

CONGRESSWOMAN SHEILA JACKSON LEE OF TEXAS
STATEMENT
HOUSE JUDICIARY COMMITTEE
HEARING ON "OVERSIGHT OF THE DEPARTMENT OF
HOMELAND SECURITY"
10:00 AM, 2141 RAYBURN HOB



JULY 26, 2023

Thank you, Chairman Jordan and Ranking Member Nadler, for the opportunity to speak today and thank you to our witness for appearing here today.

Witness

○ Alejandro Mayorkas
Secretary, U.S. Department of Homeland Security

- Today, rather than focus on the main responsibilities of this committee and making progress on the major issue of immigration, this committee is wasting constituents' time and money by delivering purely partisan, unsubstantiated attacks against Secretary Mayorkas and the Department of Homeland Security.

- Indeed, there is a distinct lack of legitimate cause for today's hearings.
- As a former Ranking Member of the Homeland Security Border Subcommittee and someone who served as the Ranking Member of the House Judiciary Subcommittee on Immigration, I have a body of legislative work that informs me on this topic.
- I can speak from a long resume of work to bring border policies in line with our nation's values and can say that making progress has not been easy, and that making changes is made much more difficult by stoking fears about immigrants entering our nation and by misguided efforts to completely misrepresent the current situation on the border.
- From my view on this committee and my over two decades of work on border and migration issues, the Biden-Harris Administration has far out stripped expectations and disproved Republican fearmongering that a disaster was unfolding along the border.
- No matter the fearmongering narrative from the other side of the aisle, the fact of the matter is that the situation at the border has significantly improved under the Biden Administration's policies.
- After President Biden terminated Title 42, border numbers plummeted, dropping nearly 70%.
- During the month of June, there was an average of approximately 3,300 migrant apprehensions per day, down from approximately 11,000 in early May.

- This represents a 30% decrease from the total encounters in May and the lowest monthly southwest border encounter numbers since February 2021.
- More broadly, between May and June there was a 42% decrease in the number of people attempting to cross the border between ports of entry.
- Since the Administration announced new border enforcement measures to reduce irregular migration, expand pathways for legal immigration, and increase border security, the number of people attempting to enter our country unlawfully has plummeted.
- The power of immigration reform to reduce unlawful entry is proven through the Biden Administration method of promoting the largest expansion of legal pathways for safe, orderly, and humane migration in decades, and put in new rules to encourage people to use those lawful pathways instead of making the dangerous journey to try to enter unlawfully.
- Overall, since Title 42 lifted, the number of unlawful crossings at the southwest border has dropped by nearly 65%.
- Lawful immigration for those who seek to enter the United States has been the mutual goal of Democrats and Republicans.
- The Administration has found the formula for increasing applications for lawful immigration to the United States through the application of sound policy that is backed by a strong communications effort that spoke directly to people in countries that are the primary source of mass migration to the Southern Border.

- However, recent events in my home state of Texas have made it clear that, despite the Biden Administration's progress, further immigration reform at the Congressional level is necessary.
- A state trooper stationed at the U.S.-Mexico border in Eagle Pass, Texas has come forward and alleged that his superiors told officers to deny migrants water and push them back into the Rio Grande River.
- The same trooper also described that he came across a 19-year-old pregnant woman who was stuck in razor wire and undergoing a miscarriage.
- Based on his firsthand experience, this state trooper became very concerned that Operation Lone Star, Texas Governor Abbott's policy to curb the rise of undocumented immigrants using the National Guard, had crossed into the inhumane.
- **These actions are barbaric, inhumane, unjust, and demanding of a federal response.**
- In the absence of clear, updated immigration reforms led by Congress, unsanctioned cruelty has become the unofficial policy of choice for some officials along the border.
- Let us be clear—our immigration system needs reforms, and we are absolutely interested in bold new ideas to fix it, but these unsubstantiated attacks on Secretary Mayorkas are not one of them.
- Instead, we should be spending our time focusing on practicable common-sense solutions and reforms that will preserve both national security and human dignity at the border.

