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Testimony for the House Committee on the Judiciary
October 22, 2021

Chairman Nadler, Ranking Member Jordan, Members of the Committee: We are entrusted with a solemn, necessary task – to protect and defend the interests of the American People at home and abroad. For many years, Congress remained obstinate in its preference to ignore the protection of our Southern Border – an issue only sincerely addressed with the election of President Donald J. Trump in 2016. Now that the Biden Administration has taken power, we have seen a complete degradation of our National sovereignty, and it has been the American People – not the Washington D.C. elitist political class – suffering from the consequences of a total lack of leadership.

The United States of America remains, by every conceivable metric, the most generous country in the world. However, this well-earned reputation – earned through the hard work of the American Taxpayer – has been abused by an iconoclast Administration too easily incentivized to undermine existing immigration law. Since January 20, we have not witnessed migration across our Southern Border. We have witnessed invasion. Record numbers of illegal aliens continue to come to America unabated – 213,534 in July, and 208,887 in August – and those are only the ones who were caught. In Fiscal Year 2021, U.S. Customs and Border Protection – an institution commonly maligned by the Biden Administration – reported just under two million apprehensions, representing a more than 200% increase over FY20. The Biden Administration’s complete abuse of the parole program at the Border has led to the release of 160,000 illegal immigrants into the interior of the United States since March 20. Late last month, Secretary Mayorkas indicated that more than 12,000 Haitian migrants being held at Del Rio, Texas, have been released into the interior.

The practical implications of unfettered immigration across our Border are poignantly highlighted by the numerous anecdotes of human suffering – suffering that has all too commonplace. In September, news outlets first reported that the Biden Administration had “lost contact” with up to 40% of migrant children released from its custody. The Justice Department’s own Human Trafficking Prosecution Unit has warned that these children are at risk of being released to labor traffickers: “some of these situations appear to involve dozens of unaccompanied minors all being released to the same sponsor and then exploited for labor in poultry processing or similar industries without access to education.”

The number of encounters with Unaccompanied Alien Children (UACs) has increased by 655.5% from July 2020 to July 2021. In August 2020, 3,103 UACs were apprehended. In August 2021, that number was 18,847, indicating a similar rate of increase. We are seeing children risk their lives in crossing the border, and the Administration is exacerbating the issue by facilitating the use of secret flights to transport UACs and other illegal immigrants around the Country, regardless of immigration or even health status. It is telling that Attorney General Merrick Garland criticized the decision of the State of Texas to ban the transportation of illegal immigrants, as the lack of any vetting procedures on the part of the Administration is almost certain to contribute to a rise in COVID-19 cases in our Country.

It is abundantly obvious to American Citizens that our government must make it more difficult for illegal immigrants to come into our Country, yet the Biden Administration plans to challenge the Migrant Protection Protocols – better known as the Remain in Mexico policy – immediately upon resurrecting the Trump-era policy due to a court order. A new proposed rule from DHS and DOJ gives the Secretary of Homeland Security sweeping authority to offer parole to immigrants claiming credible fear. It also ensures that the number of asylum applications that are accepted will only increase as the current “adversarial” system is largely diminished. The Administration’s plans and proposals, if they come to pass, will continue to incentivize illegal immigrants to invade our Country and lead to further human, drug, and labor trafficking. In May 2021, human traffickers made between 14-15 million dollars a week smuggling men, women, and children across our Border with Mexico. Paramilitary and narco-terrorist cartels are taking full advantage of the chaos sown by this Administration. In the meantime, Border communities and States will continue to have to take matters into their own hands to protect their Citizens and the Nation at large.

