

HOW THE BORDER CRISIS IMPACTS PUBLIC SAFETY

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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C O N T E N T S

Hearing held on April 16, 2024	Page 1
--------------------------------------	-----------

WITNESSES

Hon. Ken Cuccinelli, Senior Fellow for Immigration and Homeland Security, Center for Renewing America	
Oral Statement	5
Mr. Bill Waybourn, Sheriff, Tarrant County, Texas	
Oral Statement	6
Mr. Mike Chapman, Sheriff, Loudoun County, Virginia	
Oral Statement	8
Mr. David Bier (Minority Witness), Director, Immigration Studies, Cato Institute	
Oral Statement	10

Written opening statements and statements for the witnesses are available on the U.S. House of Representatives Document Repository at: docs.house.gov.

INDEX OF DOCUMENTS

- * Statement for the Record; submitted by Rep. Mfume.
- * Article, *The Hill*, “Yale, MIT study 22M undocumented immigrants in US”; submitted by Rep. Gosar.
- * Letter, March 6, 2023, Ranking Member Raskin to Chairman Comer, re: White Supremacy; submitted by Rep. Frost.
- * Article, *USA Today*, “Immigrants aren’t more likely to commit crimes than US-born”; submitted by Rep. Garcia.
- * Article, ABC, “Migrants are not driving a surge in violent crime as Trump claims”; submitted by Rep. Garcia.
- * Article, NBC, “Trump’s claims of a migrant crime wave are not supported”; submitted by Rep. Garcia.
- * Report, Brennan Center, “Fact-Checking Trump’s Speech Crime and Immigrants”; submitted by Rep. Garcia.
- * Questions for the Record: to Mr. Chapman; submitted by Rep. Grothman.
- * Questions for the Record: to Hon. Ken Cuccinelli; submitted by Rep. Grothman.
- * Questions for the Record: to Mr. Waybourn; submitted by Rep. Grothman.

Documents are available at: docs.house.gov.

HOW THE BORDER CRISIS IMPACTS PUBLIC SAFETY

Tuesday, April 16, 2024

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

Washington, D.C.

The Subcommittee met, pursuant to notice, at 10:15 a.m., in room 2154, Rayburn House Office Building, Hon. Glenn Grothman [Chairman of the Subcommittee] presiding.

Present: Representatives Grothman, Gosar, Sessions, Biggs, Mace, LaTurner, Fallon, Perry, Garcia, Lynch, Goldman, and Frost.

Also present: Representatives Timmons and Crockett.

Mr. GROTHMAN. Thank you all for being here. Sorry. We had kind of an important conference.

The Subcommittee on National Security, the Border, and Foreign Affairs will come to order. Welcome, everyone.

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

I recognize myself for making an opening statement.

The Biden Administration's open border policies have led to the worst border crisis in America's history. Millions of illegal aliens have entered the United States under the Biden Administration, impacting every community across the country. This Congress, both my Subcommittee and the full Committee have examined the consequences of the Biden Administration's horrendous policies. The President has unnecessarily created a national security and humanitarian crisis by refusing to uphold the rule of law.

Today, we are examining how the border crisis affects safety in our towns, cities, and communities. Not surprisingly, the open Southwest border has attracted many illegal immigrants with criminal histories. But rather than simply deport those with criminal backgrounds, the Biden Administration is letting them remain in our communities, even after they are showing that they are criminals. In fact, the Immigration and Customs Enforcement's non-detained docket has at least 617,000 aliens with criminal convictions or pending criminal charges. That is a non-detained docket. One would think that being a criminal illegal alien, at a minimum, would make someone an enforcement priority, but it is not under the Biden Administration.

In 2021, Secretary Mayorkas issued a memorandum entitled, “Guidelines for the Enforcement of Civil Immigration Law,” stating that criminal history does not automatically make an illegal alien an enforcement priority. Instead, immigration officers have to engage in a complex analysis of whether the criminal illegal alien is a “current” public safety threat to be considered an enforcement priority. What does that mean? In 2022, the ICE principal legal advisor issued a memorandum interpreting Mayorkas’ guidelines. Her memorandum stated, “The existence of criminal history alone, regardless of severity, will not necessarily indicate that a non-citizen presently poses a current public safety threat pursuant to the Secretary’s priorities.” I should say that again. “The existence of criminal history regardless of severity”, they say, “does not necessarily mean we have a safety threat here.”

According to this standard, a criminal alien could theoretically be a convicted murderer and avoid becoming an enforcement priority for ICE. The Administration will wait to enforce our laws until the threat is deemed by them to be a current threat. By that time, it will be too late, as we have seen too many times in recent months.

Even if the Biden Administration cared to enforce our laws, sanctuary jurisdictions work to make our country less safe by shielding those criminals from immigration consequences. Sanctuary jurisdictions across the country refuse to cooperate with Federal immigration authorities, mainly in the case where an individual is arrested or convicted for criminal activity. In contrast to the harm caused by sanctuary jurisdictions, today we have two sheriffs representing communities that are not sanctuary jurisdictions. These sheriffs are fighting at the local level to keep their constituents safe from criminal illegal aliens, criminal illegal aliens who should not be in the U.S. who commit crimes against our citizens.

Today, I imagine we will hear from the other side lots of claims about flawed studies with shaky evidence seeking to show that illegal immigrants are somehow less likely to commit crimes in the U.S. Cite those statistics all you want to the victims of crime and those committed by criminal illegal aliens. I doubt shaky statistical claims and platitudes will make them whole. The fact is that illegal immigrants should not be in the country in the first place and able to commit these crimes. Moreover, an analysis by the Texas Department of Public Safety showed that illegal aliens are more likely to be convicted of homicide, sexual assault, and kidnapping than the average Texan.

The solutions are not hard: secure the border; stop releasing illegal aliens in the country in droves; and when an illegal alien commits a crime in this community, turn them over to ICE, enforce the law and remove them. It is just that simple.

Now, before we begin the testimony, I will ask unanimous consent that Representative Jasmine Crockett from Texas be waived on the Subcommittee for the purposes of asking questions.

Without objection, so ordered.

I would now like to recognize Ranking Member Garcia for the purpose of making an opening statement.

Mr. GARCIA. Thank you, Chairman, and thank you to all of our witnesses that are here today.

Now, I want to just start on, we all know that on June 16, 2015, Donald Trump rode down the escalator at Trump Tower to launch his campaign for President, and I want to remind us what he said that day: “When Mexico sends its people, they are not sending their best. They are not sending you. They are not sending you. They are sending people that have lots of problems, and they are bringing those problems with us. They are bringing drugs. They are bringing crime. They are rapists.” Now, we all know that is who Donald Trump is and he controls the Republican Party, so we are here today. He is basing his 2024 campaign, as we all know, on the exact same rhetoric.

Now, just weeks ago, Trump referred to immigrants who enter the country illegally as “animals” nearly half a dozen times. He literally said, “Democrats say, ‘please don’t call them animals. They are humans.’” Trump said, “I said, ‘no, they are not humans. They are animals.’” He has also repeatedly claimed that South American countries are emptying their, what he calls, insane asylums and mental institutions to send the patients to the U.S. as migrants. Now, we know that is not happening, and here is evidence that even his own campaign cannot provide any evidence for what he said. What he continues to say are lies and untruths. These fact checks are important.

Now, I am an immigrant. I came here as a young child. My parents came here to build better lives. My mom worked as a healthcare worker. When I took an oath to become a U.S. citizen, it was the proudest day of my life. And so, I personally am offended not just from what I hear, but for the way Donald Trump and the House Majority speaks about migrants and folks that come here for a better life. Donald Trump wants to claim that people like me and my family are poisoning the blood of our country, as he likes to say. It is disgusting and it is un-American, and it has real consequences. Like the white supremacists at Charlottesville, who Trump called “very fine people,” it provokes people like the white nationalists who targeted people of Mexican descent in El Paso, murdering 23 innocent people.

Now, I love this country and I know that our Chairman also loves this country, but I also think it is important that we do not divide all of us that are here. We should cut through the noise and actually look at some of the facts and data, and as much as some in the House Majority may not like facts and data, it is important to review them.

I want to run through some unanimous consent requests. Here is NBC: “Trump’s Claims of a Migrant Crime Wave Are Not Supported by National Data.”

Mr. GROTHMAN. Without objection.

Mr. GARCIA. Thank you. Here a second one, ABC: “No, Migrants Are Not Driving a Surge in Violent Crime as Trump Claims.”

Mr. GROTHMAN. Without objection.

Mr. GARCIA. Thank you. Here is another one, *USA Today*: “No, Migrants Aren’t More Likely to Commit Crimes Than U.S.-Born, Despite Trump’s Border Speech.”

Mr. GROTHMAN. No objection.

Mr. GARCIA. Thank you. And if you prefer, maybe, academic sources, here is research from Stanford, which looked at 140 years

of data and finds conclusively that migration does not increase crime. Right now, in fact, immigrants are 60 percent less likely to be incarcerated than people born in the United States—60 percent less likely. And let us be clear—undocumented people are less likely to be incarcerated than native born people as well. And here is the Brennan Center report, which hopefully points out that, “The spike in violent crime happened on Trump’s watch, not Biden’s. In 2020, the final year of the Trump presidency, murder rose by nearly 30 percent and assault by more than 10 percent.” So, I would like to submit that as well, sir.

Mr. GROTHMAN. Without objection.

Mr. GARCIA. Thank you. So, just to conclude, under President Biden, crime has fallen nationwide, and those are the facts. So, I just hope that we can stop with the fear mongering, and I look forward to the rest of the hearing.

Mr. GROTHMAN. OK. I am pleased to introduce our witnesses today. I will rattle them off: Ken Cuccinelli, Senior Fellow for Immigration and Homeland Security at the Center for Renewing America. He served as the 46th Attorney General of Virginia from 2010 to 2014. He also served as Director of United States Citizenship and Immigration Services and as Deputy Secretary of the Department of Homeland Security under the Trump Administration. Sheriff Bill Waybourn has served as Sheriff of Tarrant County, Texas since 2017. He previously served this country as a member of the Air Force. He continued his public service after leaving the armed forces as a Texas police officer. Sheriff Mike Chapman has served as the Sheriff for Loudoun County, Virginia since 2012. Sheriff Chapman previously served at the DEA and the Howard County, Maryland Police Department. David Bier is the Director of Immigration Studies at the Cato Institute. He previously served as Senior Policy Advisor to former Representative Raul Labrador of Idaho. I want to thank you all for being here.

