CAUSES, COSTS, AND CONSEQUENCES:

WHY SECRETARY MAYORKAS MUST BE INVESTIGATED FOR HIS BORDER CRISIS

COMMITTEE ON HOMELAND SECURITY
MAJORITY REPORT

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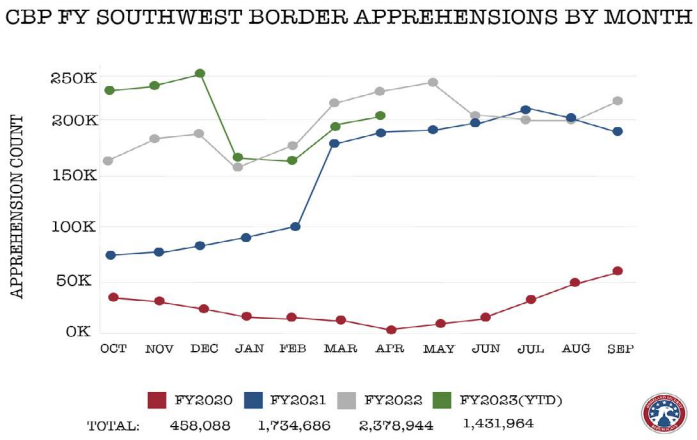
Source: U.S. Border Patrol

For more than two years, the country has witnessed a national security, humanitarian, and public safety disaster at the Southwest border. Every day, Americans across the nation are feeling the devastating consequences of this crisis in new and tangible ways.

The flood of illegal aliens across America's sovereign borders has been unprecedented. Since the Biden administration took office, Customs and Border Protection (CBP) has reported more than 5.2 million apprehensions at the Southwest border alone[1], a number which grows to more than 6.1 million when factoring in apprehensions at America's Northern and maritime borders.[2]

In Biden and Mayorkas' first full month in office, CBP averaged well over 3,000 apprehensions per day at the Southwest border, totaling 101,099 for the month—and that was the low-water mark.[3]



Source: CBP Border Encounter Data

Since March 2021, CBP has recorded no fewer than 154,000 apprehensions at the Southwest border in any given month.[4] From March to December 2022, CBP recorded more than 200,000 apprehensions per month. Never in CBP history had the agency recorded so many apprehensions in consecutive months.

These massive numbers have pulled Border Patrol agents off their frontline mission of securing the border and enforcing America's immigration laws, to instead process and release the record number of illegal aliens surging across the border every day.

Transnational criminal organizations (TCOs), like the Mexican drug cartels, have been enriched and empowered by record profits from drug trafficking and human smuggling, funneling those blood-bought dollars into expanding their fearsome, military-grade arsenals that have allowed them to challenge and intimidate the Mexican government.

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1 "Southwest Land Border Encounters," U.S. Customs and Border Protection Newsroom, May 17, 2023, https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters.
2 "CBP Enforcement Statistics Fiscal Year 2023," U.S. Customs and Border Protection Newsroom, May 17, 2023, https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics.
3 U.S. Customs and Border Protection Newsroom, supra note 1.
4 Ibid.

Fentanyl, the cartels' current narcotic of choice, is pouring across the increasingly porous border and into American communities, ruining lives and shattering families at an unprecedented rate. Meanwhile, as crime spikes in American cities, more than 1.5 million known gotaways have evaded apprehension by the Border Patrol since January 2021 and are now at large in the United States.[5] Among those who have evaded apprehension have doubtless been an unknown number of gang members, violent criminals, and other potential national security threats whose malicious intentions we may not even yet know or realize.

A record number of migrants have been found dead on U.S. soil in the last two years. CBP personnel in both the Border Patrol and Air & Marine Operations (AMO) have been putting their lives on the line at an exponentially higher rate than in years past, conducting an ever-increasing number of rescue operations along our borders.

An untold number of men, women, and children have become victims of sexual assault, violent theft, and other degradation and abuse along the journey through Central and South America to the Southwest border, and increasingly, the Northern border, as well. The sheer number of individuals crossing illegally has overwhelmed Border Patrol agents, leading to rampant overcrowding of holding facilities and stretching resources past the breaking point.

Source: Pool photo from Dario Lopez-Mills (AP)

The human cost, both to American citizens and those journeying to the border, has been incalculable.

Increasingly, Americans are also suffering from the strain of the financial costs imposed by this mass illegal immigration.

The border crisis has had an unprecedented and devastating effect on American states, cities, and small towns, particularly the schools, businesses, hospitals, law enforcement agencies, and other public service providers who have limited resources to deal with this massive influx of illegal aliens.

Simultaneously, as cities and states shoulder more costs required to handle this historic burden, many of the illegal aliens released into American communities are consuming far more in taxpayer-funded benefits than they are ever giving back.

New York City alone, for example, projects to have spent more than $4 billion by next year on benefits for illegal aliens since they first began arriving in waves from the Southwest border.[6]

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5 Patrick Hauf, "1.5 Million 'gotaways' at the border under the Biden Administration: Report," Fox News, May 16, 2023, https://www.foxnews.com/politics/million-gotaways-border-biden-administration-report.
6 Bernadette Hogan and Emily Crane, "Mayor Eric Adams Says Biden's Migrant Crisis Has 'destroyed' NYC," The New York Post, April 21, 2023, https://nypost.com/2023/04/21/mayor-eric-adams-says-bidens-migrant-

The truth is simple—the border crisis has turned every state into a border state, every town into a border town. The consequences of this crisis impact every American, regardless of race, gender, or socioeconomic status. It does not spare those of a particular political ideology. As this preliminary report will show, it affects us all.

The most egregious aspect of this crisis, however, is that it has been intentional from the start. Joe Biden ran a campaign on providing amnesty to millions of illegal aliens and promising to end the policies that had brought illegal immigration to a four-decade low.[7]

On Sept. 12, 2019, during a Democratic presidential debate, then-candidate Biden even encouraged individuals from around the world to "surge" to the border and file asylum claims, despite the Department of Justice data showing clearly that only around 10-15 percent of those filing such claims ever receive asylum:[8]

The Biden Administration's Track Record on Border Security

Biden and leading officials in his administration, particularly Department of Homeland Security (DHS) Secretary Alejandro Mayorkas, have certainly followed through on these promises.

Biden, Mayorkas, and other open-borders advocates in the administration quickly terminated, suspended, or rolled back numerous effective border-security policies,[9] despite repeated warnings from experienced border security professionals during the presidential transition period of the crisis that would ensue if they did so.[10]

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crisis-has-destroyed-nyc/.

7 Lora Ries, "President Trump and Joe Biden: Comparing Immigration Policies," The Heritage Foundation, October 21, 2020, https://www.heritage.org/immigration/report/president-trump-and-joe-biden-comparing-immigration-policies.

8 "Credible Fear and Asylum Process: Fiscal Year (FY) 2008 – FY 2019," Department of Justice Executive Office for Immigration Review, https://www.justice.gov/eoir/file/1216991/download.

9 "Data Visualization: Biden Administration's Border Catastrophe—A Policy Tracker," The Heritage Foundation, June 25, 2021, https://datavisualizations.heritage.org/immigration/biden-administrations-border-catastrophe-a-policy-tracker/.

10 Elissa Salamy, "Biden Administration Was Warned on Potential of Border Crisis, Says Mark Morgan," WPDE, March 23, 2021, https://wpde.com/news/nation-world/biden-administration-was-warned-on-poten-

The crisis that followed was swift, predictable, and catastrophic.

Since then, the Biden administration has implemented a host of policies that have opened our borders wide and signaled to those who cross illegally that they will likely be released into the interior of the country without consequences for breaking our laws.

