

THE CONSEQUENCES OF CATCH AND RELEASE AT THE BORDER

HEARING

BEFORE THE
SUBCOMMITTEE ON NATIONAL SECURITY,
THE BORDER, AND FOREIGN AFFAIRS
OF THE
COMMITTEE ON OVERSIGHT
AND ACCOUNTABILITY
U.S. HOUSE OF REPRESENTATIVES
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THE CONSEQUENCES OF CATCH AND RELEASE AT THE BORDER

Thursday, February 15, 2024

U.S. 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 1:03 p.m., in room 2154, Rayburn House Office Building, Hon. Glenn Grothman [Chairman of the Subcommittee] presiding.

Present: Representatives Grothman, Gosar, Foxx, Higgins, Sessions, Biggs, LaTurner, Fallon, Perry, Garcia, Goldman, and Raskin (ex officio).

Also present: Representative Timmons.

Mr. GROTHMAN. This hearing of the Subcommittee on National Security, the Border, and Foreign Affairs will come to order.

Welcome, everybody.

Without objection, I may declare a recess at any time.

Without objection, Representative Timmons of South Carolina, Representative Boebert of Colorado, and Representative Burchett of Tennessee are waived on to the Subcommittee for the purpose of questioning the witnesses at today's hearing.

I am going to recognize myself for the purposes of making an opening statement. Here we go.

Since President Biden has taken office through the end of 2023, there were over 6.2 million encounters of illegal immigrants at the southern border. And in the first few months of Fiscal Year 2024, the numbers at the southwest border remain historically high and have already passed a million encounters.

I am confident that the number of people who crossed the border and stayed in the U.S. in December was the highest it has ever been.

Make no mistake, the Biden Administration is not detaining and deporting even a significant fraction of these illegal crossers.

In December, according to DHS, Border Patrol encountered 250,000 individuals at the southwest border who illegally crossed between points of entry. The Administration released 190,000 of those individuals on their own recognizance with nothing but a notice to appear at a future date. That is a 77 percent release rate in the month of December for illegal immigrants.

Since January 2021, the Administration has released more than 3 million illegal immigrants into the U.S. who illegally crossed in between points of entry or who were paroled through illegal categorical parole programs.

These numbers do not include another 1.8 million illegal immigrants who evaded apprehension entirely and were not arrested by the overwhelmed Border Patrol agents, kind of what we know as got-aways.

Rather than detain illegal aliens who have no lawful basis to remain in the U.S., the Biden Administration releases the majority of them into the country or invites them through illegal parole programs, incentivizing more and more people to come to the U.S.

After their release, illegal immigrants are free to travel where they please while they wait for their immigration court date.

These immigration courts are backlogged with over 3 million cases. Most illegal immigrants released by the Biden Administration will not get their final immigration hearing for years.

Another way to show the lack of commitment to keeping troublesome immigrants out of America is what the Biden Administration does to these migrants who commit new crimes. And we have not spent anywhere near enough time on what we do once you commit a crime in this country.

The Biden Administration issued a policy memo tying the hands of our Immigration and Customs Enforcement agents, restricting when they can enforce the law against immigrants who commit new crimes once they come to this country.

Secretary Mayorkas issued a memorandum for DHS restricting priorities for enforcement on September 30, 2021, emphasizing that criminal activity on its own is not enough to make an illegal alien a priority.

Let me repeat that. Committing a crime once you get here is not enough to make kicking you out a priority.

Instead, only current threats are enforcement priorities, and then only because of serious criminal conduct, whatever “serious” means.

Visa overstays are not priorities at all. This is a departure from the norm under previous administrations, and we will examine that today.

While millions of illegal aliens are released into the country, ICE attorneys were ordered by a policy memo implementing Secretary Mayorkas’ guidance to dismiss tens of thousands of cases in immigration court.

In Fiscal Year 2023, they dismissed 84,000 cases on top of the 91,000 cases dismissed in Fiscal Year 2022. ICE only removed 142 illegal aliens last year despite a historic 3.2 million new encounters.

The Judiciary Committee has assessed that the Biden Administration is effectuating final orders for removal for only 1 out of every 26 illegal aliens.

The message sent by the Biden Administration is clear: Violations of our immigration laws—and even breaking laws once you are in this country—will seldom be met with consequences.

By the way, we are going to hear that that is worse than even under, like, President Carter or President Obama. Certainly not.

In most cases, detention removal are off the table. Even criminal history is no longer sufficient on its own to make a removable alien an enforcement priority from the Biden Administration.

The American people, states, and local communities are facing consequences of this massive catch and release campaign. American citizens, lawful immigrants, and taxpayers are footing the bill: costs of criminal justice, healthcare, education, housing and transportation, and other services.

According to documents provided by the Committee from FEMA, just in Fiscal Year 2023, FEMA reimbursed over \$380 million to local jurisdictions and nongovernmental organizations for expenses related to released illegal aliens.

I am especially concerned about the national security risk this chaotic situation presents for our country by giving opportunities to cartel criminals, gang members, and just all-around criminals, including members of foreign terrorist organizations, who are going to take advantage of this situation.

The Biden Administration must take action to enforce existing law and the incentive to cross illegally and restore order to the existing chaos.

Now we will turn things over to the Ranking Member, Mr. Garcia.

Mr. GARCIA. Thank you, Mr. Chairman.

We are here, of course, for another hearing on the border, which we seem to have a lot of. And I want to make sure—it is important that we have facts as we discuss always an important issue, I think, to both Republicans and Democrats.

And as a reminder, I think, to the Majority, the Majority just recently rejected a bipartisan national security bill that included border provisions within that bill.

And I know that the Majority likes to blame, as they will in this hearing, all of the issues along the border to President Biden. But they refuse to accept legislative proposals or funding deals that can help solve problems within DHS and certainly all across the southern border.

Now, House Republicans are blocking billions in vital funding to hire additional border agents, asylum officers, and immigration judges. That money could actually help process migrants faster or clear the asylum backlog. But many do not seem to be interested in any of that.

Instead, the Majority is wasting time and resources to cater to the demands, of course, of Donald Trump. After months of bipartisan negotiations, Donald Trump pressured Senate Republicans in this border policy process. And, of course, we know he does not want President Biden to have any sort of wins leading up to an election.

Now, the Republican Speaker of the House has admitted to FOX News and others that he is taking his orders on the border from Donald Trump. And after speaking frequently with the former President, he determined that the bipartisan border deal would be, quote—and I am quoting him—“dead on arrival as soon as it makes it to the House.” And we have heard the Speaker kind of reconfirm that.

I wanted to also just note, as an immigrant myself, this is the kind of rhetoric that the former President is using that is very concerning.

Donald Trump speaks about immigrants with the same rhetoric that is invoked by authoritarians and dictators in the past, claiming that immigrants like me and my family, quote, “pollute the blood of this country.” And that is his exact quote.

We know he spent the weekend doubling down on his promises to launch mass deportations with National Guard soldiers from Republican states, dragging more people into camps, and is promising to divert the FBI away from criminal investigations to help.

So, this is all about fear and chaos and not solutions.

And I think it would be a better use of the Committee’s time if we hold hearings on the threats that Donald Trump actually poses to border security when he threatens to destroy our alliances and allow Russia to invade more countries in Europe.

But I also want to talk about some of the facts and what Donald Trump, who leads this Majority, what his actual policies and proposals have been.

Now, the spike in migration we know started first under Donald Trump. That spike tripled in the last 8 months of his Presidency. And that is actually during a period of time when he proposed some of his more insane and disruptive policies.

[Chart.]

Mr. GARCIA. And I have actually shown these in other hearings, not in this Committee, but these are actually Donald Trump proposals along the border that he has actually made. He has suggested, at one time, that maybe we should build alligator moats. He has suggested that we should maybe electrify the fence along the border. There have been suggestions to maybe shoot migrants in the legs, or maybe to even bomb parts of northern Mexico.

Now, we know that these are insane ideas, but they are ones that are embraced by some members of the Majority and certainly by the leader of their party.

Mr. BIGGS. Would the gentleman yield?

Mr. GARCIA. I am going finish my comments, sir.

I want, like any, an orderly and safe border, as does anyone. I want people to come to this country legally and have a process to seek asylum and come for a better life.

We also want real solutions to fentanyl deaths. We also know that fentanyl in the U.S. is mostly carried by citizens through legal ports of entry. We should be addressing those issues.

But we also have to ensure that we are pushing back on some of the most extreme ideas that will do nothing to solve our crisis at the border.

Democrats want to solve the border crisis. We want to ensure that we do so in a way that is bipartisan. And there have been bills that have come across from the Senate to do so that have been rejected.

So, unfortunately, we have not had real immigration reform in this country for over 30 years. And I hope that, in some parts of this hearing, we will actually be able to hear some data or information that will get us to an actual solution.

And with that, I yield back. Thank you.

Mr. GROTHMAN. Thank you very much.

I just want to make a little comment, as you comment on what causes Republicans to do whatnot.

I have not talked to Donald Trump in years. And I made it clear to my Speaker that that so-called bipartisan deal that was cut is a no-go, and I mean I am typical of most Republicans. The idea that President Trump was calling us and telling us what to do is preposterous.

OK. Now, I am pleased to introduce our witnesses today, left to right.

First of all, we have Matt O'Brien, Director of Investigations of the Immigration Reform Law Institute. He has nearly 30 years of experience in immigration law and policy. In addition to experience in private practice, he has also served as an immigration judge and held various positions within the Department of Homeland Security and its component agencies, including ICE and USCIS.

Second, we are going to have Jessica Vaughan, Director of Policy Studies for the Center for Immigration Studies, where she has worked since 1992 on immigration enforcement and public safety issues. She was previously a foreign service officer with the State Department.

And our final witness, Jason Houser, former Chief of Staff for U.S. Immigration and Customs Enforcement under the Biden Administration.

First of all, pursuant to Committee Rule 9(g), the witnesses will please stand and raise their 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.

OK. Let the record show that the witnesses answered in the affirmative.

Thank you. You may take a seat. We appreciate you being here today and look forward to your testimony.

Let me remind the witnesses that we have read your written statements, and they will appear in full in the hearing record. We would like it if, as close as possible, you can limit your oral statements to 5 minutes.

