

HELP WANTED: LAW ENFORCEMENT STAFFING CHALLENGES AT THE BORDER

HEARING

BEFORE THE
SUBCOMMITTEE ON NATIONAL SECURITY,
THE BORDER, AND FOREIGN AFFAIRS
OF THE
COMMITTEE ON OVERSIGHT
AND ACCOUNTABILITY
HOUSE OF REPRESENTATIVES
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Documents are available at: docs.house.gov.

HELP WANTED: LAW ENFORCEMENT STAFFING CHALLENGES AT THE BORDER:

Tuesday, June 6, 2023

HOUSE OF REPRESENTATIVES
COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY
SUBCOMMITTEE ON NATIONAL SECURITY, THE BORDER, AND FOREIGN
AFFAIRS

Washington, DC.

The Subcommittee met, pursuant to notice, at 10:05 a.m., in room 2154, Rayburn House Office Building, Hon. Glenn Grothman [Chairman of the Subcommittee] presiding.

Present: Representatives Grothman, Comer, Gosar, Higgins, Sessions, Biggs, Mace, LaTurner, Armstrong, Perry, Garcia, Raskin, Lynch, Goldman, Moskowitz, Porter, and Frost.

Also present: Representative Ivey.

Mr. GROTHMAN. The Subcommittee on National Security, the Border, and Foreign Affairs will come to order. Everyone, welcome.

Without objection, Representative Connolly of Virginia and Representative Ivey of Maryland are waived on to the Subcommittee for the purpose of questioning the witness of today's hearing.

Without objection, the Chair may declare a recess at any time.

I recognize myself for the purpose of making an opening statement.

On day one of his Administration, President Biden signaled to the world through words and actions that our borders are open, and so they were. Our country has since watched the crisis along our Southwest border devolve into a catastrophe, a humanitarian and national security catastrophe. The deteriorating conditions along the Southwest border and mismanagement of resources have harmed law enforcement and made existing staffing challenges even worse.

Just last month, the Department of Homeland Security Office of the Inspector General issued a report examining how law enforcement and Customs and Border Protection and Immigration and Customs Enforcement have been negatively impacted by historically high levels of illegal immigration and other operational challenges. Per this audit, the DHS Office of Inspector General surveyed over 9,000 DHS law enforcement personnel within ICE and CBP. They collected information from Border Patrol agents who protect our border from illegal entries, Office of Field Operation of-

fficers who guard our points of entry, Enforcement and Removal Operation officers who enforce immigration laws, and Homeland Security Investigation agents who investigate cross-border criminal activity.

What they found is shocking. Eighty-eight percent of ICE and CBP law enforcement personnel who responded said their work location was not adequately prepared and staffed during migrant surges. Seventy-one percent of CBP personnel and 61 percent of ICE personnel stated that their current work location was not adequately prepared and staffed even during normal operations, but there is nothing normal about the current border catastrophe.

As noted in the IG's report, migrant encounters at the Southwest border have risen from approximately a little under a million in Fiscal Year 2019 to 2.5 million in 2022. This Fiscal Year through the end of April, CBP has already made 1.4 million encounters along the Southwest border with 1.2 million of those coming from Border Patrol agent apprehensions of illegal border crossers. Each of these encounters represents law enforcement resources expended in arresting and processing those individuals, and those resources are being used up at the expense of enforcement.

The Inspector General's report highlights a 300 percent increase in the number of known got-aways, meaning migrants who invade apprehension entirely, in Fiscal Year 2022 compared 2019. Last year there were more than 600,000 known got-aways recorded by CBP. In one Border Patrol station reviewed by the Inspector General's audit, 15 percent of the got-aways over a five-day period evaded apprehension simply because no agents were available to respond. Think about that. I mean, people are showing up at the Southern border, even though we know they are there. We do not have anybody who can show up and process these people. These challenges have left the men and women on the front lines of this crisis overwhelmed and stretched to their limits.

To meet mission requirements, DHS implemented stopgap measures, like increased overtime and temporary details, that exacerbate staffing challenges in the long term by eroding morale and jeopardizing retention of experienced law enforcement professionals. Today, we hear from Inspector General Cuffari on his office's findings about the reality of the problem, how DHS is managing these staffing challenges, and recommendations to solve the staffing crisis.

Since 2016, DHS Office of Inspector General and the Government Accountability Office have issued 25 reports examining staffing issues at our border, but 80 percent of the recommendations have been closed without yielding tangible results at DHS. In fact, DHS did not concur with one of the three recommendations in this report, appearing not even to be willing to acknowledge the impact of temporary details and overtime on the workforce. We must hold DHS accountable to achieve critical mission goals, including ensuring border security, enforcement of our immigration laws, and facilitating lawful trade and travel, and that means DHS must successfully manage law enforcement resources and support the men and women who carry out these essential functions.

I want to thank Inspector General Cuffari for appearing today, and I look forward to working with his office to ensure continued

robust investigation of DHS. I will tell you, I have been at the border several times. Last time I was down there two months ago, it was shocking the degree to which we did not have enough people to deal with particularly would-be got aways coming across the border, and that is why we have this drug crisis in our country. But in any event, I would like to recognize the Ranking Member Garcia for the purpose of making his opening statement.

Mr. GARCIA. Thank you very much, Mr. Chairman, and I want to thank you for convening this important hearing. I want to just start by just noting that I hope that we can all commend the Biden-Harris Administration for their actions to prevent a serious disorder at the border following the expiration of Title 42, which I believe was the right decision. As a proud immigrant myself and a patriotic American, we certainly have to focus on a humane and secure border but also have legal pathways to let people continue to come to this country and be part of our experience. We know that immigrants make our country stronger and we are a Nation of immigrants.

Congressional Democrats and President Biden have taken clear actions to improve border security. We have provided unprecedented resources to the men and women who protect our borders, and President Biden has implemented numerous policies to bolster the health and wellbeing of border security. Now, House Republicans, on the other hand, have opposed greater funding to frontline agencies, including Customs and Border Protection, and House Republicans have called to defund our Federal law enforcement agencies, claiming oftentimes and weaponizing them to further political agendas. Now, Democrats know we have a responsibility to support the wellbeing of all Federal employees and, as Mayor of Long Beach, California, I worked closely with all of our employees and was proud to have the support of our local police department.

Today, I am glad we are addressing concerns of Federal law enforcement agencies. The work that they do is very important, but I believe we have a responsibility to support all Federal employees who serve our country, and that is everything from DHS to the U.S. Postal Service. However, today I am very concerned that we are holding a hearing today on the basis of a flawed report and with a witness with a problematic record.

Now, Mr. Cuffari is a witness who repeatedly refused to comply with this Committee's requests for meetings and information, and he has sought to block congressional oversight at every turn. And it is actually ironic that we are dealing with a politicized and problematic report given his own Department's staff morale challenges. Now, on September 23, 2022, a letter was published that was drafted, "By concerned DHS OIG employees representing every program office at every grade level." The letter claimed that Inspector General Cuffari "no longer has the support of his workforce," and that staff fear retaliation if they speak up about the multitude of issues at the office. Staff made the startling claim that DHS OIG "will continue to fail under the IG's disastrous leadership."

Now, the concerns about this witness go on and on, from his resigning under ethical concerns early in his career, allegations of deliberately delaying essential oversight reports, and alerting and covering up critical investigatory facts. Now, we all know that the

Inspector General is currently under investigation by the Council of the Inspector General on Integrity and Efficiency, CIGIE. Now, rather than cooperate with legitimate oversight efforts, the Inspector General has filed a lawsuit against CIGIE in a desperate attempt to escape scrutiny or consequences for failures and transgressions. Now, it is unacceptable that the individual entrusted to investigate fraud, waste, and abuse in our third largest executive department believes that he is above the law, believes that his office is above scrutiny from Congress, and believes that he is beyond reproach for his own potential perpetration of fraud, waste, and abuse.

Now, under Inspector General Cuffari's leadership, Department of Homeland Security Office of Inspector General has developed a pattern of flawed and misleading investigations, including a failure to report sexual misconduct and harassment at DHS and a failure to investigate and disclose to Congress missing Secret Service text messages from the January 6 interaction.

I would also like to briefly address the report on which this hearing is based, a report that is misleading, non-representative of the broader Agency, and deeply flawed. The DHS Office of Inspector General claimed that the purpose of their work was to gain insight into staffing. Instead, the report made sweeping generalizations about morale at CBP and ICE. The report has mathematical errors and misleading tables and graphs. DHS OIG even states that their work was conducted in accordance with "generally accepted government auditing standards, with the exception of data reliability." And I do not know about all of you, but with the exception of data reliability seems like a pretty big exception to me.

Now, we need an IG in place at DHS who is able to perform high-quality audit work with integrity, objectivity, and independence, or we will never have the accountability and transparency that we need and that we deserve from this agency. We should expect better. I look forward to this hearing only for the opportunity for our Members to raise longstanding concerns. We have serious challenges to address at our borders, and I look forward to building solutions to address them. Mr. Chairman, I yield back.

Mr. GROTHMAN. I am pleased to introduce our witness today. Joseph Cuffari was confirmed by the Senate to be the Department of Homeland Security's Inspector General in July 2019. He was previously a policy adviser to the Governor of Arizona, served in the U.S. Air Force, and spent 20 years at the Department of Justice. In 2013, he retired from his position as Assistant Special Agent in Charge for the Office of Inspector General in Tucson, Arizona. I want to thank Dr. Cuffari for being here today, and I look forward to his testimony. I was down in Tucson sector for, I think, the third time in the last four years, and I will tell you, I am glad you are in that position and look forward to hearing from you and your testimony.

Pursuant to Committee Rule 9(g), the witness will please stand and raise your right hand.

Do you solemnly swear or affirm that the testimony that you are about to give is the truth, the whole truth and nothing but the truth, so help you God?

Mr. CUFFARI. I do.

Mr. GROTHMAN. Let the record show the witness answered in the affirmative.

We appreciate you being here today and look forward to your testimony. Let me remind you that we have read your written statement, and it will appear in full in the hearing record. Please, if you can, limit your oral statement to five minutes. As a reminder, please press the button on the microphone in front of you so that it is on, and the Members can hear you. When you begin to speak, the light in front of you will turn green. After four minutes the light will turn yellow, and when the red light comes on, your five minutes have expired.

I recognize you to please begin your opening statement.

**STATEMENT OF JOSEPH CUFFARI
INSPECTOR GENERAL
DEPARTMENT OF HOMELAND SECURITY**

Mr. CUFFARI. Chairman Grothman, Ranking Member Garcia, and distinguished Members of the Subcommittee, thank you for the opportunity to discuss Homeland Security IG's critical oversight of DHS.