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?

[A chorus of ayes.]

Mr. GROTHMAN. Let the record show that the witnesses answered in the affirmative. Thank you. You may sit down. We appreciate you being here today and look forward to your testimony.

Let me remind the witnesses that we have already read your written statements and they will appear fully in the hearing record. Please, if you can, limit your oral statement 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. It means you got 1 minute to go. When the red light comes on, your 5 minutes have expired, and we wish you would wrap it up.

I now recognize Mr. Cuccinelli for his opening statement.

**STATEMENT OF HON. KEN CUCCINELLI
SENIOR FELLOW
IMMIGRATION AND HOMELAND SECURITY
CENTER FOR RENEWING AMERICA**

Mr. CUCCINELLI. Mr. Chairman, Ranking Member, and Members of the Subcommittee, you have probably heard the phrase, "The main thing is to keep the main thing the main thing." Well, here is today's main thing. Every single crime committed by an illegal alien invader is preventable. Crime rates do not matter. Only the raw number of crimes and the harm caused by those crimes matter.

Over 10 million illegal alien invaders have entered America since Joe Biden became our President and opened our borders. The chaos at our Southern border is, sadly, not confined there. As far too many American families have imminently learned, the chaos at the border is directly contributing to unnecessary suffering and tragedy in communities all over the country, most recently and prominently, Athens, Georgia. The lives of our citizens are being forever altered by crime facilitated by open border policies and the cartel-driven invasion occurring because of it.

The failed policies of this Administration are callously indifferent at best and willfully negligent at worst, serving only to exacerbate the pain and suffering of the very citizens from whom it derives its legitimacy. The statistics from these failed policies are alarming: tens of thousands of deaths, huge increases in human trafficking, outbreaks of previously defeated diseases like measles and tuberculosis.

But it is the individual human cost that remains most alarming. The ever-growing number of American victims of illegal immigration, including Brandon Michael, Kate Steinle, Mollie Tibbetts, Sarah Root, Brandon Mendoza, Ronald de Silva, Kayla Hamilton, and, of course, Laken Riley, not Lincoln. These are the human casualties that are preventable with a secure border. The sad reality is that there are tens of thousands of additional names of deceased Americans who could and should be read aloud in a hearing such as this. Unfortunately, that is not the case. Instead, we hear false narratives and manipulated data that parse the crime rates of illegal aliens with American citizens, and yet, every illegal entry into the United States is a crime. The crime rate for illegal immigrants is 100 percent. Every one of them broke the law when they invaded our country illegally.

The Texas Department of Public Safety tries to keep track of criminal alien activities as best they can. Since June 2011, Texas has experienced a minimum of 65,999 assault charges; 6,594 rape charges; 61,155 drug charges; 2,998 robbery charges; and 970 homicide charges attributable to criminal illegal aliens in the last 13 years. And lest anyone forget, the Bureau of Justice Statistics suggests that more than 50 percent of violent crimes and 70 percent of property crimes are never reported to law enforcement. These numbers of crimes by illegal aliens in Texas that I refer to is clearly dramatically under counted.

None of these criminals should be in the United States in the first place. Every citizen victimized by an illegal immigrant is a victim that could and should have been prevented with common-

sense border and immigration policies, carried out by elected officials who possess a shred of concern for those they represent. Arguments over citizen versus non-citizen crime rates are ivory tower intellectual exercises that miss this fundamental point. For the ivory tower dwellers, if you truly want to find the number of crimes committed by illegal aliens, the deck is stacked decidedly against you.

Just a few factors that make a full accounting of the criminals who are illegal aliens impossible include the time it takes to identify criminals in law enforcement custody as illegal aliens; sanctuary city and state policies that withhold information normally relied upon between jurisdictions; the slowness of the Federal Government in determining legal status, and that can include both capability and cooperativeness; cash bail policies that turn criminals back out on the street immediately; and the obvious interest that illegal aliens have in not being discovered.

I will close by returning to the main thing. Every murder, every assault, every robbery, every rape, every drunk driving death, and every murder committed by illegal immigrants was preventable. I look forward to your questions.

Mr. GROTHMAN. Thank you. Sheriff Waybourn?

**STATEMENT OF BILL WAYBOURN
SHERIFF
TARRANT COUNTY, TEXAS**

Sheriff WAYBOURN. Thank you, Mr. Chairman and Committee. It is truly an honor to be here from Texas and thank you for having me.

While I only represent Tarrant County Sheriff's Office this morning, I feel certain that every sheriff in America is concerned with the border and its impact on our communities. If you will allow me just a couple of minutes, I will take you to ground zero in Tarrant County on issues that we have faced.

Just recently, a gentleman gets up in the morning in Southern Tarrant County and his car is missing. He calls the police, the Tarrant County Sheriff's Office, and as he is reporting it, he notices on his OnStar that his vehicle is going across the border into Mexico before he even finished the report. And further, you know, the DPS at the same time just a few days later, and along with HSI, is taking down a stash house in Tarrant County with several immigrants in it that owed the cartel money. Finally, there is another stash house that we assisted in helping with that they literally had cages in the houses where they were keeping women for cartel money. They were waiting to pay off their debts. And according to the HHS, in the last 3 years, we have had over 2,500 children, unescorted minors, settled in Tarrant County. Now, I bring that up for one reason. Who is following up on them? Are those children safe? Is there something nefarious going on there? We are not sure.

We are also told by HSI that approximately a thousand illegal aliens every couple of weeks are settling in the DFW area. As all of these things are happening, also we have city police agencies working fentanyl homicides, including a former county judge dying from it because fentanyl knows no boundaries. In another city police agency, at the same time, is working a fentanyl poisoning of

a 2-year-old that got into somebody's stash. In 2020, in Fort Worth, Texas, you could buy a gram of methamphetamine for \$80. Today, that same gram will cost you \$15 to \$20. In 2020, you would spend \$30 on a pill that can contain fentanyl. That same pill today costs \$8. Inflation had a tremendous reverse in the dope business.

In 2020, Tarrant County narcotics team took \$3.5 million worth of drugs off the street. In 2021, they took \$21 million of drugs off the street; in 2022, \$35 million. Also, at all these scenes often were cartel members that we have arrested, and also, we hear from DEA that the cartel members working in our area, 90 percent of them are illegally in the U.S. And yes, they do have American citizens assisting them.

Our mental health teams in the jails has told us that the strong availability of illegal drugs has caused the skyrocketing of our mental health issue, and it has gone from 2017 to 25 percent of the population to 66 percent today, with 42 percent of them being chronic, and marijuana with strong THC is also a part of that issue. While in Tarrant County, between May of last year and December, we had over 3,000 overdoses of opioids. Many were fatal. Our anti-addiction team, made up of eight different counties, in the first quarter of this year has taken \$21 million of drugs off the road. All of this is cartel dope. And also, in November, the cartel decided to shoot it out with our team, injuring one of our officers. We vigorously returned fire, and we terminated that threat and recovered 14 kilos of drugs.

The impact on our county jail is that we have an average population of 4,200 people. Six percent of that population is generally illegal aliens. Of that 264 in custody, that have allegedly committed 178 violent crimes, including eight murders and 44 sexual assaults of children. Please note that there are approximately 15 different countries represented in that group, and 10 percent being from Venezuela, in fact, affiliated with Venezuela gangs. We have seen a large number of Venezuelans come across the border recently, and it is interesting to note that intel, that a country that does not talk to us at all, is that their prison population has been reduced by 25 percent.

And back at the Tarrant County Jail, those illegal aliens cost the Tarrant County taxpayers about \$24,000 a day to house them. We have solicited intelligence directly from cartel members in jail, asking them the proverbial question, why are you killing your clients with this fentanyl? And their simple answer was, whatever kills the American is good with us.

Based on our intel, our common belief in law enforcement is that that part of the world, is that China, the Mexican cartel, and Venezuela is weaponizing fentanyl to use against us, with a daily overdose in Tarrant County of 15 and a fentanyl death every day and a half and 300 in the Nation. We are very thankful for Narcan. We have had tons of saves with Narcan dozens of times.

The sheriffs in Texas agree that securing the border—securing the border—and reforming immigration are entirely two different issues, that we first must secure the border. With the concern of the terrorist watchlist people showing up at the border that we have identified in the near 2 million gotaways, it is those other people that we do not know about that keeps us up at night. And

Christopher Wray from FBI sounded the alarm. All warning lights are on.

While I would like to ask lawmakers to do a lot of things, one of the things at the long haul is that we do have to curb our appetite for drugs and sex trafficking. That is an issue of America. With all that said, we must, I believe, urgently dispatch resources to secure our border; insist on other countries following the rule of law, including asylum; and hold the threat of trade and foreign aid in the balance. Finally, formally declaring the Mexican cartels as public enemy No. 1 and ensure that the only invitation to come to America is that of which is of legal means, which we invite those people and greet them with open arms.

Thank you for listening. God bless you all, and godspeed on these issues.

Mr. GROTHMAN. Thank you. We will move on to Sheriff Chapman.

STATEMENT OF MIKE CHAPMAN
SHERIFF
LOUDOUN COUNTY, VIRGINIA

Sheriff CHAPMAN. Good morning. Thank you, Mr. Chairman, the Ranking Member, and Members of this Committee. My name is Mike Chapman. I am the elected Sheriff of Loudoun County, and I appreciate the opportunity to appear before this Committee today on behalf of the National Sheriffs' Association as you address border security, national security, and the effectiveness of law enforcement.

Loudoun County sits about 30 miles Southwest of Washington, DC, and is home to about 450,000 residents. While not a border county, we face many of the same challenges resulting from a porous border when it comes to illegal immigration, criminal activity, and the movement of illegal drugs. I am in my 46th year of law enforcement, having served 7 in local law enforcement, 23 as a special agent with the Drug Enforcement Administration, and four domestic assignments, to include McAllen, Texas, and in three foreign assignments. I am a 4-time elected Sheriff of Loudoun County, having served over 12 years. I serve as the Chairman for Homeland Security for the National Sheriffs' Association and on the NSA's Board of Directors. I previously participated in numerous White House meetings on immigration reform, opioid and MS-13 roundtables, and other congressional hearings and discussions.

Today, I would like to highlight two critical issues that are impacting law enforcement nationwide. These are, No. 1, the proliferation of fentanyl, which is killing more and more Americans and is responsible for a dramatic rise in juvenile overdoses; and two, the influx of illegal immigrants and its impact on criminal activity.