As a reminder, please press the button on the microphone in front of you so it is on, and Members can hear you. When you begin to speak, the light in front of you will turn green. After 4 minutes, the light will turn yellow. When the red light comes on, your 5 minutes is expired and hopefully you can wrap up as soon as possible thereafter.

We are going to lead off with Mr. Matt O'Brien for your opening statement.

**STATEMENT OF MATT O'BRIEN
DIRECTOR OF INVESTIGATIONS
IMMIGRATION REFORM LAW INSTITUTE**

Mr. O'BRIEN. Thank you. Chairman Grothman, Ranking Member Garcia, and Members of the Committee, it is a privilege to appear before you today, and I thank you for the invitation and the opportunity to speak to you.

You have heard my bio. I have a significant amount of experience dealing with border management and immigration issues. And I can honestly say that our border is less secure now than it has ever been in the three decades that I have been involved in immigration.

The current crisis is the result of catch and release run totally amuck, and there is absolutely no reason for it to be happening.

The Border Patrol has been turned into a cross-border courtesy shuttle for illegal aliens. U.S. Immigration and Customs Enforcement has been rendered a domestic travel service for foreign nationals. And USCIS has become a rubber-stamp operation that recklessly hands out benefits to insufficiently vetted foreigners.

We have a CBP One phone tablet app that is essentially Expedia for illegal aliens, and it has been used 64 million times to request entry into the United States. And when entry is granted under that, it bypasses the restrictions that are put forth in the Immigration and Nationality Act.

And we now have somewhere in the neighborhood of 10 million foreign nationals who have entered the United States just since the beginning of the current Administration. And to put that into context, that is ten times the population of the city of Philadelphia.

We have absolutely no reasonable way to vet any of these individuals to determine whether they are criminals, terrorists, or foreign intelligence operatives.

And it is happening in a complete violation of the terms of the Immigration and Nationality Act. It is an executive branch usurpation of Congress' authority to set the immigration laws of the United States.

But worst of all, this prioritizes the economic interests of foreign nationals above the public safety and national security interests of U.S. citizens, because, make no mistake about it, the real reason that the vast majority of these people have come here is to escape the poor economic conditions in their home countries.

And I listened to thousands of asylum applications when I was an immigration judge. Very few of the ones that I heard had anything approximating a valid asylum claim.

The situation is dire, of that there can be no doubt.

However, the key point that I would like to make is that fixing this problem is not rocket science. It is actually very simple. It requires one thing and one thing only: Congress must insist that the executive branch follow the Immigration and Nationality Act as Congress wrote it and stop engaging in irresponsible catch and release tactics.

What we are seeing repeatedly this Administration, and it has been done by administrations in the past, simply ignore the provisions of the Immigration and Nationality Act that they do not like or that they find politically inconvenient, and that is not how things are supposed to work in the United States.

Our immigration system is not broken. Far from it. There is more than adequate authority, as the *Trump v. Hawaii* case that went before the Supreme Court proved, to deal with any of the crises with which we are currently confronted, if only someone had the idea of applying the authorities as they are written and as they are put forth in the Immigration and Nationality Act.

I think the problem that we are seeing is that the moral compasses of the individuals who are charged with enforcing the INA are broken.

But the INA, as I said, contains more than ample authority to address the current crisis should anyone in a position of responsibility over immigration matters choose to use it, and I cited chapter and verse showing this in my written testimony.

So, to conclude, it is well beyond time that we end catch and release and that we start requiring foreigners who wish to be guests in our country to knock at the front door and wait to be invited in. Otherwise, we are going to have never-ending crisis, and eventually it is going to lead to something terrible, like another 9/11 terrorist attack, more serious problems than fentanyl.

And it is a simple solution: We need to apply the law as it is written.

Thank you.

Mr. GROTHMAN. Thank you.

Ms. VAUGHAN.

**STATEMENT OF JESSICA VAUGHAN
DIRECTOR OF POLICY STUDIES
CENTER FOR IMMIGRATION STUDIES**

Ms. VAUGHAN. Thank you, Mr. Grothman and Mr. Garcia, for the opportunity to testify.

The mass migration disaster instigated by the Biden Administration's misguided immigration policies has caused incalculable harm to American communities.

The catch and release policies that are the key to the Biden open borders doctrine have brought in more than 3.3 million illegal migrants, not counting another 1.7 million got-aways.

Only a tiny fraction, less than one percent of those allowed to enter after crossing illegally, have been removed after their overly generous due process. The rest have settled into American communities and are being supported by taxpayers.

As I detailed in my written statement, Biden's policies have so far cost taxpayers billions of dollars in the short term for shelter and support, and likely will cost hundreds of billions more over the long term for welfare benefits, whether to continue to support a population that is unlikely to ever be self-sufficient or to deal with processing and repatriating the large numbers who are unlikely to ever qualify for a legal status.

And the expansion of illicit border-crossing opportunities has led to the abuse and exploitation of migrants on a mass scale and an explosion in human trafficking, including luring children into forced labor and worse. It has greatly damaged the integrity of our immigration system and exposed Americans to new national security and public safety threats.

While employers seeking cheap labor and the NGO's getting lucrative contracts love these policies, it is the Mexican cartels who love them the most. They are reaping unprecedented profits to the tune of \$30 million a day. And as a result, they represent a serious threat to civil society and the rule of law, even in the United States.

This cannot be allowed to continue.

The Biden Administration has no intention of changing these policies. So, it is past time for Congress to reclaim its authority over our immigration system and bring about changes.

The Senate-negotiated bill was not the answer. It would have actually codified and mandated the continuation of catch and release on a similar scale and would have provided nearly \$7 billion in funding for it.

Until more constructive legislation can be enacted in the short term, the House could exercise more control of policy through the appropriations process.

First, the House must work to deny funding to the Biden catch and release machine.

Instead of \$7 billion to FEMA, HHS, and ICE for hotels, meals, work permits, counselors, ankle bracelets, and asylum officers for released illegal migrants, Congress should direct more money to removing not only criminal aliens as a priority, but also prioritize removing those aliens who have failed in their immigration proceedings or failed to even show up for them.

Instead of subsidizing the sanctuary jurisdictions, Congress should be funneling more money to Texas, Florida, South Carolina, and the other states that are helping to secure the border, disrupting human trafficking, discouraging illegal employment, and arresting criminal aliens.

Instead of using just taxpayer funds for enforcement, Congress could direct the Feds to skim off money from the hundreds of millions of dollars in remittances that are sent out of this country each year, which are, in part, the proceeds of the illegal human and drug smuggling and trafficking.

And as for this Committee's jurisdiction of oversight, I would recommend that you investigate the dismantling of enforcement policies, find out who ICE is letting go, where they were released, what their criminal histories were.

You should also look into the transformation of certain visa programs, like the U and the T and the special immigrant juvenile visas that appear to be set up now with regulatory changes to serve as a de facto amnesty for Biden's illegal migrants.

Finally, we have to face the possibility that some share of these millions of illegal migrants let in under the catch and release policies are going to be here for the long term, legally or not. And, therefore, Congress needs to begin considering how to reduce legal immigration to mitigate the fiscal costs and labor market distortions that are caused by this infusion of illegal migrants.

Mr. GROTHMAN. Thank you.

Mr. HOUSER.

**STATEMENT OF JASON P. HOUSER
FORMER CHIEF OF STAFF
IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE)**

Mr. HOUSER. Chairman, Ranking Member, distinguished Members of the Oversight Committee Subcommittee, thank you for the opportunity to testify today. It is a privilege.

As the former Chief of Staff of Immigration and Customs Enforcement, former Deputy Chief of Staff of the DHS Office of Intelligence and Analysis, and a former senior advisor of Customs and

Border Protection within the Department of Homeland Security, I am deeply honored to speak with you before this Committee.

My experience has afforded me a unique vantage point from which to witness the dedication and resilience of the men and women who serve in our immigration enforcement agencies.

First, I am testifying today as a private citizen expert, not an administration or government official. The views and opinions I express are my own and do not reflect the opinions of the Presidential Administration, DHS, Immigration and Customs Enforcement, or the government.

Our Nation faces multiple immigration and national security challenges, from managing the flow of migrants at the border, to addressing the humanitarian needs of those seeking refuge within our borders, to removing those without a legal basis to remain. The complexities of immigration enforcement are vast and multifaceted.

I pray daily for the men and women working within our security agencies, and I am grateful for their sacrifice.

In my personal views, built upon my professional work, the mission of DHS is paramount to protect national security and public safety by enforcing our immigration laws with integrity and professionalism.

Let me state clearly that the law enforcement agencies like ICE are critical to maintaining order and security within our borders. They are tasked with upholding the rule of law and ensuring that our immigration system operates fairly, justly, and consistently with our Nation's values and our laws.

I have also seen, in my professional career, the strength, courage, compassion, and discretion that ICE officers apply every day.

However, the current state of the immigration system is broken. Outdated policies, inadequate resources, and a lack of legislative reform over time have left our immigration enforcement agencies struggling to keep pace with the ever-evolving landscape of enforcement.

Additionally, there are currently multiple humanitarian crises across the Western Hemisphere, which exacerbate these challenges. Economic instability, political turmoil, and rampant violence in countries like Venezuela, Honduras, Haiti, and Guatemala are driving thousands of desperate individuals to seek refuge in the United States, the everlasting beacon of hope and freedom.

We must, in partnership with our allies across the hemisphere, solve the issues that are driving these refugees from their homes.

Notably, many of the solutions to decrease encounters at our southern border, including expanding legal pathways for asylum seekers, which is an immediate need, while also mitigating disruptive migratory flows across the hemisphere, are not within the sole primary purview of the Department of Homeland Security. Nor is it solely a matter of domestic immigration enforcement.

In my view, personal view, DHS has little authority to affect the push factors driving refugees and migrants to our borders.

Moreover, it is imperative to recognize that those who refuge in the United States and embrace the values of American life should be welcomed as a testament to the enduring allure of the freedom and opportunity that our Nation represents.

Concerning this hearing's focus, I am grateful for the Committee's concerns and focus on alternatives to detention. The operational needs of DHS, the development of noncustodial oversight, and the management of noncitizens within our immigration system is critical.

It is imperative to address the operational complexities that CBP and ICE face concerning detention and the release of noncitizens from their custody.

While detention is necessary for national security, public safety, flight risk, and other operational reasons, it is crucial to recognize the importance of alternatives to detention.