Prior to my unanimous confirmation in 2019, I served more than 20 years with the Department of Justice IG and various offices along the Southwest border. For 10 of those years, until the establishment of DHS in 2003, DOJ IG oversaw the Immigration and Naturalization Service and its component, the U.S. Border Patrol. I personally observed three special Border Patrol operations in which INS detailed agents to the Southwest border, and I investigated financial irregularities related to one of those operations.

As I promised Congress during my confirmation process, as Homeland Security IG, I prioritized oversight of border security and immigration. My first visit to the Southwest border was within two months of my confirmation, and since then, I have personally traveled to the Southwest border nine times to review DHS operations and border conditions. These trips have encompassed all nine Border Patrol sectors from San Diego, California, to the Rio Grande Valley in Texas. In addition, my senior staff or I have visited the Northern borders of Washington, Michigan, New York, Vermont, and Florida's maritime border. During my visits, I have engaged with senior law enforcement and frontline personnel to better understand how DHS can enhance border security and fight corruption. I have also received situational briefings from NORTHCOM, SOUTHCOM, U.S. Army North regarding active and reserve components assisting at the Southwest border.

My testimony today will focus on CBP and ICE's management of resources as discussed in our recently published audit about the health and morale of CBP and ICE. We conducted this audit to determine the extent to which DHS is effectively managing law enforcement staffing resources. Our audit work included analysis of attrition rates, succession plans, and physical observations of 31 facilities. We also interviewed and surveyed law enforcement personnel. We determined CBP and ICE's current approach to staffing is neither effective nor viable long-term.

Despite greater workload, staffing levels of both agencies have remained relatively flat since 2019. CBP and ICE have relied on

the use of temporary duty assignments, overtime shift work to surge staffing along the Southwest border, a practice that dates back to at least 1994 with the creation of the INS' national border strategy. Although CBP and ICE annually assessed their staffing needs, neither Agency has assessed the impact of these details on their operations.

CBP and ICE have initiated programs focused on the wellbeing of their agents and officers. Both components could benefit from a more strategic approach to resource allocation. We heard from more than 9,000 law enforcement personnel. That represents 16 percent of the 57,000 who we surveyed. Our analysis of the survey comments indicated that many recipients felt the current staffing has negatively impacted their health and morale. CBP and ICE cannot continue to use temporary duty assignments and overtime shift work effectively to meet the challenges at the Southwest border. We made three recommendations to help DHS strategically assess the issues we identified. DHS concurred with two of these recommendations and did not concur with one.

In total, during my tenure, we published 51 reports and made 145 recommendations specifically aimed at improving DHS Southwest border ops. I am very proud of the quality and quantity of the work by more than 700 professional career DHS employees have produced under my leadership. As I have reported since the fall of 2021, DHS continues to delay and deny OIG access to information that DHS is required to provide to us and that we need to do our jobs. I remain hopeful DHS will improve their responsiveness to our request for information so that we can continue to provide Congress and the public robust timely oversight like that being featured in today's hearing.

Mr. Chairman, this concludes my prepared remarks. I look forward to the Subcommittee's questions.

Mr. GROTHMAN. Thank you. Right on the button. I will give you a few questions.

Law enforcement staffing at the Southwest border is facing a systemic crisis, one that the Department of Homeland Security does not have a coherent plan to address. Why did you decide to initiate this report, and what are some of the biggest challenges our law enforcement agents and officers face at the Southwest border that your report found?

Mr. CUFFARI. Mr. Chairman, thank you. So, starting in around March 2021 when it became safe to travel post-COVID, I began to visit the Southwest border again. I began to hear from line law enforcement personnel and senior staff that there were morale issues impacting the workforce. And those issues related to the deployment of Border Patrol primarily from the Northern tier offices to the Southwest border. I asked my staff to conduct a review, and they did so within a year and a half, and they completed the report in May of this year.

Mr. GROTHMAN. What were some of the mental and physical consequences of the current work conditions that DHS' law enforcement officers reported?

Mr. CUFFARI. According to the law enforcement personnel, who actually have been doing these details, the constant flux of being transferred to the Southwest border from the home station for 30

to 60 days provides a lot of turmoil to the agents and their families. In some cases, they do not know where on the Southwest border they are going to be detailed and/or for how long they are going to be there. Once they complete their initial assignment, they return back to their home station where they are back working where they were originally assigned. And then 30 to 60 days later, they get notified again that they are going back to the Southwest border, so it is a constant churn. It is the unknown effects, and, according to the respondents, they have developed an inability to continue to do what they consider to be their primary law enforcement function.

Mr. GROTHMAN. One of the issues addressed in your report is temporary detailing, which is the practice of temporarily assigning agents and officers to different locations for a period of time before returning to their permanent duty station. Many Border Patrol agencies and Office of Field Operation officers can be detailed from their duty locations to assist with custody and processing of migrants. One Border Patrol agent said in your report that agents were providing clothing, diapers, formula, and other domestic services, noting that the job feels more like social worker duties rather than law enforcement. How can DHS improve their detailing practices to make sure the detailees are actually performing jobs within their job description?

Mr. CUFFARI. It is a function of the first recommendation that we made to DHS, what they did not concur with, which was to hire an outside national academy to take a look and develop a strategic staffing model so that DHS would be best able to use the resources they have to the most effective benefit of the organization.

Mr. GROTHMAN. Does the practice of temporary details leave home duty stations vulnerable or understaffed?

Mr. CUFFARI. According to the agents who responded, yes, there is a gap when you pull resources from one area to another.

Mr. GROTHMAN. No question. Anybody who is down at the border knows that. What are the current staffing levels at ICE and Customs and Border Patrol compared to their authorized levels?

Mr. CUFFARI. I do not know the exact number, Chairman. I would have to get that number to you.

Mr. GROTHMAN. OK.

Mr. GROTHMAN. How many Border Patrol agents and Office of Field Operation officers do we need to address the issues we are dealing with today?

Mr. CUFFARI. That is a matter for the Department to decide based on the recommendation, No. 1, that we made to have an outside entity take a look at their organization to have a strategic staffing model.

Mr. GROTHMAN. I ask you, in a two-year period we went from about 20,000 people coming across the Southern border to about 220,000 per month. Isn't that kind of part of the big problem, that they have not adjusted the number of agents for the huge number of people who are coming over here?

Mr. CUFFARI. There certainly has been a significant influx of migrants coming in the Southwest border. The staffing levels for ICE and CBP, although I do not know the actual numbers, have remained relatively flat. So as the—

Mr. GROTHMAN. OK. How does the turnover rate within DHS' law enforcement agencies compare with other government agencies?

Mr. CUFFARI. Their turnover rate, from what I recall from our report, is consistent with that of other agencies in the Federal Government.

Mr. GROTHMAN. OK. OK. Very good. We will now call on Mr. Garcia for five minutes.

Mr. GARCIA. Thank you, Mr. Chairman. Mr. Cuffari, I want to look at the report you recently published about Customs and Border Patrol morale among people working at the Southern border. Now, an examination of your report shows that it is exceptionally flawed, and I am stunned that you and your team released this report. It does not meet the standards required of inspectors general or, quite frankly, data collection of any kind.

[Chart]

Mr. GARCIA. Now, as you can see on this poster behind me, one of the first points highlighted in the report is that it is based on "a non-statistical survey." I am going to read that again, "a non-statistical survey." You might as well at this point be doing a Twitter poll, which is the same exact thing as a non-statistical survey. I want to also, again, quote from the report, "It cannot be projected to the entire population of CBP and ICE law enforcement officers and agents." Again, a non-statistical survey.

Now, in fact, on the same page as this paragraph, you explained that only 16 percent of border law enforcement personnel actually responded to the survey that the report is based on. And so, we have 16 percent respondents, of which was non-statistical of those that are in the Department, and so this is really flawed just from the go. And I just want to make sure that we highlight that as very important as far as this Committee is worth.

Now, throughout the report, then you begin to cherry pick responses from individual law enforcement officers to bolster your conclusions. Now, last week, our Committee staff had the chance to sit and have actually interviews with Border Patrol sector chiefs. A Border Patrol agent, Joel Martinez, who is the Chief Patrol Agent of Laredo Sector, said it best, and I want to quote him: "If you speak to 20 different agents, you will get 20 different opinions. Some guys are out there just loving their job." Now, it should be pretty obvious to anyone that there is a diverse set of opinions in any organization, and if you do not actually conduct statistical analysis, you are not actually going to get a real report.

Now, Mr. IG, did you interview chief patrol agents at CBP for this report?

Mr. CUFFARI. Yes, we did.

Mr. GARCIA. I do not believe you did actually, sir, and if you did, it is not clear in this report. But the most egregious flaw in this report is your office's failure to even test the reliability of the data. Now, as you can also see here, you explain that you conducted your audit, "according to generally accepted government auditing standards, with the exception of data reliability." I am going to read that one more time, "according to generally accepted government auditing standards, with the exception of data reliability." Now, do you agree that you need reliable data to do an audit?

Mr. CUFFARI. I believe we need reliable data. We asked for that reliable data from the Department. They were unable to provide it to us.

Mr. GARCIA. OK. So, the answer is, yes, I think we need reliable data to do an audit, and yet the data reliability of this report cannot be verified, and you actually say this in the report. So, in other words, we simply do not know if the data you relied upon is sufficient to support any of the findings of this report. So, essentially, this report is not verified and should not be acceptable to anyone to make any sort of conclusions.

Now, I know, sir, that the President that appointed you to this position also had a problem with facts and data, and so this is not a surprise, but I want to go back to actually the report itself. The title of the report, for instance, makes no mention of staffing issues at CBP and ICE, which you allege were the entire purpose of this work. And the attrition data in the report is full of basic math errors, so there are errors of basic math all throughout the report. The data is not reliable, and a small subsection of folks were actually interviewed. Now, I think we can all agree that safely establishing humane immigration policies, and at the border, we know are challenging tasks for Congress in every administration, but flawed reports like this only make those tasks harder. Now, this report is a disservice to our law enforcement personnel, and instead of working to actually identify and solve issues affecting morale, our attention now is forced to correct mistakes and correct a report that is deeply flawed. Mr. Chairman, with that, I yield back.

Mr. GROTHMAN. Mr. Gosar?