In 2021, our Nation experienced about 106,000 reported deaths from overdoses and poisonings. Last year, more than 112,000 people died from overdoses, with over 70 percent of them dying due to fentanyl, more people than would fill a professional football stadium. In Loudoun County, we average about 150 overdoses per year and about 24 deaths. Unfortunately, we have seen a significant increase in juvenile drug use and drug overdoses. Last fall, we

had 11 reported overdoses within a 6-week period among students who attend one high school. Almost all were fentanyl. Four occurred on school campus, and most required lifesaving and administration of Narcan, naloxone, and/or CPR. That was more than half of all the juvenile overdoses for the year at just one of our 19 high schools. These overdoses made national news because I let the public know, much to the chagrin of our school administrators.

Having served as a DEA agent in Miami during the mid-and late 1980's, I thought I had seen the worst of the drug problem. I was wrong. So, what is causing this drug crisis? First and foremost, wide open borders. A few years ago, my agency worked with the DEA on an operation entitled "Operation Angels Envy." Kilogram amounts originating from the Sinaloa Cartel crossed the Californian-Mexican border and traversed the U.S. to the Washington, DC. area. These drugs included enough fentanyl to kill every man, woman, and child in Loudoun County 2 times over. This demonstrates why every state is now a border state. This gets me to my second point: illegal immigration. The porous border, lax enforcement policies, the refusal to return illegal migrants to their countries, the discouragement by this Administration for local authorities to turn over illegal migrants to ICE, and its overall lack of support to law enforcement in general has been a catalyst for increasing violent crime nationwide.

A recent nationwide online survey, entitled "TIPP," which stands for the TechnoMetrica Institute of Policy and Politics, found that 72 percent of Americans perceive the Southern border as a national security threat, with the same percentage wanting strong enforcement of existing laws. To quote Cochise County Sheriff, Mark Dannels, "President Biden refuses to acknowledge and exercise his full authority to secure our borders." The study follows a letter to Speaker Johnson from National Sheriffs' Association President, Greg Champagne, last November addressing, at that time, the over 7.5 million illegal immigrants crossing our border, to include the capture of 2,000 Chinese aliens. He noted eight steps the U.S. could immediately take to put the brakes on this problem to include, among others, building the remainder of the wall, immediately expelling anyone entering our country illegally, and ending the authority to issue parole.

Unfortunately, law enforcement agencies nationwide are suffering from the cascading criminal and social impacts of this Administration's policies, now coupled with an increase of threat of terrorism. An April 8th press release by the American Sheriffs' Alliance noted that over 700 known or suspected terrorists were apprehended last year at the southern and northern borders. This is a crisis, and we need your help. We need a Congress and an Administration that will help provide better physical barriers, technology, collaborative intelligence, and human resources. But this is not simply about funding. We need an Administration that supports the dangerous work of our profession and encourages the enforcement of existing laws, one that will allow Customs and Border Protection, ICE, and others to do their job. We need an Administration that backs all law enforcement.

Thank you again for the opportunity to be here, and, of course, I would be happy to answer any questions. Thank you.

Mr. GROTHMAN. Thank you. Mr. Bier?

**STATEMENT OF DAVID J. BIER
ASSOCIATE DIRECTOR, IMMIGRATION STUDIES
THE CATO INSTITUTE**

Mr. BIER. Chairman Grothman, Ranking Member Garcia, and distinguished Members of the Committee, thank you for the opportunity to testify.

For nearly half a century, the Cato Institute has produced original research showing that a freer, more orderly, and more lawful immigration system makes the United States a wealthier, freer, and safer country. As America's founders recognized, free societies direct people, whatever their background, ancestry, or birthplace, toward activities that benefit mankind. Economist Julian Simon called people the ultimate resource because it is only our creativity and work that transforms natural resources into human resources.

Never has immigration been more important to this process than today when we have 9 million open jobs, and our labor force would be falling without immigrants. Economically productive people make goods and services that improve the lives of Americans in countless ways. They also make for safer communities. Increased economic activity, such as starting businesses and filling housing vacancies, are proven ways to reduce crime. Immigrants reverse the decay in our cities, contributing to massive drops in crime in the 1990's and 2000's. Today, immigrants pay \$250 billion in taxes to state and local governments, 50 percent more than they get in benefits, increasing the resources for law enforcement. Many immigrants become law enforcement officers themselves, and many more cooperate with law enforcement to stop and solve crimes. Like everyone else, immigrants want safe neighborhoods.

In the last decade, police agencies have requested legal status for nearly half a million immigrants who are aiding their investigations. Immigrants also directly lower the crime rate by committing fewer serious crimes per capita. Immigrants, according to the U.S. Census Bureau data, are 68 percent less likely to have committed a crime that has put them in prison. So indiscriminate mass deportation, further cutting off legal immigration, would undermine public safety.

Indiscriminate enforcement also has an opportunity cost. Every dollar spent going after immigrant families and workers is a dollar lost to catching people who have victimized people in the United States. When the prior Administration decided to mass prosecute immigrant parents with children, U.S. attorneys complained that they were failing to prosecute sex offenders because traumatizing the immigrant kids was too important. Here is another example. In 2020, the prior Administration eliminated asylum and began expelling all border crossers to Mexico under Title 42. Did this policy improve security at the border? Not at all. Criminal crossings spiked to record highs by December 2020, and evasions of Border Patrol grew at an unprecedented pace. Eliminating people's opportunity to turn themselves in to Border Patrol to request asylum added to the flows of people trying to evade Border Patrol, making it easier for serious threats to evade detection.

With very little help from Congress, this Administration is trying to improve the situation. It ended Title 42, and evasions have since declined by 70 percent, according to the Border Patrol Chief. It has opened a few legal pathways for entry, which, although limited, have reduced illegal crossings by hundreds of thousands. Policy should focus on making immigration legal and orderly. Instead, Congress' caps on legal immigration block 97 percent of the applicants for legal permanent residence this year. It is time for a new approach. Make legal immigration possible again.

Let me end here. When someone harms another person, justice demands they pay for it. In America, we say if you do the crime, you do the time. We do not say if you do the crime, lock up their family, their friends, their co-workers, their co-ethnics. America stands for individual rights and individual responsibility, not collective punishment. So, yes, let us talk about how to better go after the bad apples, but the rest of the roughly 50 million immigrants in the United States are here to work with us and for us peacefully, let them do so legally. Thank you.

Mr. GROTHMAN. OK. Well, first of all, with unanimous consent, I would like to ask that William Timmons from South Carolina be waived on the Subcommittee for the purpose of asking questions.

Without objection, so ordered.

To begin my questioning, first of all, I want to ask Sheriff Waybourn to followup on a couple of things you said. Just to clarify, you said that the number of people in prison in Venezuela has dropped 25 percent over the last couple of years?

Sheriff WAYBOURN. That is the intel that we get up from both the DOJ and from our border partners.

Mr. GROTHMAN. You quoted somebody as saying they were OK as long as fentanyl was killing Americans. Who did you quote again on that?

Sheriff WAYBOURN. That was a cartel member that we had in custody that we were soliciting information from.

Mr. GROTHMAN. OK. Thank you. By the way, I have been at the border, and I talked to the Border Patrol, and they tell me "Mexico is not sending their best." That is what they tell me. OK. Now, Mr. Cuccinelli, the Administration made changes in policy regarding the enforcement of our country's immigration laws, and these changes shield illegal aliens with criminal histories from removal. I want to discuss Secretary Mayorkas' 2021 guidelines for the enforcement of civil immigration law in the 2022 Doyle Memorandum. Mr. Cuccinelli, did the Biden Administration actually make it more difficult for immigration officers to remove criminal illegal aliens?

Mr. CUCCINELLI. Absolutely and intentionally. And the way to think of those early memos, like the first one there early in 2021, is that they were attempting to tie their own shoelaces together. They literally took steps at ICE and CBP to make it harder for them to achieve their mission structurally.

Mr. GROTHMAN. In fact, the Doyle Memorandum says, "The existence of criminal history alone, regardless of severity, will not necessarily indicate that a non-citizen presently poses a current public safety threat pursuant to the Secretary's priorities." Mr. Cuccinelli, under that standard, an illegal alien convicted of the most heinous

crime, such as rape or murder, could avoid becoming an enforcement priority, correct?

Mr. CUCCINELLI. Absolutely. That was the point.

Mr. GROTHMAN. Is a criminal alien more or less likely to be removed under the Biden Administration as compared to the previous Administration?

Mr. CUCCINELLI. Far less likely, and many of them do not even get to ICE because of the catch-and-release swamping of CBP.

Mr. GROTHMAN. OK. In recent months, we have seen Americans killed, sexually assaulted, and burglarized by legal immigrants. The illegal aliens who committed these crimes should not have been in the country in the first place, correct?

Mr. CUCCINELLI. That is absolutely correct.

Mr. GROTHMAN. Is it fair to say these crimes should never have happened?

Mr. CUCCINELLI. Should never have happened.

Mr. GROTHMAN. Now, your testimony cites Texas Department of Public Safety data for the proposition that illegal aliens commit violent crimes at a higher rate than the average person. Do you note that the data on crime rates is very limited?

Mr. CUCCINELLI. So, I do know that it is very limited. I want to clarify, my comments were on the raw numbers, not the rate of crimes committed. I do not believe the rate of crimes is relevant. When you have got 6,500 rapes and almost 1,000 homicides, I do not think the rate of crime matters to the victims of those crimes.

Mr. GROTHMAN. Were gangs like MS-13 prominent in Virginia during your tenure as attorney general?

Mr. CUCCINELLI. MS-13 was the single most severe violent crime problem in Virginia during my time as AG and before and after. Sheriff Chapman could speak to the present day more acutely than I could. But there was no question that in the last 20 years it is the illegal-immigrant-based gangs, which do not cover all of Virginia—the Richmond and Norfolk corridor is still, what I would call traditional gangs, are predominant there, but they are not as violent as the illegal immigrant-based gangs.

Mr. GROTHMAN. OK. Are foreign gangs active in the interior of the U.S. a violent crime threat?

Mr. CUCCINELLI. Absolutely. They are one of the worst violent crime threats and some of the most vicious behavior. Some of it is quite extreme.

Mr. GROTHMAN. OK. Is it hard to get data on the total number of crimes committed by illegal immigrants?