Alternatives, such as electronic monitoring, case management, or community-based programs, can be effective in ensuring compliance with immigration proceedings while also respecting the dignity and rights of the individual, while allowing ICE to do its enforcement mission.

Maybe as importantly, these alternatives can alleviate the strain on detention facilities and resources, allowing CBP and ICE to focus on those higher national security and public safety threats.

Supporting law enforcement, maintaining order in our immigration system, and supporting the virtues of those desiring the American way of life are not mutually exclusive. We can and must pursue the policies that are both compassionate and effective.

In closing, I express my continued admiration for the men and women of ICE, CBP, and the entire Department of Homeland Security. They serve our country with courage, integrity, and professionalism. Indeed, they are the backbone of the immigration enforcement effort, and we must support them and their mission.

Thank you again for the opportunity.

Mr. GROTHMAN. Thank you very much.

I guess they are a little behind on the Floor. Somewhere during the questions, we are going to take a break for about 20 minutes so we can vote. But we will wait until the votes are called before we do that.

A variety of questions here.

I would like to ask Ms. Vaughan a question as far as public benefits for people who are coming here illegally. I know they are not supposed to get public benefits. But could you comment on that as far as what impact that is having on our society?

Ms. VAUGHAN. Well, it is true that theoretically illegal immigrants are not entitled to certain benefits. But the reality is that many states actually use some of the Federal Medicaid funding, for example, or their own funds, taxpayer funds, to provide all manner of benefits, whether it is Medicaid or cash assistance programs or housing and so on.

And it is an enormous cost to taxpayers that exceeds any taxes, local taxes, sales taxes, or any other kind of revenue that comes back to the government.

The largest expenses that we found through our research are Medicaid for the U.S.-born children of illegal immigrants, and public schools, the education, especially with this recent migrant crisis where so many of the people coming here illegally are bringing families with them because that is like a deportation shield.

And that is a strain on the communities where they end up. And we have calculated that on average an illegal alien will cost \$68,000 over their lifetime just in the welfare benefits alone, not counting other costs to society.

And that is an average figure. But that puts the cost of just this border crisis and the recently arrived illegal aliens at hundreds of billions of dollars.

Mr. GROTHMAN. OK.

Either Mr. O'Brien or Ms. Vaughan, whoever wants to answer this question.

I always kind of wonder what happens if people come here illegally and commit a crime. You know, people talk about law-abiding, da, da, da.

If you commit a crime—and I would like you to maybe compare the Biden Administration to the Trump Administration to the Obama Administration or Clinton Administration—what happens to you if you commit a crime? And how does this compare to, like I said, if you had committed that crime 6 years ago?

Mr. O'BRIEN. Mr. Grothman, as to the first part of your question, if you have committed one of a wide variety of crimes which are set forth in the Immigration and Nationality Act, the way the law is written, you are supposed to be placed into removal proceedings and get a hearing.

Unfortunately, I think over time the hearings have been analogized to a criminal proceeding, but they are not. They are very similar to a driver's license revocation proceeding.

So, if you have been convicted by an Article 3 court of law, the crime stands on its own. And what you get—we call them a notice to appear now—but you get an order to show cause, essentially to show why you should not be removed from the United States.

And those crimes can range from things that are classified under the INA as aggravated felonies, which are set forth in 101(a)(43)(A) of the Immigration and Nationality Act, to things that are classified as crimes involving moral turpitude.

So, everything from shoplifting to murder can potentially get you deported. There are some crimes that are considered lower level enough that they would not. And if you have committed certain low-level crimes, you can apply for relief from removal.

But anything that is classified under the INA as an aggregated felony crime is supposed to result in your removal from the U.S. and then you being barred from returning for a certain number of years.

Mr. GROTHMAN. Has the rigor at which we enforce these rules, has this changed between the Trump or even Obama Administrations than President Biden?

Mr. O'BRIEN. Yes, it has changed significantly. There seems to be significantly less willingness under this Administration to use the administrative and expedited removal procedures wherein, if people have been removed from the United States after committing a crime and find themselves back here, they can actually be removed without a hearing.

I also found that, when I was an immigration judge, I later tried to determine how many of the people that I had ordered removed, that their removal had actually been effectuated from the United

States, which was something that was fairly easy to do under prior administrations.

But I could not substantiate that a single individual that I had entered an order of removal against had actually been removed by this Administration.

Mr. GROTHMAN. That is shocking.

Could you give me examples of the crimes where you think they have been removed under Trump but are not removed now, type of crimes you commit?

Mr. O'BRIEN. They ranged from everything from simple shoplifting to more serious things like drug trafficking and murder.

I can say definitively under the Trump Administration there was an effort to prioritize the serious violent crimes for removal.

Sometimes it is not always possible to easily remove someone if their country of citizenship does not wish to issue them a travel document or, for whatever reason, does not wish to take them.

But the effort was made regardless, and in most cases it was successful. Under this Administration, I do not think that the effort is even being made.

Mr. GROTHMAN. OK. Eventually, I would like you to maybe give us something in writing, following up on that sort of thing.

Mr. O'BRIEN. Certainly.

Mr. GROTHMAN. Mr. Garcia.

Mr. GARCIA. Thank you, Mr. Chairman.

Thank you to our witnesses for their testimony.

Mr. Houser, thank you for your service to our country.

I am just wondering, Mr. Houser, is it possible for the Biden Administration to improve conditions at the border if congressional Republicans continue to block the extra resources that the President has actually requested?

Mr. HOUSER. Thank you, Ranking Member, for the question.

Not providing the proper resources that are needed to handle the volume that we are seeing at the southern border is going to drastically decrease Border Patrol's ability, along with ICE and the agencies across the Federal Government that support sort of the immigration continuum and the immigration process.

Mr. GARCIA. Thank you.

And I want to just—I will, I think, remind the Committee also that Donald Trump has ordered Speaker Johnson, essentially, to block any border bill so that it could cause, of course, more chaos, in my opinion, along the border.

Now, we also—we have talked about some of the former President's strategy of actually dealing with the border, whether it has been some of these crazy ideas we discussed earlier.

As a reminder to everyone, the right to seek asylum is, as we know, enshrined in law.

Mr. Houser, does the Trump strategy of violence and deterrence work to stop migration?

Mr. HOUSER. Sir, over my time at the Department, the idea that sort of detention and deterrence and punitive measures would sort of deter migrants from seeking asylum in this country is farcical.

Mr. GARCIA. And without any action to address, like, push factors—

Mr. GROTHMAN. Would you yield just a second? Could you yield just one?

Mr. GARCIA. Am I going to keep my time.

Mr. GROTHMAN. Sure. Absolutely.

I just want to comment, because he is not here to defend himself. I know Mike Johnson. I knew Mike Johnson since he came in the legislature before Donald Trump was President.

I am sure Mike Johnson does not have to wait for Donald Trump's orders to say that that bipartisan bill is inadequate. I mean, that is just a slander against him when he is not here. I am sure he is not doing that because Donald Trump ordered him to.

Mr. GARCIA. I mean, I think he said so on FOX News, that he was doing that actually. That is exactly what he said. And, he actually has been taking the exact direction of Donald Trump and has said so publicly in their conversations. But I will continue.

Now, without action to address push factors and legal pathways, there is also—there is no possibility of an orderly and secure border.

[Chart.]

Mr. GARCIA. I want to also put up another quote that was recent that the former President said, which I think is telling. It says, "It is only common sense that when I am reelected, we will begin, and we have no choice, the largest deportation operation in American history."

Now, Stephen Miller has said in an interview that he would target 10 million people and would, and I quote, "go around the country arresting illegal immigrants in large-scale raids," unquote. This would involve, again quote, "large-scale staging grounds near the border, most likely in Texas," unquote, to serve as camps for migrants designated for deportation.

Now, he outlined how this could mean sending National Guard troops from Republican-controlled states and what he called, quote, "unfriendly states" to conduct mass arrests.

Mr. Houser, can you explain to the American people what exactly this kind of proposal would look like and what that would actually mean?

Mr. HOUSER. Yes, sir. In my personal expert—or my opinion—at the sort of expulsion rates or removal rates that they are looking for, sort of the logistical transportation, security apparatus, along with sort of the at-large arrests, would be dramatically taxing, not only on ICE and CBP, where they are not resourced to sort of meet those levels.

Additionally, pulling from other law enforcement agencies across the Federal Government—ATF, DEA, FBI—the burden that it would place on the national security community would be extreme.

In that, you would also have to look at the fact that what would our law enforcement community not be focused on—human smuggling, human trafficking, criminals, violent criminals, et cetera.

I must also say that those sort of deportations and removals, as my colleagues on this panel stated earlier, would be controlled by the receiving country receiving those mass returns and removals.

Mr. GARCIA. And—

Mr. HOUSER. And as we—

Mr. GARCIA. Please continue, briefly.

Mr. HOUSER. And that has been one of the controlling factors of ICE continuing to do its job.

Mr. GARCIA. And this plan, as outlined by Miller, the one you are discussing as well, would also target long-term residents who have actually not committed crimes, correct.

Mr. HOUSER. I have no sort of knowledge of sort of that plan, sir. But what I would say, at that scale, targeting long-term sort of individuals that have been in this country—there is no disagreement that the numbers of encounters at the border are exacerbating our ICE and CBP officers.

Mr. GARCIA. And this operation, would it even be legal?

Mr. HOUSER. I cannot speak to that, sir.

Mr. GARCIA. But I do not believe so.

But this is the kind of, I think, general chaos that is being discussed, oftentimes, in the Majority. But it has no real solutions along the border. It does nothing to make us more safe or more secure.

But we know that there actually are solutions we could focus on in a bipartisan way, but there does not seem to be any interest on that from the Majority.

Mr. Chairman, I yield back.

Mr. GROTHMAN. Thank you.

We are going to go straight to Paul Gosar.

Mr. GOSAR. Mr. O'Brien, I heard today Mr. Houser used a very clever word in his testimony. He said the current state of our border is "broken."

Who broke that system?

Mr. O'BRIEN. I would say the current Administration broke that system. The border is broken; the Immigration and Nationality Act is not. There is more than ample authority to do everything that we need to do in order to secure the border. It is that this Administration does not have an interest, for whatever reason, in doing that.

Mr. GOSAR. Now, who put out the budget in regards to homeland security? Was it the President, Donald Trump, or was it President Biden?

