proxies had foreknowledge of Hamas' 7th October attack, we remain focused on Iranian and Iranian linked activity in support of Hamas in -- in support of Hamas and directed against the United States than since the conflict's outbreak. Already, Iranian aligned militant groups have conducted over 24 attacks against US forces in Iraq and Syria using rockets and unmanned aerial systems.

This is in addition to the daily attacks on Israel by Lebanese Hezbollah and at least three instances of Israel focused missile and UAS attacks by the Yemen based Houthis. While these groups have the capability to conduct more sophisticated attacks than they have thus far demonstrated, we assess Iran, Hezbollah, and their linked proxies are

trying to calibrate their activity, avoiding actions that would open up a concerted second front with the United States or Israel, while still exacting costs in the midst of the current conflict.

This is a very fine line to walk. And in the present regional context, their actions carry the potential for miscalculation, thus requiring heightened scrutiny in the region as we monitor for signs that the conflict could spread. Now, Iran's calibrations today come in contrast to its more aggressive posture globally over the last several years.

This includes its plotting in the United States where for example it attempted several times to attack an anti-Iran activist and it has sought to retaliate against former US government officials that it deems responsible for the 2020 death of Quds Force commander, Qasem Soleimani. And for its part, in addition to being a regional political and paramilitary organization, Lebanese Hezbollah is a globally capable terrorist organization.

Its last successful extra-regional attack was in 2012 when it attacked Israeli tourists in Bulgaria, killing seven and wounding at least 30. Now it is clear that over the years significant CT pressure brought to bear against terrorist groups along with investment in effective CT defenses here at home has resulted in an overall diminished threat to the United States homeland.

This is true even in the current context of a heightened environment that's tied to the Israel-Hamas conflict. However, as evidenced by the events of the past month, the terrorist threat landscape is highly dynamic and our country must preserve CT fundamentals to -- to ensure constant vigilance. Among these fundamentals is the intelligence collection enabled by section 702 of the Foreign Intelligence Surveillance Act which provides key indications and

warning on terrorist plans and intentions, supports international terrorist disruptions, enables critical intelligence support to, for instance, border security, and gives us strategic insight into foreign terrorists and their networks overseas.

I respectfully urge Congress to reauthorize this vital authority not only for its CT benefits, but for the value it brings across a range of national security challenges. Another of the United States fundamental CT pillars is found at the National Counterterrorism Center, which I am fortunate to lead. NCTC serves as the primary organization in the United States government to analyze and integrate international terrorism information.

We conduct strategic operational planning for CT activities, we ensure all agencies have access to and receive needed support to execute CT plans, and we serve as the central and shared knowledge bank on known and suspected international terrorism and terrorist groups. My organization is part of a whole of government CT architecture that must work across a spectrum of the threat landscape to quickly identify new threats and overcome enduring challenges that might allow space for terrorists to advance attacks.

The United States must be careful to preserve this CT architecture to address an inherently unpredictable range of terrorist adversaries, even as we confront a myriad of other national security challenges that play out both overseas and here in the United States. Let me end with the thanks to the CT professionals of the intelligence, diplomatic, military, and law enforcement communities whose dedication to the CT mission has done so much to protect this country from terrorism.

It is a community that the United States has relied upon time and again and today is no different. Thank you. I look forward to your

questions.

GARY PETERS:

Thank you, Director Abizaid. I want to start off the hearing with a little bit of important housekeeping for -- for our witnesses here. And I want to remind our witnesses of your responsibility to respond to inquiries and requests from Congress. The oversight responsibilities that we have here in Congress are a core facet of our democracy.

And the executive branch and the executive branch officials must be responsive to requests from members of this committee. Questions for the record should be answered promptly and accurately, which is not what we have been seeing. Director Wray, there are instances where questions for the record are not answered by the FBI till over a year -- over a year after the hearing has taken place.

In fact, we still do not have responses to our questions for the record from last year's threats hearing, Director Wray, that's simply unacceptable. You have had a year waiting for OMB clearance and that's simply not a valid -- valid excuse. We do not accept that at all. Can I have your commitment as well as our other witnesses here to prioritize QFRs for this hearing and return members' request as promptly and as quickly as possible?

And what is that time frame?

CHRISTOPHER WRAY:

Well, certainly you have my commitment that we will do everything in our power to move the QFRs, the questions for the record, as quickly as possible. As your question noted, unlike correspondence exchange, QFRs, questions for the record, have to go through this interagency

OMB clearance process. We don't have complete control over that, but I will do everything in my power to try to expedite and move that process along to the extent that it's within my power.

GARY PETERS:

Well, I hope your power is enough to do it in less than a year, considerably, like other agencies all across government do. Secretary of Mayorkas.

ALEJANDRO MAYORKAS:

Mr. Chairman, you have our commitment.

GARY PETERS:

Director.

CHRISTINE ABIZAID:

You have my commitment as well.

GARY PETERS:

Great. Thank you. All three of you have spent a great deal of time in your opening comments talking about the increased threat as a result of the conflict in the Middle East. And I also want to bear in mind that we've seen hate crimes increase even prior to this conflict. I think the FBI report shows a 36 percent increase in anti-Semitic hate crimes in - - occurring before the war as well.

So this is indeed a significant threat. And I appreciate all of you focusing on that in your opening comments. But Secretary Mayorkas, one tool that we have to protect nonprofit organizations, particularly houses of worship, is the -- is the nonprofit security grant program.

Could you tell this committee how important that program is and the need for additional resources to protect particularly houses of worship?

ALEJANDRO MAYORKAS:

Mr. Chairman, the -- the nonprofit security grant program is of vital importance to faith-based and other nonprofit institutions around the country. The funding that we distribute to thousands of such organizations enable them to secure their facilities so individuals of all faiths can attend their places of worship in a safe and secure environment.

Whether it's the installation of cameras, the employment of security guards, other important security features, the funding we provide enables target rich and very often resource poor institutions to equip and empower themselves to keep their facilities safe. It is of vital importance and that is why we have requested additional funds of Congress for that program.

GARY PETERS:

Thank you. Secretary, the potential terrorist use of chemical, biological, radiological, or nuclear agency -- agents is one of the most serious threats to our nation, as you mentioned in your opening comments. And you play a critical role in addressing these weapons of mass destruction. Unfortunately, the lapse in the chemical facility anti-terrorism standards, commonly referred to CFATS authorities, in July has undoubtedly weakened DHS' ability to regulate high risk chemical facilities storing these weaponized chemicals.

Could you explain a little bit more in depth what vulnerabilities were created when CFATS program expired in July and why it's so essential

that we extend those authorities?

ALEJANDRO MAYORKAS:

Mr. Chairman, we -- we review the security procedures that facilities around the country adhere to or are supposed to adhere to when they store and work with chemicals that can be used for destructive purposes. And as I said in my opening statement, about a third of the time upon our review, we find deficiencies in the security protocols.

And a deficiency means a vulnerability, whether it's in the improper storage or it's in the -- the hoarding of particular chemicals without the appropriate safeguards, whether it's the failure to vet individuals who deal with high level security chemicals, the vulnerabilities that are created by the inability for us to enforce the chemical anti-terrorism facility standards is really a significant problem for our homeland security.

I do respectfully urge Congress to renew that authority for us, especially at this time of a heightened threat environment.

GARY PETERS:

Secretary, we also have another authority, the CWMD office that basically serves as the focal point for the DHS to counter these threats and others. That will expire on December 21st of '23. Could you explain as to why it's so important that we have an extension of that critical authority?

ALEJANDRO MAYORKAS:

Mr. Chairman, we see adverse nation states conduct research with respect to their capacity to use weapons of mass destruction against the United States of America in the future. I met with our workforce in

our CWMD office just this past Friday, our Countering Weapons of Mass Destruction office. They are fearful that their critical authorities that they employ every day to keep the homeland safe will indeed expire.

I gave them cautious -- cautious assurance that Congress would not allow that to happen because of the criticality of the authority that we employ every day.

GARY PETERS:

Thank you, Mr. Secretary. Ranking Member Paul, you're recognized for your questions.

RAND PAUL:

Secretary Mayorkas, is DHS still meeting with social media companies to discuss content moderation?

ALEJANDRO MAYORKAS:

Ranking Member Paul, you and I have discussed this before. We do not meet with social media companies for the purpose of instructing them to take down content.

RAND PAUL:

You have never had any meetings with the social media companies to discuss content moderation?

ALEJANDRO MAYORKAS:

What we have done in the past, Ranking Member Paul, as I shared with you previously, is we along with other federal agencies have met with social media companies in a public private partnership to speak

of the threats to the homeland so that those companies are alert to them. We do not --

RAND PAUL:

Do you think threat to the homeland is a discussion of vaccine efficacy?

ALEJANDRO MAYORKAS:

I do not, Ranking Member Paul --

RAND PAUL:

If you -- if you'll have your staff read and I think it would be good for you to read also the Missouri versus Biden case, it lists time and time again discussion of constitutionally protected speech that has nothing to do with national security. So when you say you didn't meet to do that, yes, you were meeting, you just disagree with the characterization of it. Were you meeting with social media companies to discuss content moderation?

And your answer to that is no.

ALEJANDRO MAYORKAS:

What I -- my answer --

RAND PAUL:

That's the specific question. Did you meet with them and were you meeting with them to discuss content on the internet?

ALEJANDRO MAYORKAS:

My answer remains the same, Ranking Member Paul, that we met on a periodic basis with other federal agencies and a group of social media companies to speak with them about the threat environment that the homeland faced.

RAND PAUL:

Right. And this include discussion of vaccine efficacy, mask efficacy, Hunter Biden's laptop. Are these meetings still occurring?

ALEJANDRO MAYORKAS:

Ranking Member Paul, they are not. We do not participate in any such

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RAND PAUL:

And the reason the meetings aren't occurring is because a federal judge placed an injunction on you and the Biden administration acknowledged that they're not having the meetings. So you at least acknowledge that the court is talking to you about this and saying what you were doing was violating the First Amendment.

Director Wray, same question. Is the FBI still meeting with social media companies?

CHRISTOPHER WRAY:

We're having some interaction with social media companies, but -- but all of those interactions have changed fundamentally in the wake of the court's ruling.

RAND PAUL:

That's sort of an acknowledgment that perhaps you weren't just talking about national security, child pornography, and human trafficking, right? You had other areas of discussion that did involve constitutionally protected speech?

CHRISTOPHER WRAY:

No, no, that's not an acknowledgment of that.

RAND PAUL:

Well, then how did you change your behavior?

CHRISTOPHER WRAY:

Out of an abundance of caution in order to make sure that we don't run afoul of any court ruling. I would say by the way of course that the injunction has been stayed by the Supreme Court.

RAND PAUL:

Did any anybody from the FBI ever discuss constitutionally protected speech with social media organizations?

CHRISTOPHER WRAY:

Not to my understanding.

RAND PAUL:

Vaccine efficacy. Never discussed any post concerning vaccine efficacy?

CHRISTOPHER WRAY:

Well, certainly not because my understanding, as you know, the FBI was the first and for a long time the only agency in the intelligence community to assess that the COVID origin was most likely from a lab leak. So the idea that we were engaging --

RAND PAUL:

I commend you for that, but the Twitter files and other indications as well as the Missouri versus Biden list many cases of both DHS and FBI discussing constitutionally protected speech, vaccine efficacy, mask efficacy, people who said that the brother got the vaccine and died yesterday and the brother actually did die, but proof of cause and effect is one thing. But taking down posts like that was part of the discussion in these meetings.

CHRISTOPHER WRAY:

Not by the FBI. We would not have been engaging with social media companies about vaccine efficacy to my knowledge certainly.

RAND PAUL:

Director Wray, in 2017 the Department of Justice issued subpoenas to members of the House Intelligence Committee Congressional staffers as well as Senate Judiciary Committee staffers to turn over private information. Were you involved with that investigation or aware of it at the time?

CHRISTOPHER WRAY:

I'm not familiar with that specific investigation.

RAND PAUL:

It had to do with the leaks. I believe we have never been told completely, but the leaks concerning the Crossfire Hurricane and the leaks concerning the conversation between Flynn and Kislyak that was wiretapped that was classified that somehow got out. But you're not aware of anybody from Congress being investigated.

CHRISTOPHER WRAY:

Well, as I sit here right now, that's not something that's ringing a bell for me.

RAND PAUL:

Do you see a problem with the Department of Justice issuing subpoenas to Congressional staffers who are providing oversight to the very organization that's issuing the subpoenas?

CHRISTOPHER WRAY:

Well, certainly anytime there's an investigative activity that touches upon a separate branch of government, namely the legislative branch, it has to be done extraordinarily carefully and there are all kinds of policies that the department has in place to make sure that that's done appropriately.

RAND PAUL:

Director Wray, did the FBI -- FBI pay Twitter money to moderate content moderation?

CHRISTOPHER WRAY:

I'm not aware of us paying money to moderate content there or anywhere else.

RAND PAUL:

What was the \$3 million for that, the FBI gave that's been revealed in Twitter files, which has been characterized by those writing the Twitter files as payment for content moderation? Basically they said Twitter, you know you guys were meet with them all the time and you had them taken down so many posts.

They said, well, gosh, it's a lot of work. Why don't you pay us and so you did. You paid them \$3 million. Are you aware of the payment?

CHRISTOPHER WRAY:

I'm not aware of that specific payment, but I can tell you that when it comes to payments going back well over four decades when we are required by federal law, when a company like in this instance, a provider goes through expenses to produce information, we're required to Reimburse them for those expenses.

And so I think that a lot of the questions about payments revolve around exactly that.

RAND PAUL:

And you will repeat under oath that there was never any discussion of the FBI to take down constitutionally protected speech. You think it's all national security, child pornography sex trafficking. No discussion of constitutionally protected speech because this is all going to come out and a lot of it's come out already in depositions.

But you're saying there was never any discussion by any of your agents in any of these meetings of constitutionally protected speech being taken down?

CHRISTOPHER WRAY:

To my knowledge, our agents conducted themselves in compliance with the law throughout.

RAND PAUL:

Same question to Secretary Mayorkas, you're not aware of your agents ever discussing any constitutionally protected speech with any of the social media companies?

ALEJANDRO MAYORKAS:

The same answer as Director Wray provided to you Ranking Member Paul.

GARY PETERS:

Thank you, Ranking Member Paul. Senator Hassan, you're recognized for your questions.

MAGGIE HASSAN:

Thank you, Mr. Chair, and thank you and the ranking member for having this hearing to our witnesses, thank you for being here today. Thank you for your work and please thank the women and men who serve with you for their extraordinary work all directed at keeping us safe, secure and free. I want to start with a question to Secretary Mayorkas and Director Wray.

We're dealing with a constantly evolving fentanyl epidemic in this country. Transnational criminal organizations in China and Mexico changed tactics frequently, but they continue to be responsible for the vast quantities of fentanyl that is smuggled into the United States. An issue that I and other senators raised with senior Chinese leaders last month, including President Xi on our recent bipartisan coddle.

Some Chinese exporters even advertise their ability to evade customs inspections and seizures as they advertise the availability of precursors. When it comes to US law enforcement. What specific steps are DHS and the FBI taking to disrupt and dismantle the transnational criminal organizations that are supplying chemical precursors and manufacturing and smuggling fentanyl and other drugs into the US? And we'll start with you, Mr. Secretary.

ALEJANDRO MAYORKAS:

Senator, we have a multi-pronged approach to the scourge of fentanyl and attacking the transnational criminal organizations that peddle and smuggle in it. We have transnational criminal investigative units, resident in other countries to dismantle and disrupt the cartels along with our law enforcement partners in those countries.

We have operations here that our personnel undertake to stop the flow of precursor chemicals to interdict the equipment that is used in the manufacture of fentanyl and to interdict the finished product.

Operation Blue Lotus is one example. Operation Artemis and so many others. We have surged our personnel and resources to in fact interdict more fentanyl than ever before.

MAGGIE HASSAN:

Thank you. Director Wray?