- It is time we stop the negativity and counterproductive efforts that are ripping apart our country, and to instead focus on coming together to work towards sensible and effective solutions that can work for the betterment and growth of our country.
- The Biden Administration and Secretary Mayorkas have faced many allegations around their supposed failure at the border.
- However, these unsubstantiated claims do not hold up under the light of day.
- Many of the provisions of the Immigration and Nationality Act (INA) that are cited to claim that the current administration is not following the law have *never* been enforced.
- One such provision is mandatory detention for noncitizens with specified criminal activity and those subject to removal.
- However, Congress has *never* appropriated and no administration has *ever* requested sufficient resources to detain all noncitizens who fall under these categories.
- It has been estimated that detaining every undocumented migrant would cost over \$35 billion, while the Trump administration requested just \$3.1 billion for this purpose in FY 2021.
- Further, the Biden Administration's use of prosecutorial discretion is similarly consistent with past presidential administrations.
- Both the Kennedy and W. Bush Administrations used prosecutorial discretion to allow otherwise deportable individuals to remain in the U.S.

- The Supreme Court has similarly affirmed this principle in the immigration context and, in particular, to grants of deferred action.
- In the same vein, Congress expressly directed the Secretary of Homeland Security to establish “national immigration enforcement policies and priorities.”
- Secretary Mayorkas and the Biden Administration should not be penalized for behavior that is consistent with past Republican and Democrat presidential administrations, as well as Congressional action and Supreme Court rulings.
- Additionally, the definition of operational control under the Secure Fence Act is completely unworkable.
- The GAO has stated that the resources necessary to prevent every single incursion would be out of reasonable consideration.
- According to the nonpartisan Migration Policy Institute, achieving “operational control” of the border, where no one crosses unlawfully “is impossible and the only nations that have come close to such control were totalitarian, with leaders who had no qualms about imposing border control with shoot-to-kill orders.
- Some of my colleagues on the other side of the aisle, including the Committee on Homeland Security’s former Chairman McCaul (R-Tx) have admitted this, saying “Well, we talk a lot about operational control, and that’s having a better understanding of who’s coming in and who’s leaving, what the threat really is. We’re never going to get that.”
- In addition, border walls have proven an inefficient and ineffective way to manage the border.

- In 2022, the wall was breached 11 times per day, often damaged by severe weather events and can easily be compromised with basic tools, like a handsaw.
- Worse still, successful border wall construction requires the government to seize private property under the eminent domain process, which can open the government up to long, costly, drawn-out battles in court.
- Secretary Mayorkas and the Biden administration have also been blamed for migrants bringing drugs across the border.
- However, we are catching record levels of fentanyl even before it crosses our borders, due to the work of thousands of agents and officers to secure the border and take thousands of smugglers off the streets.
- In the last two fiscal years, FY21 and FY22, DHS seized more fentanyl and arrested more criminals for committing crimes related to fentanyl and precursor chemicals than in the previous five years combined.
- Fentanyl seizures are even higher in FY23.
- The Administration has strategically placed over 24,000 Border Patrol agents and officers, thousands of troops and contractors, and over a thousand asylum officers along the border.
- The evidence does not show that migrants are bringing drugs to our shores.
- In fact, increasingly drug cartels are recruiting American citizens to bring drugs across the border through ports of entry.

- 88% of fentanyl trafficking convictions in Fiscal Year 2022 were U.S. citizens.
- Further, the Biden Administration has continued to prioritize family reunification despite Republican inaction.
- In April, the Biden Administration announced new family reunification processes for El Salvador, Guatemala, Honduras and Columbia.
- The administration also went on to modernize family reunification programs in Cuba and Haiti.
- Through these actions, the Biden Administration and Secretary Mayorkas have continued to prioritize pursuing real, meaningful solutions for our immigration system and progress at the border.
- It is time we stop the negativity and counterproductive efforts that are ripping apart our nation, and to instead focus on coming together to work towards sensible and effective solutions that can work for the betterment and growth of our country.
- These hearings should be an opportunity to address real issues in our immigration system and the way we can best serve the American and I hope we can keep these priorities in mind moving forward.
- I ask my colleagues to come together and move past the discord and to stand true to our ideals as Americans and see real immigration reform.
- Thank you, I yield back the remainder of my time.