

Questions for the Record from Mr. Lance Gooden for Secretary Alejandro Mayorkas
Hearing on Oversight of the U.S. Department of Homeland Security
July 26, 2023

1. What is the total dollar amount in grants and contracts organizations have received (separated by funding source) from the Department of Homeland Security (DHS)? Please provide an itemized response for each recipient.
2. Please specify which affiliates and grant sub-recipients receive funding through FEMA Emergency Food and Shelter Program (EFSP), including the amount of funding each affiliate or subrecipient has received.
3. How many grant applications did the DHS receive for the EFSP in 2022? Please specify the names of the recipients that were approved along with the amount granted to each approved applicant.
4. What evaluation criteria does the FEMA EFSP National Board use to determine grant award funding decisions?
5. Please detail the process through which any employee or contractor of a non-profit entity and any employee or contractor of the DHS, including FEMA, coordinates the transportation, whether via bus, train, or plane, of an illegal alien.
6. Visa overstays account for about 62% of the undocumented population in the U.S. Please describe the system your agency uses for tracking the exits of every non-immigrant for whom the government has a record of entry.
7. A recent Department of Homeland Security Office of Inspector General report revealed that nearly 20% of migrants give fraudulent addresses to U.S. Border Patrol. It also identified “7 addresses that were recorded more than 500 times, some of which were other Federal agency locations and charities.” Were any of these charitable entities recipients of DHS grants or contacts?
8. Approximately how many migrants does DHS estimate it has lost within U.S. borders due to migrants leaving fraudulent addresses on their release forms?
9. Can you please detail why the familial DNA testing contract between U.S. Customs and Border Protection and BODE Technologies ended on May 31, 2023? How many fraudulent claims of familial relations has the DHS noted since?
10. Has the DHS outsourced any part of the immigration screening process to NGOs either domestically or abroad?

Questions for the Record from Mr. Kevin Kiley for Secretary Alejandro Mayorkas
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Congressman Kiley's Office has had significant trouble receiving responses from CBP regarding the global entry program. Further, staff in Mr. Kiley's office report and have documented that constituents have experienced processing times far outside of the processing times CBP is advertising.

1. The Congressman would like clarification regarding the following conflicting information.
 - a. Over the phone, CBP informed staff in Mr. Kiley's District Office that about 1 out of 100 individuals is chosen for Risk Assessment. Our office was also initially told that 70% of applications are finished in 16 days or less. At a later point we were notified by phone that pending risk assessments are now between 10-12 months and that the bulk of applications that are not selected for additional review are finished within 72 hours. Unfortunately, we have not been able to verify this because our staff were informed that (1) CBP is not able to respond in writing; (2) the process cannot be expedited by the constituent, our office, or their staff, and (3) when CBP staff do respond to an inquiry, they close it in their system and do not inform Congressional staff of this action.

2. Please also provide an update on the following specific situations experienced by constituents.

Constituent name: John Volkman

Description: Mr. Volkman was denied for global entry and the constituent believes it may be due to a prior criminal conviction. He has been unable to interface or work with CBP and contacted our office for help. He had also previously contacted McClintock's Office and it appears it took a long time for a response from CBP then too (1.5 months). I submitted an inquiry on 06/08/2023 and have yet to receive any response to my inquiry.

Constituent name: Michael Bloom

Description: Mr. Bloom applied for global entry in April of 2023 and has been unable to find an appointment for the last four months. He tried to enroll at multiple in person enrollment locations but none of them offered interviews to him. I received his inquiry and called CBP twice on 07/14 and left a voicemail on my second call. Their phone system said that they would return all Congressional voicemails after 1 business day, and I have yet to hear back.

Constituent name: Qiuhan Wang

Description: Ms. Wang applied for the global entry program in September of 2022 and has not received an invitation for an interview. Her application status remains unchanged. I called again on 7/14 and left a voicemail, trying to get any available information about the program or how we could advise our constituents. The phone system states a 1 business day delay for a call back and I have not heard back. Her application has been pending for almost a year.