Mr. GOSAR. Thank you, Mr. Chairman. Thank you very much for being here, Inspector. Now, in 2021, the Department of Health and Human Services took over \$2 billion designated for other purposes, such as replenishing medical supplies and coronavirus testing, and moved it to house and care for illegal alien children. The executive took advantage of the recently terminated COVID-19 National Emergency to spend money on programs unrelated to COVID-19. Are you concerned that the Department of Homeland Security may be using National Emergency Act money to redirect spending, contrary to Congress' intention?

Mr. CUFFARI. Sir, I think you mentioned Health and Human Services, apparently.

Mr. GOSAR. Yes.

Mr. CUFFARI. And in the Department of Homeland Security, it is primarily FEMA who is responsible for the disbursement of COVID-related funding. So, we have a number of audits, and, in fact, we have created a special COVID Fraud Unit to investigate criminal fraud related to pandemic relief money.

Mr. GOSAR. So, has Department of Homeland Security been forthcoming to you on how they are spending taxpayer money?

Mr. CUFFARI. Based on the questions we have asked, we have been provided with information, and we are evaluating that information.

Mr. GOSAR. Can you tell me the most egregious example of wasteful spending by DHS that you have uncovered?

Mr. CUFFARI. There is a whole host of audits that we have completed, and I do not have one off the top of my head to give you at the moment.

Mr. GOSAR. Were contracts done appropriately?

Mr. CUFFARI. There have been a number of audits that we have conducted to look at ICE's—I am sorry—DHS' unsolicited, no-bid, sole-source contracting. We published a report about that last year. And we have also identified, in one instance, where an unsolicited contract was awarded to a company to provide housing, and that company also received an award from Health and Human Services.

Mr. GOSAR. By the way, at the very beginning, I talked about the status of children. What are the status of some of these children? How many have we lost?

Mr. CUFFARI. DHS' responsibility is to care and feed for the children who are in their custody during the term that they are in their custody, which is primarily for a short period of time of about 72 hours, and DHS then releases the unaccompanied minors to Health and Human Services, to the Office of Refugee Resettlement. It then turns into a Health and Human Services responsibility.

Mr. GOSAR. And we have lost a bunch. Well, let me go back to something else. You uncovered the fact that the Secret Service erased text messages in the aftermath of January 6, 2021. After you requested the electronic communications, could you please expound on your office's work in this area, one. No. 2, why in the world did the Secret Service erase text message? That is No. 2. Does it make you suspicious that there is something to hide, and how many requests for documentation preservation were there?

Mr. CUFFARI. I know of at least five preservation notices.

Mr. GOSAR. And who did those come from?

Mr. CUFFARI. Four of those were issued by Majority Members of oversight committees in the last Congress starting on January 16, 2021, four from a committee or multiple committees, and one from our office when we opened an audit of the events of January 6th.

Mr. GOSAR. Can you come up with any idea why the Secret Service under preservation notices would erase emails?

Mr. CUFFARI. We have been unable to get an answer to that question.

Mr. GOSAR. Wow, that is pretty incredible. And last one, you mentioned that there was a 100 percent increase in ICE's notices to appear, an NTA, from October 2020 to April 2022. Could you explain what is in an NTA, and how often do illegal aliens show up for their court hearings?

Mr. CUFFARI. I believe DHS discontinued the use of notices to appear, or NTAs, in November 2021. They began to issue notices to report, which required migrants to report to an immigration court on a predetermined date. The Immigration Court, as you know, is within the jurisdiction of the Department of Justice, and the Immigration Court would retain statistics on no-shows or individuals who actually do show for their court date.

Mr. GOSAR. I want to thank you for your information. I think the other side is very particular because this does not point very good to them. So, I yield back.

Mr. GROTHMAN. Congressman Raskin?

Mr. RASKIN. Mr. Chairman, thank you. Mr. Cuffari, your duty under the Inspector General Act is to immediately report flagrant and serious abuses that are taking place. You were aware at least as early as May 2021 that the Secret Service had erased thousands of text messages that were sent before and during the January 6 violent attack on the Capitol, the Congress, and the Vice President, but you failed to notify Congress for 14 months—for a year and two months—that the Secret Service was refusing to comply with your requests for information. So why did not you immediately report, as you are statutorily bound to do, these serious and flagrant failures to answer your questions about the disappearance of thousands of texts that were sent during January 6?

Mr. CUFFARI. Just so the record is clear, Congressman, we were not informed by the Secret Service on the date that you described in 2021. In fact, at no time in 2021 were we informed that Secret Service had deleted and was no longer able to retrieve text messages on cellphones owned by the Secret Service.

Mr. RASKIN. So, when did you become aware of that?

Mr. CUFFARI. In February, I believe, of 2022.

Mr. RASKIN. Well, we have documents showing that just six weeks after the initial request for documents from the Secret Service, you canceled requests to the Secret Service for phone records and text messages. Why did you do that?

Mr. CUFFARI. If I recall correctly, and I mentioned during my prepared remarks here, DHS was delaying or denying us access to relevant information. We—

Mr. RASKIN. But did you report that to Congress at that point or ask for a report to Congress?

Mr. CUFFARI. I was working with the senior leadership of the Department to free up or to pry loose information that the Department was withholding from us. In fact, I met with the Secretary of Homeland Security in about September or October 2021. I explained to him that we were having delays in getting information, and the Secretary saw fit to publish a memo in which he directed all the employees in the Department to cooperate with our office. We subsequently received a tranche of documents from the Department. They were basically emails that we had been waiting for eight months to receive. I think there were about 700,000 emails.

Mr. RASKIN. Yes. Well, what I do not understand is your office revived the request that you nullified six weeks after originally making it, five months later in December 2021 is what the paper trail reveals. But what I do not understand is your statutory duty to immediately inform Congress about this flagrant abuse. I mean, we are talking about the worst violent insurrection against Congress in the history of the United States, and the Secret Service is not cooperating with your request for information. Why did you not think that you needed to immediately alert Congress to that fact?

Mr. CUFFARI. I was working with senior leadership and the Department of Homeland Security to get the records we were lawfully entitled to receive. The Department was also under four preservation notices by congressional oversight committees last Congress, and to my knowledge, the Department never informed Congress that itself had deleted the messages.

Mr. RASKIN. Right.

Mr. CUFFARI. Nor were they ever asked—

Mr. RASKIN. But that is the role of the inspector general. That is why we have an inspector general. Look, in June 2022, you published your semiannual report where there was going to be a reference to the Secret Service's obstruction of this investigative path, and you removed that. Why was the reference to the Secret Service's obstruction deliberately deleted from the June 22 semiannual report of the Inspector General?

Mr. CUFFARI. I believe our first notification at Congress was in the fall of 2021 in our semiannual report, where we describe the delays that the Department was doing to us and prohibiting us from receiving requested information.

Mr. RASKIN. Well, did you sign off on the decision to remove this reference from the report?

Mr. CUFFARI. I do not know when that reference was.

Mr. RASKIN. In June 2022, there was going to be a reference to Secret Service's obstruction of questioning about the disappearance of the texts, and that was deliberately removed. Did you sign off on that deliberate removal?

Mr. CUFFARI. I signed off on the removal, and I signed a letter specifically to the January 6th oversight committee and to this Oversight Committee.

Mr. RASKIN. But why did you remove it?

Mr. GROTHMAN. Your time has expired. I am going to say something here. I think what is going on in the border is the biggest crisis this country has to deal with today. And it is not surprising that when the number of people coming into this country has increased by a factor of 11, it would have a tremendous impact on the morale of the Border Patrol. I realize Dr. Cuffari was originally appointed by Donald Trump, and some people are never going to get over that, but our focus today should be on what is going there. We could have a million hearings on the Southern border, but today we are going to focus on the morale of the Border Patrol and what effect this increase by a factor of 10, the number of people coming across, has. I am down on the border many times. I can assure you, if you go down there, the Border Patrol agents will tell you all sorts of things. But in any event, next we have Mr. Higgins.

Mr. GARCIA. Mr. Chairman, I just want to also just add. I think of the questions that have been asked so far, the statements on our side have been all within the scope of the hearing. I think we are merely pointing out flaws and issues within the witness and the witness' statements. And so, I just want to just add that I think their line of questioning so far has been very reasonable, within the scope of the hearing.

Mr. GROTHMAN. Mr. Higgins?

Mr. HIGGINS. Thank you, Mr. Chairman. Inspector General Cuffari, Joe Cuffari is one of the most honorable men I have ever met. I have had interactions with many in seven years of congressional service to my country. He is a rare combination of experience and intellect and honor and principle. You always get a straight answer from Joe Cuffari. I hope America is listening to him today. He has had attack after attack after attack from the left. The man is not looking at notes. He is responding from his head because he knows what is going on. It is no surprise that the Biden Adminis-

tration and my colleagues across the aisle do not like him because he is an honorable man who speaks the truth. There is a lot of wailing and gnashing of teeth over there.

The Democrats' issue with Inspector General Cuffari is that he is an actual investigator, he is not a political hack, and he speaks the truth. Here is the problem, though, that my colleagues launching these attacks against this good man, face. Joe Cuffari is a principled man, and he deals with personal attacks against him like something stuck to the bottom of his boot.

Inspector General Cuffari, you have been accused of conducting your survey. You surveyed over 9,000 agents, is my understanding. Our colleagues managed to leave that out. They act like you talked to 28 people. Over 9,000 agents participated, and in your report that you provided, you go on to attest to the quality of the survey, which is essentially amazing to America watching. You came to the conclusion that these border agents that have been tasked with dealing with the disintegration of our sovereignty at the Southern border. They have been moved from all across the country to work the Southern border, taken away from their primary law enforcement role to do housekeeping and social work. Your survey came to the conclusion, amazingly, that there is a problem with morale, but they are folding themselves in half over there trying to impugn you as a man. They get nowhere. America is watching.

Let me ask you about these deployments, Inspector General Cuffari, deployments from across the country, down to the Southern border, where agents were moved from where they lived and worked, where their family is, where their kids go to school, to go down to the Southern border. Were those deployments voluntary or were the agents ordered?

Mr. CUFFARI. In certain cases, according to the agents and other employees of the Department who were deployed, they were voluntary, and in others they were voluntold to go.

Mr. HIGGINS. So, could you clarify what that means? I know what it means. I am a veteran, an Army veteran. I was a cop for 12 years. I mean, you get volunteered. Your chain of command tells you, yes, we need you to volunteer for this. So, these guys are deployed for quite some time in incredibly difficult circumstances. They love their country. They are serving their country. By and large, they concur. But the longer they stay down there, the more it impacts themselves, their family, their morale, the esprit de corps of their units.