Mr. CUCCINELLI. It is very difficult to get that. It is very difficult. We are talking about Texas data because they are the only state that has even attempted to track that data for a long period of time. That is also why I noted the Bureau of Justice Statistics' analysis of how underreported even those types of crimes are in the first place, to say nothing of the challenge of determining if someone is actually here illegally.

Mr. GROTHMAN. OK. My Ranking Member here has told us that people crossing the Southern border are committing crimes at a less rate than the native-born population. Do you care to respond to that?

Mr. CUCCINELLI. So, first of all, I am using round numbers here, but over 10 million people have crossed the border under President Biden. Over 2 million of them, we have no information about. They are gotaways, and, presumably, there was a reason that they were not running to Border Patrol. They were running from Border Patrol. So, when you hear comments about evasions of Border Patrol being down, that is not necessarily a good sign. If they have a reason to run to Border Patrol because they are going to be caught and released without question, as you noted, regardless of the severity of any criminal record that is uncovered, then you are going to see more evasions. We have over 2 million of those folks. It is impossible to determine the rate of crime among a group of people we cannot even identify.

Mr. GROTHMAN. OK. So, really, it would be impossible to get that—

Mr. CUCCINELLI. It is.

Mr. GROTHMAN. OK. Thank you. Now, on to Mr. Garcia.

Mr. GARCIA. Thank you. I have only been in Congress for a year. I served as mayor for 8 years before that. That is just not the way that you actually take data on crime, so I think we also need to be realistic and honest about the way crime is measured in the United States. It is measured when a crime is committed. That is when you take the data. So, this idea of folks running away or not being captured or we are not capturing this crime or that crime is just factually incorrect. I also just want to note that prior to my service as mayor, I was an educator for 10 years in the classroom at the college level, and we used data to make decisions. This idea that we are not going to use data to actually make decisions, I think is interesting, and I certainly do not agree with it. I want to ask some questions about data and about facts, not about what we think is happening or may not be happening.

Mr. Bier, good to see you again. I want to put this poster up. I think it is important.

[Chart]

And before we get to the border, I just want you to remind us, who was President in 2020 again?

Mr. BIER. Donald Trump.

Mr. GARCIA. Thank you. Now, is it true that under Donald Trump, murder rates surged by 30 percent, according to data collected by police departments across America, to the highest rate since the 90's?

Mr. BIER. Yes, absolutely. Surge in the summer of 2020.

Mr. GARCIA. And this data was collected by our men and women in police, like the Long Beach Police Department, which I honorably represented and helped support back in my community. Now since 2020, when we know that President Biden was elected, have violent crime rates increased or fallen.

Mr. BIER. They have fallen year after year, yes.

Mr. GARCIA. In fact, they have fallen dramatically. Is that correct?

Mr. BIER. And we just have reporting early this 2024 that they are continuing to fall.

Mr. GARCIA. So, crime is at an incredibly high levels when Donald Trump is elected, and now, overall, violent crime has dramati-

cally decreased now that President Biden is in office. Is that correct?

Mr. BIER. Over the last 4 years, crime has fallen.

Mr. GARCIA. Thank you. And that is actually data reported by our cops, so we want to believe our men and women in law enforcement. That is the data that they are providing us. I also want to talk about some violent crime trackers that we have discussed. Murder, we know, has plummeted in the U.S. since 2023, one of the fastest rates of decline we have ever actually had. Now, Mr. Bier, there are 45 million immigrants in this country. Now, why do you think Donald Trump is pushing this migrant crime narrative which we know is not true?

Mr. BIER. Well, it is because he wants to push policies that ban immigrants. We saw what he did when he was in office. He did not reduce illegal immigration. He banned legal immigration to the United States.

Mr. GARCIA. Now, it is fair to say that Trump's rhetoric, accusing people, by the way, like me and my family, of poisoning the blood of this country or claiming that we are fueling an invasion actually fuels the potential for violence?

Mr. BIER. Absolutely. I mean, if you look at the number of criminals who have engaged in mass shootings, I mean, you are looking at the Pittsburgh shooter, looking at El Paso, Buffalo, Charlottesville, you go down the list and there are so many times where you hear this great replacement rhetoric being used to justify. Of course, there are crazy people on all sides of every debate, but we should not be fueling it with irresponsible and inaccurate rhetoric.

Mr. GARCIA. And we have already said and noted that the data provided to us by the men and women of our police departments across the country, it is also clear that non-citizens, undocumented migrants actually commit less crimes, actually a lot less crimes than naturalized citizens. Is that correct?

Mr. BIER. That is right. Seventy-five percent less for legal immigrants, 50 percent less for illegal immigrants, so a very significant difference.

Mr. GARCIA. And it is also true that if you look at most of our major American cities, when you actually look at the undocumented population versus citizens, that those cities, again, crime is being committed at a much higher rate by citizens than non-citizens. Is that correct?

Mr. BIER. That is right. We looked at the border sector cities in particular with a great deal of focus on them because they have so much cross-border traffic. They are among the safest in the United States, and they saw some of the fastest declines in crime in the 1990's and 2000's when their immigrant populations exploded.

Mr. GARCIA. And so, I think it is really important to paint a real picture of immigration, of migrants, of immigrants that are coming to this country to search for a better life and move away from the xenophobic rhetoric that tears down migrants, that tries to somehow paint them as murderers and rapists when the data does not actually support those arguments. And so, this idea that we are not going to look at data, I think it is a joke, it is unfair, and it is certainly causing more damage across the country than anything positive.

I want to just return to some of our policies as well. Now, Mr. Bier, one of the Majority's witnesses today was, we know, one of the architects of Trump's immigration agenda, which included unprecedented restrictions on legal immigration. To close my questioning, how did that actually impact the actual border, those Trump policies?

Mr. BIER. Well, when we restrict legal immigration and asylum, we incentivize people to cross the border illegally. If we tell them there is no opportunity to come to this country legally, then, of course, you are going to see more people go to the border and try to seek safety and opportunity that way. It is counterproductive. It is a failed policy. It resulted in more evasions, like I talked about. That is a problem for security. We want Border Patrol to focus on serious threats, not people coming for safety and opportunity in this country.

Mr. GARCIA. Thank you, sir, and I yield back.

Mr. GROTHMAN. OK. Mr. Gosar?

Mr. GOSAR. Thank you. Mr. Bier, just want you to take back to the Cato Institute—thank you very much for the National Emergencies pamphlet. Really, it hit the nail on the head. Now, to go back to immigration. Mr. Bier, what percentage of illegal aliens are detained? What percentage are detained?

Mr. BIER. In the entire country?

Mr. GOSAR. Yes.

Mr. BIER. Well, there are over 12 million illegal immigrants in the United States, and there are about 34,000 detention beds funded by Congress, so it is a very small percentage, obviously.

Mr. GOSAR. Mr. Cuccinelli, how would you think about that?

Mr. CUCCINELLI. Well, even when there were double that number of beds, we were overwhelmed with the demand. For example, there are, the last time I looked, over 1 million final orders of removal in this country. Final orders removal. They have been all the way through a due process pipeline that is more extensive than American criminals get in the criminal justice system, and they have been found appropriate to deport. And those beds are intended to be used to detain while deporting and to hold dangerous individuals while working to deport them. And the fact that we have a fraction of the beds relative to the population that is, by law, supposed to be in process of being deported, right now speaks to the priorities of the Administration and, frankly, this Congress.

Mr. GOSAR. Let me ask you a question. Is there Federal law for the detention of illegal aliens entering this country or found to be in this country?

Mr. CUCCINELLI. I am sorry. Can you say that again?

Mr. GOSAR. Yes. Does Federal law require the detention of illegal aliens?

Mr. CUCCINELLI. Yes, it does.

Mr. GOSAR. OK. So, it should be 100 percent. So, let us go back to this number again. So, 6.2 million illegal aliens were arrested since President Biden took office until the end of Fiscal Year 2023. In Fiscal Year 2021, there were 660,000 illegal aliens, known as gotaways or illegal aliens who avoided capture by Customs and Border Patrol. If one were to extrapolate those numbers for Biden's tenure, that would make about 2 million individuals as gotaways,

so all that means is that 3 out of every 5 illegal aliens were detained in some fashion or other.

Mr. CUCCINELLI. Briefly, yes.

Mr. GOSAR. Briefly, exactly. Mr. Bier, that would make an illegal alien incarceration rate of 60 percent, would it not?

Mr. BIER. I do not follow the math. No, it would not. There are 12 million illegal immigrants in the United States at least.

Mr. GOSAR. No, I am glad you said that. Are you familiar with the Yale and MIT study?

Mr. BIER. Yes. I mean, if it is that high, then they have a really, really, really low incarceration rate. If it is 25 million, then that means you divide the numerator by half.

Mr. GOSAR. Well, according to your testimony, the incarceration rate of American citizens is about 1.2 percent, correct?

Mr. BIER. Of American citizens?

Mr. GOSAR. Yes.

Mr. BIER. Yes.

Mr. GOSAR. So, would you agree that 60 percent is higher than 1.2 percent?

Mr. BIER. Yes, but you are making this up. There is no—

Mr. GOSAR. I am not making it up.

Mr. BIER. There is no 60 percent of illegal immigrants who are incarcerated.

Mr. GOSAR. So, Mr. Cuccinelli, would you agree?

Mr. CUCCINELLI. Oh, with that? Yes.

Mr. GOSAR. How about you, Sheriff Waybourn?

Sheriff WAYBOURN. Yes, sir.

Mr. GOSAR. How about you, Sheriff Chapman?

Sheriff CHAPMAN. Yes, sir.

Mr. GOSAR. Now, Mr. Bier, would you agree that under current law that the incarceration rate of illegal aliens should be 100 percent, save for the fact that the brave men and women of the Custom Services and Border Protection are not able to catch all the gotaways?

Mr. BIER. It is impossible to have 100 percent. Now, 12 million detention beds, that would be—

Mr. GOSAR. Current law states 100 percent.

Mr. BIER. Yes. You pass a law that makes no sense. It is impossible to have 12 million detention beds in the United States. That is multiples of our entire prison population.

Mr. GOSAR. Mr. Cuccinelli, Sheriff Waybourn, and Sheriff Chapman, estimates of sexual assault of illegal alien women traveling to the United States range from 31 to as high as 80 percent. There are many reports of rape trees. Multiple ranchers personally meet with me and shown me the dead bodies of illegal aliens on their property. Do you think the Biden's executive actions facilitating illegal immigration lead to the compassionate outcomes for these illegal alien women, starting with you, Mr. Cuccinelli?