Constituent name: Pamela Tellier

Description: Ms. Tellier and her husband applied for global entry on the same day, May 12th 2023. Her husband received Conditional Approval within 24 hours, and his wife is still in the process to this day. They were told that this would be a 4-6 month wait time. They requested assistance in completing the process and CBP extended the processing window to 11 months. Both constituents have already been charged for the service.

Constituent: Raymond Gaffney

Description: Submitted his application on August 5th, 2022. He was informed that the process would take him 4-6 months, however he has yet to receive any updates from CBP. Or office staff contacted Border Patrol on April 17th and after following up twice via email and multiple phone calls, did not receive a written response until June 28th. In the written response the only information provided was the application is “pending risk assessment review” and the current average processing time for applications in this review is 314 days. Mr. Gaffney’s application has passed the 314-day window. The agency asserts that up to 70 percent of applications are finished in 16 days or less, meaning only 30 percent have to wait a year.

Constituent: Diane Modiste

Description: Our office staff submitted an inquiry to CBP on May 19th, 2023 regarding a Global Entry case. He was never provided a response and followed up with an additional inquiry on June 15th and has not seen a response. The constituent applied for renewal of their global entry on March 5th along with their husband. Their husband was approved the next day while Ms. Modiste has been waiting for approval since. She has tried to call and email CBP multiple times and has never received any response.

Questions for the Record from Ms. Harriet Hageman for Secretary Alejandro Mayorkas
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Secretary Mayorkas, in the hearing I asked you about the Targeted Violence and Terrorism Prevention grant program, and specifically the media reports, stemming from documents obtained through FOIA, that grant funding was being used to target Americans for lawfully held political and religious beliefs. According to the report, grant recipient the University of Dayton used the funds for PREVENT-OH which hosted seminars teaching that Americans with conservative or Christian beliefs were on the path to far-right radicalization, taught how to develop pressure campaigns to deplatform Americans, and openly advocated for unlawful activity.

1. When asked why DHS was targeting Americans who are Christians or conservatives you stated, “we are not.” How do you justify this answer when funding appropriated to your Department was used to advocate for unlawful action to remove conservatives and Christians from social media and other platforms?
2. When asked when you became aware that the University of Dayton was implementing this program with funding from your Department, you said “it is my understanding that it is not.” When I followed up about the use of the grant by the University you responded, “I learned about the individual speaker’s comments with which I profoundly disagree” and then stated you didn’t recall when you learned about the comments
 - a. Is it your testimony that your grant is not being used for these purposes or that it is and you disagree with what was said in a program hosted by DHS grant funds?
3. Have you confirmed that this conduct with DHS grant funding is or was occurring at the University of Dayton?
4. Does the DHS consider this an appropriate application of the grant program?
5. Has the DHS investigated any persons or groups for advocating for illegal conduct using TVTF grant funding?
6. Does the DHS consider constitutionally protected political beliefs as a source of domestic extremism?
7. How does the DHS conduct oversight over the TVTF grant program?
 - a. Is any of the information of the activities being conducted under this program shared with the DHS? If so, did you see these events hosted by University of Dayton under the PREVENTS-OH program? If so, was any investigation launched or action taken against advocating for illegal conduct?

8. There are numerous grantees which are awarded grants under the TVTF grant programs. Have you found any instances in which similar conduct was going on with other grantees?
9. What is the total amount of funding that has been awarded under TVTF during your time as Secretary?
 - a. How much has gone to programs engaged in similar conduct as PREVENTS-OH?