I think it is obvious that this system of moving people down there has been detrimental to the health and wellbeing of our agents. It is concerning that agents are not performing their primary law enforcement roles. America is largely under the impression that we are moving border agents down there to enhance law enforcement. Is that the role that agents are primarily performing, Mr. Cuffari?

Mr. CUFFARI. The role that they were hired to do and the performance of their duties is to do law enforcement, at least for the Border Patrol and the 1,811 criminal investigators who were deployed there.

Mr. HIGGINS. But what role are they actually performing down there?

Mr. CUFFARI. They are doing some law enforcement, but they are also providing care and welfare services to the detained and those individuals who they are processing.

Mr. HIGGINS. Thank you, Inspector General. Thank you for your service. God bless you, sir. Stand strong. My time has expired. Mr. Chairman, I yield.

Mr. GROTHMAN. Thank you. Congressman Lynch.

Mr. LYNCH. Thank you, Mr. Chairman. Mr. Cuffari, first let me say that I have been on this Committee for 22 years and have been involved in dozens and dozens and dozens of investigations, from 20-something trips to Afghanistan, over 20 to Iraq, Ukraine. There has been no Member on this Committee currently that has done more investigations and involved in this type of work longer than I have, and I am honored to do it.

Mr. Cuffari, I do want to say that our relationship with the inspectors general during that 22 years that I have been on this committee has been a partnership. We rely heavily on our inspectors general to cooperate with us. It has been a good relationship, and I have dealt with probably three to four dozen different inspectors general over that 22 years, and I have been proud to do it. I have to say that based on the evidence I have before me, our relationship with you is different. It is different. We have not had the cooperation and the relationship of trust that we have had with other inspectors general. We have not had that with you, and I regret that. I do not diminish your service to your country or any other capacity. I am just talking about the facts of what has happened and what is going on.

Are you familiar with the Project on Government Oversight?

Mr. CUFFARI. Yes.

Mr. LYNCH. OK. So, the Project on Government Oversight is a nonpartisan, independent, nonprofit group that we have worked with for more than the 22 years I have been here. And I think they started in 1980, and they have been nothing short of honest and forthright. And I have worked with them in Republican administrations and Democratic administrations, and sometimes I agree with them, sometimes I do not, but they have always been straightforward, regardless of whose administration was in power at that time.

Mr. Chairman, I want to ask for unanimous consent to enter into the record a letter from the Project on Government Oversight urging the President of the United States to remove Inspector General Joseph V. Cuffari from his position with the Department of Homeland Security Inspector General.

Mr. GROTHMAN. OK.

Mr. LYNCH. Mr. Cuffari, currently another group that we work with very closely, and continue to, is the Council of Inspectors General, and they are a group that not only does their own independent work, but also polices other inspectors general. Am I correct in saying that you are currently under investigation by the Council of Inspectors General on integrity and efficiency? Is that correct, Mr. Cuffari?

Mr. CUFFARI. You are correct, Mr. Lynch.

Mr. LYNCH. What is the basis of that investigation? Could you share that with us?

Mr. CUFFARI. I am uncertain, since I am under investigation, if I can share that in a public setting. I would be happy to discuss it with you.

Mr. LYNCH. They have made it public, so I am not sure how private this is. There are several allegations. One, as the Ranking Member of this full Committee indicated, was your failure to promptly notify Congress of crucial information on the Secret Service erasure of text messages related to the January 6th attacks on this Capitol. That did happen. It did happen. And I witnessed Republicans and Democrats running for their lives, so anybody who says that did not happen, let us just disabuse that notion. But the relationship of trust that we have had with our inspectors general have not been continued. I want to yield my remaining time to the Ranking Member.

Mr. GARCIA. Thank you, sir. Thank you.

Mr. GROTHMAN. The time is up.

Mr. GARCIA. Yes, go ahead, sir.

Mr. GROTHMAN. OK. Kelly Armstrong.

Mr. ARMSTRONG. Thank you, Mr. Chair. Your report states that frequent deployments at the Southern border are affecting staffing levels at the Northern border. This is an important issue to my home state of North Dakota. Businesses rely on customers from both sides of the Canadian-U.S. border. Commerce does not stop at 5 p.m. when CBP closes a port of entry. Crops still need to be planted. Substantial detours to operating facilities significantly raise costs.

After years of shortened operational hours, CBP finally extended hours at three ports of entry in North Dakota on a trial basis, but these hours are only temporary while CBP evaluates vehicular traffic, which does not account for other ramifications, including the transfer of goods and services. Lawful economic access to the United States should not be based on volume. It is the government's basic duty to maintain the Northern border.

And drawing down at the Northern border to beef up the Southern border does not justify shutting down North Dakota's economic sector. DHS is not properly allocating resources, and we talk about these things in large dollar amounts. But I am going to talk about what is, actually, in the grand scope of things, a fairly insignificant one. However, it would be significant at the Northern border.

One of your reports highlights that ICE spent over \$17 million for hotel space and services that largely went unused in 2021. Can you elaborate on how ICE managed to waste \$17 million in taxpayer resources?

Mr. CUFFARI. If you are speaking about the contract that was between DHS and the Endeavors Corporation?

Mr. ARMSTRONG. I am.

Mr. CUFFARI. The contract required a minimum number of beds to be available to ICE during certain periods, and those beds would be paid for regardless of whether a migrant was actually staying in the hotel room.

Mr. ARMSTRONG. Were the beds ever used?

Mr. CUFFARI. Not to my knowledge, no.

Mr. ARMSTRONG. Why was ICE able to use sole-source contracting and not award a contract based on an open competitive process?

Mr. CUFFARI. Because the question that you just asked relates to an ongoing matter, I am not able to provide more sufficient information in this setting.

Mr. ARMSTRONG. OK. If the company had no experience, why were they awarded the contract over more experienced companies?

Mr. CUFFARI. Again, Congressman, the same answer as before.

Mr. ARMSTRONG. So, my next question, there is an ongoing investigation, so hopefully somebody will be held accountable?

Mr. CUFFARI. Sir.

Mr. ARMSTRONG. Would \$17 million help at the Northern border?

Mr. CUFFARI. I believe it would help anywhere.

Mr. ARMSTRONG. I mean, we do not have the volume that they have on the Southern border. Everybody understands that, but we also move a lot of products that a lot of people need. If you like bread, you like what goes on between North Dakota and Canada. If you like, you know, to eat a hamburger, you care about what goes on in North Dakota and Canada. I am just trying to understand where we end up and how we get to these places that we have these scenarios where we are paying for money. I mean, we have seen people all over the country, many in sanctuary cities, balk and revolt at the fact that we are moving migrants across and moving them out of a high-density area into other places. Do we have any analysis at this point, yet, of what we are spending on hotel rooms and other facilities while we have \$17 million worth of unused beds?

Mr. CUFFARI. I believe, Congressman, we have an ongoing audit to look at the movement of migrants and what it is costing DHS to do that.

Mr. ARMSTRONG. Thank you. I would just say as we finish this off, that we have to figure out a better way to do this. At the same time, the level of frustration from my constituents that exists when we have unfettered access, whether it is ports of entry, whether it is between ports of entry, and the vast majority of illegal activity that is occurring. And at the same time, economic sectors for Northern border communities are absolutely being crushed, and it started with COVID and it started with vaccine mandates, and it finally ended with the United States being the last, essentially, country in the civilized world that lifted those mandates, and these are real-world consequences.

And when we talk about trust in government and talk about trust of these issues, when people see fentanyl flowing across the Southern border, ports of entry, between ports of entry, we have had that debate a thousand times. When we see people being released into the interior of the United States with court dates that do not exist for five, seven, nine years in advance, and I got a farmer from Grano, North Dakota, that cannot get across the border after 5 p.m. because we do not have the resources to do it. The frustration is real, and it exists all across the country and exists as far away from the Southern border as you can possibly be, which is North Dakota. Thank you and I yield back.

Mr. GROTHMAN. Mr. Moskowitz?

Mr. MOSKOWITZ. Thank you, Mr. Chairman. The border has been a problem for a long period of time because Congress has failed to pass comprehensive immigration reform. It is not like this is a new issue. This is something that has been going on for decades here. It has been passed from one President to the next, to the next. Is it possibly worse now? Well, that is what happens when you have a problem that you do not fix for three decades. The same people who talk about the border, it is not like they have come up with solutions. They complain to get on Fox News every day, but it is not like we are having solutions.

And so, I want to ask you a couple of questions because I am frustrated with Homeland as well. I mean, I have folks back home who were raped by their nanny. She spent 20 years in jail in Florida, and all the family wanted to know is that, when she was released, what was going to happen. That is it. She was a victim. She had a right to know, and I had even on her behalf made connections with Homeland on this issue. We were told, do not worry, we will make sure the family knows if she is deported or if we are keeping her, whatever the story is. Guess what? None of it happened. The rapist was deported. Nobody knows what happened to her. She is not flagged in the system. And now that family, the girl, who is now a mother of two, has to be worried about where her rapist is.

And so, I have a couple of questions because obviously, there are complaints all around, whether it is Secret Service or ICE. Homeland was founded 22 years ago, or 20 years ago, after a national emergency. It has got 22 agencies, and I am not going to list them all. They are all household names. Has Homeland become too big? Is it too big? Is it time to split Homeland up? Is it time to reform the bureaucracy?

Mr. CUFFARI. Congressman, let me first say that you and I did have a discussion about the individual who was convicted of rape. And we discussed the Crime Victims' Rights Act, and the prosecutor should have complied with that. I hope that that information was helpful that I supplied to you.

Mr. MOSKOWITZ. Well, that is a whole other issue because—

Mr. CUFFARI. Yes, sir.

Mr. MOSKOWITZ [continuing]. Quite frankly, the rapist had more rights than the victim.

Mr. CUFFARI. Yes, sir. I agree with you. I will say that Homeland Security is the third largest department, and the Federal Government is quite large. It was put together, as you described—

Mr. MOSKOWITZ. You are almost as big as DoD.

Mr. CUFFARI. Yes, sir. We are No. 3 right behind DoD and Health and Human Services. It perhaps may require a look by this Committee or others, maybe the Committee on Homeland Security, to see sort of a look back to see if it is fulfilling the mission that it was intended to do. But that would be a decision for Congress and not for me as the Inspector General.

Mr. MOSKOWITZ. So, you do not have any suggestions on potential reforms or opinions on whether you think the Agency can still function with 22 agencies. I mean, I hear it is kind of like when all the agencies get together with the Secretary, it is like the

Knights of the Round Table. They each give five-minute updates to the Secretary, and then the meeting is over.