Mr. CUCCINELLI. No. I mean, those percentages are hard to nail down, but they are significant. They are high, and when you make the pool of victims higher, you end up with more sexual assault. I mean, it is that simple.

Mr. GOSAR. How about you, Mr. Waybourn?

Sheriff WAYBOURN. I concur with what he said.

Mr. GOSAR. How about you, Mr. Chapman?

Sheriff CHAPMAN. I would agree. I think specifically getting to the numbers is a little difficult but definitely a problem.

Mr. GOSAR. Mr. Chairman, I yield back, but I would like to get this in the record by unanimous consent.

Mr. GROTHMAN. OK. So, ordered.

Mr. GROTHMAN. OK, Mr. Lynch.

Mr. LYNCH. Thank you, Mr. Chairman. One thing that we should be able to agree upon is that the situation on our Southern border is unacceptable, just from a starting point.

Now, in February, after months of negotiations, a bipartisan coalition in the U.S. Senate unveiled a national security supplemental that included a bipartisan border agreement proposing the most significant border security reforms in nearly 30 years. And at President Biden's request, the agreement included over \$20 billion for border policy changes, including adding more than 1,500 new Customs and Border Protection personnel. It added a ton of funding for anti-fentanyl and anti-human trafficking provisions, and the bipartisan agreement also includes \$1.4 billion dollars for cities and states that are now currently forced to provide services to migrants.

And I know that for my district, which includes the city of Boston, and the state of Massachusetts in general, that funding is critical. Massachusetts is currently spending about \$75 million a month, so we are up over a billion dollars in the past year to shelter over 7,500 families. Meanwhile in my own district, in the city of Boston, I have 42,000 U.S. citizen families on the waiting list for public housing, 42,000 just in the city. I have 180,000 American families, citizens, who are on the list, so they are basically housing insecure, as they say now, right on the edge of homelessness. So, there are about 180,000.

So, the migrant problem is just on top of that, right, with resources and also because of the emergency nature of the situation. And I want to say in fairness to the Governor of Massachusetts and my colleagues in the legislature—I used to serve in the legislature—this is not on them. This problem starts at the border. We own this. We in Congress, we own this problem, and I know that some of my state colleagues are getting a lot of heat on this, but they do not have any control over the solution. Personally, I would welcome the opportunity to debate and amend and vote on a border security bill.

Look, I know the agreement in the Senate is far from perfect, but that is what legislating is about. I would just ask them to send the bill to the House. We will take it up. We will have to tweak it. That happens with every single bill that comes before the legislature here. We will have to figure it out. There will be some things I do not like, and there will be some things that I think we desperately need that will be included, but this is our job. This is our responsibility. People are afraid. Some of that fear is driven by inflammatory rhetoric, but some of it is real. Some of it is the data that we have heard here this morning, but we have a responsibility to the people that we represent to take up a bill to figure this out, to move away from the model that we have right now.

I have been down to the Southern border multiple times with Republicans and Democrats on this Committee. I have gone to El Salvador, Guatemala, Honduras to try to figure out the push factors. Look, I remember we had shooting wars in Honduras and Nicaragua and El Salvador. We did not see the levels of immigration during those shooting wars that we now see at the border.

So, there is something else going on there. There is an industry behind this that is actually recruiting. First of all, they are pushing a narrative if you get into the United States, you can stay, which is false, but they are pushing that narrative and they are moving people to the border. And the President should have the ability, authorized by Congress, if we see 30,000 people coming to our border and we know it will overwhelm the system that we have at the border to regulate the flow of people into this country and to figure out who they are, why they are coming, the President should have the ability to declare an emergency and close that border until we regulate the flow to something that the current judicial system, the asylum system can actually assimilate. And to judge those people based on who they are and why they are attempting to come into our country, but that is not happening right now. That is not happening right now.

So, I am just urging my colleagues on the other side of the aisle, bring a bill to the Floor. Let regular order try to figure this out. You will not get everything you want, but neither will we on this side of the aisle, but we will make it a better situation for everyone involved. Thank you, Mr. Chairman. I yield back.

Mr. GROTHMAN. Thank you, Mr. Lynch. Mr. Sessions?

Mr. SESSIONS. Mr. Chairman, thank you very much. To the sheriffs that are here from Loudoun County and the distinguished gentleman from Tarrant County, thank you for being here. Mr. Waybourn is a good friend of mine, and I applaud him. Mr. Cuccinelli, good to see you again. Thank you for your service to this country.

I think it is interesting that we hear up here about the problem or problems and whose job it is, whether it be the Congress or whether it be something else, but let us just pin the tail on the donkey. It is the Administration that is sending the welcome sign and making sure that people up and down—not just south of here, but all over the world—the word is out.

I think the things that Stephen spoke about is exactly correct. The people who are losing are the American people, poor Americans, Americans who grew up here. This Administration took some \$370 million that was designed and earmarked or at least allocated in appropriations for veterans who have been disabled, they took that money from disabled veterans. What we are looking at is a political circumstance, and yet, we forget that for 4 years, the Democrats had control of this body also. It is a tough issue.

Two weeks ago, or 3, I was the speaker at an immigration ceremony where there were about 50 people in McLennan County, Texas who came. And I spoke to them, and I told them welcome to the United States. And I talked to them, and I told them this is their country now. But I told them leave your customs behind because you are now an American. Leave the laws there behind. And they openly told me, yes, we went through extensive study. We

believe that what we have learned in this process of legal immigration has helped us to be better citizens. While we sought the advantages that had been talked about in this Subcommittee hearing of money, we really viewed it as, I told them, you have a right and a responsibility.

I will say to each and every one of you, I sit on the side where I believe that we should require everybody to go through that process, legal immigration, that we are confusing with someone in the attack against a Donald Trump. The bottom line is, the law should be the law. They fail to say, they blamed it all on South America. It is 97 other countries also that people come from illegally, and they bring their customs with them, and they prey on those individual markets. They will go where people who are from their country are all across this country, and, of course, you and I both know that sanctuary cities allow that.

And I do not want to do it today, but I have dealt with how police officers—not sheriffs, police officers—deal with illegals in sanctuary cities and literally do no recordkeeping because they know they are not looking at someone who is the real person, and they dismiss them because they do not want to house them. They do not hold them accountable to the same law that they will hold Americans accountable for. They take billions of dollars, not just schools, not just healthcare, and move it to them. And then we have got people that come up here and say we have just got to handle this bill because Uncle Sam will pay all this money.

Well, I know what the money is for. The money is to take in an extra million people illegally because it is embarrassing how they have jammed into cages. And when President Trump was in office and this surge did happen, they called him names because they were in cages. So, what does the Biden Administration do? They waive all the laws. They do not even take people, children, as they come across and follow them where they are going because there are so many. They are flooding our cities, they are flooding this country, and then we turn around and argue about levels of people who are committing crimes. It is a crazy thing. But the way you fix this is by having the authority and the responsibility to stop this, to control it, to give our men and women of law enforcement the opportunity to protect themselves and protect this country, and then go into a process that might be not only fair, but look right also.

I have been to the border many times. It does not look right. You see all sorts of people coming across in their casual attire because they simply showed up and knew they would get in. They take an Uber from San Diego, from Tijuana to come across. It is true. I have seen it. And so, for those of you who do not think it is true, you ought to go back because you can see it anytime you want.

So, gentlemen, thank you very much. You did not just place something right in front of us and expect us to do the heavy lift. We know it deals with a President, the Administration, who has to be honest about what they are doing also. Mr. Chairman, I want to thank the people who are here, all four of them, and I want to thank you for having this hearing. And I yield back my time.

Mr. GROTHMAN. Mr. Frost?

Mr. FROST. Thank you, Mr. Chair. Since the beginning of his campaign for President, Donald Trump, in 2015, has been consistently propagating hateful, extremist rhetoric about immigrants, including falsehoods, depicting all Mexican immigrants as criminals, as drug dealers, and as rapists. At a campaign event just last month, Trump claimed that immigrants are poisoning the blood of this country. The Republican witnesses here today are the latest in a line of people spreading racist, far-right fiction in an attempt to dehumanize immigrants. Mr. Bier, I want to get back to some truth in this conversation. Is someone more likely to commit a crime if they are born in the United States or if they are foreign born?

Mr. BIER. If they are born in the United States.

Mr. FROST. And you wrote in a *Times* article that I have right here, “No matter how researchers slice the data through, the numbers show that immigrants commit fewer crimes than native-born Americans, but that is not good enough for Trump followers. They firmly believe that immigrants make America less safe. What the anti-immigration crowd needs to understand is that not only are immigrants less likely to commit crimes than native-born Americans, but they also protect us from crime in several ways.”

And you are 100 percent right in that. Several studies show that immigrants are 46 percent less likely to commit a crime, and that in communities that have had an influx of undocumented immigrants, crime actually goes down. Collectively, American undocumented immigrants pay an estimated \$11.64 billion dollars in state and local taxes every single year, and the average undocumented immigrant has been living and contributing to the economic success of our country for between 10 and 14 years. These are folks who are literally putting more into our system than they are taking out because they are undocumented. These are our friends, our family, teachers, the substitute teachers, people who work in the medical field, people who work in hospitality, our neighbors, my family.

Mr. Bier, how might white supremacist falsehoods about an invasion put immigrant communities in danger?

Mr. BIER. Look, we have talked about this before. We have seen the El Paso shooter manifesto, the Buffalo shooter. You go to Charlottesville, you saw what happened there, the Pittsburgh synagogue shooter. Now dozens of people have been murdered. It is astounding. They are saying what is motivating them. It is this idea that these people are invaders, and, therefore, they can be responded to with military-style force.

Mr. FROST. Yes, and it just makes me wonder because we keep hearing from colleagues on that side of the aisle and some of these witnesses that I guess the rate does not matter or the data does not matter, and what really matters are the families and the victims, which I 100 percent agree with, but then they completely disregard the families and victims of immigrant communities because of the hateful rhetoric that they are pushing. What about the friends and families of victims who have been murdered in schools across this country because my colleagues refuse to do anything to end gun violence? Does that matter? I guess not.

We have already seen how this hateful anti-immigrant rhetoric has been taken up by bad actors to justify horrific violence against everyday Americans. And for example, when a gunman walked into

a Walmart store, killing 23 people and injuring another 22 almost exactly a year ago, Oversight Committee Democrats called on Chairman Comer and every Oversight Republican to condemn this rhetoric.