Mr. O'BRIEN. Well, I think Donald Trump has a proven track record of reducing the number of illegal crossings and maximizing the ejection of people who broke the law to come into the United States and then broke it after they were here. The current President does not have an established track record in that regard.

Mr. GOSAR. But I heard Mr. Houser talk about money to facilitate it, that this Administration is saying that they need more money. Well, the problem is, is their policies are driving up the costs, are they not?

Mr. O'BRIEN. Well, their policies are driving up the costs. And as far as I know, budget-wise, every time that the Department of Homeland Security in the history of its existence has asked Congress for money, Congress has either given it what it asks for or given it more.

I believe that Alejandro Mayorkas was the first Secretary of Homeland Security to actually go in and ask for less than a prior year's budget.

Mr. GOSAR. OK. So, one more question for you.

Are you familiar with the OPT program.

Mr. O'BRIEN. Yes, I am.

Mr. GOSAR. So, this is an end-around around immigration numbers, is it not?

Mr. O'BRIEN. It is.

Mr. GOSAR. So, what this basically does—and I challenge my colleagues on the other side of the aisle—this is crony capitalism to a T. This allows these big corporations, like Google and Meta and Facebook, to hire overseas workers at a much-reduced rate. And then they are given the accolades of giving a 15.5 percent discount, which is their Social Security and Medicare costs. They get a bypass on that.

And these are uncapped, right? So, we have no idea how many of these people are coming in. But it bypasses our immigration status, does it not?

Mr. O'BRIEN. Well, it bypasses it. It is also a program that has no basis in statute. It was created out of whole cloth by, I believe, the Immigration and Naturalization Service, and nobody really understands why it was created.

Mr. GOSAR. It is an unauthorized program, so it was sort of an appendage. It should go away. I absolutely agree with that.

Ms. Vaughan, you made a comment, an end-around the current immigration law based upon the catch and release. Is there a legislative solution for us to be able to stop that?

Ms. VAUGHAN. Yes, I think there is. I think there is a legislative solution and there is an appropriations solution to it.

The House has already passed H.R. 2, which would address a lot of the loopholes and the problems in the law, the authorities that have been abused under the Biden Administration and sometimes the Obama Administration before it. And you can target certain pots of funding that are being misused.

But fundamentally, the law is sound if it is actually enforced. I do not think it is a question of resources. ICE, especially, is doing less work with more resources than ever before.

Really, the critical issue is the policies. If the laws were enforced, and we know this from experience, both under the Trump Administration and before that, then we actually can control the border and we can restore an environment in which there is a significant attrition of the illegal population because people see that if they cannot get a job, cannot get a driver's license, cannot get a library card, then there is no benefit to staying here, and they go home on their own.

Mr. GOSAR. So, let me ask you a question. So, those who petition for asylum, how many will actually get that? Is it one out of ten? Is it ten out of ten? Is it nine out of ten? Most do not, cannot apply for it. Is that true?

Ms. VAUGHAN. That is true.

There is a couple things we know from Department of Justice statistics. That half the people who are allowed to come in saying that they fear persecution, do not even apply for asylum. They just were using that.

Of those who do, half of them do not show up for their immigration proceedings. Of those who do, about 10 percent, depending on

which country they are from, are not found qualified by an immigration judge, and they are ordered removed.

And the House Judiciary got some data recently from the Federal Government showing that the Biden Administration is no longer even bothering to process asylum claims for the vast majority. I think they found that something like six percent of the new arrivals were even processed for credible fear screening.

Mr. GOSAR. Well, I thank the gentleman. I had other questions, but I will yield back.

Mr. GROTHMAN. OK.

Dr. FOXX.

Ms. FOXX. Thank you, Mr. Chairman.

And I thank our witnesses.

Mr. O'Brien, one of DHS' core values is to, quote, "relentlessly identify and deter threats that pose a danger to the safety of the American people," end quote.

However, since January 2021, the Biden Administration has released nearly 3.5 million people into the United States and is threatening to release thousands more for purely political reasons.

In your opinion, is it possible, thoroughly, to vet people who may pose a threat to the United States when more than 1 million people are being released into the country on an annual basis?

Mr. O'BRIEN. No, it is not possible at all. I actually ran the vetting program at U.S. Citizenship and Immigration Services. None of the agencies have the capacity to vet people in those numbers.

But even more importantly, vetting is something that happens because people have a background that can be traced.

In the United States, from the time we are born until the time we die, we are laying down a paper trail of transactions. We apply for driver's licenses. We make bank transactions. All of those things can be used to substantiate somebody's identity.

When you are talking about people coming from rural villages in Guatemala or places like Yemen, there are not any records like that. And in a lot of cases, even when records exist in places like Iran, the governments in those countries do not give us access to them.

So, I would estimate that something along the lines of 90 to 95 percent of the people that have come in in this wave of migrants are totally unvettable. We have no reasonable way of determining who they are or what their intentions are.

Ms. FOXX. Thank you.

Another question, Mr. O'Brien.

The Biden Administration established policies for Immigration and Customs Enforcement attorneys not to prosecute so-called, quote, "nonpriority," end quote, cases of illegal aliens in what is known as the Doyle memo.

That memo stated that the preferred way to handle nonpriority cases is either non filing of the notice to appear, or if the NTA has already been filed with the immigration court, dismissal of proceedings.

In Fiscal Year 2023, ICE attorneys affirmatively sought and obtained, quote, "84,000 dismissals in the exercise of prosecutorial discretion," end quote.

Does this guidance sound like the President and Secretary Mayorkas need new powers to enforce immigration laws at the border or is the Administration refusing to enforce laws that are already on the books?

Mr. O'BRIEN. The Administration is refusing to enforce laws that are already on the books. In fact, it is tripping over itself to not enforce them, which is perfectly illustrated by the example that you just brought up.

And the whole prosecutorial discretion thing in the civil context of immigration proceedings is a red herring. Prosecutorial discretion exists in criminal proceedings in order to ensure that a prosecutor is not forced to charge someone before it is ready, before—excuse me—the case is ready to be proven, or that there is no political influence.

Administrative discretion is entirely different. Administrative discretion is for the convenience of the government in order to be able to do its job. It is not to allow the government to sidestep seeking the administrative remedy.

Ms. FOXX. Great.

Well, I think you have alluded to this already in your answer to my colleague's question, but, in your opinion, would H.R. 2, the Secure the Border Act, which we passed last year, help alleviate the crisis at the border?

Mr. O'BRIEN. Yes, indeed, it would. It has solid measures to reinforce the laws that are already on the books and to require compliance with the laws that are on the books.

Ms. FOXX. Let me ask a quick question to Ms. Vaughan.

Last year, in testimony before the Homeland Security Committee, you stated that President Biden inherited what many claim to be the most secure border in United States history and policies that deterred migrants from crossing illegally. I certainly agree that the southwest border was more secure under the Trump Administration than it has been under President Biden.

Can you provide some examples of policies that were enforced under President Trump that the Biden Administration has rolled back or eliminated?

Ms. VAUGHAN. Well, the first and most important probably in the context of the border is the policy to either detain or require that people seeking entry for asylum go back to Mexico to await their proceedings and wait there.

Ms. FOXX. That is the Remain in Mexico policy.

Ms. VAUGHAN. Correct.

And with respect to the interior, the policy under the Trump Administration was to allow immigration enforcement officers to enforce the law and not to make exceptions for people because—for various reasons that are under the Mayorkas policies, to let them actually do their job.

And by the way, they were overwhelmingly focused on removing criminal aliens that came to their attention because they had been arrested for a state and local crime.

Ms. FOXX. The Trump Administration was doing that.

Ms. VAUGHAN. Yes.

Ms. FOXX. Mr. Chairman, I thank you very much for having this hearing. It is clear from our witnesses that H.R. 2 would be a very

effective way of shutting down the border and that the Biden Administration is undoing the policies of the Trump Administration and opening the border for people. It is a terrible situation, and it is why we impeached Secretary Mayorkas.

I yield back.

Mr. GROTHMAN. Thank you.

A quick word here from Mr. Garcia.

Mr. GARCIA. Yes. I want to just seek unanimous consent. I seek unanimous consent to enter into the record an Axios article titled, "Funding Deadlock Threatens to Make the Border Crisis Worse," which highlights how House Republicans' effort to stall border funding further exacerbate issues on the southern border.

And then also unanimous—

Mr. BIGGS. I would object to that coming in.

Mr. GARCIA. It is an article. It is an Axios article.

Mr. BIGGS. Hey, you know, if you are going to submit the article, submit it. Do not give me a filibuster on it. I can read it. So, I object.

Mr. GARCIA. It took 10 seconds.

Mr. BIGGS. I object. I object.

Mr. GARCIA. Well, I also seek unanimous consent to enter into the record the Axios article titled, "Funding Deadlock Threatens to Make the Border Crisis Worse."

Mr. BIGGS. I am OK with that.

Mr. GARCIA. I seek unanimous consent to enter the American Immigration Council report titled, "11 Years of Government Data Reveal that Immigrants Do Show Up for Court," into the record, which found that—a 2021 article—overwhelmingly, 82 percent of immigrants show up to their immigration court hearings.

Mr. GROTHMAN. OK.

Mr. GROTHMAN. Is there somebody else you want to waive on here? No?

Mr. GARCIA. No, just those two into the record right now.

Mr. GROTHMAN. OK. We are going to—so I say it just right—the Committee stands in recess subject to the call of the Chair. We will consult with the Minority to provide adequate notice to Members when we reconvene.

Are they voting now? They are voting?

Why don't we—should we shoot for 2:10, 2:15?

We will consult with the Minority to provide adequate notice to Members of when we will reconvene.

The Committee stands in recess.

[Recess.]

Mr. GROTHMAN. OK. First of all, the Committee should come to order.

Second, I would like to submit for the record two articles by the Center for Immigration Studies, one by Jessica Vaughan and one by Jon Feere. So, so ordered.

Now, I guess, the next person up out of the shoot, Mr. LaTurner, for 5 minutes.

Mr. LATURNER. Thank you, Mr. Chairman.

Thank you all for being here today to address the Biden Administration's misguided and dangerous catch-and-release policy at our border. Catch and release allows for detained illegal immigrants

who have blatantly violated and circumvented proper immigration procedures to be released from custody consequence free. This fundamentally undermines our Nation's rule of law by sending a dangerous message that illegal immigration will go unpunished.