Effective Policies Ended

Remain in Mexico (Migrant Protection Protocols/MPP): The Biden administration quickly moved to suspend the Remain in Mexico Program (MPP),[11] a critical tool that substantially reduced the filing of fraudulent asylum claims at the Southwest border following the 2019 crisis. For more than a year, the Biden administration fought numerous legal battles to dismantle the policy, ultimately prevailing at the Supreme Court in June 2022.[12]

Border Wall Construction: Walls work. The border wall system is a critical component in maintaining order and security at the Southwest border. A CBP press release in October 2020 states plainly, "The results speak for themselves: illegal drug, border crossings, and human smuggling activities have decreased in areas where barriers are deployed. ... [T]he border wall is forcing drug smugglers to where we are best prepared to catch them—our ports of entry."[13]

Upon taking office, however, Biden ordered a halt to construction of new border wall,[14] and prohibited the use of funds already authorized and allocated by Congress for that very purpose.

Asylum Cooperative Agreements: The Trump administration also negotiated asylum cooperative agreements (ACAs) with El Salvador, Guatemala, and Honduras.[15]

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tial-of-border-crisis-says-mark-morgan.

11 "DHS Statement on the Suspension of New Enrollments in the Migrant Protection Protocols Program," U.S. Department of Homeland Security, January 20, 2021, https://www.dhs.gov/news/2021/01/20/dhs-statement-suspension-new-enrollments-migrant-protection-protocols-program.

12 Amy Howe, "Divided Court Allows Biden to End Trump's 'Remain in Mexico' Asylum Policy," SCOTUSblog, June 30, 2022, https://www.scotusblog.com/2022/06/divided-court-allows-biden-to-end-trumps-remain-in-mexico-asylum-policy/.

13 "The Border Wall System Is Deployed, Effective, and Disrupting Criminals and Smugglers," U.S. Department of Homeland Security, October 29, 2020, https://www.dhs.gov/news/2020/10/29/border-wall-system-deployed-effective-and-disrupting-criminals-and-smugglers.

14 "Proclamation on the Termination Of Emergency With Respect To The Southern Border Of The United States And Redirection Of Funds Diverted To Border Wall Construction," The White House, January 20, 2021, https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/proclamation-termination-of-emergency-with-respect-to-southern-border-of-united-states-and-redirection-of-funds-diverted-to-border-wall-construction/.

15 "Fact Sheet: DHS Agreements with Guatemala, Honduras, and El Salvador," U.S. Department of Homeland Security, https://www.dhs.gov/sites/default/files/publications/19_1028_opa_factsheet-northern-central-america-agreements_v2.pdf.

These agreements served a number of important functions, including recognizing these nations as essentially "safe third country" options to which the United States could return individuals who had arrived at the Southwest border seeking relief, but who had not applied for asylum when passing through those countries on the journey to the Southwest border.

The agreements also made it clear that these individuals should claim asylum in the other countries party to the agreements, not the U.S. The Biden administration suspended these commonsense agreements on Feb. 6, 2021, and later terminated them.[16]

Title 42: In 2020, the Trump administration responded to the COVID-19 pandemic by invoking the Center for Disease Control and Prevention's (CDC) Title 42 public health authority. Under Title 42, CBP could process illegal aliens without asylum screening and immediately expel them back to Mexico through the closest port of entry. This was a vital authority, not only allowing Border Patrol agents to rapidly expel those who had no legal claim to enter the U.S., but to protect agents and American citizens throughout the country from the spread of COVID-19.

Mayorkas' DHS failed to fully and effectively utilize this authority. In February 2023, for example, just 33 percent (70,470) of those apprehended were expelled under Title 42.[17] The Biden administration ended Title 42 on May 11, 2023.

In the days leading up to May 11, thousands of illegal aliens gathered just across the Southwest border waiting to flood across once Title 42 ended.[18] Total apprehensions in April jumped to more than 275,000, with the vast majority occurring at the Southwest border.[19] Border Patrol recorded multiple consecutive days of more than 10,000 apprehensions in the days before Title 42 expired.[20] As the cartels temporarily pull back to assess the fallout of Title 42's end, daily apprehensions have fallen from such highs, but are still at crisis levels of more than 3,700 per day, according to DHS.[21]

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16 Anthony J. Blinken, "Suspending and Terminating the Asylum Cooperative Agreements with the Governments El Salvador, Guatemala, and Honduras," U.S. Department of State Office of the Spokesperson, February 6, 2021, https://www.state.gov/suspending-and-terminating-the-asylum-cooperative-agreements-with-the-governments-el-salvador-guatemala-and-honduras/.

17 "Nationwide Encounters," U.S. Customs and Border Protection Newsroom, May 17, 2023, https://www.cbp.gov/newsroom/stats/nationwide-encounters.

18 MaryAnn Martinez, "Up to 40,000 Migrants Amass at Border as End of Title 42 Nears," The New York Post, April 13, 2023, https://nypost.com/2023/04/13/up-to-40000-migrants-amass-at-border-as-end-of-title-42-nears/.

19 U.S. Customs and Border Protection Newsroom, supra note 17.

20 Adam Shaw and Bill Melugin, "Border Patrol Encounters 10,000 Migrants for Third Day in a Row as Numbers Swell before Title 42 Drops," Fox News, May 11, 2023, https://www.foxnews.com/politics/border-patrol-encounters-10000-migrants-third-day-numbers-swell-before-title-42-drops.

21 Anna Giaritelli, "Biden Administration Touts 70% Decline in Illegal Immigration since Ending Title 42," The Washington Examiner, June 6, 2023, https://www.washingtonexaminer.com/policy/immigration/biden-administration-decline-illegal-immigration-since-title-42-end.

In a briefing provided to members of the House Committee on Homeland Security, Border Patrol Chief Raul Ortiz told members he "fully expect[s]" apprehensions to soon rise back to the 6,500-7,000 per day that had become the norm.

National Border Patrol Council Pres. Brandon Judd wrote in December 2022, when Title 42 was previously on the chopping block, that once the authority ends, "there will be almost no agents left to patrol our Southwest border with Mexico. The cartels will gain complete control."[22]

Ending Abuse of Parole Programs: In 2017, Pres. Donald Trump signed an executive order ending the abuse of parole, and reiterating that parole was only to be used on a case-by-case basis for humanitarian purposes, in accordance with the law.[23] The Biden administration revoked this order on Feb. 2, 2021.[24] By law, parole should only be offered on a case-by-case basis when there is significant public benefit or urgent humanitarian need to do so, and only for temporary admittance into the country.

Cracking Down on Sanctuary Cities: The Trump administration issued an order in 2017 that prohibited federal grant money from being awarded to jurisdictions that refuse to cooperate with Immigration and Customs Enforcement (ICE) to remove criminal aliens, otherwise known as "sanctuary cities."[25] The Biden administration canceled the order on Jan. 20, 2021.[26]

Rolling Back DACA: The Trump administration attempted to rescind the Deferred Action for Childhood Arrivals (DACA) amnesty program, but was only partially successful, as the courts required the administration to continue processing renewals. The administration did not adjudicate new DACA requests, however. In a Jan. 20, 2021 executive order, Biden ordered DHS to "preserve and fortify" DACA.[27]

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22 Brandon Judd, "Once Title 42 Expires Mexican Drug Cartels Will Gain Complete Control of Our Southwest Border," Fox News, December 20, 2022, https://www.foxnews.com/opinion/title-42-mexican-drug-cartels-gain-complete-control-border-southwest-border

23 "Border Security and Immigration Enforcement Improvements," Executive Office of the President, January 30, 2017, https://www.federalregister.gov/documents/2017/01/30/2017-02095/border-security-and-immigration-enforcement-improvements.

24 "Executive Order on Creating a Comprehensive Regional Framework to Address the Causes of Migration, to Manage Migration Throughout North and Central America, and to Provide Safe and Orderly Processing of Asylum Seekers at the United States Border," The White House, February 2, 2021, https://www.whitehouse.gov/briefing-room/presidential-actions/2021/02/02/executive-order-creating-a-comprehensive-regional-framework-to-address-the-causes-of-migration-to-manage-migration-throughout-north-and-central-america-and-to-provide-safe-and-orderly-processing/.

25 "Enhancing Public Safety in the Interior of the United States," Executive Office of the President, January 30, 2017, https://www.federalregister.gov/documents/2017/01/30/2017-02102/enhancing-public-safety-in-the-interior-of-the-united-states.

26 "Executive Order on the Revision of Civil Immigration Enforcement Policies and Priorities," The White House, January 20, 2021, https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-the-revision-of-civil-immigration-enforcement-policies-and-priorities/.