Mr. CUFFARI. I will share that from our experience of doing audits and inspections, and even criminal investigations, that silos of information remain to this day in DHS, which is presenting a problem for effective management.

Mr. MOSKOWITZ. Yes. So, what I would like to hear is I would like to hear solutions to problems rather than continuing to gaslight issues at Homeland or INS or Customs and Border, whatever it is, and I do not hear any solutions. And I think it is quite time we start looking at reform at Homeland. I will yield the balance of my time to the Ranking Member.

Mr. GARCIA. Thank you. Mr. Cuffari, in April 2022—I want to get back to something—the nonpartisan watchdog Project on Government Oversight, and this was mentioned by another Member, broke a disturbing story that your office sought to censor findings of sexual harassment and misconduct at DHS. According to the draft report that we have obtained in the committee, 28,000 DHS employees were surveyed, and more than 10,000 of the 28,000 reported experiencing sexual harassment and misconduct in the workplace, yet the report was shelved. Mr. Cuffari, did your report on the morale of CBP, which we have been discussing, consider the effects of sexual harassment on employees?

Mr. CUFFARI. I am sorry, Ranking Member. What is the question?

Mr. GARCIA. Did you report on the morale of CBP or ICE employees, considered the effect of sexual harassment and misconduct? I think the answer to that is actually no, but would you agree that sexual harassment or misconduct are one factor that could actually impact morale?

Mr. CUFFARI. It could be a factor, certainly.

Mr. GARCIA. Thank you. And yet it was not considered in that report, and so I just want to make that note. I also with the remainder of my time, just want to note that

—thank you, Mr. Chairman, I will discuss it later.

Mr. GROTHMAN. Mr. Sessions?

Mr. SESSIONS. Chairman, thank you very much. Dr. Cuffari, welcome to the committee. I think it is interesting that our friends, rather than asking pertinent questions about what your ideas have been in writing, have been simply to attack you.

I have been to the border, top to bottom, for a number of years and I went back and saw firsthand the piles of equipment that still sit there waiting for the wall to be built. This is not a question to you, but it is my understanding that was there to help the Border Patrol agents so that they were not overrun as they are being done now. It would allow them operational control of the border. That would mean that they could then follow the political will. If we went from one President to another, we would effectively understand, I do not know about 100 percent, but a higher percentage of people who were coming in, could control drug usage, could control people who might come to this country who were wanted or would be seen as wanting to harm our country.

And these piles are still there. Requiring the Border Patrol, as when I was there with our young Chairman, Chairman Comer,

down in Yuma, where we were in a bus, there were 90 or so people from Cuba, men. One Border Patrol agent, one female Border Patrol agent whose job was to hustle and get her job done, and that was not to catch people that were running away. That was to hurry up and take them to processing because her boss or her boss' boss was being held accountable for how long it took them to hustle to do their job, to take these people in rather than protecting our border. I am concerned that there is a staffing issue problem—we have spoken about it—you have today with understanding how we protect this country. Seemingly, you are being attacked about your oversight after things have occurred rather than your ideas.

We know the border is in trouble. We know that we have a problem with fentanyl, got-aways, drugs, people come to this country losing children—the government actually taking control of children and then losing them—them being let loose on the streets of Texas, Arizona, California. People in California seem to be happy with it. People in Arizona, I will let them speak for themselves. But in Texas, it is causing a huge problem, so much so that our Governor is transporting them where they want to go, Washington, DC, New York City, Chicago, and now they are being attacked for doing what these people wanted.

I want you to know this Congress views, in the Majority, that you are doing your job, that you are being stretched to a political limit about reporting what is happening versus trying to toe the line of what this Department wants to do, the Department of Homeland Security, including the Secret Service. A few minutes ago, literally they said you did not do your job in reporting to them. Have you ever offered to come and meet with the Minority, which was then the Majority? Were you ever asked to come meet with them?

Mr. CUFFARI. I volunteered and I met with several Members of this Committee, who are now Minority Members.

Mr. SESSIONS. Well, I would say to my friend, Congressman Lynch, that if he feels like he is not getting what he needs from his vast service, which I am a friend of Stephen and I appreciate him, I would encourage him to do that with this Subcommittee, to write the same letter, to get an answer because I view that this Department is failing to protect this country, which is its core mission. Why it was established was not to let anybody come into this country, encourage them, waive them through, and then lose them from within the masses of millions that are coming. I am concerned about rule of law. I am concerned about the deaths. I am concerned about even mid-sized cities receiving people who have come from a marketing organization of a cartel to distribute drugs all over this country. They are openly allowing this, and the Democratic Party is right there with this Administration to allow it to happen.

I want to thank you for taking time to be with us. I find you refreshing, but I also want you to know when our friends that are on the other side, the Democrat Members of this Committee, wish to correspond, I would encourage them to come, and we will get them the same answer rather than an answer that they do not like. Thank you very much. I yield back my time, Mr. Chairman.

Mr. GROTHMAN. Mr. Goldman?

Mr. GOLDMAN. Thank you, Mr. Chairman. Did I just hear you say that you offered to come and sit with members of the Majority in the last Congress?

Mr. CUFFARI. That is correct.

Mr. GOLDMAN. You did?

Mr. CUFFARI. Yes.

Mr. GOLDMAN. And did you ever do that?

Mr. CUFFARI. Yes.

Mr. GOLDMAN. With who?

Mr. CUFFARI. Mr. Moskowitz. Ms. Porter.

Mr. GOLDMAN. Mr. Moskowitz was not in Congress last Congress.

Mr. CUFFARI. I am talking about this Congress.

Mr. GOLDMAN. I said last Congress. You said last Congress. He asked you last Congress did you ever meet with the Majority, Chairman Thompson, Chairman Maloney, anyone?

Mr. CUFFARI. I did meet with Chairman Thompson, did not meet with Chairwoman Maloney.

Mr. GOLDMAN. OK. On August 1, 2022, former Chairwoman Maloney and former Chairman Mr. Thompson from the Homeland Security Committee requested that you provide all communications and documents related to your office's decision not to pursue missing Secret Service text messages related to the January 6 insurrection. Did you ever provide that information to those committee chairmen?

Mr. CUFFARI. I did in an August 23, 2022 letter to both Chairwoman Maloney and to Chairman Thompson.

Mr. GOLDMAN. You wrote a letter. Did you provide all the communications and documents related to your decision?

Mr. CUFFARI. I provided information that was requested and not particular documents.

Mr. GOLDMAN. OK. Well, let the record show that you did not actually provide the requested information. Were your Deputy Inspector General and your Chief of Staff requested to have transcribed interviews last Congress as well?

Mr. CUFFARI. Yes.

Mr. GOLDMAN. And did you allow them to undergo these transcribed interviews?

Mr. CUFFARI. Because of ongoing investigations, I did not permit them to be interviewed by this body.

Mr. GOLDMAN. So you just blanketly refused to permit them, even though they could, of course, come in here and say that they cannot answer specific questions related to ongoing investigations?

Mr. CUFFARI. That is correct.

Mr. GOLDMAN. OK. You know, I find it remarkable that we are having this hearing with someone with a very clear vendetta and politicized approach to the job of an independent inspector general. If the point of your report and the point of this hearing is, as my colleague from Texas just said, because we have a problem at the border, we can all agree, and if the morale is down because there are not enough agents and officers at the border, we can all agree.

The sad reality is that my colleagues on the Majority have no interest in any meaningful immigration reform. They would prefer to hold a hearing like this, and we have many of them in the Homeland Security Committee where they can talk about the problems.

They can accuse the Biden Administration, make false allegations about all of their terrible policies, and yet they do not want to actually do anything. Would you agree we need more immigration judges to decide asylum cases, Mr. Cuffari?

Mr. CUFFARI. That would be a decision that would rest with the Justice Department who has—

Mr. GOLDMAN. That is not my question. Do you think it would help things at the border if we had more immigration judges to decide asylum claims faster?

Mr. CUFFARI. More people will certainly help across the entire network.

Mr. GOLDMAN. That is right. It gets tiresome to continue to have these conversations. There is a tremendous migration issue in Central America. There are 2.4 million Venezuelans in Colombia. This is not particular to the United States. This is a problem that congressional effort and oversight and legislation needs to correct, yet we are not doing that. And when you hear my colleagues on the other side of the aisle talk about all the problems with fentanyl and with got-aways and with smuggling, you know what they do not ever talk about? They do not ever talk about the tremendous exportation of American-made guns to Mexican cartels that give them the power and authority to control the fentanyl trafficking into this country.

My colleague from Texas just listed a whole litany of things that are the problems we are having at the border, and never mentioned guns. H.R. 2, Mr. Perry, was a immigration border security bill. It does not mention guns. It does not mention gun trafficking. It does not mention guns going from America to Mexico. If you want to talk about immigration reform and you want a fix at the border, come talk to us. Let us be real about how we can actually fix the border. I yield back.

Mr. GROTHMAN. Mr. Biggs?

Mr. BIGGS. Thanks, Mr. Chairman. Thanks, Dr. Cuffari for being here. You know, I do think it is interesting that the last gentleman was asking you about asylum and immigration courts, but that is not in your purview, right? That is DOJ. That is not DHS, right?

Mr. CUFFARI. That is correct.

Mr. BIGGS. Yes. So that was odd, I thought, but it was pretty consistent because I thought the Ranking Member, who is sitting in there today, rather dubious, his own credibility. It is kind of dubious because he basically questioned this document, your document, your report, but in so doing, he spent a good portion of his time lobbying the Biden border policies. When you start lobbying the Biden border policies—I do not care what the pre-42 surge was, we have gone back down to the typical Biden border crisis numbers. That is where we sit today, and that is about a fivefold increase over what Jeh Johnson said was a crisis on the border. If you see 1,000 a day, he says “that is a crisis.” Here you got about 5,000 a day, the gentleman from Long Beach says, whoa, we have got this thing back under control. Well, you do not. You just simply do not.

But I will say this. Your report is consistent with my on-the-ground experience and getting down to the border many, many times. I have taken the Chairman down many times. I have been

down there. I go down there. You just go down there. I do not take anybody with me. I will park my car. I will start walking along the border, see how long it takes for a Border Patrol agent to come. When they finally get there, I ask them how things are going. They tell me it is not going good. I say, well, what do your colleagues feel. Well, they feel like they have been abandoned by this Administration. The other thing I will say is, you had survey responses from 16 percent of the entire force, is that right?