Since President Biden took office, his administration has released more than 3.3 million illegal immigrants into the United States, more than the entire population of my home state of Kansas. Recent data indicates that there are over 600,000 illegal immigrants with criminal convictions or pending criminal charges that have been released into our communities by the Biden Administration.

This number does not even take into account the number of got-aways who evaded law enforcement and entered our country undetected. President Biden, with the stroke of a pen, could end catch and release today. But he will not, because it is blatantly obvious to anyone paying attention that President Biden and Secretary Mayorkas have no interest in taking meaningful action to end this worsening invasion.

To create cover for his Administration's negligence and score some political points, President Biden called on Congress to pass an immigration package which, among other things, codifies catch and release by giving the architect of this disaster, Secretary Mayorkas, unchecked authority to release migrants into the United States. We can and must do better. It is time for President Biden to take the action necessary to secure our borders and put an end to this national security and humanitarian crisis.

Mr. O'Brien, thank you for joining us today. Last month at a press conference, the President was questioned about the border and asked directly if he has done everything he can to do with his executive authority. His answer was, quote, "I have done all I can do," end quote. Do you agree with this statement?

Mr. O'BRIEN. No, not remotely.

Mr. LATURNER. What immediate steps do you believe the Administration could take? If you could outline those for us, it would be helpful.

Mr. O'BRIEN. Sure. Well, the first and most obvious thing would be to invoke the President's power under section 1182(f) to shut down the border. That was the provision of statute that was at issue in *Trump v. Hawaii*. The Trump Administration clearly won on that. The Supreme Court has said that in an emergency situation or other type of crisis at the border, the statute, the Immigration and Nationality Act, as well as potentially the powers inherent constitutionally in the Office of President, enable the President to shut down the border and to designate certain classes of aliens who would not be admissible to the United States, and the President has the authority to do that for as long as he wishes until he determines that the threat has passed.

Mr. LATURNER. Mr. O'Brien, you are a smart guy. You think about this stuff and talk about this stuff. What is your best guess on why the Administration is acting the way that they are?

Mr. O'BRIEN. I think there is a perception within this Administration that the United States is responsible for all the ills in the world, and therefore, we have some sort of an obligation to let all of these people in here as a reward for America being less than

pure. It is absurd, but that seems to be the predominant ideology behind these moves.

Mr. LATURNER. Ms. Vaughan, thank you for being here today. I would like to address the broader implications of the border crisis. While much attention is understandably placed on border states, it is important to recognize that the effects are felt nationwide, including my home state of Kansas. Can you share some of the social and economic impacts that an open border has on the entire country, not just border states?

Ms. VAUGHAN. Sure. And that is a great question, because our immigration laws are not some obsolete laws that should not be enforced anymore. When we do not enforce our immigration laws, first of all, it is very costly for taxpayers to provide services to people who are coming who are not well-prepared to be self-sufficient in our country.

Second, it distorts labor markets and allows employers to bypass available U.S. workers, of which we have millions in the country today, who have dropped out of the labor market. It allows employers to get away with hiring illegal workers instead of American workers. It facilitates human trafficking for labor purposes and other purposes, you know, allows criminal organizations to fly under the radar—

Mr. LATURNER. Well, and on that point—my time is about up, but I want to ask the question—in your testimony you talked about the profiting of the drug cartels and other transnational organizations. Talk about how the Biden Administration’s immigration policies have contributed to the enrichment of these criminal groups.

Ms. VAUGHAN. Well, the policies entice migrants to come here to put themselves—and pay money to criminal smuggling organizations because they know that they are going to be released into the country, allowed to stay indefinitely with almost no threat of enforcement or being sent back home even if they do not comply with their immigration proceedings.

And the cartels are making more money from human smuggling now than they are from drug smuggling, and that is—you know, they are nimble enough to adapt their business model to our loose policies at the border, and they are not going to give it up very easily.

Mr. LATURNER. Thank you for your indulgence on time, Mr. Chairman. I yield back.

Mr. GROTHMAN. Thank you.

Mr. Goldman.

Mr. GOLDMAN. Thank you, Mr. Chairman.

Thank our witnesses for being here.

I just came in a minute ago, Mr. O’Brien, but you said that the President has the authority to shut down the border right now. Under what authority do you refer to?

Mr. O’BRIEN. As I said, Section 1182(f) of the Immigration and Nationality Act, which was the statutory provision that was at issue in *Trump v. Hawaii*. It is a provision that allows the President, by proclamation, to temporarily suspend the admission of certain classes of aliens into the United States.

Mr. GOLDMAN. So, why didn’t Donald Trump use that?

Mr. O'BRIEN. He did. That is why the *Trump v. Hawaii* case went all the way to the Supreme Court.

Mr. GOLDMAN. But then why was it relied on title 42?

Mr. O'BRIEN. Well, there was a pandemic on. I mean, title 42 is pitched at a very different set of circumstances. It is specifically at a public health crisis. 1182(f) is pitched at a general power to manage the border in confrontation of a crisis.

Mr. GOLDMAN. Mr. Houser, what is your response to that?

Mr. HOUSER. Sir, the idea—operationally, from my personal experience, the idea of shutting down the border, one, puts grave risk of death for the migrants that are being transited toward the border and those that are seeking asylum; additionally, it does put Border Patrol in sort of operational challenges to sort of continue to control the flow as it would come toward the border. That is not a panacea that would solve the problem that we are seeing across the Western Hemisphere that is causing the problem.

You know, notably, an example is, if you look at the increase of encounters over the last 2 to 3 years, as we have seen, which are very significant, the delta between the encounter numbers between the Trump Administration and the Biden Administration really are from two or three or four, sort of the large bulk of them, from three countries: Cuba, Venezuela, and Colombia.

So, for instance, in the last—between fiscal years 1922 and 1923, 470,000 Cubans were brought into the country through the asylum process. The idea that you would have had those populations continue to back up in Mexico is a drastic situation that would be a huge humanitarian crisis. Additionally, you look at the idea that the full expulsion of these populations, at those numbers, are unrealistic operationally.

Mr. GOLDMAN. So, and I think that is an important point, because we had the Remain in Mexico policy when there were more than 13,000 migrants who were left on the border in Mexico and suffered from some sort of violent crime, which is part of the reason why President Biden led a bipartisan group to reach a legislative solution to this problem.

And one of the things that that bill did was dramatically changed the asylum process, because I think everyone agrees that a 5-to 7-year lag time on an asylum application is unacceptable. Unfortunately, my Republican colleagues, at the direction of Donald Trump, decided that they would rather have this chaos at the border than to actually solve some of the problems.

I want to turn to a couple things in that. I read, and I assume you would know this, that ICE may have to cut detention beds because it is underfunded. Is that correct?

Mr. HOUSER. I read that in the media too, as well, sir. That is my only knowledge of that.

Mr. GOLDMAN. Right. And in this bipartisan bill, it would have significantly funded ICE for additional detention beds, right?

Mr. HOUSER. That—from the proposal, sir, that I have read and that bipartisan approach, yes.

Mr. GOLDMAN. And now, one of the things that my colleagues on the other side of the aisle, instead of actually participating in negotiations on legislation, they spent the last couple months trying to impeach the Secretary of Homeland Security. And one of their ar-

guments is that he was violating the law in failing to detain everyone who came over the border and would be subject to detention. In your experience working for Immigration and Customs Enforcement, is it actually feasible to detain everyone who would qualify under that statute?

Mr. HOUSER. Sir, we are talking about the detention of hundreds of thousands of individuals. Just the safety risks alone, logistics, staffing, security, et cetera, it would be monumental and hundreds of billions of dollars. Just to the point I made earlier, of those that—the key question, I think, and challenge is the removability of people once they have—their legal pathways are no longer there to stay in this country.

You are saying in the last—in the last just—for example, in the last 3 to 4 years, 1.2 million, 1.3 million Cubans have sought [sic] asylum here in this country and left communist Cuba. There is some stats that show at least 20 percent of the Cuban population are on the move across the Western Hemisphere. There is absolutely no way to sort of upend and pull those asylum seekers and refugees in that community up out of their communities and sort of detain them until we are—we have the foreseeable, reasonable ability to remove them back to communist Cuba.

Mr. GOLDMAN. Right.

Mr. HOUSER. That is just for one example, sir.

Mr. GOLDMAN. Mr. Chairman, I thank you for your indulgence, and I think the point that you are making is that we need additional funding to—in order to comply with the law.

Mr. Chairman, I would like to introduce two documents into the record by unanimous consent.

Mr. GROTHMAN. Sure.

Mr. GOLDMAN. The first is a press release from the USCIS, which documents that it—in Fiscal Year 2023—

Mr. BIGGS. You know, Mr. Chairman, I am going to object to that. If I want to read it, I will read it. If he is going to put it in, he should read the title and that is it. Yes, and he has already—

Mr. GOLDMAN. This is not on my time, Mr. Biggs.

Mr. BIGGS. Yes, I know that, but I do not know that you need to read it to me.

Mr. GOLDMAN. I am reading the title.

Mr. BIGGS. No, you were not.

Mr. GOLDMAN. “Completing an Unprecedented 10 Million Immigration Cases in Fiscal Year 2023, USCIS Reduced Its Backlog for the First Time in Over a Decade by 15 Percent.”

And the other article I would like to introduce is by Mr. Houser, titled, “The GOP’s Border Proposals Are a Human Trafficker’s Dream.”

And I yield back.

Mr. GROTHMAN. Without objection.

OK. Mr. Biggs.

Mr. BIGGS. Thanks, Mr. Chairman.

Can any of you on that panel tell me the number of encounters at the border the last year President Trump was in office?

OK. So, I will just give you one sector. How about the Yuma sector. Yuma sector, 8,600 encounters, about 125 linear mile border, right? Does that sound familiar to you? So, that was the last year

President Trump was in office. Do you know what—do you know what they are hitting about every 10 days there? Mr. O'Brien?

Mr. O'BRIEN. Every 10 days, I would say it is something in the neighborhood of 100,000. There has been, in a number of the sectors, 10,000 to 11,000 people coming across a day.

Mr. BIGGS. Right. I am just speaking to the Yuma sector, which is now about every 10 days, blowing through 10,000 people. So that is kind of what you are getting in the Yuma sector.