Mr. Chair, I ask unanimous consent to enter into the record a letter dated March 6, 2023, from Ranking Member Raskin to Chairman Comer, yet again inviting you to condemn white nationalism and white supremacy in all forms, including the great replacement theory.

Mr. GROTHMAN. Without objection.

Mr. FROST. Not only have my Republican colleagues refused to condemn this extreme rhetoric, but they have also invited witnesses here who keep pushing it. I mean, we have Mr. Chapman, a sheriff, who should really be focused on the real causes of crime and violence. Under his watch, gun-related injuries surged by 57 percent in 2021. Mr. Chapman, I have one simple question for you. Do you know who your County Sheriff's Office pays to do the firearm disposal and how much you pay them for your firearms disposal?

Sheriff CHAPMAN. I would argue the statistics that you just mentioned about are——

Mr. FROST. That is not the question I asked, Sheriff. I just want to know do you know——

Sheriff CHAPMAN. I think it is important to correct the record on that.

Mr. FROST. I would like to know who your office pays for firearm disposal and how much you pay for that.

Sheriff CHAPMAN. Our firearms are handled by our Firearms Unit, and any disposal will come under them.

Mr. FROST. OK. Got you. Many law enforcement agencies contract with disposal companies. And something that is of grave concern to me is that a lot of these companies are not doing what they have promised and are not destroying firearms, and are seeing these firearms being put back on the streets. Which is why I introducing my bill, Destroy Zombie Guns Act, which will make serious reforms to help keep all Americans safer. I implore my colleagues on this Committee to co-sponsor the bill and to join me in fighting for real positive change for public safety for all people. Thank you. I yield back.

Mr. GROTHMAN. OK. OK. I will just wait. We are going to suspend for 1 minute because I have somebody supposedly walking in the halls, who is almost here.

[Pause.]

Mr. GROTHMAN. OK. We will begin closing statements. I guess there is some people who may, may not make it. First of all, I would like to thank our witnesses for their testimony. Well, should I yield to the Ranking Member first? Yes. Well, would you——

Mr. GARCIA. Well, thank you, Mr. Chairman. I want to thank our witnesses again. I just want to reiterate what I said earlier, that I think when we have these hearings, it is really important that we focus on the crime data and the data that is provided to us by our law enforcement agencies. I want to reiterate what I said before, that non-citizens, undocumented immigrants consistently, and

not just by a little, by significantly, commit less crime than citizens do.

And I just repeat that just because I think the demonization of migrants and immigrants is wrong. We can all agree, we are concerned about all crime committed by anyone. We should focus on reducing that. But we should not be demonizing non-citizens as somehow rapists or murderers or worse than, because they actually do commit less crime.

With that, I will yield back.

Mr. GROTHMAN. OK. I guess I will wait for a minute. Mr. Timmons is going to ask some questions. We will suspend for 1 minute. OK. Ms. Mace?

Ms. MACE. Thank you, Mr. Chairman, and good morning, everyone. One crime by one illegal alien is one too many.

Last year, an illegal alien who was deported in 2021 after being convicted in Charleston County, South Carolina of sexually abusing a 9-year-old, was convicted for illegally returning after it was discovered he used our wide-open border to re-enter our country and return to Charleston, South Carolina. Last fall in October, a young 3-year-old girl named Maddie Hines in South Carolina was tragically killed by an illegal alien in a car crash. The individual who committed the crime was deported under President Trump and his Administration. The illegal was able to reenter into the United States under Joe Biden because of his wide-open and dangerous border policies that put American lives at risk. Several weeks ago, the Lowcountry was put on high alert as an illegal alien, wanted by law enforcement in Dorchester County for two counts of unlawful possession of a firearm, was on the run with his firearm, with his illegally possessed gun. In January, an illegal alien from Honduras murdered an American citizen in Columbia, South Carolina, our state's capital, after crossing the border illegally last year.

Fentanyl trafficked across our Southern border by criminal cartels has killed 1,660 South Carolinians alone. It is clear that the Biden Administration's policies have turned every state in this Nation to a border state, every town into a border town. We have had members of MS-13 gang arrested in Beaufort, South Carolina. We have had human trafficking busts. In fact, 3 years ago in my hometown—you have never heard of it, it is called Goose Creek, South Carolina—there was a human trafficking bust with 28 people arrested. Two years ago in Summerville, South Carolina, there was a sex trafficking bust with over 20 people arrested. Joe Biden's open border policies have enabled an illegal alien crime wave to sweep across South Carolina and the Nation.

So, I have a few questions for our witnesses today, and I want to thank you for being here. My first question will go to you, Mr. Cuccinelli. I found it staggering that in a memo in 2021 Secretary Mayorkas wrote, "The fact that an individual is a removable non-citizen will not alone be the basis of an enforcement action against them." Why is Joe Biden and his Administration waiting until these illegals commit serious crimes before deporting them, if they deport them at all?

Mr. CUCCINELLI. I was going to say, in fact, they are not deporting them even when they do commit serious crimes, and I can only

conclude that they want the border invasion, that they have opened the borders for their own reasons.

Ms. MACE. Right. I have actually talked to different police and law enforcement agents across the country, most recently the NYPD. In New York, for example, they are letting illegals just completely walk out of there when they are committing heinous crimes. Can you speak to the policies put in place by Joe Biden's Department of Homeland Security that have disempowered ICE, allowing criminal aliens to roam free, victimizing American citizens?

Mr. CUCCINELLI. Yes. So early in the Biden tenure, in early 2021, in both ICE and CBP—you cited one memo, but there were others—if you will recall that time period where the Administration, through Secretary Mayorkas, intentionally made it difficult for both CBP and for ICE to accomplish their missions. It is part of, by the way, why the morale in those two organizations is as low as it has ever been, because you sign up to do a job and then you are actually impaired by your leadership from doing that job. And that is reflected in the number of criminals that are even coming into their custody, to ICE. When CBP is catching and releasing 85 percent of their apprehensions, ICE does not even see most of these folks and does not get a chance to thoroughly vet them. CBP's vetting is not as thorough. They are not in detention. They have, basically, turned into a human processor right now under the Biden Administration.

Ms. MACE. Thank you, and my next question is for Sheriff Chapman. In your testimony, you mentioned you are experiencing “discouragement” by this Administration for local authorities to turn over illegal migrants to ICE. Can you clarify further what Mr. Cuccinelli comments are? What the Administration is doing to discourage you from turning over illegal aliens to ICE?

Sheriff CHAPMAN. Well, I can certainly speak to that with regards to the police department. So, that is around the Washington, DC, area, certainly, you know, Fairfax and some of the other departments around, where they are not even allowed to notify ICE about people that are incarcerated.

Ms. MACE. Unbelievable.

Sheriff CHAPMAN. For us, we do. We go that extra mile. We make sure that we notify ICE in Loudoun County. It largely has to do with the fact that I am an elected official. I am not answering to boards that have their own political agendas in place. So, we do make every effort to contact ICE, and we have a very good success rate. The majority of people that ICE want turned over to them, we do in a timely manner. And that way, they can pursue whatever other charges they want to do.

Ms. MACE. Thank you, Mr. Chairman. I yield back.

Mr. GROTHMAN. I will call Mr. Timmons.

Mr. TIMMONS. Thank you, Mr. Chairman. I appreciate you letting me waive on to this Subcommittee. I have been in Congress 5-and-a-half years, and never once has an issue polled as high as concerns with the Southern border. We are talking 40-plus percent. It is the No. 1 issue of my constituents, and it is the No. 1 issue for my constituents because 8-and-a-half million people cross the Southern border illegally. It is the No. 1 issue because hundreds of thousands of American citizens have died from fentanyl

overdoses, the vast majority of which is coming across the Southern border. It is the No. 1 issue for my constituents because all of the social safety net programs that American citizens rely on are being overly burdened by the 8-and-a-half million that have come in the last 3-and-a-half years or the 10-plus million that have been here for much longer.

So, these are the biggest challenges that our country is facing right now, and it really is frustrating because originally the Administration said the border is secure, the border is secure. For the first 3 years, they said the border was secure, and then in the last 6 months after the House Republicans have repeatedly said the border is not secure, we must do something, they finally changed their tune. And they changed their tune because the Democrat mayors in all these sanctuary cities are going crazy because their social safety nets are broken. They are tens of billions of dollars short, and they are asking for relief. And this President, all he has to do is sign his name, undo the executive orders he did 3-and-a-half years ago and solve this problem.

I guess I just want to ask the sheriffs. Why do you think this President is doing this? Why do you think this Administration is doing it? Sheriff Waybourn, any thoughts?

Sheriff WAYBOURN. I am afraid I do not know why this is. I know that Speaker Johnson spoke the other day that there are people in Congress that would like to be able to give them the ability to vote, so I would think that maybe it is a political issue such as that.

Mr. TIMMONS. Sherriff Chapman, thoughts?

Sheriff CHAPMAN. I would agree with Sheriff Waybourn. I cannot specifically say, but it appears that is the reason.

Mr. TIMMONS. So, the best I can tell is there are two real reasons. No. 1 is the census. Reapportionment is going to occur in 6 years. And the idea is that you bring 8, 10, 12 million people into this country and you lure them with social safety net programs, you lure them with government benefits, and they go to the blue states. They go to the cities that offer wildly disproportionate social benefits to those in need. And that is what we are seeing in New York, but they are going there. And I guess when the census occurs, it is going to result in New York and California and Illinois receiving a disproportionate percent of the representation because we do not apportion the census based off of citizens. We apportion the census based off of humans, and, I mean, I think that is a big problem.

And you know, at the end of the day, the Chairman of Judiciary last Congress, Chairman Nadler, specifically said that the objective was to give these individuals the right to vote. I mean, when the towers fell, 3,000-plus Americans died. We went to war. We spent hundreds of billions of dollars to hold them accountable. Here we are. Hundreds of thousands of Americans have died from fentanyl overdoses. The amount of human misery occurring in this country because of the lawlessness at our Southern border is just shocking. The cartels terrorize Mexico because they are making tens of billions of dollars off of this Administration's border policies. It is just shocking.

I mean, the President recently said that he was going to address this, somehow implying he would maybe sign an executive order

and reinstate Remain in Mexico, which would substantially address the concerns that we have. But I mean, it is only because there is an election coming, and he is so far underwater in his approval ratings.