Mr. CUFFARI. Sixteen percent of the 57,000 employees in DHS, primarily ICE and CBP, who we surveyed.

Mr. BIGGS. Yes. Well, in my studies, a large in-study, was typically, we thought anything over 350 to 500 was a large in-study. Nine thousand would be pretty persuasive. He compared it to a Twitter survey. The only difference is you had a limited universe, and if you are going to make a claim, you might say selection bias because only the people that cared enough to respond responded, but you had 9,000, 16 percent, respond.

Well, let us take a look here just a little bit. Can you discuss what steps your office takes when an auditor investigation is opened?

Mr. CUFFARI. We notify the Department through a transmittal memo of opening of a project, an audit, or an inspection. We let them know that we will be looking for certain documents, for some communication. And we set what is called an entrance conference with the Department's Liaison Office and the component's Liaison Office to begin our audit or inspection work.

Mr. BIGGS. And when you request documents or information, what is the typical response time for an agency?

Mr. CUFFARI. Normally, it is about 30 days to respond back to us.

Mr. BIGGS. The DHS, are they responsive typically within 30 days?

Mr. CUFFARI. They have been on certain occasions.

Mr. BIGGS. What is their typical responsive time now?

Mr. CUFFARI. There is one project that is 140 days that we have made our request and have not got any information.

Mr. BIGGS. So, did they give you a rationale for their five-month delay?

Mr. CUFFARI. Not in that particular case, but they have in others.

Mr. BIGGS. Is a rationale for a delay that they give to you, are those allowed under the Inspector General Act?

Mr. CUFFARI. The only exception to not providing the IG, that I am aware of in the IG Act, is the Secretary of the Department would have to make a determination that, for national security or not to compromise an ongoing investigation. The Department secretary would then have to make that determination.

Mr. BIGGS. Has Secretary Mayorkas made that determination and communicated that to you?

Mr. CUFFARI. He would also have to communicate that to this Oversight Committee as well.

Mr. BIGGS. Has he communicated that to you?

Mr. CUFFARI. No, sir.

Mr. BIGGS. He has not communicated that to us as far as I know, so he is not complying with the requirements of the Inspector General Act. Is that fair to say?

Mr. CUFFARI. Not to my knowledge.

Mr. BIGGS. Well, my time has expired, and I told you it goes by fast, but, Mr. Chairman, thank you.

Mr. GROTHMAN. OK. Congressman Ivey?

Mr. IVEY. Thank you, Mr. Chairman. Good morning, sir.

Mr. CUFFARI. Good morning, sir.

Mr. IVEY. Mr. Raskin was asking you about text messages with respect to January 6. I had some questions about some messaging, I believe it was Signal, that was used, I think, by you and some of your colleagues beginning around December 13, 2020, and this is based on an affidavit that you filed yesterday in a case that is pending. Do you recall filing the affidavit?

Mr. CUFFARI. I do.

Mr. IVEY. OK. And in the affidavit, you talked about how there was a time where you made a switch and others to using Signal. Do you recall that?

Mr. CUFFARI. I recall at the direction of DHS, Signal was placed on our government cellphones as a result of the SolarWinds compromise of the Department's communication.

Mr. IVEY. OK. And who was it specifically that directed the use of Signal?

Mr. CUFFARI. I believe it was the Chief Information Officer for the Department of Homeland Security.

Mr. IVEY. OK. And so, during that time period, you used Signal until early 2021 according to your affidavit.

Mr. CUFFARI. I physically used Signal on one occasion in a two-week period of time.

Mr. IVEY. OK. Well, I am not sure you said that in your affidavit, but there came a time where you stopped using it in early 2021, according to your affidavit?

Mr. CUFFARI. That is correct.

Mr. IVEY. All right. And Signal, you may know, is an application where, in some instances, it can automatically delete the communications that are exchanged on it.

Mr. CUFFARI. Actually, I do not know that.

Mr. IVEY. All right. Well, let me ask you this. As the Inspector General unit, you are familiar with the Federal Records Act, right?

Mr. CUFFARI. Yes.

Mr. IVEY. All right. And so, you know there is an obligation to preserve official government documents. Is that correct?

Mr. CUFFARI. That is correct.

Mr. IVEY. All right. And electronic messaging falls under that category. Isn't that right?

Mr. CUFFARI. Yes.

Mr. IVEY. OK. Now, according to your affidavit, whatever those messages were, were all deleted. Is that correct?

Mr. CUFFARI. No, that is incorrect.

Mr. IVEY. OK. They are not preserved?

Mr. CUFFARI. No. What I am saying is that the one instance that I did use Signal, it was an oral communication telephone call with the members of the Department of Homeland Security. I believe it

was their Breach Response Team. That is the one and only instance that I ever used Signal.

Mr. IVEY. OK. Well, did your organization, did your Department respond that none of the messages on Signal were preserved in the filing yesterday from the U.S. Attorney's Office?

Mr. CUFFARI. I do not believe there were messages. There was an oral communication, not text messages or anything to my knowledge, at least in my case. I only used it once, as I described.

Mr. IVEY. All right. Well, let me read this to you: "However, until that time, the Signal messaging application was not approved for use on DHS devices. However, I was one of the small number of users authorized to install the application on my OIG-issued cellphone for the limited purpose of discussing via SecureME," through a response to the above-described apparent breach of DHS computer networks. So, that is the messaging you are talking about?

Mr. CUFFARI. That is the oral communication, not a message. I just want to be clear with the Committee.

Mr. IVEY. OK. And then in the next paragraph down, you said, "No more than a few weeks after installing the Signal application, I deleted Signal from my OIG-issued cellphone because I no longer had use for it." That is correct?

Mr. CUFFARI. That is correct. Yes.

Mr. IVEY. OK. So, any messages that are unavailable were not based on you deleting anything. It is just, they were not preserved in some way?

Mr. CUFFARI. No, what I am saying, just to be clear, Congressman, I did not use Signal to do messaging. I used it to do a telephone call at the request of DHS.

Mr. IVEY. All right. And nothing was done to preserve anything with respect to those telephone calls?

Mr. CUFFARI. Unless we had a title three or some other electronic intercept of my oral communications, I do not believe there would be a message that would be preserved.

Mr. IVEY. All right. Let me ask you this question. With respect to the January 6 documentation from the Secret Service, all right, and there was a 14-month delay before you notified Congress of that issue with respect to the deletion of the Secret Service text?

Mr. CUFFARI. Just to be clear, I answered that question previously, and it is not 14 months. We learned that DHS deleted all the text messages from the Secret Service phones. We learned that in February 2022.

Mr. IVEY. All right. Thank you, Mr. Chair. I yield back.

Mr. GROTHMAN. Now we have Mr. Perry.

Mr. PERRY. Thanks, Mr. Chairman. Mr. Cuffari, as often is the case, I am left with correcting, clarifying the record in these hearings. Comprehensive immigration reform, as decried by my colleagues on the other side of the aisle, is generally known and perceived rightly so as amnesty for breaking America's laws. Therefore that, they lament the fact that we are not interested in allowing people that come across our border, illegally bringing fentanyl, engaged in human trafficking, gang activity, we are not interested in providing amnesty for their lawlessness. So, no, there is not going

to be comprehensive immigration reform because that is what it includes. Just let the record reflect that.

Regarding my colleague who complained about the rape of his constituent and the fact that it seemed like the person that was deported had more rights than she did, I would just remind my colleague on the other side of the aisle that they support that. They supported that in all the cities that they run across the country and at the Southern border. They support that lawlessness. And so, it is rich for him to come in and complain on her behalf when he and his Party have been aiding and abetting it for years upon years.

And Mr. Goldman says that we do not want to talk about guns. We are happy to talk about Fast and Furious, where his Party took guns across the border to Mexican cartels that were used to kill Americans trying to protect this border, but they did not want to talk about it. Eric Holder did not want to talk about it, was held in contempt, and they still do not want to talk about it. And it is rich for Mr. Goldman to talk about you promoting falsehoods while he sat at the front and center of impeachment of a President based entirely on falsehood, which he was well aware of at the time and is well aware of right now. I know you are laughing it up over there, aren't you? You are laughing it up because you are full of perfidy, lies and more lies and more lies.

Mr. Cuffari, it has been alleged or averred that more people would make it better, more Border Patrol agents, Mr. Goldman said more judges, more would make it better. Here is what also would make it better, I think. If less people were allowed to cross the border illegally, would that make it better?

Mr. CUFFARI. That certainly would help, yes.

Mr. PERRY. If there were less people crossing illegally, would we need more judges to deal with those less people crossing illegally?

Mr. CUFFARI. You would need more judges to process people who were claiming asylum.

Mr. PERRY. Right, but they are crossing illegally and claiming asylum based on their illegal crossing. The point is, yes, we can hire as many as we want to, but as long as you are going to let more and more and more unstoppable people coming across the border illegally, you are never going to have enough. The solution is not to hire more people. The solution is to stop the people from coming across illegally. That is the solution.

To get you to say that the solution is actually to hire more people belies the fact that people are coming across illegally because of the policies of my friends on the other side of the aisle, and no other reason, for no other reason. Was the border ever manageable before without hiring more people? Let me ask you that question. Was it ever manageable before without hiring more people?

Mr. CUFFARI. According to my personal experience, it was manageable starting in 1994.

Mr. PERRY. You did a survey, 9,300 and change, 16 percent of the total population surveyed, much more than most of the polls that this operation runs to determine public opinion about who is going to vote for what, and you are being criticized here today for the survey. And some Border Patrol agents said that local management would transport migrants out of the facility before a visit and re-

turn them after the visit ended. Why would they do that? Why would that happen?

Mr. CUFFARI. I cannot answer that, sir. That is—

Mr. PERRY. I do not know. Hazard a guess?

Mr. CUFFARI. Let me say, in my experience, I did not see that happen.

Mr. PERRY. Well, how would you see it happen? Like, how would you see it happen? If they move them before you got there and moved them back after you left, how would you see it happen?

Mr. CUFFARI. We also do unannounced inspections when they do not know that we are coming to a particular detention.

Mr. PERRY. Right. But still, you do not know that, right, but these are Border Patrol agents saying it. Are Border Patrol agents signing up for overseeing meal delivery, restocking snacks and hygiene products? Is that why people want to secure the border? Is that the job that they are looking for when they sign up and say, I want to be a Border Patrol agent, I want to replenish the snack supply for people coming across illegally? Is that like the No. 1 request on their list of job assignments?

Mr. CUFFARI. That is the frustration that they described.

Mr. PERRY. Thank you, Mr. Chairman. I yield the balance.