27 "Preserving and Fortifying Deferred Action for Childhood Arrivals (DACA)," The White House, January

Open-Borders Policies Implemented:

Mass Release of Illegal Aliens Under "Catch and Release": In short, the Biden administration's policy is one of "catch and release". Under this policy, CBP has released at least 2.02 million illegal aliens into the country,[28] while recording another 1.5 million known gotaways.

The actual number is almost certainly hundreds of thousands higher, given the lack of release data reported by ICE and CBP's Office of Field Operations (OFO) after June 30, 2022. This means *at least* 3.5 million illegal aliens are newly in the United States on Biden and Mayorkas' watch–almost certainly to stay, given the Biden administration's lax policy on deportations.

This removal of consequences for millions of illegal border crossers, coupled with benefits like work authorization and transportation to the city of their choice upon release, has only encouraged more to make the journey to the border.

Restrictive ICE Guidance: One of the administration's first acts under Biden's leadership was to issue new guidance to ICE which severely restricted agents' ability to pursue, detain, and deport illegal aliens. Upon confirmation, Mayorkas carried out and later supplemented this guidance.

Under new guidance issued in February 2021, DHS made it clear that only select groups of illegal aliens were to be targets for arrest and removal. A September 2021 Mayorkas memo detailed even more radical instructions for deportations, including Mayorkas' instruction that "the fact an individual is a removable noncitizen therefore should not alone be the basis of an enforcement action against them."[29] Fortunately, the U.S. District Court for the Southern District of Texas vacated the September memorandum.[30]

However, the initial restrictive guidance remains in effect, and illegal aliens know that if they are released into the interior, ICE almost certainly cannot and will not deport them. This has created a seemingly insurmountable problem for ICE, as well. With the release of literally millions of illegal aliens into the interior, it is unlikely ICE will ever have the logistical ability to remove them.

20, 2021, https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/preserving-and-fortifying-deferred-action-for-childhood-arrivals-daca/.

28 Andrew Arthur, "Biden's Released at Least 2,020,522 Southwest Border Migrants," The Center for Immigration Studies, April 17, 2023, https://cis.org/Arthur/Bidens-Released-Least-2020522-Southwest-Border-Migrants.

29 Alejandro Mayorkas, "Guidelines for the Enforcement of Civil Immigration Law," U.S. Department of Homeland Security, September 30, 2021, https://www.ice.gov/doclib/news/guidelines-civilimmigrationlaw.pdf.

30 "MEMORANDUM OPINION AND ORDER," The State of Texas and the State of Louisiana v. Alejandro Mayorkas, Troy Miller, Tae Johnson, and Tracy Renaud, Civil Action No. 6:21-CV-00016, (U.S. District Court Southern District of Texas Victoria Division, 2022), https://storage.courtlistener.com/recap/gov.uscourts.txsd.1821703/gov.uscourts.txsd.1821703.240.0_1.pdf.

Consider that in Fiscal Year (FY)2019, ICE deported more than 267,000 illegal aliens[31]—however, this total is a drop in the bucket compared to the total number of illegal aliens released into the interior by Mayorkas.

Joe Biden's 100-day moratorium on deportations, issued at the start of his administration and subsequently blocked by a federal judge,[32] also should have been a clear warning about interior enforcement under his and Mayorkas' leadership.

Abuse of CBP One App: In January 2023, DHS announced the expanded use of the CBP One mobile app for aliens to make appointments at a port of entry to file asylum claims.[33] In practice, however, this expanded use had actually been underway for several months prior.[34]

Aliens who would otherwise have no legitimate claim to enter the United States can now schedule an appointment at a port of entry to claim asylum, and promptly be released into the interior to await resolution of their claim.

According to recent reports, in the first few months of the new policy, more than 99 percent of individuals who sought a humanitarian exemption from Title 42 requirements had their request granted.[35] As of mid-April, more than 75,000 applications had been completed or scheduled through Apr. 25, 2023.[36] And the number of those being admitted via the program is projected to increase. A CBS News report from May 31, 2023, quoted DHS officials saying the department plans to admit nearly 40,000 aliens per month via the app.[37]

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31 "U.S. Immigration and Customs Enforcement Fiscal Year 2019 Enforcement and Removal Operations Report," U.S. Immigration and Customs Enforcement, https://www.ice.gov/sites/default/files/documents/Document/2019/eroReportFY2019.pdf.
32 Nomaan Merchant, "Judge Bars Biden from Enforcing 100-Day Deportation Ban," AP News, January 26, 2021, https://apnews.com/article/joe-biden-immigration-texas-barack-obama-51688033e490d50867e52ef9c8ec574f.
33 "Remarks by President Biden on Border Security and Enforcement," The White House, January 5, 2023, https://www.whitehouse.gov/briefing-room/speeches-remarks/2023/01/05/remarks-by-president-biden-on-border-security-and-enforcement/.
34 Todd Bensman, "Legalizing Border Crossing for All: The Next Stage of Biden's Migration Crisis," The Center for Immigration Studies, November 21, 2022, https://cis.org/Bensman/Legalizing-Border-Crossing-All-Next-Stage-Bidens-Migration-Crisis.
35 Adam Shaw, "Over 99% of Migrants Who Have Sought Title 42 Exception via CBP One App Were Approved," Fox News, April 14, 2023, https://www.foxnews.com/politics/99-percent-migrants-sought-title-42-exception-cbp-one-app-approved.
36 Ibid.
37 Camilo Montoya-Galvez, "U.S. Plans to Admit Nearly 40,000 Asylum-Seekers per Month through Mobile App," CBS News, May 31, 2023, https://www.cbsnews.com/news/asylum-seekers-cbp-one-mobile-app-u-s-plans-admit-nearly-40000-monthly/.

Empowering a Vast NGO Network to Facilitate Illegal Immigration: DHS has also worked closely with a vast network of non-governmental organizations (NGOs), particularly those located at the border, to help spread illegal aliens across the country. These groups receive hundreds of millions of taxpayer dollars to provide services to illegal aliens once they are released by CBP, including food, lodging, and transportation to the destination of their choice.[38]

To avoid the embarrassing optics of overcrowded facilities, these illegal aliens have been released to the NGOs since the early days of the crisis in 2021, who have provided logistical support CBP cannot.

The Government Accountability Office (GAO) leaves no doubt about this collaboration, per a report issued Apr. 19, 2023. In the study, the GAO notes, "When releasing these noncitizens into the U.S., DHS components such as CBP and U.S. Immigration and Customs Enforcement (ICE) may coordinate with nonprofit organizations (nonprofits) that provide services such as food, shelter, and transportation," further finding that the Federal Emergency Management Agency (FEMA) gives money to these NGOs to provide services to illegal aliens.[39]

The report also leaves no room for doubt that federal funds provided to these groups, particularly under the Emergency Food and Shelter Program-Humanitarian Relief (ESFP-H), go to purchasing services for illegal aliens.

FEMA has been given hundreds of millions of new taxpayer dollars to continue handing out to these groups,[40] money that is potentially being misused on a grand scale, according to a recent DHS Office of the Inspector General (OIG) report.[41]

Under the Cover of Darkness—Illegal Alien Flights: DHS has also been caught sending illegal aliens throughout the country on charter and commercial flights, often under the cover of night.

Perhaps the most notorious example of DHS' efforts to ferry illegal aliens throughout the country on these flights was in Westchester County, New York, where at least 2,000 minors were flown without coordination with local officials between June-October 2021.[42]

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38 Andrew Arthur, "Massive Spending Bill Includes $785 Million to Feed, House, and Transport Migrants," The Center for Immigration Studies, December 30, 2022, https://cis.org/Arthur/Massive-Spending-Bill-Includes-785-Million-Feed-House-and-Transport-Migrants.
39 "Southwest Border: DHS Coordinates with and Funds Nonprofits Serving Noncitizens," U.S. Government Accountability Office, April 19, 2023, https://www.gao.gov/assets/gao-23-106147.pdf.
40 Ibid.
41 Adam Shaw, "DHS OIG Finds Millions in American Rescue Plan Funds Misused by NGOs, Given to 'gotaway' Illegal Immigrants," Fox News, March 31, 2023, https://www.foxnews.com/politics/dhs-oig-finds-millions-american-rescue-plan-funds-misused-ngos-given-gotaway-illegal-immigrants.
42 Miranda Devine, et al.,"Biden Secretly Flying Underage Migrants into NY in Dead of Night," The New York Post, October 18, 2021, https://nypost.com/2021/10/18/biden-secretly-flying-underage-migrants-into-ny-in-dead-of-night/.