And I mean, it really is a sad day for this country that the President of the United States, it seems like he is destroying the American Dream because the American people are hurting. Inflation is killing their dreams of homeownership. Interest rates are through the roof. Hundreds of thousands of people are dying from fentanyl. They are not safe. The Defund the Police movement has resulted in enormous violence and insecurity in our cities. And I mean, our country is just on the wrong track, and we really need to change course. And with that, Mr. Chairman, I yield back. Thank you.

Mr. GROTHMAN. Thanks. Ms. Crockett?

Ms. CROCKETT. Thank you so much, Mr. Chair, and I am going to go straight to Sheriff Waybourn, because I do not know if you recognize it, but I actually represent a portion of Tarrant County. So, I am very familiar with some things that are going on there, so I want to talk about some of those things.

Before I do that, though, I do want to address the last things that were brought up about the census, and I am not really sure if my colleague recognizes that Texas actually got two new congressional seats. The state of Texas actually grew a whopping 4 million people, and because of those 4 million people that came into Texas or from wherever they came from, we actually got two new congressional seats, which Texas historically has been a red state, and New York actually lost a seat, which historically has been a blue state. So, I did want to make sure we put some facts on the record.

But we are talking about immigrants a lot. In fact, there was a lot of anti-immigrant rhetoric and blaming of immigrants when certain things happen. And based on things coming out of this Committee, we seem to believe that immigrants are the reason why crime is up and why our communities are less safe. So, I did my research and I want to go through some of it with you, specifically about Tarrant County because I do not want you to have to know statistics about somewhere else.

So, with that being said, Sheriff, do you know if within the last year, between 2022 and 2023, if there was an increase or a decrease in murder and negligent homicide in Tarrant County?

Sheriff WAYBOURN. I do not have the numbers in front of me, but it did not increase.

Ms. CROCKETT. OK. In fact, it went down by almost 17 percent, so great job. What about manslaughter by negligence, or we call it criminally negligent homicide?

Sheriff WAYBOURN. I believe it also went down in the past—

Ms. CROCKETT. Yes.

Sheriff WAYBOURN. It may be ticking up at the moment. Intoxicated and homicide may be ticking up at the moment in 2024.

Ms. CROCKETT. OK. Well, we had a 56.52 percent decrease. How about rape?

Sheriff WAYBOURN. All those categories, we believe, went down.

Ms. CROCKETT. Absolutely.

Sheriff WAYBOURN. And I do credit a lot of incredible law enforcement and municipal police chiefs.

Ms. CROCKETT. Awesome. So, there actually was a decrease by 3.35 percent in rape, robbery went down 4.5 percent, and both aggravated and simple assault went collectively down by 3.18 percent, and theft went down by 3.89 percent. This is at the same time in which we are talking about the migrant community and stoking these fears that they are bringing all of this trauma and this crime and violence to our communities, but when we look at a Texas community, Tarrant County, actually everything has gone down. And I do want to thank you for your service in that way because it takes a team. It cannot just be one thing. It means we have got to have great law enforcement, but we also have to have really good policies, and we honestly need to be honest about the data that we see.

So overall, it shows me that, Sheriff, in Tarrant County all crime was down, is what I can tell from the numbers. And do you know if Dallas County, which is next door, if they had an increase or a decrease in overall crime?

Sheriff WAYBOURN. I think all of North Texas we saw decreases—

Ms. CROCKETT. Absolutely.

Sheriff WAYBOURN. [continuing] In every one. And again, Chief Garcia, Chief Neil Noakes, there is some great police work going on in both of those counties.

Ms. CROCKETT. Absolutely. So, I am going to move on to something else really quickly. One of the things that I want to talk about is the border in general and policies. I am not sure that you are aware, but I am going to make sure that it is clear, that the Senate worked on a bill, much like the Senate has done a lot more work than the House has done this entire session. And the only reason that that bill has not come to the Floor to help those that need help as relates to the border crisis is because Donald Trump specifically said that it should not come to the Floor.

In addition to that, I want to talk specifically about some concerns that I do have in Tarrant County. While I am so thankful that the numbers have gone down, there has been a concern about the fact that there has been a consultant that has had to come in. And this consultant has had to come into Tarrant County potentially to the tune of approximately \$200,000 for an 18-month contract to help the elected sheriff identify solutions for an extensive list of jail deaths and an alarming shortage in detention officers staff, and the necessity for Tarrant County to address its overcrowded jail by entering into a \$40 million contract with a privatized jail outfit to house Tarrant County's inmates in Garza County. That is concerning to me. It is concerning because as a former public defender, I actually had clients that died in the jail. And most people do not understand that the main job of a sheriff is usually to make sure that they are taking care of the jail population.

And so, Sheriff, I want to make sure that while they have brought you to D.C., that we make sure that we are taking care of Tarrant County, where you and I both are locally elected to serve, because we cannot have a situation in which we have violations of people's civil rights potentially due to overcrowding, or we cannot have a situation where we are losing lives because we are

helping out our friends who are trying to stoke more fears about the migrant community, because the one thing that we know from the data is when it comes to migrants in the state of Texas, specifically in Tarrant County, if anything, it looks like the numbers have gone down as far as crime overall instead of going up. And so, we know that while it is a team effort, this idea that this President is doing something so nefarious that he is trying to bring people in so that he can get them to vote for him or he can get them to help out a census in a particular state, that is just not what the case is.

But I do thank you for your time, and thank you, Mr. Chairman. I yield.

Mr. GROTHMAN. We got Mr. LaTurner.

Mr. LATURNER. Thank you, Chairman. Thank you to our witnesses for being here today as we discuss the ongoing border crisis.

The invasion at our Southern border did not happen by accident. During the 2020 Presidential campaign, then-candidate Joe Biden promised to protect sanctuary cities from Federal law enforcement, pledged to halt deportations, and encouraged millions of asylum seekers to surge to the Southern border. It did not take long for the President to make good on his open border promises. In his first 100 days of his Administration, President Biden took over 94 executive actions to reverse Trump-era immigration policies and undermine America's border security. The Biden White House ended Remain in Mexico, halted construction of the border wall, and did away with Title 42 expulsions. These disastrous policies have turned every state into a border state.

President Biden's sanctuary city policies and catch-and-release practices complicate the efforts of border patrol, ICE, and local law enforcement to keep our streets safe and protect our communities. This unprecedented level of illegal immigration is redirecting essential resources away from their critical role in crime prevention, costing taxpayers billions of dollars, and leaving our communities more vulnerable.

The unchecked flow of illegal immigrants across our Southern border not only undermine our law, but also opens the door for bad actors to enter the country undetected. Under President Biden, more than 600,000 illegal immigrants with criminal records or pending criminal charges have been released into the United States. Our communities now face an increased threat from drug smugglers, human traffickers, and violent criminals who exploit our weakened Southern border, each crime being entirely preventable. We are now confronting a full-blown public safety crisis, one that stretches far beyond the border states and impacts the entire Nation. This Administration's actions, or lack thereof, sends a message that our laws can be blatantly ignored, and violations will go unpunished. For far too long, Secretary Mayorkas and the entire Biden Administration have refused to enforce our Nation's immigration laws and turned their backs on the victims of this worsening crisis. It is unacceptable, and this Committee must hold them accountable.

Sheriff Chapman, thank you for being here today. My district is not located on the Southern border. Yet, I still hear from my constituents in Kansas every single day who are impacted by this Ad-

ministration's open border policies. Would you agree that the implications of the border crisis are widespread, affecting not just the border communities but also towns and cities across the entire Nation?

Sheriff CHAPMAN. Absolutely. And as I said in my opening comments, probably the biggest reflection of that is the overdose deaths that we are seeing throughout the country here. Over the last several years now, they have exceeded 100,000, with the vast majority of those being fentanyl. So, when you are talking about an impact, that definitely is an impact, and it is killing so many people throughout our country.

Mr. LATURNER. As a sheriff of a non-border state, could you discuss the specific challenges that you, as chief law enforcement officer, remain vigilant to guard against in light of the Administration's border policies?

Sheriff CHAPMAN. Well, fortunately, as an elected official, I have the ability, as I mentioned earlier, to contact ICE when we have people that need to go to ICE that are being detained, but we are concerned about an increase, certainly, with MS-13 and 18th Street Gang members coming in as a result of this. We did have a problem several years ago with gang members. We are concerned that that is going to reignite itself here as this problem continues.

Mr. LATURNER. I would like to stick with you but shift our discussion to the topic of sanctuary jurisdictions, which limit the ability of ICE to fully enforce immigration laws, as you know well. In your opinion, how do sanctuary jurisdictions affect public safety?

Sheriff CHAPMAN. I think sanctuary jurisdictions are extremely detrimental to public safety because it allows people that should not be here, in locations where they should not be, and allows them to basically commit crime. Fortunately, we are not one of those, but I do believe some of our surrounding locations are, and I just think it poses an enormous danger to the citizens of those areas.

Mr. LATURNER. Describe how important you think it is for local jurisdictions to work with Federal Government to enforce U.S. immigration law.

Sheriff CHAPMAN. Extremely important. I am retired from the Drug Enforcement Administration as a special agent. I have very good relationships with all of our Federal counterparts here, and I think, for the most part, everybody wants to do the right thing. Unfortunately, political agendas get in the way of that often, but as far as we go, it is very important for us to constantly work, notify other people in other agencies of what is going on so that we can address these issues promptly and keep our citizens safe.

Mr. LATURNER. Thank you very much. Mr. Chairman, I yield back.

Mr. GROTHMAN. Mr. Goldman?

Mr. GOLDMAN. You?

Mr. FALLON. No, go ahead.

Mr. GOLDMAN. Do you want to go?

Mr. FALLON. You can go.

Mr. GOLDMAN. I would rather wait. I just sat down. If that is OK.

Mr. FALLON. Chairman, up to you.

Mr. GROTHMAN. Mr. Fallon?

Mr. FALLON. All right. Gentlemen, thank you for coming. I heard some of the questioning earlier, and some of our Democratic colleagues were focusing on are illegal immigrants less likely to commit crimes than native-born American citizens? And I think we are asking the wrong question. First of all, in relation to that, we do not know if that is a true statement or not. We do not know if they are less or more likely because the studies that were done are flawed. And they cite a Cato study, and yet in the Cato study, they say “we cannot make a direct apples-to-apples comparison between Texas and other states.”