Mr. GROTHMAN. Mr. Frost?

Mr. FROST. Thank you, Mr. Chair. Mr. Cuffari, the Office of Personnel Management's Federal Employee Viewpoint Survey is a tool for Federal Agency employees to provide feedback on how engaged they are in their work. When people are engaged at work, they are more effective at their jobs. They perform the work more efficiently, and part of a principal's job is keeping their team engaged. In other words, the Federal Employee Viewpoint Surveys can reveal what leadership techniques are working for agency executives and which ones are not.

In fact, Mr. Cuffari, you regularly tout your office's Federal Employee Viewpoint FEVS score. Since you have taken over as Inspector General in May 2022, in a letter to this Committee, you highlighted portions of your office's survey data from 2020 and 2021 that apparently show improvement in employee engagement. And in an email you sent to all your staff in December 2022 that I have here, you again highlighted improvements in your Agency's 2022 survey data.

Mr. Chair, I ask unanimous consent to enter into the record an email between Inspector General Cuffari and his office lauding the importance of Federal Employee Viewpoint Survey scores.

Mr. GROTHMAN. Without objection.

Mr. FROST. Thank you. Mr. Cuffari, do you agree that the Federal Employee Viewpoint Survey data are important indicators for how an agency is performing?

Mr. CUFFARI. Yes.

Mr. FROST. That is right. And in the past, you have said that they document progress. However, in the most recent survey data shows that a majority of the people in your office do not believe that their senior leadership maintains high standards of honesty and integrity, 66 percent of your employees. Mr. Cuffari, are you a senior leader?

Mr. CUFFARI. Yes.

Mr. FROST. Mr. Cuffari, are you aware that nearly half of the employees in the Office of Inspection and Evaluations fear retaliation if they disclose suspected violation of laws, rules, or regulation?

Mr. CUFFARI. You are asking if I am aware of it?

Mr. FROST. Are you aware of that? Are you aware of the fact that 40 percent compared to 43 percent who don't?

Mr. CUFFARI. No, sir.

Mr. FROST. Yes, that is a reality through the survey that you tout. Mr. Cuffari, do you know about the fact that less than half of your staff in the Office of Counsel feel like they can safely disclose suspected wrongdoing?

Mr. CUFFARI. Yes.

Mr. FROST. You are aware of that. Only 45 percent feel like they can disclose that. I find this incredibly alarming, especially when coupled with the fact that you have run away from any efforts to conduct oversight in your office using taxpayer money, \$1.4 million, to contract a law firm, to run away from accountability on your part.

And, you know, I have seen weak leaders run from accountability before. In my home state of Florida, right now, Governor Ron DeSantis is saddling taxpayers with billions in legal fees to defend his unlawful policies. With his intimidation, his removal of dissenting officials, he is taking major losses on the backs of taxpayers because private sector officials called out his disastrous agenda. And the Florida legislature has approved a whole new budget to pay for all of his legal losses, but he does not want to answer for that.

And I admit at this point many of us realize that DeSantis gets an F in accountability. However, inspectors general are meant to serve as a safe haven for whistleblowers. How is a whistleblower supposed to trust your office when members of your own staff do not even feel safe to report wrongdoing themselves? I yield to Mr. Ivey.

Mr. IVEY. Mr. Cuffari, I am sorry. I had one question left or a couple of questions left. This is with respect to text messages with respect to your government-issued iPhone.

Mr. CUFFARI. Yes.

Mr. IVEY. Did you delete text messages from your government-issued iPhone?

Mr. CUFFARI. Yes.

Mr. IVEY. OK. Well, when was that?

Mr. CUFFARI. It is my normal practice to delete text messages.

Mr. IVEY. So, you delete them on an ongoing basis?

Mr. CUFFARI. That is correct.

Mr. IVEY. All right. Are they stored anywhere? Not sure?

Mr. CUFFARI. I am not sure.

Mr. IVEY. OK. Well, is it safe to say, based on that at the time you deleted them, you did not know if they were stored in an alternative place? Is that fair?

Mr. CUFFARI. Correct.

Mr. IVEY. All right.

Mr. CUFFARI. It is also fair to note that I do not use my government cellphone to conduct official business.

Mr. IVEY. All right. So, your testimony today is that these text messages that you have deleted, or at least some of them, had no Federal information or any information that would be implicated under the Federal Records Act?

Mr. CUFFARI. Under the Federal Records Act, that is correct.

Mr. IVEY. OK. And so, they have no connection to official business at all?

Mr. CUFFARI. Nothing that would be considered a Federal record.

Mr. IVEY. Well, are you using your Federal phone for personal purposes then?

Mr. CUFFARI. No, sir.

Mr. IVEY. All right. Then what is the purpose for using your government-issued phone?

Mr. CUFFARI. To conduct business.

Mr. IVEY. But not Federal business related to your Department?

Mr. CUFFARI. Not Federal business considering that they are records. It is a clearly defined statute that places requirements on what a Federal record actually is.

Mr. IVEY. All right. So, just a final question. So, you have made a conscious decision with the documents or the messages you deleted that the Federal records laws did not apply to the messages you deleted?

Mr. CUFFARI. The messages that I deleted, I did not consider those to be Federal records, and, therefore, I deleted them. That is correct.

Mr. IVEY. OK. Thank you, Mr. Chairman.

Mr. GROTHMAN. Ms. Mace?

Ms. MACE. Thank you, Mr. Chairman. I did not know we were going to be debating 2024 Presidential candidates this morning, but welcome to Congress.

Mr. CUFFARI. Thank you.

Ms. MACE. In 2019, there were just under 17,000 border agents handling an average of 71,000 monthly encounters. As of 2022, border agents decreased to 16,654, but average monthly encounters rose to around 184,000 encounters. In that time, it is no coincidence, there was an over 300 percent increase in known got-aways. Border agent morale is low, border agent retention is low, and this Administration's ability to follow the rule of law is simply in the gutter.

I am very proud of South Carolina. At FLETC, we train Border Patrol agents. I have been to one of their graduations. I know that they put a lot on the line. They work hard, and so the purpose of this hearing today is to talk a little bit about that. Speaking on the condition of anonymity, one agent said, "Under Biden, things are the worst they have ever been by far. Agents are calling in all the time. You always hear, 'It doesn't matter. What is the point?' Agents are afraid of ending up on the news for doing their job or getting in trouble for just doing their job, and there is no morale."

Mr. Cuffari, yes or no, is this the same type of sentiment you found when visiting the Southwest border from our Border Patrol agents?

Mr. CUFFARI. Border Patrol agents have expressed similar comments to me and to my staff.

Ms. MACE. Do you think it is the worst it has ever been for their morale?

Mr. CUFFARI. It has been significantly increased since I started with my Federal civil service in 1993.

Ms. MACE. OK. My next question, do you find agents have become apathetic as their concerns that workplace issues are not being addressed? Are they sort of apathetic when you talk to them?

Mr. CUFFARI. They express frustration. I must say that the Border Patrol and the Immigration and Customs Enforcement agents do a great job every single day of the year, and they are just frustrated.

Ms. MACE. They work very hard, don't they?

Mr. CUFFARI. They do.

Ms. MACE. When you speak with Border Patrol agents, do they blame Agency leadership, do they blame the Administration, or both? The status of the border, I mean, who do they blame for this?

Mr. CUFFARI. They express frustration with both.

Ms. MACE. All right. Mr. Cuffari, I just want to thank you for your time today. I appreciate your work regarding the sad state of affairs that is the Border Patrol agents' morale. I think it is very clear and evident today. It does not take a 65-page report to realize something is wrong. It is self-evident. It is undeniable. Thank you for answering my questions today.

While my colleagues on the other side of the aisle knew this was a problem, their goal has always been to push our Border Patrol issues to the brink of unsustainability, and that is where we are today. What we are doing along our Southern border is completely unsustainable. It is a consistent strategy: never let a good crisis go to waste. And unfortunately, this plan has come at the expense of deadly journeys for migrants, vilification of our border agents, and a less safe country for American citizens.

Last Congress when the left had the House, they had the Senate, they had the White House, on this Committee, I remember having one hearing about the border, and it was about the Northern border where we were getting less than 10,000 illegal immigrants coming across the Northern border every year. And today, you know, we saw even last year, the growth of illegal immigrants coming and crossing over the Southern border daily. It far surpasses, and I hope that Republican leadership can hold this Administration accountable. Thank you, and I yield back my time, Mr. Chairman.

Mr. GROTHMAN. Mr. LaTurner?

Mr. LATURNER. Thank you, Mr. Chairman. I appreciate it, and thank you, Mr. Cuffari, for being here today.

America's Border Patrol agents put their lives on the line to secure our border and halt the flow of illegal immigrants, drugs, weapons and human trafficking from entering our country. For far too long, under this Administration, these brave men and women have been understaffed and without adequate resources to do their job effectively, and that needs to change.

Between fiscal years 2020 and 2022, your recent report found the number of Border Patrol agents guarding the Southwest border fell slightly, while monthly encounters with illegal aliens spiked by a staggering 450 percent. Your report also found that Fiscal Year 2022 set the record for migrant deaths, with more than 800 mi-

grants dying while attempting to cross the Southwest border. These are not just statistics. They represent a very real crisis at the border that remains unaddressed by the Biden Administration.

Unsurprisingly, 88 percent of ICE and CBP agents you surveyed said their duty locations are not adequately staffed to handle the surge of people streaming across our border. And to further compound the problem, 24 percent of respondents said they plan to leave their respective agencies within the calendar year. It is a dangerous and demanding job in the first place, and it is clear from your reporting that morale amongst our border agents is lower than ever before. One agent testified that due to a significant shift in immigration policies from the prior administration, it feels like they are trying to do their job “with one hand tied behind their back.”

Mr. Cuffari, amongst the agents you surveyed, which policy changes did they say most hindered their efforts to protect our border?

Mr. CUFFARI. The unknown, lawsuits, there are just a whole wide variety of concerns.

Mr. LATURNER. Would the current number of agents be better able to maintain control of the Southwest border if Remain in Mexico was still in place?

Mr. CUFFARI. More individuals certainly would help stem the flow of illegal immigration.

Mr. LATURNER. I understand that, but the Remain in Mexico policy, if that was still in place, would that help them maintain control of the Southwest border from your observations?

Mr. CUFFARI. I cannot speak to the policy decisions.

Mr. LATURNER. You concluded your report with three recommendations to remedy the staffing shortage at CBP and ICE. The Biden Administration agreed with two of them, but rejected the first under the premise the Agency’s staffing models are already sufficient and that your report did not recognize all the DHS initiatives to support its personnel. Do you agree with that assessment?