Following the arrival of one such night flight, contractors getting off the plane refused to say who they were working with when questioned by airport security personnel. One told staff, "You want to try and be as down-low as possible. A lot of this is just down-low stuff that we don't tell people because what we don't want to do is attract attention. We don't want the media. Like we don't even know where we're going when they tell us."[43] The flights were suspended following public outcry, but the Biden administration restarted them in the spring of 2022.[44]

Illegal aliens have also been documented boarding commercial flights, carrying packets indicating they don't speak English and may need help transiting to their destinations.[45]

Releasing Illegal Aliens Outside Proper Procedure: Since early 2021, hundreds of thousands of illegal aliens have been released into the interior in such a way that DHS cannot possibly track them, hold them accountable for missing a court date, or ultimately remove them. One report found that out of more than 100,000 individuals released by Border Patrol just between March 21-Aug. 31, 2021, with a Notice to Appear (NTA) in court, more than 47,000 failed to show up.[46]

In the early months of the crisis, more than 50,000 illegal aliens were released without court dates at all, and only 13 percent had reported to ICE as instructed.[47] Two years later, NBC reported that since March 2021, approximately 600,000 illegal aliens had been released into the interior without court dates.[48]

The crisis has backlogged the system so badly that some aliens may have to wait as long as a decade, until 2033, for a court date.[49]

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43 Miranda Devine, "Leaked Video Reveals Joe Biden's 'hush Hush' Migrant Invasion," The New York Post, January 26, 2022, https://nypost.com/2022/01/26/leaked-video-reveals-joe-bidens-hush-hush-migrant-invasion/.

44 Christopher Sadowski, et al., "Biden Administration Resumes Migrant Flights to Airport Outside NYC," The New York Post, April 15, 2022, https://nypost.com/2022/04/15/biden-administration-resumes-migrant-flights-to-airport-outside-nyc/.

45 Fred Lucas, "Biden Border Policy Lets Illegal Immigrants Fly American Without ID," The Daily Signal, April 30, 2021, https://www.dailysignal.com/2021/04/30/exclusive-illegal-immigrants-fly-american-courtesy-of-biden-border-policy/.

46 Anna Giaritelli , "47,705 Migrants Released with Instructions to Report to ICE Have Gone Missing under Biden," The Washington Examiner, January 11, 2022, https://www.washingtonexaminer.com/news/47-705-migrants-released-with-instructions-to-report-to-ice-have-gone-missing-under-biden.

47 Stef Kight, "50,000 Migrants Released; Few Report to ICE," Axios, July 27, 2021, https://www.axios.com/2021/07/27/migrant-release-no-court-date-ice-dhs-immigration.

48 Julia Ainsley, "Nearly 600,000 Migrants Released inside U.S. since 2021 with No Court Date," NBC News, February 3, 2023, https://www.nbcnews.com/politics/immigration/nearly-600000-migrants-crossed-border-released-inside-us-rcna68687.

49 Steven Nelson, "NYC ICE 'Mostly Booked' Through 2033 for Migrants Needing Court Dates," The New York Post, April 18, 2023, https://nypost.com/2023/04/18/nyc-ice-mostly-booked-through-2033-for-migrants-needing-court-dates/.

Summary Conclusion and Findings

The ending of effective border security policies, and their replacement with policies of mass catch-and-release and removal of consequences for illegal entry, has created the worst border crisis in American history.

As commander-in-chief, Biden's culpability is clear. However, Congress has a duty to examine and investigate Mayorkas' role in this crisis, as well. As the top cabinet official charged with defending and securing the homeland, Mayorkas has a responsibility to the American people to uphold his oath of office, and to protect and defend the homeland.

The chaos and carnage at the border, and that which has been sparked in communities across this country by the crisis, has led congressional leaders to demand Mayorkas resign.

On. Nov. 22, 2022, then-incoming Speaker of the House Kevin McCarthy, R-Calif., told Mayorkas to resign over his handling of the border or face the full weight of congressional oversight.
"If Secretary Mayorkas does not resign, House Republicans will investigate every order, every action, and every failure to determine whether we can begin an impeachment inquiry," he declared at a press conference in El Paso, Texas.[50]

The purpose of the House Committee on Homeland Security's investigation is not to determine whether Mayorkas has done a good job as secretary—he clearly has not.

Rather, this investigation is focused on determining whether Mayorkas has violated his oath, failed to carry out his constitutional obligations to the homeland, and been derelict in his duty, and thus deserving of greater accountability. The American people deserve the answers to these questions, and through this investigation, Congress will provide them.

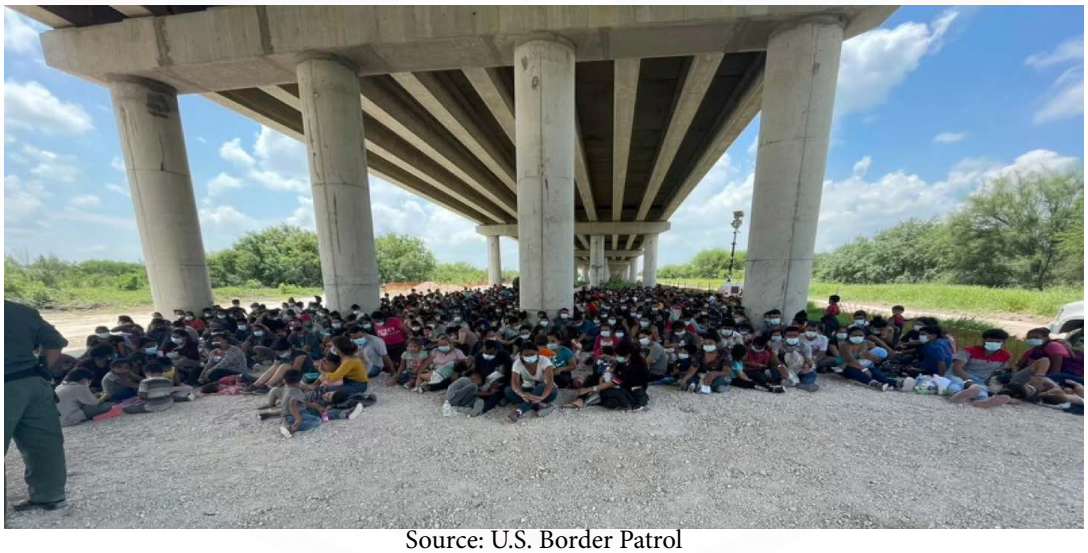
This preliminary report provides the Committee's initial assessment of the causes, costs, and consequences of the ongoing border crisis.

50 Lisa Mascaro, "GOP's McCarthy Threatens to Impeach Mayorkas over Border," AP News, November 22, 2022, https://apnews.com/article/biden-kevin-mccarthy-impeachments-alejandro-mayorkas-border-security-5b2a8fa00a8cc724922b89c328fe6609.

Preliminary Findings

In its initial investigation into the border security policies of the Biden administration, this Committee has reached the following preliminary conclusions:

- That the Biden administration, at the direction of the president and his most senior officials, terminated, suspended, or rolled back numerous border-security policies that had brought illegal immigration to historic lows;
- That, in addition to the policies terminated by the Biden administration, those implemented at the direction and under the leadership of both Biden and Mayorkas have proven directly responsible for the historic border crisis still ongoing today;
- That the agenda of the Biden administration under Biden and Mayorkas' leadership effectively amounts to a policy of open borders, resulting in a catastrophic loss of human life and dignity, record fiscal costs to the federal and state governments, and unprecedented profits for the TCOs operating in Mexico and the United States; and
- That Secretary Mayorkas, as the head of DHS, bears particular responsibility for the devastating crisis that has unfolded and expanded on his watch and due to his policies.