You know what you are getting in the Tucson sector? Let us just talk about the San Miguel gate, Tohono O'odham reservation, nearest place south of the border is Caborca, 40 miles away. Anybody want to tell me what they think that they are getting on a daily basis? Ms. Vaughan?

Ms. VAUGHAN. I suspect it is similar to Yuma, but they are also—that is ground zero for the got-aways.

Mr. BIGGS. That is correct. So, you are getting—they are dropping groups of 700 to 1,000 people a day at San Miguel gate. There is nothing else there, nothing else there. I have been down there so many times, and you go and now what you are seeing, where previously you might see five, 10 people, you are seeing hundreds at the same time.

Lukeville, Lukeville, Arizona, what is that number? Anybody know? Lukeville is blowing between 700 and 1,500 a day. So, what—I am bringing this up is because of this radical left-wing Democrat, their subservience to Joe Biden's policies prevent them from even acknowledging the crisis on the border until now. Now it is a grand crisis. General chaos. That is right. I could not read my writing there. Now it is general chaos, but they could not tell you it was chaos there until just a few weeks ago. They refused to even acknowledge it.

And I am going to suggest to you that the reason is purely political, that now they are saying, "Oh, my gosh, Joe Biden is in trouble on this issue, and we are going to do what Joe Biden wants us to do." That is what my colleagues across the aisle are doing, they are doing what Joe Biden wants you to do. But you know what needs to happen? You need to close the border.

And, Mr. O'Brien, you told us he has got authority already there to close that border. Tell us about that.

Mr. O'BRIEN. So, section 1182(f) of the Immigration and Nationality Act says that the President, by proclamation, can decide to suspend the admission of all or certain classes of aliens when he determines that their presence may constitute a threat to the United States. And the Supreme Court has held in *Trump v. Hawaii* that the decision of how long, under what circumstances, and when to close the border has been entrusted to the President by statute.

Mr. BIGGS. You know, let us take a specific example. Under Joe Biden, you remember the Haitians coming into Del Rio?

Mr. O'BRIEN. Yes.

Mr. BIGGS. And the average—they reported 15,000, but the reality is, there were about 22,000 coming in, and they are moving about 5,000 or so a day, so that is why it looked like 15,000. Do you remember when the Mexican Government finally intervened, what triggered that? Do you remember? Anybody remember that?

It is when we closed the port of entry on the bridge above where the Haitians were. That was what we call a deterrent.

And Piedras Negras across the border, they said, look, we cannot take that for more than 2 or 3 days. Calls went into the Mexican Federal Government. They said no more busloads. We are not going to facilitate busloads coming to the southern city so they could come across. That is the distinction.

So, I—with all due respect to Mr. Houser there, and I do agree with him, the dedication and resilience of our CBP forces, ICE forces, they are ready to do their job. They are ready to do their job. And he was focused on the Western Hemisphere. The last time I was down in Lukeville, which was just a few weeks ago, it was not just Western Hemisphere folks.

I went up and I talked to—I said, where are you from? Senegal. How about you? Burkina Faso. How about you? Guinea. Where are you going? They take out laminated cards with phone numbers and addresses and say, I am going to the Bronx. I said, have you ever been to the Bronx? No. Do you know anybody from the Bronx? Where did you get the card? Do not know.

That is the crisis and chaos. And so, when you tell me that there is not enough money, you know why there is not enough money, because this Administration has incentivized the world to come in. And there is virtually never going to be enough money to take care of housing these people and providing the support we need to remove them, because why? Because this Administration that my colleagues across the aisle are obeying Biden's wish, that is why, because they have caused this.

And with that, I have some documents I would like to get in, Mr. Chairman.

Mr. GROTHMAN. OK.

Mr. BIGGS. Washington Post from today: "Chance of Mass Release by ICE." Document called, "The Executive Office for Immigration Review Adjudication Statistics." And a document from Axios saying, "Exclusive: How Biden Botched the Border."

Mr. GROTHMAN. Thank you. So, ordered.

Mr. BIGGS. Thank you.

Mr. GROTHMAN. Mr. Fallon.

Mr. FALLON. Thank you, Mr. Chairman.

You know what American people want more than anything else? They want authenticity. They want not your truth or my truth; they want the truth. They elect us to come here and do—honestly, they elect us not to do the Democratic thing or the Republican thing, but the American thing, which is in this country's best interest. So, just a little housekeeping.

The narrative now with the Democrats is, it is all Donald Trump's fault, we are all taking orders from him. I have never talked to Donald Trump about the border. Being from Texas, I do not need his advice on it. I can see it with my own eyes. Or that we need to spend more money on this issue. Do you know how much Wait in Mexico would cost? Nothing. And he has that authority, and it works. And if you go down and talk to Chief Raul Ortiz or anybody that works on the border, you know what they are going to say? Wait in Mexico will reduce the crossings, the illegal crossings by 70 percent, and it costs nothing.

And then the last one is, and they invariably always—one of them will—at least one will throw in this racial element that it is somehow that because people—they are people of color, there is an element of—on the Republican end, they do not want them in the country, which is absolutely patently absurd. For instance, in Starr County in Texas, which is 96 percent Hispanic, Hillary Clinton won that by 60 percent in 2016. And then Donald Trump was President for 4 years, and he damn near won the county. He only lost by 5 percent, 96 percent Hispanic population.

Hidalgo County, much bigger county, 93 percent Hispanic population. Donald Trump lost it to Hillary Clinton by 40 percent in 2016, and he magically won it by 17 percent in 2020. Why? Because those fine folks down there are sick of the crime, the corruption, the chaos, and the cartels. That is a matter of fact.

So, Mr. Houser, I read your testimony, listened to it. You said, and I quote, “Secretary Mayorkas has consistently demonstrated a steadfast commitment to upholding the rule of law.” So, I would assume you think he is doing a good job, fair?

Mr. HOUSER. Sir, I think that the Secretary, in my personal view, has been handed a broken immigration system.

Mr. FALLON. Do you think he is doing a good job?

Mr. HOUSER. I think—

Mr. FALLON. OK. Thank you. So, here is your definition of a good job: In both past administrations, one Democrat, one Republican, in this 3-year mark in office had roughly 1.7 million illegal encounters. Joe Biden has had 8.5 million. The last year President Trump was in office there were three people caught on the terrorist watch list crossing the border. Last year was 169. In Fiscal Year 2017, 300,000 illegal crossings or encounters. In December, it was 300,000. So, it is a 500 percent increase, 56 percent increase, 1,200 percent increase.

Let us look at Chinese nationals. I think we would all agree that Beijing does not have America’s best interest at heart. Fiscal Year 9, 2,000 Chinese nationals apprehended on the southern border. Last year, 53,000—an increase of 2,600, and 50 percent. If just one percent of them are sleeper agents, because most of them are military age men, I shudder to think what will happen in a free and open society if they invade Taiwan and those agents are activated. One-hundred-seventy countries represented by illegal crossers, costs probably \$155 billion. Opioid deaths have doubled, and our national security is at risk because we do not know who these people are.

And, Mr. Houser, you also said that you believe that Secretary Mayorkas was a “stalwart advocate for the men and women of our immigration and enforcement agencies.”

Mr. HOUSER. Every day.

Mr. FALLON. Stalwart advocate.

Mr. HOUSER. Every day.

Mr. FALLON. Does a stalwart advocate lie about—

Mr. HOUSER. Can I expand on that, sir?

Mr. FALLON. Excuse me. Does the stalwart advocate lie about what happened? Was—were any Haitian migrants whipped by Border Patrol agents? No, they were not. But you know what, it is interesting because he got an email saying just that. And you know

what he said? “Our Nation saw horrifying images that do not reflect who we are. We know those images painfully conjured up the worst elements of our Nation’s ongoing battle against systemic racism.” I did not know that controlling a horse with reins had anything to do with systemic racism.

And then he said to see people treated like that, they did—horses barely running over people, being strapped. It is outrageous. Was anybody strapped?

Mr. HOUSER. Sir, I would have to direct you—

Mr. FALLON. No.

Mr. HOUSER [continuing]. To the CBP on that.

Mr. FALLON. No. No one was strapped, Mr. Houser. Chief Raul Ortiz, too. Everyone that was there said that did not happen. And that lying SOB said it anyway, and he threw his Border Patrol agents under the bus. I do not think that fits my definition of stalwart advocate. The guy is a bum, and I am glad he got impeached, and he got impeached because it was—he richly deserved that.

So, you are a compassionate man. You used the word “compassion.” Do you know, are migrant deaths at an all-time high?

Mr. HOUSER. Sir, the flow south of the border is driving these migrants into areas where, yes, they are—

Mr. FALLON. It is an all-time high. So, they would be better off if they did not come in the first place, because of drug cartels, as Ms. Vaughan pointed out, are making record profits.

So, you are a compassionate guy. How many migrants are you housing personally in your home?

Mr. HOUSER. None, sir.

Mr. FALLON. None. Exactly. And I bet you, my Democratic colleagues also have that same answer. None.

I yield back.

Mr. HIGGINS. [Presiding.] The gentleman yields.

I recognize myself for 5 minutes of questioning.

The Ranking Member here introduced a document regarding court appearance for illegals.

Yes, my colleague, Mr. Raskin, had passed on his recognition.

Reclaiming my time and restoring my time, the Ranking Member introduced a document earlier regarding illegals showing up for court. Let me say the quiet part out loud for America: Pay attention. This is how this town works. Democrats will tell you one thing; Republicans will tell you another thing, they are totally opposite. America says, what the hell is going on? What is the truth? Here is the truth: They do show up for court. Once.

So, to take a generalized statement, do illegals that are under summons, from the time they have been released on some program, do they show up for their court proceedings? Yes, in the beginning they do; in the end they do not. That is the truth, America. Pay attention. You journalists out there, do some work. You have got to peer through the veil of this town to seek truth. So, yes, they show up for court in the beginning. They do not in the end, when they would be subject to removal and final adjudication.

Mr. Houser, you are former Chief of Staff for ICE, former Deputy chief of Staff at DHS, senior adviser at Customs and Border Protection. Is that correct?

Mr. HOUSER. Yes, sir.

Mr. HIGGINS. Is that your background?

Mr. HOUSER. Yes, sir.

Mr. HIGGINS. Were you ever a cop, sir, or are you an administrator?