Questions for the Record from Ms. Cori Bush for Secretary Alejandro Mayorkas
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1. As I highlighted in my remarks, the Department, and the Office of Intelligence and Analysis in particular, labeled individuals protesting police brutality and racial justice after the killing of George Floyd as “domestic violent extremists” and instructed officials to create and share intelligence dossiers on all protesters in Portland.
 - a. Which policies, guidance or instructions govern the labeling of groups or individuals as a “domestic violent extremist” (DVE)?
 - i. What is the statutory basis for the term and definition of DVE?
 - ii. When were the labels DVE or “alleged DVE” first used by the Department to describe a group or an individual?
 - iii. How does the Department differentiate between DVE and “alleged DVE”?
 - iv. Where the Department uses the term “alleged DVE,” what sources or what allegations does it rely on or deem credible?
 - v. Does the Department require identification of the source that makes an allegation of DVE activity, and where is the source documented?
 - vi. What process is required before a group or individual may be referenced in intelligence products as a DVE or “alleged DVE”?
 - vii. Is there a process for reevaluating or rescinding a group or individual’s identification as DVE or “alleged DVE”?
 - viii. What standards, guidance, and training are given to staff regarding the evidence and factors needed to identify a group or individual as a DVE or “alleged DVE”?
 - b. What internal standards and processes does the Department employ to guard against both implicit and explicit bias in its gathering and dissemination of intelligence products?
 - c. What factors and evidence does the Department consider prior to sharing intelligence products with state or local law enforcement, including the Georgia Information Sharing Analysis Center (GISAC)?
 - d. What factors guide the Department’s decision of whether and when to publish information regarding a DVE or an alleged DVE?
2. In response to my question, you stated that the Department “safeguard[s] and protect[s] the free expression of speech.”
 - a. What processes and protections exist for information gathered, including from publicly available sources, that may relate to or describe protected or potentially protected First Amendment activity?
 - b. What processes and protections exist regarding dissemination of intelligence products to state and local law enforcement, including GISAC, that are or may be protected by the First Amendment?

- c. What steps is the Department taking to ensure that any collection and dissemination of intelligence products does not run afoul of the Fourth Amendment's guarantee against unreasonable searches or other constitutional rights?
3. In response to my question about use of the DVE label, you stated "there cannot be a connectivity between an ideology and the expression of ideology through violent means. That is when we get involved to prevent violence."
 - a. How does the Department define "ideology"? What ideologies has the Department associated with DVE or alleged DVE activity?
 - b. What indicators or criteria does the Department use to assess violence and the threat of violence connected to an individual or group's ideology?
 - c. Please clarify your remarks in response to my question to describe how the Department "get[s] involved" to prevent violence with respect to individuals or groups labeled as DVEs or alleged DVEs.
 - d. How does the Department decide whether an issue should be left to local law enforcement or it merits the Department's federal involvement?
4. In response to my question, you stated that you cannot speak to Georgia law enforcement's use of DVE language to support their charges of domestic terrorism against opponents of the Atlanta Public Safety Training Center (or "Cop City") because they are "state activities."
 - a. Based on what information has the Department deemed "Defending the Atlanta Forest" (DTAF) and/or its supporters alleged DVEs?
 - i. How did DTAF and its supporters become a subject of monitoring or investigation by the Department?
 - ii. What activities of DTAF and its supporters did the Department believe warranted monitoring or investigation?
 - iii. Which ideologies of DTAF and its supporters has the Department associated with DVE or alleged DVE activity?
 - iv. Does the Department consider this unfinished police training facility site to be "critical infrastructure"?
 - v. When was information about the activities DTAF and its supporters relevant to their alleged DVE status shared with Georgia state and local law enforcement, including GISAC?
 - b. What information has the Department shared with Georgia state and local law enforcement, including GISAC, concerning activists opposing Cop City?
 - i. How is the Department currently assisting state and local law enforcement efforts (including GISAC's efforts) related to the opposition to Cop City?
 - ii. What involvement do the Department and GISAC have in the joint task force formed regarding alleged criminal activity relating to Cop City?
 - iii. What non-public information concerning opposition to development of Cop City has the Department shared with state and local law enforcement in Georgia, including GISAC, and in other jurisdictions?