Source: U.S. Border Patrol

- Under the Biden administration, apprehensions at the Southwest border have exceeded 5.2 million, with total nationwide apprehensions totaling more than 6.1 million.[51]
- CBP has also recorded more than 1.5 million known gotaways during that time, bringing total apprehensions plus known gotaways to more than 7.6 million in just two years.[52]
- Since Oct. 1, 2020, CBP has recorded more than 92,000 arrests of individuals with criminal convictions or those with outstanding warrants.[53]
- Border Patrol arrests of criminal illegal aliens have exploded, as well.[54]
  - In FY22, Border Patrol arrested illegal aliens with a combined 62 convictions for homicide and manslaughter, up from just three in FY20.
  - Convictions for sexual offenses among aliens arrested in FY20 totaled 156, increasing to 488 in FY21 and 365 in FY22.
  - The number of convictions for theft hit 896 in FY22, up from 143 in FY20.
- Through April, CBP has seized more than 17,000 pounds of fentanyl along the Southwest border in FY23,[55] including more than 1,500 pounds between ports of entry (POEs).[56]
- The chaos at the Southwest border has fueled historic profits for the cartels. In 2021, human trafficking alone generated as much as $13 billion in cartel revenue.[57]
- Since the beginning of FY21, 212 individuals on the Terrorist Screening Data Set (TSDS) have been apprehended between POEs at the Southwest and Northern borders. By contrast, Border Patrol apprehended just 14 illegal aliens on the TSDS from FY17-20.[58]

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51 U.S. Customs and Border Protection Newsroom, supra note 2.
52 "Chairmen Green, Comer, Jordan Investigate Biden Admin's Handling of Suspected Terrorists Crossing U.S.-Mexico Border," Majority Committee on Homeland Security, May 19, 2023, https://homeland.house.gov/chairmen-green-comer-jordan-investigate-biden-admins-handling-of-suspected-terrorists-crossing-u-s-mexico-border/.
53 U.S. Customs and Border Protection Newsroom, supra note 2.
54 "Criminal Noncitizen Statistics Fiscal Year 2023," U.S. Customs and Border Protection Newsroom, April 14, 2023, https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics/criminal-noncitizen-statistics.
55 U.S. Customs and Border Protection Newsroom, supra note 2.
56 "Full Committee Field Hearing: 'Failure By Design: Examining Secretary Mayorkas' Border Crisis,'" Homeland Security Committee Events, YouTube video, 1:34:23, March 15, 2023, Full Committee Field Hearing: "Failure By Design: Examining Secretary Mayorkas' Border Crisis".
57 Miriam Jordan, "Smuggling Migrants at the Border Now a Billion-Dollar Business," The New York Times, July 25, 2022, https://www.nytimes.com/2022/07/25/us/migrant-smuggling-evolution.html.
58 U.S. Customs and Border Protection Newsroom, supra note 2.

- Per CBP, individuals from more than 160 countries have been apprehended crossing the border illegally, including aliens from countries on the State Sponsors of Terrorism list.[59]
- The number of Chinese nationals illegally crossing has skyrocketed. Apprehensions along the Southwest border jumped from 450 in FY21 to 9,854 in the first seven months of FY23. Chinese nationals are increasingly crossing the Northern border illegally, also.[60]
- In FY22, Mayorkas established a target to deport 91,500 criminal illegal aliens—down from 151,000 in FY20. ICE ultimately only removed 38,447 convicted criminal aliens. ICE's FY24 budget justification initially set a target of a mere 29,389,[61] a number that has since been replaced with "TBD" in the budget document.[62]
- From March 2021-January 2023, nearly 600,000 illegal aliens were released without court dates.[63]

Source: U.S. Border Patrol

59 Robert Sherman, "Migrants from More than 160 Countries Encountered at Border," NewsNation, October 6, 2022, https://www.newsnationnow.com/us-news/immigration/migrants-from-more-than-160-countries-encountered-at-border/.
60 U.S. Customs and Border Protection Newsroom, supra note 17.
61 Kristen Ziccarelli, "Expert Insight: Biden Administration Deprioritizes Criminal Alien Deportation in FY 24 Budget," America First Policy Institute Center for Homeland Security and Immigration, April 11, 2023, https://americafirstpolicy.com/latest/print/expert-insight-biden-administration-deprioritizes-criminal-alien-deportation-in-fy24-budget.
62 "U.S. Immigration and Customs Enforcement Budget Overview," U.S. Department of Homeland Security, https://www.dhs.gov/sites/default/files/2023-03/U.S%20IMMIGRATION%20AND%20CUSTOMS%20ENFORCEMENT_Remediated.pdf.
63 Ainsley, supra note 47.

I. Cartels Now Control the Southwest Border

The Biden administration's open-borders policies have empowered and emboldened these vicious, ruthless, and savage organizations that pose a massive threat to American safety and security.

The cartels have seized control of the Southwest border and used this control to smuggle record amounts of narcotics and people across, pocketing historic profits in the process.

Since January 2021, millions of individuals have made the journey through Mexico to the Southwest border in hopes of gaining entry into the United States. The cartels have been the natural beneficiaries.

As a June 2022 report from the Senate Foreign Relations Committee points out, the cartels control the migration routes through Mexico, and exert near-complete control on the movement of individuals through the country, particularly at and near the Southwest border.[64] It is essentially impossible to cross without paying them, according to former Border Patrol Chief Rodney Scott.[65]

The New York Times' Miriam Jordan has reported the same finding, writing in July 2022, "Migrant smuggling on the U.S. southern border has evolved over the past 10 years from a scattered network of freelance 'coyotes' into a multi-billion-dollar international business controlled by organized crime, including some of Mexico's most violent drug cartels."[66]

The unmitigated tide of individuals through Mexico has represented a windfall for the cartels, who have successfully smuggled or trafficked millions of illegal aliens across the border, forcing Border Patrol agents to apprehend, transport, and process unprecedented numbers of people rather than conduct their frontline security mission.

Border Patrol Chief Ortiz testified before the House Committee on Homeland Security in March 2023 that DHS did not have operational control of the Southwest border.[67] This loss of operational control to the cartels continues to present a challenge to CBP's security mission and the sovereignty of the United States. This testimony, from a Border Patrol agent with more than 30 years of experience, contradicted Mayorkas' sworn testimony in April 2022 that DHS did have operational control of the border.[68]

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64 "Biden's Border Crisis: Examining Policies That Encourage Illegal Migration," U.S. Senate Committee on Foreign Relations, June 2022, https://www.risch.senate.gov/public/_cache/files/5/0/5082e293-b23d-4726-a581-dc428517a843/9FB8D6A16D2415A013D48761339299C6.bidens-border-crisis.pdf.
65 Virginia Allen, "Former Border Patrol Chief Explains How Cartels Control Southern Border," The Daily Signal, February 10, 2023, https://www.dailysignal.com/2023/02/10/no-one-crosses-unlawfully-from-mexico-without-working-with-cartels-former-border-patrol-chief-says/.
66 Jordan, supra note 56.
67 "User Clip: Chief Ortiz Admits No Operational Control Over Border," C-SPAN, March 15, 2023, https://www.c-span.org/video/?c5062135/user-clip-chief-ortiz-admits-operational-control-border.
68 "Oversight of the Department of Homeland Security," Congress.gov, April 28, 2022, http://www.congress.gov/event/117th-congress/house-event/LC69767/text.

Law enforcement veterans, local officials, and national security experts agree that the decreased presence of Border Patrol agents and other law enforcement has yielded this control of the United States' sovereign border to the cartels.

Former ICE Acting Director Tom Homan recently told Fox News, "We have lost operational control of our southern border. We no longer control it. The criminal cartels control it. I've talked to several chief patrol agents who told me they have lost operational control of the border. They cannot control the flow coming in."[69]

Former Border Patrol Chief Scott was even more explicit.