CHRISTOPHER WRAY:

So we're participating in a number of ways. I think the first that I would mention is our Safe Streets task forces are focused on the gangs that are here distributing fentanyl and other dangerous drugs. We just for example, just this past month in September, our Phoenix office working with our partners see something like 400,000 pills.

That kind of seizure is becoming almost routine. So there's the distribution side here by the gangs. Our transnational organized crime task forces are focused on the cartel leadership, the source of supply. We have I think 380 investigations just into cartel leadership that we're conducting. We also -- I think a third I would mention is we have something called J Code, which focuses on darknet trafficking and dismantling darknet marketplaces of fentanyl and other substances.

We also have things like a prescription drug initiative that's focused on pill mills and the providers that contribute to the problem. And then on the last thing I think I would mention is we do a number of things to try to raise awareness a while back, working with DEA, for example, we put out a movie called Chasing the Dragon, which was put into schools everywhere.

And we have a number of similar outreach efforts to try to reach students and others on the awareness side. So distribution, supply, darknet, prescription drugs and awareness.

MAGGIE HASSAN:

Thank you very much and thank you for your efforts. I want to follow up on another theme that Director Wray raised in his testimony and I'll actually pose this to Director Abizaid and Director Wray. After Hamas's attack in Israel. I think we've all grown concerned and,

Director Wray, you mentioned it, that the attack will embolden other terrorist organizations.

Have the Hamas terrorist attacks been used by other terrorist organizations in their messaging and propaganda? And I'll start with you, Director Abizaid.

CHRISTINE ABIZAID:

Yes, it's absolutely been a feature of -- of messaging and propaganda since the attacks. We've seen it from Al Qaida affiliates, almost every single one. We've also seen it from ISIS, which ideologically isn't aligned with a group like Hamas, but is still leveraging this current conflict to try and sow the kind of violence bring adherents to its cause in sort of an exploitative way.

MAGGIE HASSAN:

Director Wray, how does the FBI assess the impact of this propaganda on the threat of homeland violent extremists or other lone wolf actors?

CHRISTOPHER WRAY:

So we have for some time expressed concern, including in our hearings with this committee each fall that lone actors, homegrown violent extremists inspired by foreign terrorist organizations are in many ways the biggest threat we face here in the homeland and those lone actors will draw inspiration from all sorts of things.

And so to have this many foreign terrorist organizations, this explicitly calling for attacks significantly, as I said in my opening statement, significantly takes the threat level, the threat environment, the risk to a whole nother level here.

MAGGIE HASSAN:

Thank you. A question for Director Wray and Secretary Mayorkas, really following up again on that theme. Hamas's depraved terrorist attack against Israel and the resulting war has really shaken Jewish, Muslim and other communities all across the world. And Hamas's attack comes amid a growing crisis of violence against religious communities in the United States.

New Hampshire Jewish leaders tell me that their congregants are scared to go to synagogue. They are scared to attend even in the cases where a synagogue is able to hire private security to protect worship services. So what are your organization's assessment of domestic threats against religious communities following Hamas's terrorist attack and what steps are your organizations taking to protect houses of worship and other faith-based organizations?

And we'll start with you, Mr. Secretary, and then Director Wray.

ALEJANDRO MAYORKAS:

Senator, we are indeed, as Director Wray communicated, in a heightened threat environment. We in the Department of Homeland Security in partnership with the Federal Bureau of Investigation are taking a number of steps. We are providing information and intelligence to our state, local, tribal, territorial and campus law enforcement partners.

We issued a joint intelligence bulletin together in the immediate aftermath of the terrorist attacks of October 7th. We are distributing funding, as Chairman Peters referenced, through our nonprofit security grant program to further secure places of worship. We are engaging extensively with faith communities, speaking with them

about the steps that they can take to ensure that the individuals who practice -- continue to practice their faith, which is so foundational are able to do so with a sense of security.

We have protective security advisors in each state throughout the country who are providing critical advice to faith communities and communities, by the way, of all faiths.

MAGGIE HASSAN:

Thank you and briefly, Director Wray.

CHRISTOPHER WRAY:

We are tackling both through investigations and outreach and intelligence sharing investigations, both through all 56 joint terrorism task forces. And on the hate crime side, we've elevated hate crimes to a national threat priority. We've done lots of outreach with the Jewish community, both nationally with organizations.

I've personally participated in any number of times and then each of our field offices does as well. We've done active shooter training for those houses of worship, etc. But the reality is that the Jewish community is uniquely -- uniquely targeted by pretty much every terrorist organization across the spectrum.

And when you look at a group that makes up 2.4 percent roughly of the American population, it should be jarring to everyone that that same population accounts for something like 60 percent of all religious-based hate crimes. And so they need our help.

MAGGIE HASSAN:

Thank you. And, Mr. Chair, thank you for your indulgence.

GARY PETERS:

Thank you, Senator Hassan. Senator Johnson, you're recognized for your questions.

RON JOHNSON:

Thank you, Mr. Chairman. Secretary Mayorkas. I think you're familiar with my chart. I started developing this as chairman of this committee. Dates back quite a few years now. It's changed over the years. It used to be titled "Southwest Border Apprehensions." That's back in the good old days when we actually apprehended, detained and oftentimes deported.

For some reason -- I know the reason, that under your administration, you've changed it now to encounters. So now it's titled Southwest Border Encounters because now we encounter, we process and disperse. And it seems like your solution to the self-inflicted wound to America is we've just gotten more efficient at processing.

I can't quite honestly think of a greater threat to America than it was what is represented by this chart. And this chart represents this administration's open border policy. It's a travesty. Director Wray, you said in your testimony the threats, they're not getting any easier to deal with with having a secure border.

Would that make your job easier?

CHRISTOPHER WRAY:

Well, I -- I will -- I will let Secretary Mayorkas speak for border security, but I will tell you that the threats that we have to contend with that are attributed to the border, cartel, violence distribution --

RON JOHNSON:

-- I have limited time, the answer is yes. Your job would be a whole lot easier if you weren't going to have to deal with over 70,000 special interest aliens coming from countries that are of concern to us. Your job would be a whole lot easier if this year we hadn't encountered -- actually encountered 169 people on the terror watch list.

Secretary Mayorkas, I've asked you this in the past, what numbers are represented here? How many people has this administration let in by encountering, processing, dispersing or that have come in as a known or unknown got away? Approximately? I don't need an exact number. So what do we got?

ALEJANDRO MAYORKAS:

Senator, let me -- let me say --

RON JOHNSON:

-- I need numbers. Again, don't filibuster me. How many people has this administration led into the country?

ALEJANDRO MAYORKAS:

Let me say at the outset that our job would be a lot easier if the broken immigration system was now --

RON JOHNSON:

-- Mr. Secretary, I want a number. How many people have you let into this country?

ALEJANDRO MAYORKAS:

I should also --

RON JOHNSON:

-- Ok, I'll give you the number. It's about 6 million, about 1.7 million as known gateways. Now again, we don't know who these people are. We just know that they've come to this country and they're residing somewhere. Where are all these people residing? Where did the 6 million people go?

ALEJANDRO MAYORKAS:

Senator, you speak of encounters and let me know -- let me

RON JOHNSON:

No, would you answer my questions. Where did these 6 million people go? Are you keeping track of them? To what extent do we have a handle on where these 6 million people are in America?

ALEJANDRO MAYORKAS:

Senator, as you well know, when an individual is indeed released, they are released into immigration enforcement proceedings and are subject to removal if they do not have a legal basis to remain in the United States.

RON JOHNSON:

You're not answering the question. Where are the -- where do these people reside? We know we've got about 100,000 in New York. And New York Mayor Adams says it will destroy New York. That's by the way less than 2 percent of the 6 million people. So less than 2 percent,

100,000 is going to destroy New York, what's happening around the country?

I'm not going to get answers from Secretary Mayorkas, so Director Wray, what are you doing to track these people and investigate the potential threat?

CHRISTOPHER WRAY:

So we are tackling it through a variety of means. There are some categories that would put kind of in the terrorist watch list category. And there it's our joint terrorism task forces that are working with partners throughout the law enforcement community to try to identify how many --

RON JOHNSON:

So, how many agents -- how many agents do you have tasked to investigate potential terror threats coming into this country in those 6 million people and particularly the 1.7 million gateways? How many agents are on -- you know, investigating that flow of illegal immigrants?

CHRISTOPHER WRAY:

Well, I don't know that I can give you the exact number, but let me try --

RON JOHNSON:

Give me a good ballpark -- ballpark.

CHRISTOPHER WRAY:

Let me try it this way, we --

RON JOHNSON:

Is it 100? Is it a couple hundred? Is it -- I mean, just a ballpark.

CHRISTOPHER WRAY:

Well, I would say we have several hundred agents who are tackling the threats that come from the border, both from a national security side, a counterterrorism side and from an organized crime or violent crime side.

RON JOHNSON:

So, how does that compare to the number of agents you had on, for example, investigating the January 6th protesters? How many agents -- at the height of that investigation, how many FBI agents were assigned to that task force?

CHRISTOPHER WRAY:

I don't have exact numbers, but what I would tell you is that I feel --

RON JOHNSON:

Ballpark -- just a ballpark.

CHRISTOPHER WRAY:

I feel relatively confident that the number of agents working on threats that are attributable to the border far exceeds the number of people working on the January 6th investigation.

RON JOHNSON:

What about the height of the January 6th investigations?

CHRISTOPHER WRAY:

Same answer.

RON JOHNSON:

Same deal, Ok. Mr. Secretary, Secretary Mayorkas, what is the average -- or the range of trafficking fees? Because by the way we have a 100 percent secure border on the Mexican side, right? I mean very few people are crossing into this country without going through human traffickers. So they have to pay a trafficking fee.

What is that range of trafficking fees?

ALEJANDRO MAYORKAS:

When you speak of trafficking, Senator, you mean smugglers?

RON JOHNSON:

No, I'm talking about the human traffickers. You know, the people that -- the people coming across here are paying, what a \$7,000 fee, a \$10,000, a \$15,000 -- what is that range?

ALEJANDRO MAYORKAS:

Several thousand dollars per person?

RON JOHNSON:

How do they -- how do they pay that off? How does a -- how does a young woman pay off \$10,000 to \$15,000 human trafficking fee?

ALEJANDRO MAYORKAS:

Tragically, Senator, they often spend their entire life savings to pay a small --

RON JOHNSON:

Well, they also tragically get put into human sex trade, correct?

ALEJANDRO MAYORKAS:

There are also --

RON JOHNSON:

Director Wray, are you investigating that? Are we busting up some -- we saw *The Sound of Freedom* that -- that movie. What investigations are you doing in terms of the sex trade that is going on because of the Biden administration's open border policy?

CHRISTOPHER WRAY:

We have a number of task forces that are focused on human trafficking, especially sex trafficking all across the country. And last year, we rounded up, I think, maybe a thousand or so predators of that sort. And so that's probably the main vehicle through which we're tackling this, which is a significant, significant problem.

RON JOHNSON:

Of the 73,000 special interest aliens coming from these countries that are concerned ours, how many of those people are you keeping track of? What happens to them? Are we detaining them? Are we deporting them? Or are we granting them asylum?

CHRISTOPHER WRAY:

Well, as to deportation asylum, I would -- I would leave that to the agencies that handle that --

RON JOHNSON:

And you're where the 73,000 special interest aliens, correct?

CHRISTOPHER WRAY:

But I'm aware of special interest aliens. I don't have those numbers --

RON JOHNSON:

What you do to track them?

CHRISTOPHER WRAY:

So if we have a fully predicated, appropriately predicated investigation, then those people are squarely within scope of those investigations.

RON JOHNSON:

How many active investigations do you have on 73,000 special interest aliens?

CHRISTOPHER WRAY:

I don't -- I don't have that number here. I can see if that's something we can get for you and follow up.

RON JOHNSON:

You can expect a queue for on that one. Thanks.

GARY PETERS:

Thank you, Senator Johnson. Senator Sinema, you're recognized for your questions.

KYRSTEN SINEMA:

Thank you, Mr. Chairman, and thank you to the witnesses for being here today. Fiscal year 2023 saw a record number of encounters in the Tucson sector, over 350,000 individuals. Arizona continues to bear the brunt of the federal government's failure on the border. For years now, Arizona communities have stepped up to do the federal government's job and manage migrants released from CBP facilities.

But recently, that problem has become even worse. Since September 12th of this year, over 10,000 migrants have been released into small communities across Arizona. These communities have been forced to step in to provide emergency support to migrants without sufficient resources. In Bisbee, a town of about 5000 people without bus service to either Tucson or Phenix local leaders turned the city council chambers into an emergency shelter so that migrants would no longer be dumped in a grocery store parking lot.

Now this is not the time for partisan rhetoric. Our current system is not working, and communities and migrants are suffering. Our communities are in crisis and dangerous drugs like fentanyl are killing thousands of Americans each year. We must make meaningful, lasting change to solve these issues and secure our border, keep Arizona family safe and ensure that migrants are treated fairly and humanely.

My first question is for you, Secretary Mayorkas. Since September, the southwest border was so overwhelmed by migrant encounters that CBP has reassigned port officers from southwest border land ports of entry to help process migrants. These reassignments have increased

wait times at Arizona ports and operations were recently suspended at the Bridge of America's port in Texas.

Reassigning port officers hinders legal, trade and travel between the US and Mexico and has an immediate impact on the economies of border states. Our border ports are already under strain from the border crisis because they're processing hundreds of migrants each day. They cannot afford to lose more officers.

So what steps is DHS taking to return southwest border port officers to their ports and to prevent the need for such reassignments in the future?

ALEJANDRO MAYORKAS:

Senator, thank you very much and you and I have spoken about the challenge in the Tucson sector. We're taking a number of steps.

Number one, we achieved an enforcement milestone in negotiating with Venezuela, our ability to repatriate Venezuelan nationals who do not qualify for relief in the United States.

Since then, we have seen a significant drop in the number of individuals from Venezuela encountered at our southern border. Two, we have sought from Congress additional funds for the hiring of additional field office personnel in Customs and Border Protection and other resources to address the chronically underfunded US Customs and Border Protection and other federal agencies.

And three, we are hopeful that the broken immigration system under which we operate will be fixed.

KYRSTEN SINEMA:

Thank you. As you know, Arizona communities are at a breaking point. We don't have sufficient resources to handle the high numbers of migrants and the shelter and Services program is not doing enough to support them. One of the major issues is that FEMA is not allowing any margin of error for a numbers. We've spoken about this before.

With so many migrants being released each day, the NGOs are struggling to keep up and there's a natural amount of human error. FEMA has stated that there's no allowance for human error. And any time there's a mistake in an A number, the NGO does not receive reimbursement for services for that migrant. Additionally, handling sensitive A numbers without any guidelines or best practices creates significant liability for Arizona's NGOs. As you and I have spoken, I've requested that FEMA and indeed said that they must include a 3 to 5 percent allowance for a margin of error for recording A numbers.

FEMA must also include guidance for NGOs on how to safely handle this sensitive information. Is this something that DHS can administer and implement administratively? And if so, will you commit to working with me to support the NGO network in protecting confidentiality and providing services?

ALEJANDRO MAYORKAS:

Senator, I do commit to working with you, to continuing to work with you on this issue. There is a tension here. On the one hand you correctly identify the potential for human error and how we need to accommodate for that. On the other hand, what we do not want to do is distribute funds to an organization for the processing of an individual who has evaded law enforcement and not been processed and put into immigration enforcement proceedings.

We will work with you, and you have my commitment.

KYRSTEN SINEMA:

Thank you. This question is for the panel. Earlier this month, the FBI and DHS issued a joint public service announcement warning of an increase of reports of threats against Jewish, Muslim and Arab communities and institutions due to the horrific terrorist attack in Israel and the ongoing Israel-Hamas war.

From the senseless murder of a six year old boy in Illinois to over 300 reported anti-Semitic incidents between October 7th and October 23rd, hate and the threat of hate-based violence is exploding across the country. Director Wray, what additional steps is the FBI taking to track hate based violence across the United States And what additional support do you need from Congress?

And for Secretary Mayorkas and Director Abizaid?