- c. Was the Department consulted in the Georgia Bureau of Investigation's decision to pursue domestic terrorism charges against protesters and activists opposed to Cop City?
 - d. How do state charges of "domestic terrorism" inform Department activity related to groups or individuals identified as DVE or alleged DVEs?
 - e. To what extent will the Department's sharing of information, resources, and operational support with state and local enforcement change as a result of the elevation of the Office for State and Local Law Enforcement to the Office of the Secretary?
 - f. What is the Department doing to ensure that the term "domestic terrorist" is not misused by state and local law enforcement, to infringe on protesters' and activists' constitutional rights?
5. Please provide the following information about the Office of Intelligence & Analysis, Federal Protective Service, National Operations Center, and Cybersecurity and Critical Infrastructure Security Agency:
- a. How many personnel does each office or component have embedded with or working out of (i) GISAC, (ii) the Atlanta Police Department, (iii) the Georgia Bureau of Investigation, (iv) the Atlanta Police Foundation, or (v) private companies associated with the construction or security of Cop City?
 - b. Does each office or component participate in any task forces with any of the entities from (a) above? Have they shared or disseminated information via those task forces?
 - c. How many raw intelligence reports, finished intelligence analysis products, situational awareness reports, or substantively similar records (collectively "products") did each office or component create about the Cop City construction site or individuals opposed to the construction of Cop City (regardless of those individuals' whereabouts)? Please break down your response by type of product.
 - d. How many raw intelligence or situational awareness reports include information about a reporter or journalist?
 - e. How many of the products, and what type, were derived from information acquired by the Department from persons detained by police, in jail or prison, or on bail?
 - f. How many products are about persons or groups of persons not physically located in Georgia?
 - g. How many of the products, and what type, were derived from information acquired by the Department from each of the following: (i) the Atlanta Police Department or Georgia Bureau of Investigation, (ii) other state and local government officials in Georgia, (iii) state and local government officials outside of Georgia, (iv) university officials, (v) the Atlanta Police Foundation, and (vi) private companies associated with the construction or security of Cop City?
 - h. How many of the products, and what type, were shared with or disseminated to (including informally) each of the following: (i) the Atlanta Police Department or Georgia Bureau of Investigation, (ii) other state and local government officials in

Georgia, (iii) state and local government officials outside of Georgia, (iv) university officials, (v) the Atlanta Police Foundation, (vi) private companies associated with the construction or security of Cop City, (vii) the Federal Bureau of Investigation, (viii) the National Counterterrorism Center, and (ix) other elements of the U.S. Intelligence Community?

6. Approximately what percentage of the Department's investigations and counter-terrorism activities, including intelligence-gathering, related to "racially motivated violent extremists" (RMVEs) are motivated by white supremacist ideologies?
 - a. What factors or evidence are necessary for the Department to identify a group or individual as RMVE?
 - b. What other ideologies are groups and individuals that the Department identifies as RMVE motivated by?
 - c. Approximately what percentage of Department investigations and counter-terrorism activities of RMVEs involve non-white individuals or groups?
 - d. What percentage of these are of Black individuals or groups?
7. Has the Office of Intelligence & Analysis resumed its paused program of interviewing, debriefing, or collecting intelligence from people in jails?
8. Last year, Congress enacted legislation requiring the Department to issue a report regarding the "targeted violence and terrorism prevention grants program" run by the Center for Prevention Programs and Partnerships. The Department has not released the report and it is overdue. When can we expect to see it?
9. What steps is the Department taking in light of the death of 8-year-old Anadith Danay Reyes Alvarez to ensure that immigrant children are not detained in violation of the *Flores* agreement, and that the preventable mistakes that led to Ms. Alvarez's death do not occur again?
10. There has been a significant rise in Immigration & Customs Enforcement (ICE) detentions since the expiration of Title 42. What factors are driving that increase?
11. The Department's Office of Inspector General and the Government Accountability Office have both recommended that ICE increase oversight and ensure accurate reporting of solitary confinement in its facilities.
 - a. What, if anything, has been done to implement these recommendations?
 - b. Is the Department willing to report on a facility-by-facility basis the number of solitary placements and deaths of individuals in solitary confinement?
12. What steps, if any, is the Department taking to decrease its use of for-profit detention facilities?
 - a. Have any for-profit detention facilities used by the Department been closed in the past five years? If so, how many?

- b. How many current ICE contracts with private for-profit facilities have local quotas or “guaranteed minimums” requiring ICE to pay for a minimum number of beds?
- c. What is the total number of “guaranteed minimum” beds contained in existing contracts today?