"They control the border today. And they control the border today under the Biden administration because of this mass migration to a level that they've never had. And I mean…they don't worry hardly at all about what they're trying to get in because their success rate is so high," he said earlier this year.[70]

Cochise County, Arizona Sheriff Mark Dannels told NewsNation in March 2023 the cartels "have the will, they have the structure, and they're exploiting" the administration's open-borders policies.[71]

Former acting DEA Chief Uttam Dhillon told a Washington, D.C., forum in March 2022, "Mexican cartels basically control our border now."[72]

The agreement is also bipartisan. In May, Arizona Democratic Sen. Kyrsten Sinema said, "The cartels are incredibly well-resourced and they're very strategic, so they're pushing people through different parts of the border at different times with different prices for different purposes, and they're controlling what's happening on the southern border, not the United States government."[73]

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69 "Tom Homan Says Biden Has Lost 'Operational Control' of the Border," Fox News, April 4, 2022, https://www.foxnews.com/media/tom-homan-title-42-border-biden-lost-control.
70 Allen, supra note 64.
71 "Ariz. Sheriff: Cartels Have 'Structure' to Control Border," NewsNation Live, YouTube video, 0:00, March 16, 2023, https://www.youtube.com/watch?v=G_7cUnwJIKw.
72 Maggie Hroncich, "Officials Assail Biden Inaction: 'Mexican Cartels Basically Control Our Border Now,'" The Daily Signal, March 15, 2022, https://www.dailysignal.com/2022/03/15/officials-assail-biden-inaction-mexican-cartels-basically-control-our-border-now/.
73 Kevin Stone, "Sen. Kyrsten Sinema Blasts Biden Administration over Title 42 End," KTAR News, May 11, 2023, https://ktar.com/story/5494615/sen-kyrsten-sinema-blasts-biden-administration-over-handling-of-title-42-end/.

II. Open Borders Equal Record Profits, Expanded Arsenals for the Cartels

The sheer volume of people and drugs the cartels are moving across the border has generated profit margins beyond the cartels' wildest dreams. In February 2021 alone, at the outset of the crisis, the Border Patrol estimated the cartels made $14 million per day smuggling illegal aliens across the border.[74]

Per reporting from the New York Times, the cartels may have made as much as $13 billion just from human trafficking and smuggling in 2021, a year in which CBP recorded around 1.5 million apprehensions at the Southwest border.

In FY22, this number jumped to 2.37 million, and through April, FY23 is on pace to total more than 2.45 million apprehensions. That's before counting another 1.5 million known gotaways on Biden and Mayorkas' watch, who not only pay the cartels to cross, but often "pay premium rates" to avoid apprehension.[75]

As these numbers continue to rise, so do the cartels' profits. Lucrative drug operations add even more revenue. Estimates are difficult to calculate precisely, but a report published by ICE as far back as 2010 estimated the cartels made nearly $30 billion on drug trafficking.[76]

That money goes right back to expanding the operations of the cartels who control the routes, to include building out massive paramilitary capabilities. Journalist Todd Bensman, who is also a Texas Department of Public Safety (DPS) veteran, wrote in a recent op-ed that there is "plenty of evidence to suggest" that the cartels have acquired the capability to "outgun" the Mexican government:

> "It's impossible to know how much military hardware the revenues from the Biden border crisis have paid for, but the cartels are clearly reinvesting their massive profits. … These are armies, with highly trained special forces units, supported by professional intelligence operations and run by warlords. I'm not alone in my estimation that Biden's cartel-enriching mass migration crisis poses serious threats to important U.S. national interests, including many that are rarely discussed out loud, such as Mexican trade."[77]

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74 William La Jeunesse, "US-Mexico Border Traffickers Earned as Much as $14M a Day Last Month: Sources," Fox News, March 22, 2021, https://www.foxnews.com/politics/us-mexico-border-traffickers-million-february.

75 Nick Miroff, "Border Officials Say More People Are Sneaking Past Them as Crossings Soar and Agents Are Overwhelmed," The Washington Post, April 2, 2021, https://www.washingtonpost.com/national/got-aways-border/2021/04/01/14258a1e-9302-11eb-9af7-fd0822ae4398_story.html.

76 "United States of America-Mexico Bi-National Criminal Proceeds Study," U.S. Immigration and Customs Enforcement, https://www.ice.gov/doclib/cornerstone/pdf/cps-study.pdf.

77 Todd Bensman, "Mexico's Cartels Are Getting Rich and Powerful off of Biden's Mass Migration Crisis," The Daily Mail, December 22, 2022, https://www.dailymail.co.uk/news/article-11563659/Mexicos-cartels-getting-rich-powerful-Bidens-mass-migration-crisis-TODD-BENSMAN.html.

III. Cartel Operations in the United States

The cartels do not limit their operations to Mexico and the immediate border regions. They have long operated in American cities, and as the Biden border crisis continues to expand, so has the reach and influence of these groups. The Drug Enforcement Administration's (DEA) latest assessment in 2020 found major Mexican cartels are already operating in at least 60 American cities. That activity extends as far south as Miami, and as far north as Bellingham, Washington.[78]

Figure 58. United States: Areas of Influence of Major Mexican Transnational Criminal Organizations by Individual Cartel

Source: Drug Enforcement Administration

Use of Stash Houses: Stash houses are homes, apartments, or even hotels rooms used by the cartels to hide large groups of illegal aliens after they have been brought into the country. These groups are kept in squalid, unsanitary, and inhumane conditions before the TCOs are ready to smuggle them onto their next destination in the United States.

The use of stash houses by these organizations has exploded since the Biden border crisis began. In May 2021, in the early days of the crisis, Texas DPS and Border Patrol officials reported a 400-percent increase in the number of illegal aliens rescued from stash houses.[79] Since October 2022, in the El Paso Sector alone, Border Patrol has discovered more than 165 stash houses, containing more than 2,400 individuals.[80]

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78 "2020 National Drug Threat Assessment," U.S. Department of Justice Drug Enforcement Administration, March 2021, https://www.dea.gov/sites/default/files/2021-02/DIR-008-21%202020%20National%20Drug%20Threat%20Assessment_WEB.pdf.

79 Adolfo Muniz, "Texas DPS Says Human Smugglers Using Color-Coded Wristband System at the U.S.-Mexico Border," Spectrum News 1, May 15, 2021, https://spectrumlocalnews.com/tx/south-texas-el-paso/news/2021/05/14/texas-dps-says-human-smugglers-using-color-coded-wristband-system-at-the-u-s--mexico-border-.

80 Chief Raul Ortiz [@USBPChief], "51 Migrants Located in a Single Stash House! US Border Patrol El Paso Sector Human Smuggling Interdiction Teams Have Uncovered over 165 Stash Houses in the Region with over 2,421 Migrants so Far in FY23. Outstanding Work Is Being Done at EPT! @USBPChiefEPT Https://T.Co/90A-J6xC7SH," Tweet, Twitter, April 28, 2023, https://twitter.com/USBPChief/status/1652010403734384640.