Mr. HOUSER. No, sir. Military officer, but, no, sir.

Mr. HIGGINS. You ever held the hand of an American as their life left them from violent crime or drug overdose?

Mr. HOUSER. Sir, I was combat in Afghanistan in 2015.

Mr. HIGGINS. Roger that. But on the streets of America, have you held the hand of an American by holding them in your arms and prayed with him while his life left his body?

Mr. HOUSER. No, sir. But in my career—

Mr. HIGGINS. Thank you very much. You see, this is the problem, America. You have got senior advisers to this liberal Administration that we got in our White House that is giving—that is giving advice based upon, you know, very respectable backgrounds, but it is not from the street. They do not get it. We have got 300,000 Americans dead from opioid overdose in the last 3 years. It is insane. The wave upon wave of violent crime hitting communities in our country has never been touched by that kind of crime before.

We have laws in this land for a reason. Enforcing the law at the border is like executive branch 101. That is where the executive responsibility really begins. If you cannot secure the border, if you are going to wave in millions and millions and millions of migrants, quarter upon quarter, month after month, year after year, then you have totally failed the American people when it comes to the sovereignty of our country. There is no escaping that, my brother. That is, like, the reality. So—

Mr. HOUSER. Sir, could I expand on that, please?

Mr. HIGGINS. [continuing] I am going to ask—I appreciate you, but I am going to ask Ms. Vaughan. Illegals have been released into our country that—you know, millions. Many of these immigrants, they have been waved in, they have no nefarious intent, but many of them do. They all came in illegally, but many of them do indeed have nefarious intent. They are connected with gangs, with criminal networks across the country, with drug trafficking, sex trafficking, all manner of criminal networks that they are plugging themselves into across the country. They are having a serious impact upon American society.

Ms. VAUGHAN. Could you speak to that impact in my remaining 30 seconds, ma'am?

Ms. VAUGHAN. Well, the—yes. There are certain kinds of crime that are—most definitely have a nexus to failing to control our border, whether it is the increase that we have seen in transnational gangs who are exploiting our loose policies at the border to move their operatives in; whether it is the cartels who are sending their operatives in to both manage their affairs here and set up new forms of criminal enterprises, like retail theft and illegal marijuana groves and all sorts of other crimes.

We have human trafficking because these migrants, many of them end up in forced labor situations and having to work, essentially, for traffickers in order to avoid harm to their family members back home, or to themselves here in this country. It—you know, we—because we cannot vet people or we have no machine

that can read people's minds as to their motivations for coming here, we are being taken advantage of. They know our border policies better than most Americans do.

Mr. HIGGINS. I thank the good lady for her response.

I thank our panelists for being here.

And my time has expired. So, I recognize my friend and colleague, Mr. Raskin, for 5 minutes for question.

Mr. RASKIN. Thank you, kindly, Chairman Higgins, and wonderful to be here with you. It may just be you and me left here on Capitol Hill. Our colleagues seem to have made their way to the airport. But I am glad we are going to get a chance to discuss this after a very eventful week or two. I believe the Speaker sent us into recess. Please correct me if I am wrong, Mr. Higgins, but I think that we are going to be away for a couple weeks now.

But here is where I think we are, and, Mr. Houser, I wanted to get—

Mr. HIGGINS. You could stay.

Mr. RASKIN. Sorry?

Mr. HIGGINS. You could stay.

Mr. RASKIN. Oh, good. I appreciate that.

The democracy and freedoms are under siege all over the world right now. We have terrorists in the Middle East. We have Vladimir Putin, who has executed a filthy, bloody, imperialist invasion of Ukraine to destabilize their democracy and take over their country. We have the communist bureaucrats of China destabilizing the Indo-Pacific.

And so, President Biden has said we need to get aid, \$60 billion to our allies in Ukraine who are under the gun with Russian military drones and attacks on civilians. The Israeli Government is responding to Hamas' brutal terrorist atrocities of October 7. We have a besieged suffering population in Gaza, which would be the partial recipient of \$10 billion going out in humanitarian relief, both to Gaza and to people in Ukraine, and then money also going to the Indo-Pacific.

But what we heard from the Republicans is, no way, we are not going to help our democratic allies and besieged peoples all over the world unless we deal with the border first. And so, the Democrats and the Republicans in the Senate got together and miraculously, after decades of lethargy and indifference and sandbagging and sabotage, arrived at a border compromise package with billions of dollars of new investment for Border Patrol officers, immigration and asylum judges, better surveillance and detection technology for fentanyl and other kinds of drugs.

And then, the fourth branch of government, Donald Trump, acting with the fifth branch of government, Vladimir Putin, blew up the whole package. Why? Because Donald Trump does not want a border solution; he wants a border problem to run on. And, of course, Vladimir Putin does not want \$60 billion going to President Zelenskyy and the people of Ukraine trying to defend their land and their people and their institutions.

And so, they just wrecked the whole thing to the shock and dismay of Senator McConnell and Senator Lankford, the other—the ultra-conservative Republican Senators who spent time negotiating that deal and getting the vast majority of everything they wanted,

and you have got the Republican leaders in the Senate saying we will never get a better deal than this, and they destroyed it because Donald Trump did not want it, and so, everybody got in line, like a bunch of lemmings, and walked the cliff with Donald Trump.

And I think what happened in the Third District of New York replacing Mr. Santos with our colleague, Tom Suozzi, demonstrates to them what America understands. They think America does not understand. America does understand who was serious about the border and immigration, and who is serious about defending democracy and freedom and our allies around the world.

Now, I want to ask you the question, Mr. Houser, am I properly characterizing what happened in the Senate and what is in that package?

Mr. HOUSER. Sir, from what I have read concerning the bipartisan bill, it was a great step forward in a lot of regards, not only in the way of asylum processing, but it also shows the importance of the entire immigration continuum being supplied and resourced in the manner in which it needs to be.

Mr. RASKIN. Have there been any other bipartisan legislative breakthroughs like that in your time in office? You were at ICE. You were the Chief of Staff at ICE, right?

Mr. HOUSER. Yes, sir.

Mr. RASKIN. Did you have any bipartisan legislative breakthroughs while you were on the job like that?

Mr. HOUSER. No, sir. In many parts of the bill—you talk about the issues that we care about at ICE and CBP and others—there is many resources and capabilities within that legislation that would provide the ability to go after fentanyl, to go after drugs, to go after human smuggling, go after trafficking, and give our officers what they need.

Mr. RASKIN. So, the real question is, do we want immigration solutions, border solutions, or do we just want problems to run against to divide the country and to try to polarize the situation, and do we want to do the bidding of Vladimir Putin, who obviously does not want us supporting our allies in Ukraine? And I noticed that the former President Trump basically invited Russia to march into any European country he wants at this point.

So, I think—I admire the audacity and the courage of my colleagues for calling this hearing, but I am baffled why they think this is to their political advantage or to the benefit of the people of America. I yield back.

Mr. GROTHMAN. [Presiding.] Mr. Timmons.

Mr. TIMMONS. Thank you, Mr. Chairman. I want to thank you for letting me waive on to the Subcommittee hearing.

I am really just kind of shocked at what I just heard from the Ranking Member. This is one of the most ridiculous conversations I have ever had in Congress. For the last 3 years, President Biden has allowed millions and millions of people to cross the southern border illegally. The policies under Secretary Mayorkas have destroyed your cities, your beautiful Democrat bastions of socialism. These cities are destroyed, and all the Democrats now think this is a problem.

Just a year ago, the Administration was saying, “there is no problem, there is no problem, the southern border is secure, the

southern border is secure.” Literally, the Vice President, the President repeatedly said this. And finally, finally, we agree there is a problem. We agree there is a problem now. Shocking. It only took 6 million, 8 million people crossing the southern border illegally; hundreds of thousands of people dying from fentanyl overdoses; New York, Washington, DC, Chicago, San Francisco in ruins, because the amount of government benefits that are being absorbed by the millions of people that have crossed the southern border illegally are destroying your cities.

Just 2 weeks ago, a Brooklyn school shut down, all the kids went remote, because they did not have any place to house immigrants. You have mayors screaming from the rooftops. Elected officials in Chicago recently said, “we earned this; the progressives, their policies of open border sanctuary cities have caused these problems.” They said that. These are Democrats that are saying this.

So, now you—you say, well, we tried to fix it in the Senate, some bizarre deal that involved hundreds—\$100 billion-plus to Ukraine, Taiwan, Israel completely unrelated for a little teeny step in the right direction for border security, which still allows 5,000 people every day to cross the southern border. That is not a solution to this problem. We need to secure the southern border.

And by the way, we do not need legislation to do this. We do not. All that Biden has to do, is undo what he did in the weeks after he got sworn in. He needs to end catch and release; he needs to reinstate Remain in Mexico; he needs to continue funding border wall construction. Those are the first three things.

I have been to the border five times in the last few years, and the last time I was there, the Customs and Border Patrol agent did not say we need more money; he said we need to turn the spigot off. We had way, way too many people crossing the southern border, and the current policies in place do not allow them to process them effectively, we have no way of knowing who is coming into this country. It is outrageous.

So, for you to say that the Senate border deal was the solution, and we are not serious about it, your party would not even agree there was a problem until a couple months ago. And now that there is an election coming up, all of a sudden it is a problem, and it is the Republican’s fault? President Trump is not the person that caused this; it is President Biden. And the fact that President Biden said that it is Trump’s fault is the most ridiculous thing in the world.

I just want to start out: Mr. O’Brien, is it within President Biden’s executive authority to reinstate Remain in Mexico, to end catch and release, and to continue construction of the border wall, all of which he stopped within weeks of being sworn in? Can he do that right now?

Mr. O’BRIEN. Yes, he can. As a matter of fact, I think stopping construction on the border wall might not have even been lawful.

Mr. TIMMONS. Does Congress need to do anything to address 90 percent of this problem? We do not need a law. We need a man at 1600 Pennsylvania Avenue, that does not know where he is or what his last name is, to sign it.

Mr. O’BRIEN. No, this is a simple matter of applying the Immigration and Nationality Act as Congress wrote it and following

through on other legislation that Congress has passed like those relating to building a wall. We have had the Secure Fence Act in place in—at least since 2006. There may have been an earlier version of that.