CHRISTINE ABIZAID:

Abizaid.

KYRSTEN SINEMA:

Abizaid, how -- I mean I was not close at all. How does the accuracy of data regarding hate based violence or threats of violence help your organizations better protect the US? Director Wray?

CHRISTOPHER WRAY:

So we've done a number of things. First, we've increased the outreach to state and local law enforcement and others to improve the reporting of hate crimes as well as outreach to faith based communities.

Because one of the things we know about hate crimes is that they're chronically underreported. So we've had a lot of engagement there

and that undoubtedly contributes to the increase in reported hate crimes.

But in addition to that, we've created a domestic terrorism hate crimes fusion cell to try to get at offenses, hate based violent extremist offenses against the faith based communities, which could be either domestic terrorism or hate crimes. And so, the idea was to bring the expertise of both together. That has in turn led to some of the first proactive hate crimes, cases including in particular, the one that I can think of is a disruption of an attempted bombing of a synagogue.

So we've had a number of cases like that that we're doing, so we've also elevated hate crimes to a national threat priority. So, it's extensive outreach to faith based communities. And it's extensive investigations. Just in the few years that I've been director, we've had quite a number of attacks or attempted attacks on synagogues that we have disrupted.

Attempted bombings of synagogues in Colorado and Nevada.

Attempted shootings up of synagogues in California. Obviously, we had the Colleyville situation. I personally have been to the crime scene at Tree of Life, so it is a major problem. It's something we're actively engaged in.

ALEJANDRO MAYORKAS:

Forgive me, Senator, the -- the tracking of information enables us to most ably and efficiently allocate the resources we have to the communities most in need at a particular time.

CHRISTINE ABIZAID:

And, senator, our organization is focused on the foreign nexus of a threat. And anything that helps us better understand what's happening here domestically and understanding in the context of the global environment is critically important. So whether that's racially or ethnically motivated, violent extremist attacks here, in Brazil, in Bratislava.

Whether that's al-Qaeda or ISIS inspired terrorist attacks here or in any other part of the world, that total picture of the global threat environment is absolutely critical to our understanding.

KYRSTEN SINEMA:

Thank you, Mr. Chair.

GARY PETERS:

Thank you, Senator Sinema. Senator Lankford, you're recognized for your questions.

JAMES LANKFORD:

Chairman, thank you. Thank you all for being here. Secretary Mayorkas, let me set a context piece that you know extremely well. You served during the Obama administration as well and working on immigration issues. And you and I have spoken about this often and you've been very clear to be able to say the system is broken.

In fact, the last time we had this hearing, we had the same conversation. I pulled a quote on it. You said, "The asylum system is broken. Our entire immigration system is broken. There's unanimity about that. We have hope that Congress will reform a broken system." I went back and pulled the asylum numbers from 2010 to be able to see how many asylum requests did we have across our southwest

border in 2010. In 2010, we had 21,000 asylum requests for that year across our southwest border.

Now we often have that in three days. It's an enormous shift. You also had a piece that you just put out an op ed piece in the Washington Post where you state that "the supplemental funding request is not a long term solution to a deep seated problem. We need changes in our national immigration law," so I'd like to zero in on that conversation today.

What are the key changes that need to happen in the law? And I'm going to go through quite a few issues here. Hit the high points. What are the things that need to be able to change?

ALEJANDRO MAYORKAS:

Senator, we need a functioning system that marries labor supply with labor demand. We need a functioning system in the asylum arena so that our core value of providing humanitarian relief to those in need who qualify is actually executed with efficiency and with speed. And the ability to remove individuals who do not qualify is similarly executed with efficiency and speed.

We need to provide a lawful pathway to citizenship for so many millions of people who have been resident in the United States and productive contributors to our country's prosperity.

ALEJANDRO MAYORKAS:

We need to take care of the young people who know no home other than America, the dreamers who have contributed so much. Those are some of the --

JAMES LANKFORD:

Secretary Mayorkas, several of those things don't reduce the number of people coming. They're dealing with people that are already physically present here. And as you and I both know, if there's a family member physically present here, that incentivizes another family member to be able to come and to be able to join them.

That actually accelerates the process. When we have 21,000 people requesting asylum in 2010 and we have millions now, how do we reduce that flow specifically on asylum? Is it clarifying the definition of asylum? What is that that needs to happen on asylum?

ALEJANDRO MAYORKAS:

So we have taken important steps in that regard within the context of a broken --

JAMES LANKFORD:

But is -- is policy changes needed?

ALEJANDRO MAYORKAS:

Yes, policy changes are needed. But let me, if I may, Senator, provide context. We have currently right now in the world the greatest number of displaced individuals in decades and decades and that is true with respect to our hemisphere.

JAMES LANKFORD:

I get it. I get it, but I don't mean to interrupt on this. I am limited on time, but that doesn't excuse, for instance, the Wall Street Journal had a piece this past week about 45,000 Indians coming to the United

States to request asylum and it tracks the different flights of different countries that are going through, including France, to be able to get to -- to be able to get to the United States, to be able to catch a flight, to be able to get a truck, to be able to come over to our border and request asylum.

So it's a very different thing to be able to say we have migration happening around the country when really what we have is a pull factor of one of the greatest economies in the world that people that want to be able to come here to work, go through the process to be able to do whatever it takes you be able to get here because then they can request asylum and cross our border.

They're going through multiple other countries that would definitely be safe countries to be able to go in, but they want to come to the United States, and I don't blame them. It's a great country, but they're not coming through a legal pathway in that they're coming through with an asylum definition that's so broad that it's inviting them to come and it's just accelerating.

You agree or disagree with that?

ALEJANDRO MAYORKAS:

Senator, there are many different concepts that you articulated in the statement preceding the question you posed to me. The asylum system needs to be reformed from top to bottom.

JAMES LANKFORD:

Ok. All right. I'm glad to be able to jump in on that. It's been interesting. A lot of people don't know this, that a lot of people are coming across the border, they're remaining to go through a series of

hearings for something called withholding. That is a number that's rapidly rising as well. Are there changes needed and clarification to be able to make sure that decisions can be made faster on the issue of withholding?

ALEJANDRO MAYORKAS:

Yes. Senator, you are speaking of withholding of removal?

JAMES LANKFORD:

Yes.

ALEJANDRO MAYORKAS:

It is one element. The companion element is the convention against torture our system needs to be able to work efficiently and expeditiously while not compromising due process.

JAMES LANKFORD:

How do we deal with recalcitrant countries as well? You've dealt with that in Venezuela for instance, as you mentioned earlier. We're now one year into the Venezuela program. If we go back a year ago, we had about 22,000 Venezuelans that are coming through in a month. This past September, we had 66,000 in a month that came across.

You've now made an agreement with Venezuela, they're accepting people back, and as you mentioned before, the numbers dropped dramatically. When suddenly we're actually not allowing people to come in, it goes from 66,000 in one month to when we start returning people, suddenly that number drops dramatically.

Things haven't changed in Venezuela, but they've changed in how we're applying that policy and we saw dramatic decrease in the

numbers there. So recalcitrant countries where I want to be able to start is there need to be able to qualify that? And the second one, is there a lesson to be learned from what's happening in Venezuela that we actually are consistent in returning people back, there's a more immediate consequence, we get an immediate drop in numbers.

ALEJANDRO MAYORKAS:

Senator, our model is to build lawful pathways and to deliver consequences for individuals who do not avail themselves of those lawful pathways. Our ability to repatriate individuals to the countries of origin when they do not qualify for relief under our laws is of vital importance and what we have been able to accomplish with respect to Venezuela is a very powerful example of that.

JAMES LANKFORD:

Ok. You asked for additional funding for detention beds there. What is the right number to be able to have to be able to process individuals near the border to be able to make decisions and to respond rather than having to release so many individuals on their own recognizance and saying we'll follow up with you in the days ahead?

We don't have time to process now.

ALEJANDRO MAYORKAS:

Senator, we have been employing expedited removal --

JAMES LANKFORD:

But most people are actually not removed quickly though they have the title expedited removal. It may be years before they're actually removed.

ALEJANDRO MAYORKAS:

We actually have been able to remove people under that process expeditiously as its title would indicate and the additional detention beds that we have sought in our supplemental funding request is to be able to expand expedited removal in -- consistent with the model that I outlined.

JAMES LANKFORD:

Ok, thank you. Thank you, Mr. Chairman.

GARY PETERS:

Thank you, Senator Lankford. Senator Rosen, you're recognized for your questions.

JACKY ROSEN:

Thank you, Chairman Peters, Ranking Member Paul, and -- for holding this important hearing. I also want to thank the witnesses for their testimony today. And Secretary Mayorkas, I want to thank you for working with my office and the entire Nevada delegation to ensure that the upcoming Formula 1 Grand Prix just in a few weeks has the federal interagency security support it needed.

We raised that to your rating and we appreciate it. I'm going to go right into border security. Mr. Secretary, as you know, fentanyl is destroying communities across the country, Nevada no exception. According to the CDC, we lost a staggering 949 Nevadans to over -- to opioid overdose deaths in 2021 alone and the problem only continues to get worse.

As I've stated before, stopping the influx of these deadly drugs starts by strengthening our border security through a significant increase in resources. That's why earlier this month I joined with several of my colleagues in urging President Biden to allocate additional funds and resources to end the flow of fentanyl at our southwest border.

So Mr. Secretary, as the Senate considers the administration's supplemental funding request and looks to prioritize what is most critical for that package, what additional resources can Congress allocate to DHS specifically to strengthen your ability, the department's ability, to detect and intercept fentanyl at our ports of entry so we can address the worsening crisis?

ALEJANDRO MAYORKAS:

Thank you very much, Senator. The scourge of fentanyl has been building year over year for more than five -- five years. We have sought in the supplemental funding request additional resources for the Department of Homeland Security to combat the fentanyl epidemic. Specifically, we have sought approximately \$850 million for enhanced technology, our non-intrusive inspection technology.

We have also sought funds for additional officers so that they can deploy to the ports of entry where the predominant amount of fentanyl is smuggled through passenger vehicles and commercial trucks so that we can interdict more of the fentanyl. We are accomplishing that at an unprecedented level because of the incredible personnel that we have and the strategies that we are employing to maximize results.

JACKY ROSEN:

Thank you. I want to move now to something that is rising, rising anti-Semitism. How do we counter that? So following Hamas' brutal October 7th terrorist attack on innocent Israelis, our nation has witnessed a dramatic increase in anti-Semitic threats and incidents targeting Jewish Americans, including Jewish students being threatened and harassed on college campuses.

According to the Anti-Defamation League, reported incidents of anti-Semitism have increased by 388 percent -- 388 percent compared to the same period last year. Government agencies have a responsibility to ensure the safety and security of Jewish Americans. I'm encouraged that the administration supplemental budget request includes a significant allocation for the lifesaving Nonprofit Security Grant program, which I have been calling for.

There is still so much more to be done. Last week, Senator Lankford and I led a bipartisan bicameral letter to DHS and FBI requesting their immediate attention to this crisis and a briefing on the current threat assessment, the interagency coordination efforts, and preparedness and resiliency measures that are in place to prevent and respond to violence against Jewish Americans.

So to Secretary Mayorkas and then Director Wray, can you please commit to providing members of Congress with this briefing we asked for? And could you outline the specific actions your agencies are taking to prevent and respond to this alarming rise in anti-Semitic violence?

ALEJANDRO MAYORKAS:

Senator, you certainly have my commitment for that briefing. It was just a couple of weeks, I think, before the terrorist attacks of October 7th that I attended and spoke at the Eradicate Hate Summit in

Pittsburgh, Pennsylvania and met with survivors of the Tree of Life tragedy. On October 8th, I participated in a convening hosted by the Anti-Defamation League where more than 700 participants heard from me with respect to the threat landscape and what we would do to address the aftermath of the horrific terrorist attacks.

Since then, we have engaged every day with the Jewish American community as well as other communities of faith that feel under tremendous threat to educate them about the steps they can take to ensure the safety and security of their worshipers and their -- and their members. We have deployed our protective security advisors in each state to work with communities of faith.

We have shared information and intelligence with our state, local, tribal, territorial, and campus law enforcement partners in partnership with the FBI. I have spoken with a number of leaders of colleges and universities with respect to their need to take leadership and to ensure the safety and security of the students on their campuses.

We are doing a whole series of actions to address this moment.

JACKY ROSEN:

Thank you. Director Wray.

CHRISTOPHER WRAY:

Absolutely. Look forward to having our folks participate in the briefing that you requested. I will say that this is a threat that is reaching in some way sort of historic levels in part because, as you know all too well, the Jewish community is targeted by terrorists, really across the

spectrum, homegrown violent extremists, foreign terrorist organizations, both Sunni and Shia, domestic violent extremists.

And in fact, our statistics would indicate that for a group that represents only about 2.4 percent of the American public, they account for something like 60 percent of all religious based hate crimes. And so we're trying to do our part both by tackling it through a joint terrorism task force's, hate crime investigations, outreach, both nationally and locally at every field office level, intelligence sharing, training.

I know I've spent a lot of time engaging with SCN, for example, ADL, others and we also created a fusion cell that brings together the expertise of both our hate crimes folks and our domestic terrorism folks to make sure that we're seeing the full landscape and doing our best to be proactive in this space.

JACKY ROSEN:

Thank you both. I look forward to that briefing. Thank you, Mr. Chair.

GARY PETERS:

Thank you, Senator Rosen. Senator Scott, you're recognized for your questions.

RICK SCOTT:

Thank you, Chairman Peters. Thank each of you for being here. Thank you my -- Secretary Mayorkas for returning my phone call the other day. And Director Wray, thank you again for the change you made to your call center operations after the Parkland shooting. The savage brutality that the world witnessed on October 7th and has learned more about over the past three weeks is indescribable.

You know, babies beheaded, we just learned of a young lady beheaded. We have stories of young girls raped and then burned alive, people shot point blank. It's just unbelievable. More than 1,400 people, including 33 Americans, have been killed. More than 200 people, including Americans, were taken hostage by Iran backed Hamas terrorists.

I think it's put all of us and put the world on alert and I know our Jewish families all across my state and all across the country are pretty scared to death right now what's going on. It's also showed that these terrorists don't require advanced weapons systems or sophisticated war strategies. They need guns and vehicles.

Which on a similar low tech attack, on 9/11, 19 terrorists murdered 2,977 Americans after taking over planes with box cutters. So I'm gravely concerned that our country is once again missing the clear signs of danger and that the risk of a terror attack on American soil coordinated or orchestrated by foreign terror organization is higher than it's been in decades.

The mission of the FBI begins like this, to protect and defend the United States against terrorists and foreign intelligence threats. Director Wray, so I trust this is something you're clearly focused on, that's what you said in your testimony so far today. Everyone -- I know we've had a lot of talk about how we've gotten here and there's a lot of colleagues have talked about that today.

But let's focus on where we are and what we ought to be doing next. We also know we have a lot of people in the United States from countries who have large populations of people and even leadership who hate Jews, just absolutely hate Jews, and the American way of life. We know that 70,000 Afghans came into the United States, largely

RICK SCOTT:

Ok. In media interviews, she [ph] have repeatedly spoken about the potential for threats posed by lone wolves in the wake of the Hamas terrorist attack on Israel. Is it fair for the American people to interpret this as you or the FBI are not concerned at all with a coordinated attack by foreign terrorists on American soil -- on Americans here on US soil?

CHRISTOPHER WRAY:

No, that would not be how they should interpret it. That's why I said we cannot and do not discount it. It is true that over the last several years, and I think Director Abizaid said something similar in her opening statement, that we went through a period where the traditional structured foreign terrorist organization threat in the US subsided some in favor of this inspired -- ISIS inspired, let's say --

RICK SCOTT:

That's passed.

CHRISTOPHER WRAY:

-- but that -- while that threat hasn't gone away, to be clear that threat has not gone away. What has now increased is the greater possibility of one of these foreign terrorist organizations directing an attack in the United States. We haven't seen evidence that it's actually happening yet. But what we have seen is, and I listed them off in my opening remarks, one terrorist organization after another calling for attacks and --

RICK SCOTT:

We should wake up.