We also do not see studies done when we have had this Biden border crisis and this explosion. When you look at the Obama Administration, about 1.7 million illegal encounters in the first 3 years, about the same with the Trump Administration, and then it went up to almost 8 million. We do not know the impact of that yet. So, I like to begin, unlike so many people in Congress, I like to begin with doubts and then end in certainties, not the other way around. I do not want to put my thumb on the scale. I want to know the truth, not their truth or our truth. There is no such thing as that. There is such thing as one thing: the truth.

So, we are asking the wrong question. We should be asking this question: are we safer or not with mass unlawful migration? And I think I can answer that definitively. We are less safe when we allow mass unlawful migration. Take case in point in Texas, my home state. Between June 2011 and March 2024, there were 513,000 crimes committed by criminal aliens. Four hundred twenty-eight thousand criminal aliens just in Texas were arrested that resulted in 187,000 felony convictions. So, I think our job here in Congress is to make all American citizens as safe as possible. Allowing for mass unlawful migration, sticking your head in the sand and pretending it does not exist or it is not harmful, is absolutely ludicrous. It does not matter if somebody is more or less likely. Clearly, criminal aliens exist, and they have committed mass amount of crimes in Texas.

Sheriff Waybourn, great to see you again. You are a great American. While there are several factors in play, is it possible that the rise in crime recently in Texas has some correlation to the rise in the number of illegal migrants in Texas?

Sheriff WAYBOURN. I believe you answered your own question a while ago. I do not think we can tell that, depending on the documentation. We have actually, in the Dallas-Fort Worth area, have seen a decrease in crime, but we do not know. That community a lot of times simply does not report it, and we know that for a fact.

Mr. FALLON. Well, yes. And Sheriff, the criminal migrant gangs, like MS-13 and others, who are they most likely to prey on demographically? Are they most likely to prey on White Americans, Black Americans, or Hispanic Americans?

Sheriff WAYBOURN. Hispanic Americans.

Mr. FALLON. Yes. They are actually disproportionately more of a threat people of color in this country to this criminal element.

Sheriff WAYBOURN. That is it, and I believe you were a part of the legislature in Texas where we changed the law, where we cannot ask immigration status of a victim to get them to come more out of the shadows to tell us who is attacking them.

Mr. FALLON. Yes, it is about protecting innocence and justice. And also, Sheriff, my constituents are repeatedly expressing concerns about the border and illegal migration. It is the No. 1 thing I hear at town halls. What are you hearing from your constituencies in Tarrant County?

Sheriff WAYBOURN. I think they are very concerned about the open border and have been for the last several years, and the plethora of drugs that are coming across it and the impact it is having to our communities because it knows no bounds.

Mr. FALLON. Is this just Republican—

Sheriff WAYBOURN. No, sir.

Mr. FALLON. No?

Sheriff WAYBOURN. This is the citizens in general.

Mr. FALLON. And is it just a certain demographic? Is it just White Americans, or is it all shapes, sizes, and shades?

Sheriff WAYBOURN. All Americans.

Mr. FALLON. Sheriff Chapman, you are Sheriff in Virginia. Do you feel like border concerns are something that you hear about as well out there, and are you concerned?

Sheriff CHAPMAN. Oh, certainly I am concerned about what is going on with the border and the impact that it is having across the country, to include Loudoun County, Virginia.

Mr. FALLON. Mr. Bier, a “yes” or “no” answer. Would you agree it would be potentially dangerous to allow a complete stranger into your home?

Mr. BIER. I would not.

Mr. FALLON. You would not do that, right?

Mr. BIER. I mean, it depends on the circumstance.

Mr. FALLON. That is fair. I mean, it is clear that somebody knocks on your door and if you do not know who they are, I do not let them in either.

Mr. BIER. I mean, I do not know. It depends on who they are.

Mr. FALLON. Well, you said no.

Mr. BIER. If they are a family with kids.

Mr. FALLON. Yes. A complete stranger?

Mr. BIER. I should not be too hasty.

Mr. FALLON. OK. All right. So, you would? A family and kids. How many strangers and kids are in your home right now?

Mr. BIER. None that I know of.

Mr. FALLON. None. Do you house any illegal migrants in your home, or I should just say “migrants,” that have crossed the border in your home?

Mr. BIER. No.

Mr. FALLON. Yes. Mr. Chairman, I yield back.

Mr. GROTHMAN. Mr. Goldman?

Mr. GOLDMAN. Thank you very much, Mr. Chairman. Mr. Bier, I want to go back to a little bit about what my colleague from Texas was talking about in terms of the data. Obviously, it is self-evident that if there are more people in the country and a specific percentage of people commit crimes, there is going to be more crime, right?

Mr. BIER. Yes. The absolute number will increase if the total population is larger.

Mr. GOLDMAN. OK. But you and the Cato Institute have done some work on this in terms of comparing the data that is available, which is limited, of the number of non-American citizens who commit crime versus those who are citizens of the United States, and just summarize again what you have found.

Mr. BIER. Well, the U.S. Census Bureau data, which goes through 2022, shows that non-Americans or immigrants are 68 percent less likely to have committed a crime that put them in prison at that time, and if you look at it, break it down by legal status, you can say that 75 percent less likely for legal immigrants and about 50 percent less likely for illegal immigrants. And we keep hearing about why this is such a big surprise. It is not a surprise. If you look at the demographic characteristics of immigrants, they are more likely to work, more likely to marry. Particularly if you look at male immigrants—men commit the vast majority of crimes in this country—male immigrants work at a rate almost double, when you control for education level, than similarly educated Americans.

Mr. GOLDMAN. Right, and there are other studies that have been done. The Marshall Project and the *New York Times* found that between 2007 and 2016, there was no link between undocumented immigrants and a rise in violent or property crime in those communities. Sheriff Waybourn was talking about in Dallas, crime is down. Crime in New York City is down also, and we have had a significant influx of newly arrived migrants. Yes, of course, there will be more crime as there are more people. But if the argument is that our country is proportionately or disproportionately more dangerous and insecure and unsafe because of the influx of migrants, the statistics just simply do not bear that out. Is that right, Mr. Bier?

Mr. BIER. That is right. No one is saying we should continue illegal immigration. The question is, should we allow people to come legally to this country or not? That is the whole question. It is already illegal to come here illegally, so the question is, should they be allowed to stay, have a path to legal status, have a path to come in legally, and we keep hearing that they are such this big threat. No. If the crime rate goes down, that means your likelihood of being a victim of a crime goes down, and that is a good thing.

Mr. GOLDMAN. Well, let us focus on something that my Republicans do not like to talk about, which is the impact of guns on both the fentanyl trade and the influx of migrants. Am I correct, Mr. Bier, that the cartels broadly rule the border in terms of the fentanyl trade as well as a lot of the migration? Is that accurate?

Mr. BIER. Absolutely. They charge a fee to cross the border illegally. They control the traffic. They force people to cross where they want them to cross. It is controlled by cartels.

Mr. GOLDMAN. Yes. And, Sheriff Waybourn, you agree?

Sheriff WAYBOURN. Absolutely.

Mr. GOLDMAN. And, Sheriff Waybourn, do you agree that the cartels are able to control the fentanyl trade and the border because they possess weapons, guns that help give them the power and authority?

Sheriff WAYBOURN. I have not inventoried their weapons, of course, but they are a very powerful outlaw organization, and they do have tools.

Mr. GOLDMAN. Sheriff Waybourn, would you be surprised to hear that over 500,000 guns are trafficked annually from the United States to Mexico?

Sheriff WAYBOURN. None of those figures would surprise me.

Mr. GOLDMAN. Right. In fact, there is only one gun store in Mexico. It is almost impossible to get a gun in Mexico. And so, the cartels, who you have acknowledged, Sheriff Waybourn—and, I think, Mr. Cuccinelli, I think you have acknowledged that to me in the past—the cartels rule with guns, but they rule with American-made guns. And yet, we are doing nothing to try to stop the trade, try to stop the export of American-manufactured guns to the cartels, which give them the power to run the fentanyl trade and to wreak havoc at the border.

And that is why I introduced a bill, The Disarming Cartels Act. I urge my Republican colleagues, who do not discuss guns once in their seminal border security package, to join us in trying to actually solve the problem. And to solve the problem, you need to stop the export of American-made guns to the drug cartels so that that will limit and eliminate their power. Mr. Chairman, I yield back.

Mr. GROTHMAN. Thank you. We already heard the closing statement from the Ranking Member, so now I will give you my closing statement.

First of all, to respond to a couple of the comments on the other side, we heard from Matt O'Brien, former head of ICE, you know, last Committee or two Committees ago, that he felt that people who are here illegally committed crimes at a substantially greater number than the native born. As far as the recent drop in the number of murders in this country, I think that was because, or anybody looking at the statistics would know, that there was a spike up at the time George Floyd died. I kind of call it the Floyd effect. And for the year thereafter—I guess on a Federal level it would be Fiscal Year 2021 to 2022, Donald Trump's final year—there was a big increase, but that was not because of any overall policy. That was because George Floyd died during that time and it kind of resulted in a big increase. It is very difficult to get exact statistics.

So, I can tell you anecdotally, law enforcement in my area is aware of crimes being committed by immigrants. A lot of times they did not even have statistics, though. It surprises me that when I talk to local sheriffs' departments or people who run the local corrections, and I ask how many people are here illegal, they have no idea, and that is in Wisconsin. I think in other states where they pride themselves on being sanctuary cities, I am sure it is much more difficult to get those numbers. So, as a result, they have to rely on both what Mr. O'Brien said and anecdotal evidence that I gather in Wisconsin.

I would like to thank you one more time for being here. We had a very interesting testimony today about the difficulty it is in removing people who even committed crimes in the United States. The Biden Administration has specifically made it more difficult to deport a criminal even after they have committed a crime. And we heard in the past as well that—I believe it was from Mr. O'Brien

or a different witness. Sorry, it was one of the immigration judges. He went back and looked to see what happened to people who he ordered deported after they had committed crimes. And under the Biden Administration, he found that none of these people were deported, which is an indication that the policy of the Biden Administration is we want to get as many new people in here as possible, and even if an immigration judge orders somebody deported, we are not going to kick them out.

And that is the attitude that permeates this whole discussion, which is one of the reasons why we have such a massive increase of illegal immigrants in this country together with the cost of the illegal immigrants and crime committed by those immigrants.

So, in any event, I would like to thank the four of you for being here one more time.

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, the Subcommittee stands adjourned.

[Whereupon, at 12:03 p.m., the Subcommittee was adjourned.]

