

U.S. Senator Shelley Moore Capito (R-W.Va.), Ranking Member
Opening Remarks at Senate Homeland Security Appropriations Subcommittee Hearing
May 4, 2022 at 10:00 a.m.

Mr. Chairman, thank you for holding this hearing today.

Secretary Mayorkas, it's very nice to see you again and thank you for your constant willingness to talk to me on these important issues, and all of us, really.

Before we begin with our discussion on FY23, Mr. Chairman, may I just quickly say thank you to you for your work and partnership in getting this FY22 bill done. I appreciate you working with me and I appreciate the cooperation we found to be able to find our way to what I thought was a good compromise.

While we have much to talk about regarding the broad scope of the Department of Homeland Security, from cybersecurity to disaster response to transportation security, discussions these days are rightly dominated by the crisis at the southern border. Last year at this time there were those who said the numbers at the southern border was merely "seasonal surge," but the numbers have only continued to get worse since.

Since last year's hearing we've broken records each month, and not just month to month, but compared to previous years, and over a period of decades. Recently, we saw nearly 10,000 illegal border crossings in one day. Each crossing lines the pockets of some ruthless cartel that are poisoning our country and my state of West Virginia with drugs like fentanyl. They're using the money for that.

To be fair, and to your credit, we have noticed occasional efforts and real border enforcement and deterrence, and those efforts have proved fruitful when applied. But unfortunately they've been kind of far and few between, and the challenges are only growing more dire.

Still, despite the backdrop of an ongoing border crisis, we were able to come together last year to pass a full appropriations bill. That included an 11% increase for DHS, including key border security measures, such as increased Border Patrol hiring, doubling the amount for border security technology, and maintaining funds to provide for physical barriers on our southern border.

Now we have your FY23 request in front of us. I appreciate that the administration is acknowledging the need for more Border Patrol agents, as well as a small nod to the need for more ICE law enforcement agents to deal with an ever growing non-detained docket.

However, as a whole this budget seems to focus more on climate change and a vague "equity" agenda while making the current border crisis worse. To name just an example: This budget asks for 9,000 fewer ICE beds, I will be asking you about this I'm sure you know – cutting over one quarter of your average daily capacity – and a large overall cut for Enforcement and

Removal Operations. Time and again this administration and your department have told courts around the country that you can't properly follow the law's detention requirements because of the limited resources provided to you by Congress, and yet here you are asking us for a large decrease in ICE capacity.

Last year, in FY21, the department did a record-size reprogramming, which flew in the face of certain congressional priorities, and took money from throughout the entire department to plug holes created by the immigration surge. The 11% increase in FY22 was an opportunity to get this problem under control, but once again it looks like there's funds going different places and we're not solving the problem.

Mr. Secretary, you have said you will seek to cover additional costs through transfers and reprogramming. While I appreciate that you believe absorbing these costs within your budget is fiscally responsible, I am concerned that transfers and reprogramming necessary to deal with size of the crisis we're seeing at the border would stretch the limits of the other responsibilities at the department. We know that will be especially true if Title 42 is lifted. The department must be transparent about its use of funds and its burn rate so that we can carefully monitor this issue.

The administration's failures at the border threaten the work of the rest of the department. An aggressive use of transfer and reprogramming authority could harm the department's wide-ranging and so very important priorities. The work of the Coast Guard, the Cybersecurity and Infrastructure Security Agency (CISA), the Secret Service, TSA, FEMA, and other components and subcomponents are too important to be raided to cover for the administration's failure at the border.

For these and other reasons, I'm glad we're having this meeting to dig further into these issues. I look forward to working with you, Secretary Mayorkas, and my colleagues on this Committee as we monitor the department's finances for FY22, and also look to this next year's appropriations for FY2023.

Thank you Mr. Chairman and thank you Mr. Secretary for being here.

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