Mr. CUFFARI. No.

Mr. LATURNER. According to your report, between Fiscal Year 2019 and 2022, there was a 303-percent increase in known got-aways. Is this occurring because there are no agents available to respond?

Mr. CUFFARI. According to the agents who are on the border, yes.

Mr. LATURNER. Your report details that at one Southwest Border station, 15 percent of got-aways in a five-day period occurred because no agents were available to respond. How common of an occurrence is that?

Mr. CUFFARI. To my knowledge, it is a weekly occurrence.

Mr. LATURNER. What impact does the staffing shortage have on efforts to combat human trafficking, drug smuggling, and other illicit activities?

Mr. CUFFARI. A negative impact.

Mr. LATURNER. Given the increasing demand for cybersecurity expertise, what steps is the Department taking to recruit and retain individuals with specialized skills in this area?

Mr. CUFFARI. I believe the Department implemented a H.R. program to provide additional funding, like an enhancement to basic salary for those types of career fields, those jobs that relate to that.

Mr. LATURNER. Are there any partnerships or collaborations with educational institutions or industry to enhance recruitment that you know of specifically?

Mr. CUFFARI. Not that I am aware of, no.

Mr. LATURNER. OK. Your report also detailed CBP and ICE's use of details and overtime as a staffing mechanism. How efficient is this from a budget perspective, and is this an approach that is the best use of taxpayer money?

Mr. CUFFARI. It is driving a huge cost in terms of expenditures of money to the Department.

Mr. LATURNER. My time is about to expire, but I just want to thank you for being here today. I know you have put up with a lot from the other side of the aisle. And the reason that I am so pleased with you being here and the way in which you have conducted yourself is because you have given short answers that center on the facts and the truth as you have observed it, and I appreciate that. You can ask any of my colleagues up here. You know you are getting the runaround when answers are really, really long and do not allow for you to get to all the questions that you have. So, I appreciate you being here today, and I yield back, Mr. Chairman.

Mr. CUFFARI. Thank you.

Mr. GROTHMAN. Thank you. Ms. Porter?

Ms. PORTER. Hello, Inspector General Cuffari. I want to ask you about the Office of Intelligence and Analysis. Are you aware of a domestic intelligence program under OIA that allowed Homeland Security individuals to interview just about anyone in the United States to gather human intelligence?

Mr. CUFFARI. I believe we have an audit into that.

Ms. PORTER. You have an ongoing audit?

Mr. CUFFARI. I believe.

Ms. PORTER. When was it initiated?

Mr. CUFFARI. We are going to have to get back to you, ma'am.

Ms. PORTER. Have you conducted any other oversight of this program, the Overt Human Intelligence Collection Program, specifically?

Mr. CUFFARI. Not that I am aware of, no.

Ms. PORTER. Are you aware of this political article from March 6 of this year, "DHS Has a Program Gathering Domestic Intelligence and Virtually No One Knows About It?"

Mr. CUFFARI. I am not certain that I have seen that one.

Ms. PORTER. Mr. Chairman, I would like to enter this into the record.

Ms. PORTER. This program gives government officials broad discretion to interview any civilian for any reason that they want. Does it concern you that some employees working in this program are so worried about the legality of their actions that they wanted legal liability insurance?

Mr. CUFFARI. That would certainly be a concern.

Ms. PORTER. Are you aware of the workings of this program?

Mr. CUFFARI. No.

Ms. PORTER. Given that it made national news multiple times, why have you not undertaken an audit of this program in the past?

Mr. CUFFARI. As I mentioned, I am going to have to get back to you, ma'am. About when we did or did not open an audit, I am not certain.

Ms. PORTER. As you go about that work, let me give you some facts. There was a survey in 2020. There were 126 respondents, so this is three years ago. Half of the respondents said they alerted managers about their concerns that their work involved activity that was inappropriate or illegal. Are you aware of this survey?

Mr. CUFFARI. No.

Ms. PORTER. The slide deck put together by the Department responded to this fact that half of all respondents said they were concerned their work was inappropriate or illegal. The slide deck said, "There is an opportunity to work with employees to address concerns they have about the appropriateness or lawfulness of a work activity." Do you think it is appropriate for your Agency to work with employees about their concerns about lawfulness, or do you think that your office should be making sure the program is actually lawful?

Mr. CUFFARI. The program that you described, it appears to be at main DHS, so not within the Office of the Inspector General.

Ms. PORTER. Correct. But you as the Inspector General, sir, is your job, like, not to do oversight of main DHS?

Mr. CUFFARI. Oh, most certainly.

Ms. PORTER. OK. So, I am asking you about a program of DHS, and I would like to know why you have not conducted any oversight of it at this time.

Mr. CUFFARI. I thank you for making us aware of it.

Ms. PORTER. You were not aware?

Mr. CUFFARI. I was not.

Ms. PORTER. Are you aware that this program was interviewing incarcerated individuals without their counsel present?

Mr. CUFFARI. No, ma'am.

Ms. PORTER. Is that constitutional?

Mr. CUFFARI. It is unconstitutional.

Ms. PORTER. So, can I have you promise that you will conduct an investigation into this program?

Mr. CUFFARI. You have my commitment that if we do not have an ongoing audit, we will look into the matter that you are describing.

Ms. PORTER. Thank you very much, Mr. Cuffari.

Mr. CUFFARI. You are welcome.

Ms. PORTER. I yield back.

Mr. GROTHMAN. OK. In closing, I would like to thank our panelist for his important and insightful testimony. I will yield to Ranking Member Garcia for his closing remarks.

Mr. GARCIA. Thank you, Mr. Chairman. I want to thank all of my colleagues today for their hard work and certainly to holding our witness accountable for the long history of partisan and improper behavior, for the mishandling of the January 6 investigation, and for his inability to do his critical, important job to its standards.

I want to remind the Committee that this whole hearing is premised on a nonstatistical survey and an opinion article that is disguised as serious oversight. The report is “a non-statistical survey,” that cannot be projected to the entire population of CBP and ICE law enforcement officers and agents.” This is, again, a report that would not hold muster in any serious survey work. Without making this hearing a lesson on statistical methods and data integrity, if you are not willing to put in place data controls or use the foundational basics of statistics, you are left with the equivalent of a Twitter poll or a Yelp review.

Now, I spent some time studying statistical methods when I did my doctoral work, and this work and this report would never be accepted in a basic stats class. This is not about data from the Department of Homeland Security as you claimed in response to my earlier question. This is about the methods that you chose to publish publicly to push a political argument. This report indicates that you knew the fundamental problems with the report, yet you published it anyway.

Now, our Committee relies on the work of dedicated inspector generals to root out against waste, fraud, and abuse. I also just want to note, and this was actually a very important note from earlier in the hearing, that I am extremely concerned that today, in front of our Committee, and by the way, that oversees the Federal Records Act, that you had admitted to deleting Federal records based upon your own determination. That should concern the Chairman and this entire Committee.

Now, I personally have no confidence in your ability to hold up the mission that you are intended to do. Now, coming here with a study that does not meet the basic standards of data reliability by your own admission should be an embarrassment. An inspector general who does not understand his own duties, who resists basic congressional oversight, who is deleting Federal records, who is under investigation, and who has lost the faith of his workforce has no business serving.

And before I close, Mr. Chairman, I ask unanimous consent to include in the record a letter to both the Chairman and myself from the Project on Government Oversight dated June 6, 2023, that speaks to the continued concerns with the Inspector General and how his inability to perform his job is preventing independent oversight. And I also ask unanimous consent to include into the record a letter from September 2022 from concerned DHS staff, representing every program office at every level, to the President detailing the IG’s troubling management of the office, and I want to quote “his disastrous leadership.” With that, I yield back.

Mr. GROTHMAN. OK. So ordered.

Mr. GROTHMAN. I think we have kind of a lack of common sense here. As Congressman Biggs said, he has had me down on the border probably six or seven times by himself. I have been down there at other times. We have a situation, which, depending on the metric, contacts at the border, got-aways at the border, people crossing into the border, unaccompanied minors, the number of people coming here is, say, 8 to 10 times what it was two years ago.

So common sense will tell you what the morale is of the Border Patrol. When you have that many more people coming across, you

obviously have a hard time doing your job. A lot of these people are little children. When I am down there, the Border Patrol complains about having to kind of be a babysitter instead of doing what they signed up to be, which is a law enforcement agency.

They uniformly, by the way, say the biggest problem is not the lack of personnel, although they say the lack of personnel is a big problem. The biggest problem is the policies of the Biden Administration and that they got rid of the Remain in Mexico policy. And no matter how many people they have down there, as long as they have this asylum policy, a huge number of people are going to come in here.

Another thing that frustrates them is the degree to which the Mexican cartels run the border. Last time I was down there, me and Congressman Biggs ran into 21 people coming here from Mexico. The reason they came there and the Border Patrol on the way is because the Border Patrol was going to have to process 21 people, including two kids under the age of one. And while they were busy processing them, it opened that segment of the border because they were understaffed to people crossing the border with illegal drugs, which leads to over 100,000 Americans dying every year of illegal drugs because we do not have enough people to both process people and continue to guard the border.

I will remind the Minority that 9,000 people were surveyed here, but you do not need 9,000 people if you are down at the border. You talk to 10 or 20 or 30 Border Patrol agents, you all get the same thing. They are woefully understaffed. And the Biden Administration, their policy when they got rid of Stay in Mexico, was apparently they do not care how many people are coming here, and that results in low morale because they signed up to guard our border, and they are not allowed to guard our border when you have over 100,000 people coming here.

And over time, the arrogance of the people coming here just keeps getting worse. I am struck by Border Patrol telling me people complaining that they have got concert tickets to go somewhere next week and come on, Border Patrol, let's go, let's go, let's go. And it is probably true, but that is who we have coming across. It is so automatic.

So, in any event, I hope in the near budget we get more Border Patrol agents down there so you cannot just send a few families across, tie up the Border Patrol, and then people coming across with drugs that are killing Americans. I also hope somebody in the Biden Administration cares about the fact that getting rid of the Stay in Mexico policy has made it so difficult for these guys to do their jobs, but in any event, I thank you for being here.

With that and without objection, all Members will have five legislative days within which to submit materials and submit additional written questions for the witness, which will be forwarded to the witness for their response.

Mr. GROTHMAN. If there is no further business, without objection, the Subcommittee stands adjourned.

[Whereupon, at 11:58 a.m., the Subcommittee was adjourned.]