CHRISTOPHER WRAY:

It is a time to be concerned. We are in a dangerous period.

RICK SCOTT:

So the Office of Intelligence and Analysis at the Department of Homeland Security issued a report last month warning that foreign terrorist organizations are looking to capitalize on the ability to easily enter the United States at our southern border. So Director Wray, is the FBI able to track all threats and prevent these individuals from conducting an attack on US soil?

CHRISTOPHER WRAY:

I couldn't say that we were able to detect all individuals. With -- the people that we know about as Secretary Rumsfeld used to say the known known. We're quite good at together with our partners, but it is the unknown unknown that I worry about quite a bit.

RICK SCOTT:

So Director Wray, can you say that we do not have either individual foreign terrorists or terrorist cells affiliated with foreign groups currently operating in the United States?

CHRISTOPHER WRAY:

Well, we're not -- we're not tracking that, but again, I come point back to what it is -- the gaps in our intelligence are real and it's something that we have concerns about.

RICK SCOTT:

So Director Wray, so what would you -- how would you -- what would you say right now to the American public? Because like in my state, I've got a significant Jewish population, they're scared to go to synagogue, Chabad, they're scared to send their kids to day schools. So it's not just them, it's, you know, other individuals like my daughters called me said, should they be sending their kids to school?

What would you tell Americans right now about the threat today as compared to before?

CHRISTOPHER WRAY:

This is not a time for panic, but it is a time for vigilance. We shouldn't stop conducting our daily lives going to schools, houses of worship, and so forth. But we should be vigilant. You often hear the expression, if you see something, say something. That's never been more true than now and that's probably partly why the American people are reporting more tips and leads to us and we're pursuing those threats and leads as vigorously and responsibly as we can.

RICK SCOTT:

Thank you.

GARY PETERS:

[off-mic] Scott. Senator Marshall, you recognized for your questions.

ROGER MARSHALL:

Thank you so much. Mr. Secretary, approximately how many illegal aliens in this country who are here on asylum have direct ties to

Hamas, to Hezbollah, to the Islamic Jihad, or the Islamic Revolutionary Guard Corps of Iran?

ALEJANDRO MAYORKAS:

Senator Marshall, let me assure you that the individuals that pose a risk to our national security are our highest enforcement priority. The safety and security of the American public --

ROGER MARSHALL:

Do you have any idea how many numbers -- what those numbers are? Is it tens? Is it hundreds? Is it thousands?

ALEJANDRO MAYORKAS:

An individual who poses a risk to our national security is our highest enforcement priority. And if --

ROGER MARSHALL:

So you don't know the answer to the question?

ALEJANDRO MAYORKAS:

And if detention is indeed warranted by reason of the risk they present, then we indeed detain them.

ROGER MARSHALL:

Do you have an answer for my question?

ALEJANDRO MAYORKAS:

I believe I have answered your question.

ROGER MARSHALL:

No, sir, you didn't. I asked you how many have direct ties to Hamas, Hezbollah, Islam Jihad.

ALEJANDRO MAYORKAS:

Senator, if an individual is identified as having a nexus to one of those organizations, we would consider them a risk to our national security and take appropriate enforcement action to include --

ROGER MARSHALL:

Thank you.

ALEJANDRO MAYORKAS:

-- detention and removal.

ROGER MARSHALL:

When was -- back will and -- will DHS and when will DHS disclose the countries of origin of people arrested by Border Patrol on the terrorist watch list?

ALEJANDRO MAYORKAS:

I'm sorry, can you repeat the question, Senator?

ROGER MARSHALL:

Will DHS and when will DHS disclose the countries of origin of people arrested by Border Patrol on the terrorist watch list?

ALEJANDRO MAYORKAS:

If you are referring, Senator, to the terrorist screening dataset, just to be precise, I would be pleased to speak with you in the appropriate context. This would not be it.

ROGER MARSHALL:

How many gotaways did CBP record in fiscal year 2023?

ALEJANDRO MAYORKAS:

I believe, Senator, that number is over 600,000. I'm sure you are well aware the -- the phenomenon of gotaways is something that has been a challenge for the Department of Homeland Security for decades. In fact, it is a powerful example of a broken immigration system --

ROGER MARSHALL:

Thank you. I want to talk about Chinese nationals for a second. Would you agree with me that over 18,000 Chinese nationals, many are military age young men, have illegally crossed the southern border in fiscal year 2023?

ALEJANDRO MAYORKAS:

Senator, I don't have the -- the precise number, but as I said, individuals who are encountered are placed into immigration enforcement proceedings and if they qualify for asylum --

ROGER MARSHALL:

With all due respect, you would agree with me it's over 18,000 though?

ALEJANDRO MAYORKAS:

I do not have the -- the number at my --

ROGER MARSHALL:

Do you know where the Chinese nationals are settling? Where they're working? Why they're here? How do you follow them?

ALEJANDRO MAYORKAS:

Senator, if an individual has fled China and seeks asylum and qualifies for asylum, for example, if they fear persecution --

ROGER MARSHALL:

I understand that.

ALEJANDRO MAYORKAS:

-- by reason of their membership in a particular social group.

ROGER MARSHALL:

How do you follow them? That's not my question. How do you follow them? Are you -- do you have a heightened concern for these people?

ALEJANDRO MAYORKAS:

So, Senator, if an individual poses a risk to public safety or national security, they are deemed a priority and can be placed in detention if the facts so warrant. If indeed we determine in the exercise of our law enforcement discretion that detention is not required because they do not present --

ROGER MARSHALL:

We understand -- we all understand all that, Mr. Secretary, thank you. I want to go back to gotaways. I'm sure you'll agree with me that under Mr. Biden that at least 1.7 million gotaways have evaded apprehension at our border. How many of these known gotaways have convictions in their prior country for rape or murder?

How many of these known gotaways have been prosecuted and deported?

ALEJANDRO MAYORKAS:

Three points, Senator. Number one, as I articulated earlier in this hearing, we are seeing a number of displaced individuals throughout our hemisphere that is unprecedented, number one. Number two, we are dealing with a broken immigration system. Number three --

ROGER MARSHALL:

But you're not going to answer my question.

ALEJANDRO MAYORKAS:

Number three, if an individual --

ROGER MARSHALL:

How many of these known gotaways have committed crimes in the United States since you were sworn in?

ALEJANDRO MAYORKAS:

Let me assure you that if an individual poses a risk to public safety pursuant to the enforcement guidelines --

ROGER MARSHALL:

But you have no ability to measure that?

ALEJANDRO MAYORKAS:

Pursuant to the enforcement guidelines that I promulgated on September 30th of 2021, the individual is --

ROGER MARSHALL:

How many of these known gotaways are trafficking fentanyl?

ALEJANDRO MAYORKAS:

The individual is an enforcement priority.

ROGER MARSHALL:

How many of these known gotaways are trafficking fentanyl?

ALEJANDRO MAYORKAS:

Senator, we well know that the trafficking of fentanyl is not specific to a nationality. Tragically, we have individuals from various countries of origin. We have American citizens trafficking in fentanyl. Fentanyl is a scourge that we must all work together to overcome.

ROGER MARSHALL:

Ok, let's talk about the 169 individuals encountered on the terror watch list between the ports of entry in fiscal year 2023. How many were deported? How many are jailed? How many are still in the country?

ALEJANDRO MAYORKAS:

Senator, with respect to the individuals on the terrorist screening data set, I would be pleased to provide you with the numbers in the appropriate context.

ROGER MARSHALL:

Of the over 75,000 special interest aliens who crossed our border illegally this fiscal year, what are their whereabouts? How are you tracking these people?

ALEJANDRO MAYORKAS:

We have a number of ways of tracking them, Senator, if in fact they present a national security or public safety threat, we very well may detain them. If we do not believe that detention is appropriate, we have alternatives to detention. It's known by its acronym, ATD. And we have various levels of supervision depending on the enforcement profile that the individual presents.

ROGER MARSHALL:

Ok. The folks back home when they look at the -- the evidence, they -- they see that the DEA seized over 380 million doses of fentanyl in 2022, 73,000 Americans died from fentanyl poisoning in 2022, mostly young adults, school age children, and that 90 percent of the fentanyl comes from our southern border.

Considering that just last month our Border Patrol had almost 270,000 encounters including 75,000 special interest -- interest aliens, do Americans feel they're more safe today or less safe today under the policies of this administration?

ALEJANDRO MAYORKAS:

Senator, we are taking it to the cartels, to the traffickers of fentanyl in an unprecedented way with more resources and more efficient and productive operations than ever before.

ROGER MARSHALL:

But you would agree with me that Americans feel less safe today than they did before the start of this administration? And your testimony has only solidified the view that American people, that they don't have confidence in the job that you're doing. This is why I believe the defining issue in this next election is going to be exactly this.

Are our families safer today than they were three years ago? Thank you. I yield back.

GARY PETERS:

Thank you, Senator Marshall. A little bit of housekeeping. We have votes that have been called and I'm going to be turning the gavel over to Senator Blumenthal while I go vote. We have a few more members that have questions. Once we complete that, we're going to take a break, you've all three of you been here for a while.

We'll take roughly a ten minute break, but we have a few more members that have the questions. So before I hand the gavel over to Senator Blumenthal, Senator Butler you're recognized for your questions.

LAPHONZA BUTLER:

Thank you, Chair Peters. And I want to thank the witnesses for your service, for your time, and for your testimony. I'd like to pick up, Secretary Mayorkas on my colleague, Senator Marshall's questioning around fentanyl. The Cato Institute published a report in August

2023, noting that the United States -- that United States citizens make up 89 percent of all convictions of fentanyl trafficking crimes compared to 8.9 percent unauthorized immigrants.

This year, less than 1 percent of the people arrested at the border for making unlawful crossings possessed any fentanyl whatsoever. So, Secretary Mayorkas, how is the department targeting your fentanyl strategies knowing that the overwhelming majority of our fentanyl traffickers are United States citizens?

ALEJANDRO MAYORKAS:

Senator, there's an additional fact that I'd like to share before I answer the question. And that is that more than 90 percent of the fentanyl that is trafficked across the border actually comes through the ports of entry predominantly in passenger vehicles and commercial trucks. And therefore, we have surged our resources to the ports of entry.

And by resources, I mean not only are incredibly talented Office of Field Operations personnel in US Customs and Border Protection, but also our non-intrusive inspection technology and our forward operating labs. We have surged our resources and we have done so in a very strategic way through operations that have been developed such as Operation Blue Lotus that yielded tremendous results.

LAPHONZA BUTLER:

Thank you for that. Director Wray, this year's DHS terrorism bulletin warned that domestic violent extremists were expected to target several vulnerable groups including the LGBTQ+ community. The FBI's annual Hate Crimes Statistics report revealed a 13.8 percent increase in hate crimes based on sexual orientation and 32.9 percent surge in hate crimes based on gender identity over the previous year.

LAPHONZA BUTLER:

This hatred I think we all can appreciate heartbreakingly so it has really impacted communities across the US. In just 20 days, our nation will be commemorating the one year anniversary of the club Q shooting in Colorado Springs that led to the deaths of five people and wounded 17 others. Director Wray, why do you believe that there's been such a terrifying surge in hate crimes, attacking the LGBTQ+ community?

CHRISTOPHER WRAY:

Well, I'm not sure I know the answer. What I would tell you is that I think it may be part of a broader phenomenon that we're seeing in this country. That people no matter what their motivation is, no matter what their hatred or their ideology is, are choosing to express that hatred or motive through violence.

And that's where the FBI gets involved. We do know that hate crimes in general are chronically underreported. And so, we've been trying to work with all affected communities to improve reporting so that we can have a more accurate picture about how much it's increasing and how much individual categories are increasing.

But there is a problem, a societal problem right now of people manifesting hatred through violence. And it's perfectly appropriate for people to have hateful views. And there's an opportunity to call out hateful views in the right quarters. But -- but violence and threats of violence is something that we cannot and will not tolerate.

LAPHONZA BUTLER:

I appreciate how you ended there as it helps me get to my next question, Director Wray. Thank you for that. This country and the state of Maine experienced life altering shooting just last week. And as I know are the sentiments shared by my colleagues, the Representatives of Maine and all of us here, a deep sense of sorrow for the lives lost last week.

Now I know that the FBI collects data on active shooter incidents including what types of guns are used in committing homicides. How does the proliferation of mass shootings involving high capacity weapons impact the Bureau's work to keep our nation safe?

CHRISTOPHER WRAY:

Well, certainly individuals who are inclined to commit violent attacks if they use a weapon that gives them greater capacity, have greater potential for lethality.

LAPHONZA BUTLER:

And is -- do you find it with the Bureau's work that it makes your work as an agency more difficult, more challenging? How -- how does that -- the accessibility of these weapons, the -- the scope and scale of what is that lethality that is possible, how does that impact the work of your officers, whether in -- in Maine or other instances where we see this type of these type of weapons used?

CHRISTOPHER WRAY:

Well, dangerous weapons represent dangers to law enforcement. And one of the things that we've seen over the last several years is an increasing threat to law enforcement. I think 2021 had the highest number of officers shot and killed in the line of duty in something like

a couple of decades. And it is happening at a pace of about, you know, one every five days in this country and enforcement, which was always a dangerous job, is even more dangerous right now.

LAPHONZA BUTLER:

Thank you. Thank you for that. Secretary Mayorkas, I'll end my questions with you. The SSP program is critical to all communities that are caring for recent arrivals to -- to our country. I was encouraged to see the administration's supplemental request, including an additional \$1.4 billion in SSP grant funding for local governments and nonprofits.

This money, as you know, helps to provide food, shelter and other services for recently arrived migrants. However, I know my colleagues and Senator Cinema and I are both concerned about money that's going to border states which are bearing the brunt of receiving migrants. Can you please share with us how that funding will be prioritized, including whether border states will receive their fair share?

ALEJANDRO MAYORKAS:

Thank you very much, Senator. The Shelter and Services program, the SSP program is of critical in providing border communities and interior cities with the resources they need to address the housing and transportation, food and shelter of individuals who are in immigration proceedings under our law. We have sought \$1.4 billion.

We have learned a great deal from our prior administration of the Shelter and Services Program and its predecessor, the Emergency Food and Shelter Program. We do intend to engage extensively with border communities as well as interior cities with respect to the

allocation of the funds should Congress execute on what we believe is desperately needed.

And we will be fair and equitable and ensure that the funds are distributed according to where the need is greatest.

RICHARD BLUMENTHAL:

Thanks, Senator Butler. Senator Carper?

TOM CARPER:

Thank you. Thank you, Mr. Chairman. First, I just want to begin by welcoming you. Thank you for what you do for our country and for what those who you lead are doing at this moment for our country. This is an important hearing. I think we all realize that and every year we realize it. And I must say when I left here to go to another hearing, there was a -- I just felt a not a sense of despair or hopelessness, but -- but a sense of gratitude that we have people like you and hundreds of thousands of men and women who lead and are willing to serve each day.

Sometimes, it's a great risk to themselves to look out for all of us in our families. The -- the threat landscape in our country continues to evolve and it's critical that the United States be prepared to respond to whatever comes next. In recent years, when we have held our annual all threats hearing the panel has testified before us in this room that domestic terrorism is a primary terroristic threat in the United States.

Specifically, the most consistent threat comes from white supremacists, who commit -- commit acts of violence motivated by race or by religion. Last month, as a result of the horrific terrorist attack in Israel committed by Hamas and the ensuing war in Gaza,

both of which have tragically left thousands of innocents, civilians dead and hundreds held hostage.

We have seen a rise in anti-Semitic and Islamophobic rhetoric and threats in the United States.

LAPHONZA BUTLER:

The nonprofit security grant program was established I think in 2004. It was established as a means of providing security funding for nonprofit organizations at high risk of terrorist attack including religious organizations. And I have a question, Mr. Secretary. How is the Department of Homeland Security -- how is the Department of Homeland Security rather communicating with high risk communities about this grant program in light of the increase in reports of threats against Jewish against Muslim and Arab communities and institutions?