Legislative proposals, including H.R. 1901, the Stopping Border Surges Act, and H.R. 5572, the SECURE America Act, are two pieces of legislation that are worthy of this Committee’s consideration. I am proud to be an original co-sponsor of both. The former addresses the humanitarian crisis at our border head-on, confronting the problems stemming from the Flores Settlement Agreement and ensuring that the United States has a humanitarian response to UACs – in contrast to what we’ve seen from this Administration. The latter subjects refugee admission to the Congressional Review Act, bans the Department of Homeland Security’s use of parole authority, gives governors the power to reject refugees from the Federal

government, removes any alien who commits a violent crime, and rescinds LPR status for any such alien. It is also imperative that H.R. 1259, the REMAIN in Mexico Act, is immediately considered and signed into law. This legislation would codify the Migrant Protection Protocols that have proven to be an effective deterrent to illegal immigration.

We have robust legislative solutions to address the Administration's abrogation of responsibility for our National security, and we owe it to the American People – and in particular to those border communities who have cried out for leadership from our Government – to enforce our laws, pursue the aforementioned recommendations, and finally put an end to the manufactured crisis conjured up by the Biden Administration.

In an equally important manner, the integrity of our nation's elections is the bedrock upon which our democracy stands. Unfortunately, Congressional Democrats have proposed policies that would undermine any existing trust in elections and have shrouded those policies with claims of discrimination and vote suppression. If those policies are enacted, they will tarnish our fundamental right to vote in free and fair elections.

The “For the People Act,” an ambitiously titled bill which seemingly has been abandoned by Congressional Democrats and the White House due to lack of support, would impose burdensome, one-size-fits-all requirements on state and local jurisdictions while making elections less secure and funneling Taxpayer dollars directly to political candidates.

Policymakers have valid concerns about policies like online voter registration, same-day registration, and automatic voter registration. Online voter registration opens jurisdictions to the possibility of data hacks and registration fraud; given the abysmal track record of state government cybersecurity, state legislatures have clear cause for concern. Putting aside security concerns, same-day registration poses a logistical challenge for election officials, sometimes requiring the procurement of e-poll books or ballot-on-demand printers. Finally, while proponents of automatic voter registration contend that it will increase civic participation, technical and security problems abound. Automatic voter registration programs in California and Illinois inaccurately registered people who had opted out and registered non-citizens. California's program – overseen by then-California Secretary of State Alex Padilla – made over 100,000 voter registration errors.

Despite these numerous concerns, H.R. 1 would mandate these policies for all states.

The problematic provisions don't end there. H.R. 1 would continue to infringe on state sovereignty by forcing states to give felons the right to vote (even when they haven't completed probation or restitution requirement), requires states to count provisional ballots even when they are cast outside of their assigned precincts, and allow vote harvesting by campaign staffers. It would also funnel taxpayer dollars through a donation matching program, donation vouchers, and candidate salaries.

If that wasn't enough, they have also advanced H.R. 4, which would allow unelected Justice Department bureaucrats to overrule state election laws through weaponization of the preclearance process. Democrats would change the very definition of discrimination to a "disparate impact" standard. Instead of simply scrutinizing legislation that was passed with an intent to discriminate, this new definition would use a statistical calculation to determine discrimination, opening more jurisdictions to potential invalidation of election laws.

While election integrity concerns have been conflated with other issues, widespread questions of fraud and abuse have undermined confidence in our electoral system. I've heard firsthand from constituents in the 10th District of Pennsylvania who have completely lost faith in the democratic process. A serious proposal to address these problems would set strong standards for photo identification and prohibit the connection of voting machines to the internet. Furthermore, I have cosponsored legislation by Representative Banks – the Save Democracy Act – which would prohibit automatic voter registration, require current and valid forms of identification, and prohibit drop boxes and ballot harvesting.

As Congressional Democrats push their anti-democratic, overreaching bills, they are overlooking serious election-related reports, such as \$400 million in donations by Mark Zuckerberg for undisclosed election assistance activities. This Committee should be launching a full inquiry into this bankrolling of government election offices and whether it improperly influenced elections or contributed to voter fraud in the 2020 election.

I am grateful to the Committee for providing me the opportunity to speak on the issues of illegal immigration and election integrity today. I look forward to working with you to achieve these objectives.