Mr. TIMMONS. And, again, walking away from the negotiated terms that President Trump had with Mexico, saying you have to—they created a National Guard. They said you are going to have to deploy tens of thousands of soldiers to secure your side of the border. And by the way, all these people that are coming over, that are trying to come into our country illegally to get asylum for some—whatever credible fear means to anybody that cares about it—no, you can come and try, but you are going to stay in Mexico until you get your hearing, which by the way, is 2, 4, 6, 8 years away.

So, look, I am just so thankful that my colleagues across the aisle agree this is a problem now. I am just so thankful. But you are not going to blame this on Trump, and you are not going to blame this on the Republicans in Congress, because all President Biden has to do is sign his damn name. That is all he has to do. Problem solved.

With that, Mr. Chairman, I yield back.

Mr. GROTHMAN. Thank you.

Both Mr. Raskin and myself are going to have an opportunity to ask questions for 1 minute.

Mr. Raskin.

Mr. RASKIN. I am sorry my colleague just exited the room. He offered some provocative suggestions. One was in talking about our beautiful democratic bastions of socialism. I am not quite sure what he is referring to, but certainly not the ugly bastions of communism that Donald Trump celebrates every day, like his man crush, the dictator of North Korea or Vladimir Putin; the former chief of the KGB, who is his clear puppet master; or the Chinese leader Xi, who Donald Trump has praised more than 20 times in tweets or Xs or whatever he sends out to the world.

In any event, he says that he—all we need to do was to execute the negotiated terms with Mexico. Again, I am not quite sure what he is referring to. Donald Trump promised that he would build a wall and Mexico would pay for it, and I think on his first day in office, Mexico said that it was not going to pay for it, and of course there has been no wall, and of course that is not an answer to the problems we have.

But there was an answer that was negotiated in the Senate, and in fact, the Republicans understood that we needed legislation. They passed legislation, H.R. 2. That is what I wanted to ask Mr. Houser about, if I could just give him a second. Would H.R. 2 solve the problems of the country?

Mr. HOUSER. Sir, operationally, if you look at—from my personal belief, if you look at the restrictions on Border Patrol agents' ability to utilize technology, to utilize their resources, to move migrants for processing, for screening. You look at the sort of mandatory detention that it would create across the southern border in soft-sided facilities that are extremely dangerous. As some of—the Congressman mentioned earlier in Arizona, and some of these more desolate areas, you are actually creating the environment where Border Patrol, along with those agencies that support Border Patrol, to be

pulled into just manning hundreds of thousands of people within soft-sided detention facilities, pulling those Border Patrol agents off the line, moving them away from the mission set of counterterrorism, counternarcotics, human smuggling, human trafficking, and you create literal chaos in the aggregate within that bill if you actually put those restrictions on law enforcement officers in the manner in which that bill did.

Mr. GROTHMAN. OK. Now I will ask Mr. O'Brien a question about people who commit crimes after they get here, not overstaying. First of all, there are people who feel that the people coming across our border, arguably illegally, are just all good, hardworking persons. Could you comment on what you believe the crime rate is about people sneaking in here as opposed to the native-born population?

Mr. O'BRIEN. Well, sure. When I was at FAIRUS, the Director of Research, my colleague, Spencer Raley, and I looked at the state criminal alien assistance program, which is funding that is given to the states by the Federal Government to cover the cost of bed nights when illegal aliens are arrested for crimes, and we found that people who are here unlawfully, apart from beginning their relationship with the United States by committing the crime of improper entry by an alien, do commit crimes in much larger numbers than both U.S. citizens and people who reside here permanently, and in some cases it was as many as three to four times higher.

Mr. GROTHMAN. My goodness. You mean, these people come in here, may be committing crimes three or four times the rate of people who are already here? That is what you are telling me? So, that is interesting.

OK. Next question for you, is there any specific crimes that you think these people are more likely to commit?

Mr. O'BRIEN. Generally speaking, from what we saw on the data, it was violent crimes and sexual assault was one that was of particular concern.

Mr. GROTHMAN. OK. Dramatically more sexual assault? Sexual assault of what kind?

Mr. O'BRIEN. Generally speaking, sexual assault with—involving minors, so in some cases, statutory rape, but in other cases charged under different sections of the law.

Mr. GROTHMAN. OK. So, we are letting people across the border and disproportionately getting people who assault young girls. Is that true?

Mr. O'BRIEN. That is correct.

Mr. GROTHMAN. OK. Final question for Ms. Vaughan again, do you want to—well, we will wrap it up now. I will let Mr. Raskin give his closing statement since Mr. Garcia is not here, and then I will do a closing statement.

Mr. RASKIN. Thank you, Mr. Chairman.

So, we are no more than 48 hours away from the fraudulent impeachment of the Secretary of Homeland Security who was impeached simply for performing his legal duties under severe resource constraints, and this took place at the time that the Secretary was actually negotiating the successful bipartisan package in the Senate, which the Republicans then denounced and rejected.

As we have proven time and again, House Democrats are ready to work with anyone to enact commonsense legislation to address the decades-long broken immigration system. But the Majority has just proven they do not want border solutions; they want border problems to run on, because abortion is no longer available to them because Donald Trump packed the Supreme Court with his Federalist Society hacks. They destroyed *Roe v. Wade*.

And when it went out to the public, what did they discover? America is a country that believes in freedom—for women, too. And from Kansas to Ohio to California to Maine, the people have been rejecting all of their anti-abortion tactics and attempts to pass a Federal law criminalizing women's healthcare.

Just yesterday, a 20-year veteran Federal law enforcement officer from the U.S. Border Patrol told the Washington Examiner he is demoralized because Republicans in Congress are abandoning his agency and forcing it to fend for itself. The agent, a registered Republican, told the reporter that Republicans are now, quote, "sheep in wolves' clothing," and that their inaction and passivity is akin to leaving a soldier in the midst of an ambush.

When Trump was President, his policies put kids in cages, and his officials illegally spent appropriated Federal dollars meant to provide care for vulnerable detainees on dog food and vision night goggles. We should take him at his word when he threatens further inhumane action and when he walks away from serious bipartisan legislation. To fix immigration, Congress needs to address it from the roots.

As our witness, Mr. Houser, stated, this problem neither starts nor ends at the border. People who migrate to the border do so at great peril. The question is, why? What are they fleeing, and how can we be part of a solution that prevents them from having to make that deadly choice in the first place?

I want to restate that we are ready to craft serious bipartisan humane policy solutions, the kind that Democrats and Republicans came up with in the Senate. We hope the House Republicans will remove themselves from the spell of Donald Trump and join us in doing serious legislation instead of just blowing everything up, and we hope that they decide to go this way fast.

We have 3 legislative days before the government completely runs out of funding. And under our friends in the GOP, we have just been lurching from crisis to crisis. ICE is so strapped for cash, it is forced to make extremely difficult decisions right now. Let us do our jobs, let us get together, and let us get serious for the American people. I yield back. Thank you, Mr. Chairman.

Mr. GROTHMAN. Thank you.

First of all, before kind of my wrap up, I would like to respond to this idea that Donald Trump is behind the actions of the Republican Party. I have never talked to Donald Trump—I have not talked to Donald Trump in over 2 years. I think anybody who sees the bipartisan solution will realize that bipartisan solution will do a fraction of getting us back to where we were 2 years ago.

We have seen an increase in the number of people being allowed in this country over the last 2-1/2 years, from 20,000 to 370,000, which is intolerable. We have heard testimony today that we do not even have to negotiate something in Congress to end that. Presi-

dent Biden can, whenever he wants, either for health reasons or just as his general powers as described under the Supreme Court—he has the ability to close the border and stop that tomorrow.

We heard interesting testimony today that as far as the people coming here, and we should not be taking unlimited people regardless, but the people coming here are committing crimes at a much greater rate than the native-born population. The Biden Administration is doing very little compared to past administrations to remove people after they commit crimes, including violent crimes, including sexual assaults to young women. But again, the number of people deported for committing crimes after they are here, a fraction of what they used to be.

We heard from Ms. Vaughan that we have people taking advantage of public benefits, that is to say welfare-type programs, despite the fact that they are not supposed to be able. This is not a surprise to anybody who talks to their local social services department, talks to people, even people who hire illegal immigrants will tell you stories of them taking advantage of our welfare benefits, which is a problem.

As far as minors are concerned, I think under the Biden Administration we are having about 9,000 minors a year, unaccompanied by either parent. They are escorted into this country. I think it is absolutely appalling. If we had an American child lost somewhere, the police would, you know, track down the parents, deliver them to the parents, make sure that child is safe. Here we have 9,000 kids a month come here without either parent. We do not make an effort to track down the parents after we give them to a sponsor. Who knows what is becoming of them.

The *New York Times* has reported over 80,000 kids missing. I do not believe that number, but I bet 30,000 to 40,000 unaccompanied minors they cannot keep track of. So, if we do not solve this problem, it is a grim problem. I am still hoping the Biden Administration will wake up and do some serious negotiations as far as holding down this amount.

I think the press has done a bad job of asking him questions. I personally would like to ask President Biden—we are right now up to 370,000 a month from 20,000 a month—how many people does he exactly feel it is appropriate to let into this country un-vetted? I would like to know that. Nobody asks him that question. Nobody nails him down on what we should do when people who commit serious violent crimes who are not from this country, should we deport them or not? And as a result, we continue to have this crisis at the border. I personally do not think we even allow it to go another 12 months until the next President—or 11 months until the next President is sworn in.

But in any event, I would like to thank all three of you for being here. I know—

Mr. RASKIN. Mr. Chairman?

Mr. GROTHMAN. I was also—I was going to say one other thing. With that and without objection, all Members have 5 legislative days within which to submit materials and additional written questions for the witnesses, which will be forwarded to the witnesses.

If there is no further business, without objection, I want to thank you for coming here all the way from South Carolina.

Mr. RASKIN. Mr. Chairman, I was just going to submit one thing for the record—

Mr. GROTHMAN. Oh, sure.

Mr. RASKIN [continuing]. By unanimous consent, which I guess means your consent, but it should be pleasing to you. It is from the Cato Institute. It is a recent report called, "New Data Show Migrants Were More Likely to Be Released by Trump Than Biden." If that could be—

Mr. GROTHMAN. Sure.

Mr. RASKIN. Great.

Mr. GROTHMAN. If there is no further—oh, first of all, I accept that.

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

[Whereupon, at 3:44 p.m., the Subcommittee was adjourned.]