ALEJANDRO MAYORKAS:

Senator, first and foremost, thank you for always being a champion of the men and women of the Department of Homeland Security and across the federal enterprise. Your -- your words of praise sometimes delivered from the Senate floor reverberate throughout our department and are profoundly appreciated by -- by all.

The nonprofit Security Grant program is a critically important tool in equipping places of worship, schools, other nonprofit organizations with the funds they need to build their own security so that their members can be safe and secure. We have seen in this administration an increase in the funding for that nonprofit security grant program.

We have specific to your question, Senator, engaged in extensive outreach to communities of all faiths to make sure they are aware of the program. We've also made the application process easier so that it is more accessible. Because we well recognize that there may be target rich institutions that are resource poor, and we have to make the program available to all.

TOM CARPER:

Good, thanks -- thanks for that. Another question if I could, Mr. Secretary for -- for you. Early -- or early this month, President Biden announced a supplemental funding request as we all know that includes \$13.6 billion to address the needs at our border. The request would allow DHS to fund efforts to counter fentanyl trafficking, support border operations and personnel needs and support state and local organizations that pay for shelter and services for migrants released from DHS custody.

My question, Mr. -- Mr. Secretary, could you just expand for us for a few minutes on this supplemental request? And share with us if you would, why the funding for these efforts in your departments is so critical?

ALEJANDRO MAYORKAS:

Senator, two foundational points. One, is that we are dealing fundamentally with a broken immigration system and the additional funding which is critically needed is a tourniquet. The enduring solution is to fix the system, number one. Number two, we are seeing an unprecedented level of migration throughout our hemisphere.

Not only at our southern border, but also throughout our hemisphere and quite frankly around the world. What we have sought through our

supplement -- supplemental funding request is additional resources in a number of different ways. More agents and officers. Every single year, since 2006, we have relied on the Department of Defense to supplement US Customs and Border Protection personnel.

That is not a model of -- of government efficiency. So we have sought additional personnel not only in US Customs and Border Protection, but in Immigration and Customs Enforcement and in US Citizenship and Immigration Services so we cover the spectrum of the immigration process. The enforcement, the processing, the asylum adjudications and the like.

We have sought additional funds for facilities, detention facilities to ensure that we can continue to expand our implementation of expedited removal soft sided facilities given the number of individuals we have to process. We've also sought additional transportation resources so that we can move people efficiently and as needed from a Border Patrol station to an Immigration and Customs Enforcement facility.

Or so that we can actually remove individuals so that we have the flight capacity to run as many removal flights as is warranted. Those are some examples of the enforcement resources that we have sought and the processing resources that we have sought in the supplemental funding request.

TOM CARPER:

My -- my -- my time is not sufficient to allow me to get -- to allow me -- Mr. Wray, Ms. Abizaid -- I don't have enough time to let you respond, so I'm going to just say the question for the record and ask you to respond in writing. But here's the question. If you would. Director Wray and Director Abizaid, how has Iran's role either directly or

indirectly in the ongoing conflict in the Middle East impacted the threat landscape in the United States?

And if you could respond to that for the record, I'd be most grateful. Thank you all again for your service and for your leadership. Thank you.

RICHARD BLUMENTHAL:

Senator Hawley is recognized.

JOSH HAWLEY:

Thank you, Mr. Chairman. Secretary Mayorkas, let me start with you. You're familiar with the chant from the river to the sea, Palestine will be free. Are you familiar with that?

ALEJANDRO MAYORKAS:

I am.

JOSH HAWLEY:

Do you know what it means?

ALEJANDRO MAYORKAS:

I do.

JOSH HAWLEY:

Can you explain it to us?

ALEJANDRO MAYORKAS:

Senator, that is a -- a chant that speaks of Palestinian desire for its homeland and a very expansive definition of its homeland at the

expense of the independence of Israel.

JOSH HAWLEY:

Well, indeed. I mean, it calls for the elimination of Israel, does it not?

ALEJANDRO MAYORKAS:

It does.

JOSH HAWLEY:

So, my question to you is should students who are here on a visa who gather and chant that slogan and actively advocate for the elimination of Israel, and attacks on Jewish individuals, whether in the Middle East or here in the United States as we're seeing on college campuses, should those students have their visas revoked?

ALEJANDRO MAYORKAS:

Senator, I believe you are referencing a provision in the Immigration and Nationality Act about which you have written to me. And I am very familiar with your assertion that that statutory provision requires the revocation of their visas.

JOSH HAWLEY:

But should they have their visas revoked? I'm asking you.

ALEJANDRO MAYORKAS:

We are assessing your legal assertion. It is a matter of legal interpretation of the statute.

JOSH HAWLEY:

Well, just as a moral matter. I mean, should -- should students who are here, foreigners who are here in this country, accessing our university system and advocating for the killing of Jews, should they be allowed to stay here at our leisure?

ALEJANDRO MAYORKAS:

Senator, it is a matter of law and it requires a legal interpretation and I am not in a position to provide that legal interpretation. And let me add something --

JOSH HAWLEY:

No, wait, wait, wait, wait -- I just -- my time is very limited. I have to say I think your answer is disappointing, but let me ask you something else. Let me ask you about people who say other things. What about people who say things like on October the 7th, F Israel -- I'm cleaning up the language here -- F Israel, the government, and its military.

Are you ready for your downfall? People who say things like, F Israel and any Jew who supports Israel. May your conscience haunt your dreams until your last breath. Palestine will be free one day. F apartheid Israel and any Israeli. This is pretty extreme rhetoric, don't you think?

ALEJANDRO MAYORKAS:

Senator, I do. And I think there is a distinction between espousing or endorsing terrorist ideology and speech that is odious that does not rise to that level.

JOSH HAWLEY:

Fair enough. This person works for you. This is Nejwa Ali, an employee of the Department of Homeland Security, who posted these comments on October the 7th. That's not all she posted. She also posted this graphic. Now this is a fake graphic. I want to be clear, but I think we understand it. This is a paraglider -- a Hamas paraglider depicted here with a machine gun flying into Israel.

She posted it under her online alias with the celebratory, Free Palestine! Mr. Secretary, what's going on here? Is this -- is this typical of people who work at DHS? This is an asylum and immigration officer who is posting these frankly pro genocidal slogans and images on the day that Israelis are being slaughtered in their beds.

What have you done about this?

ALEJANDRO MAYORKAS:

Four things I'd like to say to you. Number one, your question to suggest that that is emblematic of the men and women of the Department of Homeland Security is despicable.

JOSH HAWLEY:

I'm sorry, what have you -- this person works for the Department of Homeland Security. Have you fired her?

ALEJANDRO MAYORKAS:

That was one of four answers.

JOSH HAWLEY:

Have you fired her?

ALEJANDRO MAYORKAS:

One.

JOSH HAWLEY:

Have you fired her? Don't come to this hearing room when Israel has been invaded and Jewish students are barricaded in libraries in this country and cannot be escorted out because they are threatened for their lives. You have employees who are celebrating genocide and you are saying it's despicable for me to ask the question, has she been fired?

ALEJANDRO MAYORKAS:

Mr. Chairman.

GARY PETERS:

Mr. Secretary.

ALEJANDRO MAYORKAS:

After the consumption of Senator Hawley's time, I'd like to speak --

JOSH HAWLEY:

Has she been fired?

ALEJANDRO MAYORKAS:

-- because I will not --

GARY PETERS:

-- like an answer. Would you --

ALEJANDRO MAYORKAS:

--because I will not be given the opportunity --

JOSH HAWLEY:

Has she been fired?

ALEJANDRO MAYORKAS:

So that individual has been placed on administrative leave --

JOSH HAWLEY:

So she's not been fired?

ALEJANDRO MAYORKAS:

Number two.

JOSH HAWLEY:

Why has she not been fired?

ALEJANDRO MAYORKAS:

Number two, the individual was hired in 2019.

JOSH HAWLEY:

Why has she not been fired?

ALEJANDRO MAYORKAS:

Number three, I cannot speak to an ongoing personnel matter.

JOSH HAWLEY:

Why -- why has this person not been fired? Your answer is you can't speak to it. This isn't sufficient to fire her?

ALEJANDRO MAYORKAS:

I am not in a position to speak to an ongoing personnel matter.

JOSH HAWLEY:

This isn't sufficient to fire her? That's what you're telling me?

ALEJANDRO MAYORKAS:

That is not what I'm saying.

JOSH HAWLEY:

But she's still on your payroll as we sit here today.

ALEJANDRO MAYORKAS:

That is not what I'm saying.

JOSH HAWLEY:

She's still on your payroll as we sit here today?

ALEJANDRO MAYORKAS:

Senator.

JOSH HAWLEY:

How many cases -- she was an asylum and immigration officer, how many cases did she adjudicate?

ALEJANDRO MAYORKAS:

Senator, I'm not in a position to speak about an ongoing personnel --

JOSH HAWLEY:

I'm not asking about that. I'm asking you how many cases she adjudicated.

ALEJANDRO MAYORKAS:

My answer remains.

JOSH HAWLEY:

Did she adjudicate any cases involving Israelis seeking asylum in this country?

ALEJANDRO MAYORKAS:

Same answer.

JOSH HAWLEY:

Well, let me just point you to what else she posted on social media where she drew attention to the fact that she is an immigration and asylum officer. #immigrants, #asylumseekers, #palestine, #refugeeswelcome. This is on her LinkedIn post where she has her professional affiliation posted. So I think the American people deserve to know.

Has she admitted contrary to law individuals who should not be in this country or denied Jewish refugees whose genocide she's advocating asylum that they deserve?

ALEJANDRO MAYORKAS:

Same answer.

JOSH HAWLEY:

You're not going to -- you're not going to tell us what this person's done? Are you conducting a review of her cases at least?

ALEJANDRO MAYORKAS:

Senator, as I have said over and over again, I cannot speak to an ongoing --

JOSH HAWLEY:

You said that you will not. I can't believe that you would come to this committee knowing this. You know about this. I've written to you about it. You know all about it and you come here unwilling to answer and suggest that it is wrong of me to ask you the question. Quite frankly, Mr. Secretary, I think that your performance is despicable and I think the fact that you are not willing to provide answers to this committee is absolutely atrocious.

ALEJANDRO MAYORKAS:

Mr. Chairman, may I?

GARY PETERS:

[off-mic] like -- if you'd like to have a minute to respond, you --

ALEJANDRO MAYORKAS:

Oh, I would. And I'm not sure I'll limit it to 60 seconds.

GARY PETERS:

That's fine.

ALEJANDRO MAYORKAS:

Number one, what I found despicable is the implication that this language, tremendously odious, actually could be emblematic of the sentiments of the 260,000 men and women of the Department of Homeland Security, number one. Number two, Senator Hawley takes an adversarial approach to me in this question and perhaps he doesn't know my own background.

Perhaps he does not know that I am the child of a Holocaust survivor. Perhaps he does not know that my mother lost almost all her family at the hands of the Nazis. And so I find his adversarial tone to be entirely misplaced. I find it to be disrespectful of me and my heritage. And I do not expect an apology, but I did want to say what I just articulated.

Thank you.

JOSH HAWLEY:

Mr. Chairman, can I just respond since he has referenced me personally?

GARY PETERS:

Senator Hawley, we need to move on. Senator Romney, you're recognized for your questions.

MITT ROMNEY:

Thank you, Mr. Chairman. I'm going to spend most of my time looking at the threat against Jewish citizens and -- and against Muslim citizens as well and get a sense of what we can do to try and reduce the degree of -- of violence and threat towards these individuals. But before I do, I just want to turn back to the chart that was put up by

Senator Johnson early on. If you could put that up again or just hold it up again?

I find that so alarming and so revealing that -- that it's a little stunning. This -- this is the point, Secretary Mayorkas, when you came into office. And -- and if I -- if I -- if that were my record -- if that were my record, I would resign in shame or I would have fashioned a piece of legislation designed to solve that problem and worked like crazy to get it passed.

I don't think you've done either one of those things. I look -- you said several times to Senator Lankford for instance that that -- that asylum system is broken and we need to fix the asylum system. But you've been there three years. I don't know that you've proposed legislation to fix the asylum system that would change what you're seeing here.

Am I wrong? Have you proposed legislation that would fix asylum?

ALEJANDRO MAYORKAS:

We have quite a number of suggestions with respect to how to reform the asylum system, Senator Romney, and I'm very eager to work with you to achieve those.

MITT ROMNEY:

In what way -- what -- if you had one thing you could do about fixing the asylum system that you think would bring that back to historic levels, what would it be?

ALEJANDRO MAYORKAS:

Well, first of all, Senator, we're dealing with an unprecedented level of migration in the hemisphere and that cannot be forgotten in the

discussion of what reform is needed and what we are experiencing.

MITT ROMNEY:

Yes. And what -- what -- what led to that unprecedented level of immigration illegally into the country happens to coincide with your becoming secretary of the department that's responsible for border security and President Biden becoming president. The -- the key factor that's changed here is your administration.

And so again, I don't know how you can continue to come before this committee with that record without saying this is what has to be done. Now I'm going to -- I going to turn instead of the topic, which I think is -- is most pertinent right now with regards to protecting our Jewish citizens. And I look to -- to -- the Commissioner Wray -- Director Wray at the FBI and ask of the attacks of a religious nature, you said some 60 percent are directed towards Jews in this country.

Is that right?

CHRISTOPHER WRAY:

I did. And that's before -- those are estimates or statistics that are before this conflict began.

MITT ROMNEY:

So it's probably gone up since then?

CHRISTOPHER WRAY:

I would -- I would expect that, but we don't have good numbers yet because it's so fresh. But I think the point that I was trying to make there, which I really think Americans need to understand is how wildly disproportionate, if you could ever use a word like

proportionate in something like this, that is. 2.4 percent of the American public, 60 percent of religious based hate crimes.

They're getting it from racially and ethnically motivated violent extremists, ISIS inspired violent extremists, foreign terrorist organizations, whether they be Sunni like al-Qaeda or ISIS or Shia like Hezbollah. And so this is a group that is -- has the outrageous distinction of being uniquely targeted and they need our help.

MITT ROMNEY:

What proportion of these hate crimes has been directed towards Muslims, for instance? If 60 percent were towards Jews, what percent towards Muslims?

CHRISTOPHER WRAY:

I don't have that percentage, but it's -- it's obviously quite a bit smaller than 60 percent by definition.

MITT ROMNEY:

And you attribute that attack on Jews to these hate groups, I presume, these terrorist groups and hate groups that focus on Jews, is that right?

CHRISTOPHER WRAY:

Well, yes, but they cover, of course, they cover the waterfront and that's the point that I'm trying to make. They unfortunately have the distinction of being targeted by every group.

MITT ROMNEY:

How do they communicate their directions to attack? What's their -- what's their vehicle for getting that out? Certainly not in the New York

Times and not on NBC? How do they get their message out?

CHRISTOPHER WRAY:

Well, social media plays a huge part of it, just like it does messaging on almost everything these days.

MITT ROMNEY:

Can you take action or do you take action to try and eliminate to the extent possible or reduce the access these groups have through social media? Is there a way of doing that or is it like no, there's so many different dark web and other vehicles that their message gets out whether or not we try and interdict it?

CHRISTOPHER WRAY:

There are instances where foreign terrorist activity in the world of propaganda crosses into the material support to terrorism to a foreign terrorist organization space. But now you're getting into a legal area that I'm not the -- the expert on. The -- what we really need is people, eyes and ears in the community, people letting us know when they see something of concern so that law enforcement can take appropriate action.

And that's why we spend so much time engaged in outreach to state and local law enforcement as a force multiplier, to the faith based community as a force multiplier in effect, and to the private sector. People sometimes overlook that piece. But some guy goes into Home Depot and wants to buy a bunch of ball bearings and fertilizer and doesn't seem to know anything about what either one could be used for, we want the guy in Home Depot calling law enforcement saying something's off.

MITT ROMNEY:

Well, I deeply appreciate the work that your 37,000 employees of the FBI do to try and keep our homeland safe and have done so remarkably well despite this level of threat. I would at the same time look to see if there's not something we can do. I understand we don't want to interdict constitutionally protected speech, but what is constitutionally protected speech?