For comparison, in 2022, El Paso agents uncovered 232 stash houses.[81] In FY20, Border Patrol uncovered 397 stash houses across all jurisdictions.[82]

The New York Times' Jordan wrote in 2022, "Over the past year, federal agents have raided stash houses holding dozens of migrants on nearly a daily basis."[83]

Since January 2021, CBP and ICE—to say nothing of state and local law enforcement—have had to conduct hundreds of operations to shut down stash houses and break up these criminal enterprises, with CBP's press page alone documenting the routine occurrence of these operations on Mayorkas' watch.[84]

- In May 2023, Border Patrol agents in Santa Teresa, New Mexico, found more than 50 illegal aliens "living in deplorable conditions" in a stash house.[85]
- In April 2023, CBP and Texas DPS conducted operations at two separate stash houses in El Paso, finding more than 140 illegal aliens.[86]
- On March 27, 2023, Texas DPS moved on a stash house in El Paso where 23 illegal aliens were being held. Officials also discovered a shrine to Santa Muerte in the house, the patron saint of the cartels.[87]
- In April 2022, Border Patrol disrupted operations at four stash houses in 24 hours, leading to the apprehension of 53 illegal aliens. The stash houses were part of El Paso apartment complexes and motels.[88]

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81 MaryAnn Martinez, "Border Patrol Waging War on Cartels with Migrant 'Stash House' Busts," The New York Post, April 6, 2023, https://nypost.com/2023/04/06/border-patrol-waging-war-on-cartels-with-stash-house-busts/.
82 John Davis, "CBP Fights Human Smuggling and Stash Houses," U.S. Customs and Border Protection Frontline Magazine, last modified June 12, 2023, https://www.cbp.gov/frontline/cbp-fights-human-smuggling-and-stash-houses.
83 Jordan, supra note 56
84 "Media Releases." U.S. Customs and Border Protection Newsroom, accessed June 12, 2023, https://www.cbp.gov/newsroom/media-releases/all.
85 Dave Burge, "Border Patrol Finds More than 50 Migrants in 'Deplorable Conditions' in Stash House," KTSM 9 News, May 13, 2023, https://www.ktsm.com/news/border-patrol-finds-more-than-50-migrants-in-deplorable-conditions-in-stash-house/.
86 Patrick Reilly, "Border Forces Find over 140 Illegal Migrants in Stash House Raids," The New York Post, April 4, 2023, https://nypost.com/2023/04/04/border-forces-find-over-140-illegals-in-stash-house-raids/.
87 Louis Casiano, "Texas Illegal Immigrant Stash House Found with Shrine to Cartel 'Santa Muerte' Saint inside," Fox News, March 28, 2023, https://www.foxnews.com/us/texas-illegal-immigrant-stash-house-shrine-cartel-santa-muerte-saint.
88 "Four stash houses busted in 24-hours," U.S. Customs and Border Protection Office of Public Affairs, April 8, 2022, https://www.cbp.gov/newsroom/local-media-release/four-stash-houses-busted-24-hours

Stash houses also represent a major humanitarian concern. According to Border Patrol agent Fidel Baca, "So you have criminals inside these homes. A lot of the times they've committed serious crimes, crimes against people, crimes of sexual assault, crimes of assault, and they are caretaking for lots of people, people in which we have vulnerable populations. We have children, we have women in these homes, and they are being taken care of by criminals."[89] The family members of those in the stash houses are often extorted by the smuggling groups for even more money.[90]

Source: U.S. Border Patrol/CBP

According to now-Border Patrol Deputy Chief Matthew Hudak: "They'll stockpile them for a couple of days in one of these stash houses until they have enough people to put in a tractor-trailer, then lock it with no way for them to escape the brutal South Texas heat. When we open up these containers, and it's well over 105 degrees with no ventilation, no personal protective equipment, such as masks, no water. It's tragic." [91]

The tragedy in San Antonio last summer, where more than 50 people, including 5 minors, died after being trapped in the back of a locked semi-trailer, is devastating proof of how these people are treated like cargo.[92]

Drone Operations: Another area in which the cartels have developed and deployed sophisticated new tactics is the use of drones to conduct surveillance and intelligence-gathering operations, as well as to deliver narcotics across the border.

If Border Patrol agents are stretched to the breaking point trying to patrol the border and apprehend illegal aliens and narcotics coming across on the ground, imagine the extra nightmare these drone operations represent.

Texas DPS Lt. Chris Olivarez recently put it this way: "They're able to scout everything and watch what we are doing, every movement we are making. That's why it's a cat and mouse game and we have to try and be one step ahead of them."[93]

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89 Ariana Parra, "El Paso Sector Border Patrol Tells Community to Keep an Eye out for Stash Houses," KFOX, April 6, 2023, https://kfoxtv.com/news/local/el-paso-sector-border-patrol-tells-community-to-keep-an-eye-out-for-stash-houses-report-smuggling.
90 Mark Krikorian, "The Human Cost of Open-ish Borders," National Review, March 3, 2021, https://www.nationalreview.com/corner/the-human-cost-of-open-ish-borders/.
91 Davis, supra note 82.
92 "Death Toll Rises to 53 after Bodies of Migrants Found in Texas Tractor-Trailer," CBS News, June 29, 2022, https://www.cbsnews.com/news/san-antonio-migrants-texas-tractor-trailer-dead-injured/.
93 Robert Sherman, "For Texas Border Officials, Cartel Drones Are the Latest Headache," NewsNation, January 19, 2023, https://www.newsnationnow.com/us-news/immigration/border-coverage/for-texas-border-officials-cartel-drones-are-the-latest-headache/.

Border Patrol Agent Gloria Chavez, sector chief of the Border Patrol's Rio Grande Valley Sector, has noted the cartels "have 17 times the number of drones, twice the amount of flight hours and unlimited funding to grow their operations."[94]

During a recent hearing conducted by the House Committee on Homeland Security, Rep. Monica De La Cruz, R-Tex., told the Committee that drone operations just in the Rio Grande Valley Sector posed a massive challenge for Border Patrol—one they are simply unable to fully handle: "The cartel drone detections just right here in the RGV sector in FY22 was 35,000 drone detections. ... Out of the 35,000 drone detections, only 10,000 were intercepted."[95]

Complex Human Trafficking/Smuggling Operations: According to DHS and state law enforcement officials, the cartels are also engaged in complex operations to smuggle and traffic illegal aliens across the border into the United States.

One of the ways in which they do so is by using a complex system of wristbands which essentially create an inventory of those who have paid, where individuals are going, which TCO is responsible for smuggling the alien, and other similar logistical information.

Jaeson Jones, a former Texas DPS captain and expert on cartels, told the Center for Immigration Studies (CIS) researchers in early 2021, "What this means is that the cartels and the smuggling organizations have created a process because they are being so overrun with people that, even for them, it's difficult to keep up with who has paid and who hasn't."[96]

These wristbands and the registration process that goes along with them also help the cartels keep track of who maintains outstanding debts to the organization and will be required to work those debts off later once they arrive in the United States.

According to Jones, "If they don't pay their debt then the cartel has the information about where they're going, but more importantly, they have the information on their families in home countries. From there, they can start the threats and hold them accountable through debt bondage, a form of human trafficking. Either pay or we're going to come after your family."[97]

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94 Ali Bradley and Robert Sherman, "Border Patrol Agent Says Drug Cartels Using Drones," NewsNation, February 8, 2023, https://www.newsnationnow.com/us-news/immigration/border-coverage/border-agent-cartels-using-drones/.

95 "Full Committee Field Hearing: 'Failure By Design: Examining Secretary Mayorkas' Border Crisis,'" Homeland Security Committee Events, YouTube video, 1:52:14, March 15, 2023, https://www.youtube.com/live/7Z1ETzh3AUA?feature=share&t=6734.

96 Todd Bensman, "Overwhelmed Mexican Alien-Smuggling Cartels Use Wristband System to Bring Order to Business," The Center for Immigration Studies, March 2, 2021, https://cis.org/Bensman/Overwhelmed-Mexican-AlienSmuggling-Cartels-Use-Wristband-System-Bring-Order-Business.