Certainly, foreign agents don't have constitutionally protected speech because they're not subject to our Constitution. I presume bots don't have constitutionally protected speech. American citizens do, but even then citizens offer various forms of hate. And I don't know how you make the assessment of how you reduce the communication of hate across our social media that's clearly leading to the level of attacks that are being perpetrated against people of faith and particularly Jews.

CHRISTOPHER WRAY:

Well -- well, there is a role for different parts of society in dealing with the issue where the FBI fits in is dealing with violence and threats of violence. And when it crosses into that line, it doesn't matter what you're ticked off about or who you're ticked off at. That's a line you don't get to cross in our system.

And that's where -- that's where the FBI kicks into action.

MITT ROMNEY:

Thank you, Director.

GARY PETERS:

Thank you, Senator Romney. Senator Blumenthal for your questions.

RICHARD BLUMENTHAL:

Thanks. Thanks, Mr. Chairman. Thank you all of you for being here today. Thanks for your work on behalf of our country and to the many, many men and women who work in each of your departments who many of them I have come to know. The threat of violent extremism, Director Wray, is not new after October 7th. In fact, I think the intelligence community has warned repeatedly that the most persistent and lethal threat to our internal security is in fact violent extremism.

And I accept that we need more eyes and ears. We need more vigilance. If you see something, say something. But would there be additional legal tools that would be helpful to you in pursuing hate crimes which are not speech, they are not constitutionally protected, they involve violence, they involve physical threats or results.

Are there additional legislative tools that we could give you?

CHRISTOPHER WRAY:

Well, certainly, we need the resources to address the issues. None of the threats that I described in my opening statement or my questions here today are threats that I would say are fading away. They are all significant and they require attention. And everywhere I go, someone's got very good ideas about things the FBI should do more of. It's not very many responsible ideas of things that we can at scale do less of --

RICHARD BLUMENTHAL:

-- Well, let me ask you specifically. The nonprofit security grant program, it's about \$300 million. Last year, the president's proposed increasing it by \$200 million. That seems to me a fraction of what is necessary. We need to spend \$1 billion on it. I'm seeing in Connecticut again and again and again synagogues, mosques, churches, community centers spending scarce resources to hire security guards.

Shouldn't that be a matter for the federal government to help prevent threats of that kind?

CHRISTOPHER WRAY:

Well, now you're of course asking about grant programs, which have a very important role here. The FBI is not a grant making agency, but the Department of Justice and the Department of Homeland Security both and maybe some other agencies would have a place for that. And those do help.

RICHARD BLUMENTHAL:

We should increase that kind of investment. Obviously it's prevention, but you're in a much better position, especially in terms of resource to conserve your efforts if violence is prevented.

CHRISTOPHER WRAY:

Well, I know that we -- I can only speak from the FBI's end obviously. We spend an awful lot of time at the national level and in each one of our field offices engaged with communities of faith and the various national associations at the national level. And security is of course

the number one topic we're engaged with them on and they all need more help.

RICHARD BLUMENTHAL:

Well, I'd appreciate your support for increasing that amount as well as Secretary Mayorkas. Let me ask you, Mr. Secretary, enforcement of sanctions against Iran. Department of Homeland Security has a central role. Senator Ernst and I are proposing bipartisan legislation to provide a fund within the Department of Homeland Security for better enforcement because your agents around the world among many other duties are responsible for investigating Iran's violations of sanctions that are there because Iran's using the revenue from those illicit oil sales to fund Hamas.

Hamas wouldn't exist. It wouldn't be a threat. It couldn't have attacked on October 7th without resources provided by Iran, which in turn derived from those oil sales. Shouldn't we provide you with more resources to enforce those sanctions?

ALEJANDRO MAYORKAS:

Senator, we would welcome the additional resources for Homeland Security Investigations. I very much look forward to working with you on that legislation and our personnel do tremendous work in HSI along with our federal partners to enforce our sanctions regime and hold those who seek to circumvent it accountable.

RICHARD BLUMENTHAL:

Thank you. Ms. Abizaid, you seem to have escaped a good deal of controversy today and I'm not about to embroil you in it, but you did make in your testimony a very, I think important observation and I'm

going to quote it, "Over the last several years Iran has plotted against the United States, other Western interests and Iranian dissidents more aggressively than they have at any time since the 1980s." And and you go on. Can you provide us specific instances since October 7th and are you concerned about the threat of possible Iranian-sponsored terrorism?

Obviously, they don't send Iranian nationals somewhere. They use their proxies just as they use Hezbollah, Hamas, the Houthis, the jihadist. Are there -- are there a reason for concern in the homeland?

CHRISTINE ABIZAID:

Yeah, no, thank you for the question and for including me in the discussion here today. I would say that Iran is the poster child for state-sponsored terrorism. It has long pursued terrorist proxy relationships. It has long pursued international operations, including especially over the last several years, not just focused on former government officials that it considers responsible for custom Qasem Soleimani's assassination, but also against Israeli interests and other interests worldwide.

We've -- we've seen this pretty persistently. I will say that that stands in contrast to what we've seen since October 7th. And, you know, at this current moment, I would -- I would not have any indications of an Iranian threat inside the United States that should be of concern. That said, Iran has a significant escalatory capability that if it intended to be escalatory in this current conflict, we should be very concerned.

And so the work that Director Wray has talked about, the work that we collaborate on in -- in trying to counter Iranian-sponsored terrorist attacks all over the world is critically important for us to stay vigilant on in this current environment.

RICHARD BLUMENTHAL:

Thank you. I'd like to pursue that line of questioning with you. I don't have time today because my time has expired and I also will submit for the record a question on artificial intelligence. Senator Hawley and I have a framework. The president announced one yesterday. I think your agencies have a critical role to play.

And let me just conclude on the point that Director Abizaid raised about potential foreign attacks. We still in my view have failed to hold accountable for the attack on 9/11. In support of the families that have sued Saudi Arabia, there is still information that the FBI could provide. I have had various meetings with your personnel, Director Wray, and they have sought to be cooperative and we're going to pursue those questions.

I just wanted you to know that we're continuing to focus on it. Your folks are engaged with us, and I hope we reach a successful conclusion.

GARY PETERS:

Thank you. Senator Blumenthal, just for the members and the witnesses, we've got one more question from Senator Ossoff and then we're going to take a 15 minute break and then we'll be back for a second round. We'll change from seven minutes per person to five minutes, but it will be a 15 minute break following Senator Ossoff's questions.

You're recognized.

JON OSSOFF:

Thank you, Mr. Chairman. Thank you to our witnesses. Thank you for your service to the nation as several Senators have raised and as you're well aware, Secretary -- Secretary, Mayorkas and Director Wray, there's significant apprehension concern fear in the Jewish community in Georgia and nationwide as well as in the Muslim community as the domestic political discourse has become so polarized as various hate groups and factions have expressed hateful speech and as threats have been made.

You've both over the last year, and I commend and thank you for this, have been highly responsive to my office as we've worked to connect your personnel with institutions and communities in Georgia who require the forms of assistance and counsel that you each respectively offer. Secretary Mayorkas, in your case helping communities and institutions to mitigate and understand threats.

Director Wray in your case helping communities and institutions have a point of contact with federal law enforcement in the event they receive threats and applying your investigative tools to investigate threats. Given the heightened level of concern and fear and threat at this moment, I would just like a commitment briefly from each of you that you will continue to make yourself available to my office and to Georgians who require your help.

ALEJANDRO MAYORKAS:

Most certainly, Senator.

CHRISTOPHER WRAY:

Absolutely.

JON OSSOFF:

Thank you. Director Wray, I was able to help secure through the Project Safe Neighborhoods Grant program, the DOJ program that helps coordinate US attorney's offices and state and local law enforcement some additional resources to Georgia, which of course is your home state and we're proud of that. In order to fight violent crime, in particular in Middle Georgia in the Chattahoochee Valley.

I have had a great experience working with your Atlanta field office and your personnel in Georgia. Will you commit that the FBI and your personnel and teams in Georgia will remain responsive to the needs of local and state law enforcement agencies as violent crime and gun crime continue to take a serious toll?

CHRISTOPHER WRAY:

Absolutely, we for us violent crime is -- is a major, major priority and including in Georgia, there have been a number of very significant, very significant, very impactful violent crime takedowns in the state just since the time we've been engaged in this ongoing dialog. I know for example down in the southern part of the state in Brunswick, our task force down there arrested something like 74 Ghostface gangsters.

And sure enough within about three months, the Brunswick PD was able to report about 50 percent fewer fentanyl overdoses, which is a pretty significant impact. But we've had huge takedowns like that, really all across the state up in Athens, in Adel, in the middle -- middle, southern part of the state, obviously in the Atlanta area.

And I'm a big fan of Project Safe Neighborhoods having been heavily involved in the first version of it when I served in the Bush administration.

JON OSSOFF:

I see you're well prepared to brief on Georgia and I appreciate that. Yes, Secretary Mayorkas, the nonprofit security grant program for synagogues, for mosques, for HBCUs. It's clear to me that there's a need for more resources because we have institutions in Georgia who are applying, their applications have merit.

There's a real need, the program's oversubscribed, that's not your fault. We allocate the funds, but will you please commit to working with the OMB and the Congress to try to rightsize that program so that there are sufficient resources for the institutions who require that additional security support.

ALEJANDRO MAYORKAS:

Yes, I will, Senator.

JON OSSOFF:

Thank you. Director. Wray, in September, Senator Blackburn and I launched a bipartisan inquiry to understand how FBI's capacity to investigate child sexual abuse can be augmented, particularly given the alarming and disturbing growth in online child sexual exploitation. Concern that the scope of the threat may be outpacing the bureau's ability to respond.

And we have not yet received a response to the September 13th letter that we sent to the FBI. Will you please commit to get that back to me in short order?

CHRISTOPHER WRAY:

I will certainly get that. I'm not sure the exact timeline, but of course get you a response to your letter as quickly as we can. Certainly this is an area that's of great importance and we, for example, had something called Operation Cross Country which was a two-week operation that we did all across the country that located something like just in that two week period 59 child victims of sex trafficking, 59 additional actively missing kids, arrested hundreds of predators.

If you look at the year overall, we're rescuing thousands of kids from exploitation and rounding up thousands of predators. And I am very concerned that if some of the current budget proposals that are swirling around up here were to go into effect, you'd have fewer predators arrested and fewer kids rescued.

JON OSSOFF:

And, Director Wray that, that leads to my next question. According to the National Center for Missing and Exploited Children or NCMEC, which as you well know, is tasked by Congress to receive reports of missing in traffic to children from state and local agencies across the country. In Georgia, between 2018 and 2022, there were nearly 1,800 reports of missing foster youth and it is well understood by the -- by the Department of Health and Human Services and by law enforcement that foster youth who go missing are at acute risk of trafficking and other forms of abuse and exploitation.

Can you please characterize the FBI's efforts and understanding of the particular threats posed to foster youth from human traffickers, sex traffickers and others? And will you commit to working with me to enhance the -- the FBI's ability to locate and free children who may be trapped by criminals?

CHRISTOPHER WRAY:

Let me follow back up with you in more detail on the specific issue of foster youth as a -- as a particularly vulnerable victim set. But I will tell you that we work very closely with NCMEC, been over there myself. I consider them a very valuable part of this whole response to the threat, but it is a -- it is a major, major problem across this country.

We have kids even in this day and age being victimized and exploited by predators really all across the country.

JON OSSOFF:

And NCMEC does a great job. They are a highly credible organization and I'd like to get that data in front of you so you're aware of the scope of the threat to these foster children in Georgia. Will you take a look at it when I send it over to you?

CHRISTOPHER WRAY:

Yes, sir.

JON OSSOFF:

Thank you, Director Wray.

GARY PETERS:

Thank you, Senator Ossoff. We're now going to take a 15 minute recess. I'm going to be briefly down to the Appropriations Committee. So Senator Hassan will be gaveling us back in right at 12:45 from our recess. So we'll see everybody back here at 12:45. [Recess]

MAGGIE HASSAN:

And the committee will come to order. We're now going to start our second round of questions. Members will each have the opportunity to ask five minutes of questions and I will start with a question to Secretary Mayorkas. While border apprehensions decreased slightly in fiscal year 2023 compared to fiscal year 2022, for the second year in a row, there were more than 2 million individuals apprehended crossing the southern border.

Apprehensions of family units also dramatically increased in August and September of this year. We have to strengthen border security in ways that not only protect our national security, but are also humane and consistent with American values. That approach needs to include technology, personnel and physical barriers where it is strategically useful.

I'm glad to see that DHS has reversed course from the beginning of the administration and unfrozen funding to fill certain gaps and physical barriers at the border. These gaps create obvious problems such as the 20 foot gap in fencing I saw in Texas last year when I observed people running back and forth across the border through that gap.

Secretary Mayorkas, given that apprehensions are up, what additional resources and authorities does DHS need to improve security along the southern border?

ALEJANDRO MAYORKAS:

Senator, thank you. I believe I have approved approximately 129 gaps in gate completions. We have sought a supplemental request, a supplemental funding requests for people, technology, facilities,

transportation of different varieties. We need a tremendous number of resources within, of course, as I've said repeatedly and cannot say too often a broken system.

MAGGIE HASSAN:

Thank you. I'm going to now turn to Director Wray. And again, Mr. Secretary, I'll ask you to weigh in on this as well. In the past two weeks, Iranian backed terrorist groups have escalated attacks on US assets in Iraq and Syria. As a result, the US has engaged in several counter strikes on Iranian backed assets in Syria to protect our troops and equities in the region.

Are you seeing an uptick in threats to Americans at home or abroad? And what are your agencies doing to increase security at home in light of these growing tensions? And are you concerned about potential retaliation here in the homeland due to the US counter strikes in Syria?

CHRISTOPHER WRAY:

So, a whole number of things packed into that. First, we definitely believe that there is a heightened risk of potential violence here in the US, especially from lone actors inspired by any number of foreign terrorist organizations or by domestic ideologies in some way using the conflict as an excuse, or a justification as horrendous and misguided as that would be to conduct attacks here against Jewish Americans, Muslim Americans, Arab Americans, etc.

So, we're definitely concerned about that. And we are seeing a heightened -- an increase in reported threats, whether it's bomb threats to synagogues, some physical assaults. I mentioned in my opening statement some of the arrests we've had. So, we're concerned about that. Second, I am concerned, as I said in my opening

statement, that foreign terrorist organizations, traditional formal terrorist organizations, whether they be al-Qaeda or ISIS or Hezbollah have all made statements that would indicate a greater risk of a potential attack here by them.

We are not currently tracking an imminent credible threat from a foreign terrorist organization, a structured attack here or something like that, but it is something that we think heightened vigilance is warranted for. And when it comes to Iran and its strategic partner, Hezbollah, I think it's important for Americans to understand that even before this conflict, we're dealing with an adversary that just in the past couple of years has tried to kill a former US national security adviser on US soil.

Tried to kidnap and then kill an American journalist right smack in the middle of New York City, conducted a cyberattack, attempted a cyberattack against a children's hospital, and tried to interfere in the last presidential election as Director Ratcliffe and I called out at a press conference in the fall of 2020. That's all on top of being the leading state sponsor of terrorism.

So if that's not enough to convince people that Iran is a threat to the US, I don't know what would be.

MAGGIE HASSAN:

Well, I thank you for that comprehensive answer. Because I'm running low on time, Mr. Secretary, I'll follow up in a question for the record on that. I also will follow up on the issue of northern border security with you. As you know, we have seen an uptick on unauthorized and illegal crossings on the northern border.

Part of the thing we are dealing with in New Hampshire and all across the northern border is a lack of technological infrastructure, including cell service and broadband. That makes it very hard for some of our personnel to do their work at the border as effectively as they need to. So I'd like to confer with you and I'll ask a question for the record about how we make sure we are getting the resources we need at the northern border to keep our country safe.

Thank you. Senator Paul?

RAND PAUL:

Director Wray, as you mentioned earlier, the FBI has concluded with moderate confidence that the virus leaked from the lab in Wuhan. The intriguing thing is that if I were to say that as I did and others said this for over a year and a half, Facebook actually suppressed that knowledge, suppressed its spread and its ability to be transferred from their users.

Whether or not they did that at the behest of the FBI or the DHS, it's eventually going to come out in the court case, but it is a big deal. I met with the FBI. And one of the things I'm interested in is trying to get people on both sides of the aisle to be interested in the possibility that what happened in Wuhan could happen in the United States.

It could happen in 20 different labs around the world. It could happen with nefarious actors. It's something we should be concerned with. The idea of making and creating viruses that are more dangerous than occur in nature. One thing that would help us would be to reveal more to us of your conclusions. So, for example, for the longest time, I'm pretty sure it was classified that you had even concluded that.

I think your public statements were the first time we ever were -- heard publicly that the FBI had actually made a conclusion. So, even the conclusion was secret for a long time. Now you had to have an analysis. You must have a paper sort of description of your thought process. We passed unanimously legislation to declassify this stuff.

Most of the stuff doesn't need to be classified. A lot of those conclusions are just basically -- we've had them out in the public and we've been discussing this. But it would help the debate and maybe help us prevent something like sort of happen again if you'd release your report. Are you going to declassify and release your report that allows you to conclude with moderate confidence that the virus came from the lab?

CHRISTOPHER WRAY:

Well, I know my staff has been engaged with you directly on this, including the -- the head of our WMD directorate, and I expect that to continue. I know you've asked for a number of documents that I believe we're getting ready to provide to you potentially as early as this week. As to what can be shared publicly as opposed to shared with you and your oversight capacity, that gets a little more complicated because sometimes the information is interwoven with other agencies information.

We don't entirely control --

RAND PAUL:

Ok. We don't want to know who your sources are, we want to hear your conclusions. We want to have what your scientists have looked at. And one of the specific things we ask them, they said they would be forthcoming with and the meeting seemed to include cooperation but

then they just go dark on us. So, for example, one of the most important information, from my point of view, that suggests this came from Wuhan is that in 2018, the lab in Wuhan, along with the scientists at the University of North Carolina as long as -- along with Peter Daszak, applied for money from DARPA. They wanted to create a coronavirus that had a cleavage site in it that's more commonly found in human viruses.

They were denied the money, but that led us to thinking. And a lot of people think, wow, they were already asking for money to do -- to create a virus that has the same structure as COVID had. There apparently are other grants. And I've been trying to get the grants from government for three years. The most secretive organization in our government with regard to COVID is HHS and NIH. We pay for all their grants.

None of their stuff's classified and they won't give us the stuff. But I think in your review, my guess is your people knew where to look. And I asked them, are there other grants like the diffuse grant from DARPA that was denied that you can point us to, four or five other grants that we either given to them in Wuhan, denied to them in Wuhan, maybe given to another country somewhere around the world, but worried us that and we're circumstantial evidence leading us to the conclusion.

Those things should be easy. They're non classified. We can't get them from the NIH. If you've seen them, we just want you to help us.

Because it needs to be public because our concern is this could happen again. There are scientists, legitimate pedigreed virologists at major universities who believed not only that this came from this lab, but the next one could kill 5 to 50 percent.

What if there are aerosolized Ebola virus or Marburg virus or Nipah virus? This is as dangerous as nuclear weapons, but we've had only one side sort of interested in this so far. But if more information were revealed, maybe we can get both sides of the aisle interested and eventually do something to try to prevent this from happening again.

And so, if you will help urge them to give us some of the information and really figure out how to declassify stuff. I know most of intelligence is classifying and keep it in secrets, but there's an important public policy decisions that come from making it public. And do it in a smart way where you don't reveal things that you don't want to reveal.

But I'm guessing 99 percent of the report probably already includes no classified information.

CHRISTOPHER WRAY:

Well, we look forward to working with you on this. I'm very proud of the work our folks did here. It was rigorous. It was thorough. And for an awful long time, we were the only agency all by our lonesome reaching that assessment. And we will look forward to working with you as best we can. I will say that we continue to investigate so there may be some issues that get wrapped up in that.

But -- but I know that our folks have found the engagement with your office to be productive and we look forward to continuing that.

RAND PAUL:

One really quick point, for those who doubt that this came from the lab, the FBI has concluded with moderate confidence. The Department of Energy, which has a lot of scientists, probably more

scientists than any other part of our government has concluded with low confidence. And the Lancet Commission and the minority report from this Bob Cadillac's report from this committee, a number of groups that spent a long time have come to the conclusion, not for person reasons, because we worry that this is going to happen again or could happen again.

So I think we should try to all work together to see what we can do to -- to restrain and restrict this type of dangerous research.

MAGGIE HASSAN:

Thank you. Senator Johnson?

RON JOHNSON:

Thank you, Madam Chair, Secretary Mayorkas, I just had to put my chart back up here to rebut a point you made repeatedly that it's our broken asylum system that has created this disaster at the border. The fact of the matter is, under the previous administration, we actually had brought illegal immigration down to 17,500 apprehensions and encounters per month.

Last month, we hit over 270,000. And that wasn't -- that was done under the previous administration with our same broken asylum system. But the root cause of this disaster literally is President Biden and you. Now Director Wray, I'm assuming you've seen, and read the letter to Senator Grassley wrote to you and Attorney General Garland on October 24th?

CHRISTOPHER WRAY:

I'm generally aware of it.

RON JOHNSON:

Oh, you ought to read it. Let me read some segments to you. The FBI maintained over 40 confidential human sources that provided criminal information related to Joe Biden, James Biden and Hunter Biden. An essential question that must be answered in this, did the FBI investigate the information or shut it down?

Certainly, there's a host of reasons to conclude that they attempted to shut it down. It goes on. It has been alleged that the basis for shutting down the investigative activity, shutting it down was an August 2020 Assessment created by FBI Supervisory Intelligence Analyst, Brian Oughton. [ph] That assessment was used by FBI headquarters team to improperly discredit negative Hunter Biden information as disinformation that caused investigative activity to cease.

It goes on. Analyst Brian Oughton opened the aforementioned assessment, which was used by the Foreign Influence Task Force to seek out CHS holdings at FBI field offices across the country relating to the Biden -- Biden family and falsely discredit them as foreign -- disinformation. My staff caused that catch and kill.

And by the way, it was that same task force that gave Senator Grassley and I are unsolicited briefing that was later leaked to the media to smear me and impact my 2022 election. Senator Grassley concludes, there appears to be an effort within the Justice Department and FBI to shut down investigative activity relating to the Biden family.

Such decisions -- such decisions point to significant political bias, infecting the decision making of not only the attorney general and FBI director, but also line agents and prosecutors. Our republic cannot survive such a political infection. And you have an obligation to this country to clear the air.

Let me ask another. And by the way, I'd asked that this -- unanimous consent that this letter be entered in the record and also this column that appeared in the Wall Street Journal published yesterday. Have you read this one? More on the stifled Hunter Biden probe?

CHRISTOPHER WRAY:

I have seen that.

RON JOHNSON:

Ok. We'll enter that in the record. Again, this is -- column is written based on the October 23rd Judiciary Committee interview with former US attorney, Scott Brady, who is -- Brady who was tapped by Attorney General Barr to vet information related to Ukrainian corporate corruption and pass on credible material to offices with ongoing investigations.

I'll get some highlights here. The FBI office in Pittsburgh couldn't take any steps without the review and approval of FBI headquarters. Mr. Brady describes a reluctance on the part of the FBI to really do any tasking related to allegations of Ukrainian corruption broadly. And then, specifically, anything that intersected with Hunter Biden and his role in Burisma.

FBI headquarters had to sign off on every assignment no matter how small or routine, and that this sometimes required 17 different people, mostly at the headquarter level. And Mr. Brady said, he'd never in his DOG career, seen anything like it. Mr. Brady says, his office was informed by members of the Pittsburgh FBI team that they'd been instructed by headquarters not to affirmatively -- affirmatively share information with the Brady team.

He said he was surprised to learn of -- that the FBI possessed the Hunter Biden laptop since 2019. He heard that through public reports. Senator Grassley's letter concludes that he has obtained names from his whistleblower, 25 Department of Justice, FBI personnel to interview at a future date and he's also requesting a bunch of information.

Will you provide those FBI personnel for interviews with his office and mine and will you provide that those documents?

CHRISTOPHER WRAY:

Well, I'll have to review the specific request and we'll see how we can be helpful.

RON JOHNSON:

Ok. Well, I'll hand you this letter. Final point I want to make. I was briefed a couple of weeks ago by members of the FBI on what Senator Blumenthal are doing to try and unredact a lot of the information on the 9/11 event. Ok. Now the briefer is seem to be people of integrity like I think the vast majority of the men and women that work in the FBI, the 38,000 field agents.

So again, they -- they were people with integrity. The problem is that they gave me three different examples of redacted and then unredacted to explain it. And the redactions made sense with those three examples. But I had to make the point. The problem I have is I simply cannot trust what the FBI is providing me and I don't say that with any joy in my heart.

That's a travesty. The American people want to believe and have trust in the FBI. We want credibility and integrity restored to your

institution. But Director Wray, you have not done that since assuming office and I could go through a long laundry list of the reasons why that trust has been violated. I don't have it right now.

I'm happy to sit down and meet with you and go over these things in detail. But I would say because they asked me what can we do to restore trust. Start being transparent. My final point is and this is actually a question. Why is it -- and this makes no sense. I am an elected US Senator. I have the highest security clearance.

Why is it that unelected members of the FBI can see the documents unredacted, but I can't even in a secure briefing room? That makes no sense whatsoever. But that's exactly how federal law enforcement, the Department of Justice, the FBI, who are the law remain above the law, remain above scrutiny, and completely scorn our constitutional -- our constitutional responsibility and authority to provide oversight.

We just can't do it as the chairman was talking about earlier about how you've basically ignored his requests for credit -- for the questions for the record.

CHRISTOPHER WRAY:

Mr. Chairman, may I respond?

GARY PETERS:

You may.

CHRISTOPHER WRAY:

So needless to say I disagree with your characterization not only of my own performance, but of our workforce. I will tell you when it comes to trust and confidence, the number of people applying to be special

agents of the FBI has gone up dramatically since I've been FBI director. And in fact, in your home state of Wisconsin, it's gone up about 160 something percent, which is one of the highest in the country.

So I see an FBI every day that conducts themselves with integrity and professionalism and selflessness and rigor. And I do not accept the characterization of our performance in this particular case.

RON JOHNSON:

That is not how I characterized it. I'm talking about partisanship --

CHRISTOPHER WRAY:

May I finish, Mr. Chairman?

RON JOHNSON:

-- with some specific partisan actors. I said the vast majority of the 38,000 are people of integrity.

CHRISTOPHER WRAY:

And the idea that I as a Republican appointee and a lifelong Republican am biased in the way that you are describing makes absolutely no sense.

RON JOHNSON:

I'm happy to read you chapter and verse of all the reasons why that credibility has been destroyed.

GARY PETERS:

Need to move on. Last year, we spoke about the -- the threats that drones operated by nefarious actors could pose to our nation's mass gatherings, airports critical infrastructure, and it was made clear that we must ensure that DHS and DOJ are properly resourced to meet this growing threat. So Director Wray, officials had to briefly suspend a college football game just a few weeks ago because a concerning drone was spotted over the stadium.

At a time when these incidents are unfortunately becoming more common, how can we better resource our nation's law enforcement agencies to effectively deal with this growing threat from these drones?

CHRISTOPHER WRAY:

Well, certainly this is authority that's incredibly important and the most important thing that I would want the American public to understand and your colleagues who are not on this committee to understand is that that authority needs to be reauthorized because if it isn't reauthorized, there is no public safety agency in this country that can provide counter UAS security at these public events.

And pretty much every time we've deployed, we have uncovered any number of unauthorized UASs in the vicinity of these -- of these events. In fact, if anything, in addition to being reauthorized, we need to have a situation where we can start to incorporate state and local law enforcement into this. And as you and I have discussed, there's a plan in place that would have the FBI train state and local counter UAS operators to ensure that there's a consistent standard across the country, much the same way we do with civilian bomb techs.

And that would allow greater protection because there are way too many of these events and -- and way too much growth in the use of

drones for FBI and DHS alone to be able to protect against it. But -- but most importantly -- most importantly, the authority that's about to expire needs to be reauthorized otherwise we're as a country effectively defenseless.

GARY PETERS:

So I just want to throw one -- a pushback that I have received on this is that private entities can protect themselves. Stadiums could protect themselves. This is not necessary. Is that -- is that allowed? There seems to me we need these authorities. Yet this colleague of mine believes that stadiums can protect themselves.

We don't need these authorities. How would you respond to that?

CHRISTOPHER WRAY:

Well, what I would say is two things. One, it's not unusual for me to meet with security from major stadiums around the country because I've been to all 56 FBI field offices at least twice, some of them three times, to hear from them that they need this authority. And so they're certainly not saying, don't worry we got it. But the second thing I would say is that the authority that I've just described ensures a level of quality control.

So to me it's sort of the best of both worlds. We provide the security the American people need with the quality control that that would otherwise be lacking if people started engaging in potentially not lawful self-help.

GARY PETERS:

Right. Secretary Mayorkas, airports are uniquely vulnerable to these drone threats and one of my greatest concerns is a drone interfering

with a commercial aircraft near the airport. So talk to me and have the committee know how important these authorities are particularly in protecting aircraft and whether or not folks can do it themselves or we need to do this and this is why we need these authorities.

ALEJANDRO MAYORKAS:

Mr. Chairman, I -- thank you. I echo everything Director Wray expressed with respect to the criticality of re -- renewing our authorities under the Counter Unmanned Aerial Systems law. It expires November 18th. The same -- the same holds true for -- for airports. Owners and operators of aircraft have communicated to us loudly and clearly that the federal authority needs to be maintained.

They cannot protect the airspace by themselves. I think that is a misimpression of the reality that we confront and it's not only these large public facilities, these airports and the like, it's also importantly the border. We take down the drones of the cartels that are seeking to move contraband across the border.

It is an very, very important authority that we have.

GARY PETERS:

Right. Thank you. Senator Scott, you're recognized for your questions.

RICK SCOTT:

Thank you, Chairman. Again, thank you -- thank you all for being here. You know, I'll tell you I -- I wasn't involved in politics until I ran for governor in 2010, but the one thing that has surprised me up here is the lack of information. I mean, you know, I don't know the specifics that Senator Johnson was asking for, but it has surprised me how -- how difficult it is just to get basic information.

And what -- what I learned as my time as governor is just the -- it -- just -- if you just -- if you weren't transparent, then people assume the worst. So -- and I'm sure I've never had your job. So I know your jobs are hard, but -- but the more -- the more information you can get out there, your lives will be easier, I assume.

So -- but I haven't had your job. So take it with a grain of salt. So Secretary Mayorkas, as you heard during my discussion with Director Wray, I'm concerned about our country is once again missing the clear and present dangers that a risk of a terrorist -- terror attack on American soil coordinated or orchestrated by a foreign terror organization.

It's probably the highest in my lifetime. Like Director Wray, you've been -- you have warned since October 7th attack by Iran backed Hamas terrorists and here's what there are increased threats to Americans and of attacks on US soil. And a lot of people can talk about how we got here. I'd like to focus on how we're going to fix this.

In the past three years, CBP has got 264 individuals on the terror watch list attempting to illegally enter the US through the southwest border, which is my understanding record high. More terrifying, since January of 2021, more than 1.7 million gotaways have evaded Border Patrol and escaped into the interior.

We, you know, we don't have any idea who these people are. They could be harmless, they could be terrorists. But what I've seen when talking to CBP agents, if they're harmless, they tend to want to be caught by CBP because they're given care and a place to stay. The ones that run away from agents likely probably have something to hide.

And also when you go to the border, people have thrown their IDs away. So people don't know who they are. All told during the Biden administration, CBP has encountered, my understanding, 6.4 million illegal aliens along the southwest border. Tens of thousands of illegal - - illegal aliens have been caught between ports of entry trying to sneak into our country undetected from countries that harbor terrorism.

We're talking about places like Iran and Syria, both state sponsor -- on the state sponsor of terrorism list and countries that pose a potential national security risk to the US like Communist China who funds Iran. This February the State Department issued its Country Report on Terrorism 2021 which says Lebanon based and Iran backed terrorist groups.

Hezbollah continued its long history of activity in the Western Hemisphere and we know that Iran backed terrorists are harbored by failed states like Venezuela. On October 20th, CBP issued a memo warning that foreigner fighters from the Middle East might be trying to enter the US from Mexico. In the past two -- two years, CBP agents have encountered 659 people from Iran.

So that's six -- think about that, 659 people from Iran, which hates -- they chant death to America and they want to kill all the Jews in Israel. So this is concerning especially considering the recent Iran backed attack on our brave US servicemen and women in Iraq and Syria. So Secretary Mayorkas, you recently spoke to some Jewish leaders.

You said, quote, we remain very concerned about the lone wolf, the individual incited to violence by ideology of hate. So this is the same question I asked Director Wray. Is it fair for the American people to interpret this as you are not concerned at all with a coordinated attack by foreign terrorists on Americans here on US soil?

ALEJANDRO MAYORKAS:

Senator Scott, I would answer that exactly as Director Wray did. We are concerned about all threats, all hazards across the entire spectrum, as I captured in my opening statement. And -- our -- the safety and security of the American people is our highest priority.

RICK SCOTT:

Ok. Can you say that Hamas, Hezbollah, or other Iran backed terrorists are not in the US currently after possibly illegally crossing our southern border?

ALEJANDRO MAYORKAS:

Senator, let me assure you that anyone who poses a threat to our national security or public safety is an enforcement priority of ours and we use our detention capabilities to the fullest extent.

RICK SCOTT:

So you have knowledge that with the number of people that have come across the border, we have the risk of Hezbollah, Hamas, people like that?

ALEJANDRO MAYORKAS:

We meet that risk with extraordinary capabilities of our personnel.

RICK SCOTT:

Ok. So let me -- I just have a final question for each of you and we'll start with Director Wray. So do you -- do you believe -- is the United States safer from foreign terror threats today? Are we safer than when Joe Biden took office -- from the day he took office?

CHRISTOPHER WRAY:

What I would say to you is that the terror threats have elevated, but I also think there are a lot of things the country has done throughout law enforcement to be better prepared to deal with them.

RICK SCOTT:

Secretary.

ALEJANDRO MAYORKAS:

The threats are very different today than they were a number of years ago, that were very different today than they were three weeks ago and our capabilities are far more advanced given the investments in our people, technology and other resources.

RICK SCOTT:

Thank you. Thank you.

GARY PETERS:

Thank you, Senator Scott. Senator Marshall you're recognized for your questions.

ROGER MARSHALL:

Can I yield to Senator Hawley?

GARY PETERS:

Absolutely. Senator Hawley, are you ready?

JOSH HAWLEY:

I am. Thank you, Mr. Chairman. Mr. Secretary, when you were last before this committee, we talked about the tens of thousands, it's actually 420,000 unaccompanied migrant children who have come across the border under your watch. We talked about the reports of the number of these children who have been lost, who have been sold into labor trafficking, into sex trafficking.

Since your last appearance, the numbers have grown worse. It now approaches 100,000 children, according to public reports, 100,000 children lost by your department and the Biden administration. Migrant children sold into labor trafficking and sex trafficking. Now your Department of Homeland Security Investigations has the authority to do child exploitation investigations.

How many of these kids have you gotten back?

ALEJANDRO MAYORKAS:

Senator, we actually have prioritized the rescue of children who have been human trafficked. Our role in the immigration process is to, with respect to unaccompanied children specifically, is to turn them over under the law within 72 hours to the Department of Health and Human Services. And that is indeed what we do.

JOSH HAWLEY:

But how many of the children, nearly 100,000 children you've read the New York Times reports, I assume, Mr. Secretary?

ALEJANDRO MAYORKAS:

I have read many reports, Senator Hawley.

JOSH HAWLEY:

But do you know what I'm talking about with -- with the number of children who have been sent to do operate heavy machinery, who are not being paid, who are not going to school, who are being denied food. Migrant children, unaccompanied, who are now in the clutches of labor traffickers you're familiar with this, right?

ALEJANDRO MAYORKAS:

That is precisely why I revised our worksite enforcement --

JOSH HAWLEY:

Good. How many of the kids have you gotten back then? 85,000 or more now lost. Lost contact with. It's been months since you were last year. How many of those children have you rescued? Can you give me a number?

ALEJANDRO MAYORKAS:

Senator, you are conflating issues.

JOSH HAWLEY:

So you can't give me a number. You haven't rescued any of these children. You haven't gotten any of them back.

ALEJANDRO MAYORKAS:

You are conflating issues and what is within our remit and what is outside of it.

JOSH HAWLEY:

Ok, well, it doesn't sound to me like this is a priority and I have to tell you that's what your own agents tell me as well. A whistleblower from your agency of Homeland Security Investigations has come to me and has said that special agents who are working on child trafficking cases and fentanyl interdiction cases have been pulled off of their investigations and sent to the southern border.

Hundreds and hundreds and hundreds of these agents at a time taken out of the field, taken off child exploitation cases and sent to the southern border. Here's some of what she said. She said we're being told to shut down investigations to go hand out sandwiches and escort migrants to the shower and sit with them while they're in the hospital and those types of tasks.

Mr. Secretary, you're taking special agents away from investigating child traffickers and child exploitation when you've lost tens of thousands of kids to traffickers and you're sending them to make sandwiches at the border. What is going on?

ALEJANDRO MAYORKAS:

You are incorrect, Senator.

JOSH HAWLEY:

Are there special agents from HSI at the border?

ALEJANDRO MAYORKAS:

We have a number of priorities. We prioritize trafficking in children.

We prioritize the fight against fentanyl, we prioritize --

JOSH HAWLEY:

-- Secretary, you're not answering my question, you're not answering my question. Are -- are there HSI special agents who are currently at the border having been pulled away from other cases?

ALEJANDRO MAYORKAS:

Yes. Combating the fight against fentanyl, yes.

JOSH HAWLEY:

How many agents are currently at the border having been pulled off of their other cases?

ALEJANDRO MAYORKAS:

To fight the scourge of fentanyl, I'd be very pleased to provide you with that data.

JOSH HAWLEY:

That's not what the special agent is alleging. That's not what she said. She said that they're being taken off of fentanyl interdiction, off of child exploitation cases, off of their other investigations into criminals to make sandwiches. That's her quote. You're saying that this is a lie? That she's wrong?

ALEJANDRO MAYORKAS:

Senator, we have a number of law enforcement priorities with the resources --

JOSH HAWLEY:

Is making sandwiches one of them?

ALEJANDRO MAYORKAS:

We have -- of course, not, Senator. We accomplish a tremendous amount.

JOSH HAWLEY:

Is she wrong?

ALEJANDRO MAYORKAS:

Because of the tremendous talent and dedication of our personnel, including Homeland Security in.

JOSH HAWLEY:

Is she making sandwiches for -- for illegal immigrants? Is she wrong? This is one of your agents, Is she wrong? She says that there are 600 at least special agents pulled off of other cases sent down to the border to babysit illegal immigrants. Is she wrong?

ALEJANDRO MAYORKAS:

Senator, our personnel -- we use our personnel to achieve the maximum law enforcement objective possible. That is what we do.

JOSH HAWLEY:

And so you're not going to deny it?

ALEJANDRO MAYORKAS:

And I'm incredibly proud of what our people do.

JOSH HAWLEY:

This is news. This is news. Well, I want to thank this brave whistleblower for coming forward and let the record reflect that the secretary will not deny what she has said. That hundreds of special agents are pulled off of their law enforcement duties all around the country. By the way, her testimony to me as this happens all around the country and sent down to the -- sent down to the border to make sandwiches for illegal immigrants.

This is your administration in action. It's a total failure. Mr. Secretary.

ALEJANDRO MAYORKAS:

That is incorrect.

GARY PETERS:

Senator Marshall, you are recognized for your questions.

ROGER MARSHALL:

Good. Thank you, Chairman. Mr. Secretary, do DHS employees have your personal contact information and how widespread do you believe the distribution of your personal contact information is to DHS personnel?

ALEJANDRO MAYORKAS:

When you speak of personal information, do you mean outside of the work context?

ROGER MARSHALL:

Your personal contact information, your personal emails?

ALEJANDRO MAYORKAS:

Senator, I did not distribute that to DHS personnel.

ROGER MARSHALL:

Aside from email and text messaging, do you use any other form of personal electronic communications such as encrypted message applications that may have errantly received or transmitted communications for leading to official DHS business?

ALEJANDRO MAYORKAS:

Senator, I follow the rules scrupulously.

ROGER MARSHALL:

Is that a yes or no?

ALEJANDRO MAYORKAS:

Senator, I follow the rules scrupulously.

ROGER MARSHALL:

Ok. In April in sworn testimony for this committee, you insisted and I'll quote you, "if somebody errantly sends me an email, my personal email that should have been sent to my work email, I forward it to my work email. That's what I do. I fulfill my responsibilities scrupulously and I have 100 percent confidence in the integrity of the actions." Despite that, a FOIA lawsuit by Americans for Prosperity has uncovered hundreds of pages of records, reflecting your personal use of personal email account and cell phone for official DHS business since you assume the office of secretary.

We sent you a letter on July 13th asking for additional questions on your and your subordinate adherence to this DHS policy on the use of

non-DHS emails. But thus far, you failed to respond to me. Will you commit to getting the answers to our letter?

ALEJANDRO MAYORKAS:

I'll be happy to look at your inquiry and respond accordingly. What you just articulated is perfect evidence of the fact that I have followed the rules.

ROGER MARSHALL:

And then explains why there's hundreds of pages of records reflecting your personal email account and cell phone for official DHS business?

ALEJANDRO MAYORKAS:

Senator, you misstate the facts.

ROGER MARSHALL:

I've repeatedly said don't watch what this White House does. I have repeatedly said, don't watch what this White House says, watch what they do. In May, the Biden administration said when Title 42 ended that migrants would face tougher consequences and I quote that "tougher consequences if they were caught crossing the border illegally."

But just in the last border crossing numbers from this past week, the Biden administration's actions showed that Border Patrol released with no consequent 156,000 migrants into the US in September alone. Mr. Secretary, what are the consequences your administration threatened From where I stand, the only consequences I see a border crossings as a historic number of crossings and the consequences that

the American people are less safe today than they were three years ago.

ALEJANDRO MAYORKAS:

Senator, that is incorrect. Removal and return of individuals under Title 8 of the United States Code is one example of a consequence that we deliver. In fact, in fiscal year 2023, we removed or returned more than 620,000 individuals. Just recently, we announced that we negotiated an agreement with Venezuela for the first time.

ROGER MARSHALL:

So you sent back ten, maybe 200 people, but there are tens of thousands of them are still here. How do you explain the 156,000 migrants in September alone that were released without any consequences?

ALEJANDRO MAYORKAS:

That is -- that is incorrect.

ROGER MARSHALL:

So you didn't release 156,000 migrants into the -- into the United States.

ALEJANDRO MAYORKAS:

Senator, those individuals when they are processed, they are placed in immigration enforcement proceedings. If they do not qualify for relief, they are subject to removal. If they qualify for relief, under the laws that Congress has passed, then they have established a basis to stay in the United States.

ROGER MARSHALL:

What percentage you removed? What percentage are -- have been went through the process that are then removed? What percentage of these folks actually have had a hearing? How long is the wait for this hearing? How would you describe to the American people that would make them feel safer today how you handle that process?

ALEJANDRO MAYORKAS:

The wait for the hearing is a perfect example of how broken our immigration system is and, in fact, when I first entered federal government here in Washington DC after 12 years serving in California as a federal prosecutor, I learned that the time in between encounter and the final adjudication of an immigration case in 2009 was more than six years.

So this problem of a broken immigration system has lasted for more than two decades. I believe the system was last reformed in 1996 and we are long overdue for a fix.

ROGER MARSHALL:

Would a first, safe country asylum policy make us more safe or less safe?

ALEJANDRO MAYORKAS:

Senator, the -- the issue of a safe third country agreement is a matter of negotiation with third countries.

ROGER MARSHALL:

But that's not my question. Would it make us more safe or less safe if there was indeed one?

ALEJANDRO MAYORKAS:

It is -- it is a complex question that cannot be distilled with a simple question and answer as you have posed.

ROGER MARSHALL:

Two-thirds, maybe -- maybe 70 percent of the people that are encountered at our borders go through an asylum process. What percentage would you estimate if there was a third country policy and in effect or a first safe country in effect, what percentage would that eliminate from ever even getting to our border?

ALEJANDRO MAYORKAS:

I think that's a very difficult statistic to --

ROGER MARSHALL:

-- Not a guess. I mean, you're the secretary of Homeland Security. You don't have a guess how much of an impact that would make?

ALEJANDRO MAYORKAS:

I'm not in the guessing business, but I will say this that when you ask about a consequence and the absence of one, I think it would be important to ask the more than 1.2 million people in fiscal year 2023 who've been returned, removed or expelled under the law.

ROGER MARSHALL:

Thank you. I yield back.

GARY PETERS:

Great, thank you, Senator Marshall. Well, I want to thank our witnesses, but I have one more question and I'm going to ask Director Abizaid this question. The biological threat landscape is clearly growing in complexity. For example, the convergence of biological sciences with emerging technologies such as AI is offering all sorts of opportunities to create bioweapons.

So my question for you director is due in part to the pandemic, we're seeing bio labs spring up all over the world right now and -- and I as well as many other experts are worried that they're not being built to or operated according to appropriate safety standards. So I'd like you to address the committee as to what threats do these weak lab safety and security practices overseas pose to our homeland security.

What should we be thinking about? What should we be doing?

CHRISTINE ABIZAID:

Yeah, thank you for the question, Senator. This is something that we work closely with our colleagues at NCBC on to one, try and understand the threat environment and then two, what kind of protections would best protect against it. Most of what we see today would be at a level of sophistication that the terrorist actors that we follow would not be able to immediately leverage for their own purposes.

You mentioned technologies like AI significantly increasing that -- that threat that capability over time. And I think especially as next generation models of AI come into play, that's going to be something that we'll need to be concerned about. And so regulatory frameworks or different kinds of protections on some of those models that protect

against bad actors getting access to the most dangerous kinds of information to -- to assist their capabilities is going to be important.

As we look at lab security, one of the things that that NCBC is working with its partners on is trying to expand the scope of its monitoring program beyond the sort of high sophistication labs to some of these lower sophistication labs that you mentioned that that are of concern.

GARY PETERS:

Great. Well, thank you. I want to thank our witnesses for appearing before the committee here today to share your perspective on the threats facing our country and the work that the federal government is doing to mitigate these national security threats and to keep all Americans safe. I look forward to working with my colleagues on both sides of the aisle in the months ahead to ensure that Congress is doing its part to stay innovative and vigilant in the face of constantly evolving threats.

On behalf of this committee, I'd also want to take this opportunity to thank the incredibly dedicated men and women at your respective agencies for the work that they perform on a daily basis every single day to keep our nation safe and to keep us safe from constantly evolving threat environment, we can't thank them enough.

Please convey to each and every one of them how much we -- we appreciate that. The hearing for this or the record rather for this hearing will remain open for 15 days until November 15th at 5:00 pm for the submission of statements and questions for the record. This hearing is now adjourned.

List of Panel Members and Witnesses

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SEN. JOSH HAWLEY (R-MO.)

SEN. ROGER MARSHALL (R-KAN.)

WITNESSES:

DEPARTMENT OF HOMELAND SECURITY SECRETARY

ALEJANDRO N. MAYORKAS

NATIONAL COUNTERTERRORISM CENTER DIRECTOR

CHRISTINE ABIZAID

FEDERAL BUREAU OF INVESTIGATION DIRECTOR
CHRISTOPHER A. WRAY

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