97 Ibid.

Representative Henry Cuellar, D-Tex., has described another system, in which different color wristbands indicate how many times the alien has attempted to cross the border—"Those with red bands are first-time crossers and those with purple bands are not allowed to try to cross again."[98]

One expert has said of these operations, "They are organizing the merchandise in ways you could never imagine five or 10 years ago."[99]

IV. Open Borders Are Empowering Gangs Like MS-13

Texas DPS Director Steve McGraw said earlier this year that criminal gangs "work to support cartel operations on both sides of the border. They certainly do it, they operate in Mexico and they operate on this side too in terms of stash houses where there's drugs and people. They extort people on the south of the border and extort them when they get to this side of the border."[100]

Texas DPS estimates there are more than 100,000 gang members in the Lone Star State, many of whom maintain ties to Mexican drug cartels. Major cartels like the Sinaloa and Gulf cartels are also operating in cities like Chicago, providing drugs that are then sold and distributed by the violent street gangs in those locales.[101]

MS-13 is perhaps the most notorious and dangerous of these gangs. The gang's motto of "mata, viola, controla" ("kill, rape, control") is indicative of the group's operations within the United States. MS-13 gang members have been convicted of crimes that devastate communities, "including extortion, drug distribution, prostitution, robbery, and murder, as well as in more transnational illicit activity such as drug trafficking and human smuggling and trafficking."[102]

In October 2020, the Department of Justice released a report highlighting its efforts to combat TCOs, including MS-13. In the report, the DOJ noted 74 percent of 749 MS-13 members prosecuted by the department since 2016 were "unlawfully present" in the United States, with officials unable to verify the immigration status of another 15 percent.[103]

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98 Sandra Sanchez. "EXCLUSIVE: Colored Wristbands Help Cartels Track Migrants, Payments for Smuggling Them, Lawmaker Confirms," Border Report, April 15, 2021, https://www.borderreport.com/immigration/border-crime/exclusive-colored-wristbands-help-cartels-track-migrants-payments-for-smuggling-them-lawmaker-confirms/.
99 Jordan, supra note 56.
100 Cecilia Treviño, "DPS Director Says Mexican Cartels Recruit U.S. Gangs," KGNS TV, March 19, 2023, https://www.kgns.tv/2023/03/19/dps-director-says-mexican-cartels-recruit-us-gangs/.
101 Ali Bradley, "Cartels Recruit American Gangs in Smuggling Efforts," NewsNation, March 21, 2023, https://www.newsnationnow.com/us-news/immigration/border-coverage/cartels-recruit-american-gangs/.
102 Kristin Finklea, "MS-13 in the United States and Federal Law Enforcement Efforts," Congressional Research Service, August 20, 2018, R45292, https://sgp.fas.org/crs/homesec/R45292.pdf.
103 "Department of Justice Releases Report on Its Efforts to Disrupt, Dismantle, and Destroy MS-13," Department of Justice Office of Public Affairs, October 21, 2020, https://www.justice.gov/opa/pr/department-justice-releases-report-its-efforts-disrupt-dismantle-and-destroy-ms-13.

According to report, "The data also show that for decades MS-13 has exploited weaknesses in border enforcement policies..."[104] This was before Biden and Mayorkas implemented their radical open-borders agenda.

The gang continues to try to exploit the porous Southwest border. In August 2021, Border Patrol agents in the Rio Grande Valley Sector arrested four MS-13 gang members across Texas who attempted to illegally enter the United States.[105] In FY22, U.S. Border Patrol agents arrested 312 MS-13 members attempting to sneak into the United States from Mexico.[106]

Officials do not know how many MS-13 members have entered the United States un-apprehended or undetected during this timeframe but given the skyrocketing number of gotaways and the tendency of bad actors like violent criminals and gang members to pay more to enter the country uncaught, it is likely a number that should cause great concern.

Moreover, the historic influx of unaccompanied alien children (UACs) has also likely served to swell the ranks of vicious gangs like MS-13.

The Center for Immigration Studies' Jessica Vaughan told Congress in April 2023 that ICE officials estimate around 40 percent of the MS-13 members they arrest arrived in the United States as UACs.[107] A recent Florida grand jury investigation into the Biden administration's policies reported similar findings, showing that a growing number of gang members are being brought into the U.S. under the guise of being UACs:

> "According to the testimony of the Border Patrol's acting chief, even as far back as 2017 it was known that at least 59 UAC had been identified as members of the MS-13 gang. That number has increased significantly; we received testimony that other gangs likewise send members and even have UAC members graduate to adulthood and apply to sponsor other UAC members."[108]

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104 Ibid.

105 "MS-13 Gang Members Arrested After Illegally Entering the U.S.," U.S. Customs and Border Protection Office of Public Affairs, August 26, 2021, https://www.cbp.gov/newsroom/local-media-release/ms-13-gang-members-arrested-after-illegally-entering-us.

106 Anna Giaritelli, "More than 300 MS-13 Gang Members Arrested at Southern Border in Fiscal Year '22," The Washington Examiner, October 24, 2022, https://www.washingtonexaminer.com/news/crime/more-than-300-ms-13-members-arrested-fy-22.

107 "Statement of Jessica M. Vaughan: The Biden Border Crisis: Exploitation of Unaccompanied Alien Children," U.S. House Judiciary Committee Subcommittee on Immigration Integrity, Security and Enforcement, April 26, 2023, https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/vaughan-testimony.pdf.

108 "THIRD PRESENTMENT OF THE TWENTY-FIRST STATEWIDE GRAND JURY REGARDING UNACCOMPANIED ALIEN CHILDREN (UAC)," SC22-796, Twenty-First Statewide Grand Jury of Florida, (Supreme Court of Florida, March 2023), https://www.documentcloud.org/documents/23734272-3rd-presentment-of-21st-swgj.

In late May 2023, five illegal aliens, all of them under the age of 30, were arrested and charged with the murder of 15-year-old Limber Lopez Funez in Frederick, Maryland. Lopez had gone missing in February, and his body was discovered in a Maryland state park in April. All five suspects were found to be MS-13 gang members.[109]

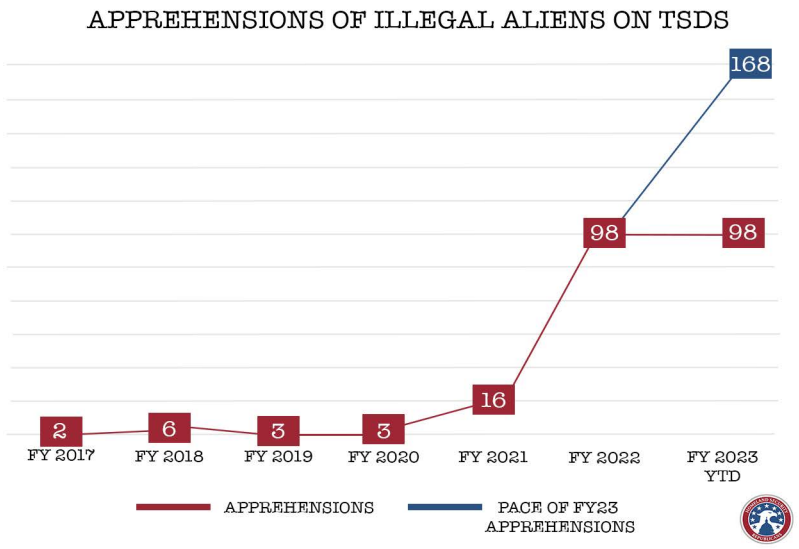
109 "5 Immigrants Charged in Murder of Missing 15-Year-Old Frederick Boy," FOX 5 DC, May 31, 2023, https://www.fox5dc.com/news/5-immigrants-charged-in-murder-of-missing-15-year-old-frederick-boy.

I. Individuals on the Terrorist Screening Dataset Coming Across in Record Numbers

Troublingly, CBP has seen a record number of apprehensions of individuals on the Terrorist Screening Data Set (TSDS). This dataset, also known as the "terror watchlist," is the "U.S. government's database that contains sensitive information on terrorist identities."[110]

During the Trump administration, from FY17–FY20, CBP encountered only 14 individuals at the Southwest and Northern borders who pinged on the TSDS, with most of them attempting to enter through the Southwest border.

In comparison, since FY21, 212 individuals whose names are on the TSDS have been apprehended crossing both borders illegally—all but three at the Southwest border, per CBP numbers.[111] Ninety-six individuals on the TSDS have been apprehended at the Southwest border so far in FY23, nearly matching FY22's total of 98.



Source: CBP Terrorist Screening Data Set Encounters

II. Potential National Security Threats Arriving From Other Nations

The historic number of people arriving at the Southwest border are increasingly not just from Mexico or Central America—they are coming from countries beyond the Western Hemisphere, including China and Russia.[112]

Chinese and Russian nationals are of particular concern, given those nations' status as the United States' most significant adversaries and the threat they pose to American national security.

110 U.S. Customs and Border Protection Newsroom, supra note 2.
111 Ibid.
112 Sherman, supra note 58.

In addition, these countries do not cooperate with the United States when it comes to providing law enforcement-related data on those apprehended illegally crossing the border, including information on criminal histories or terrorism connections. This makes it effectively impossible to truly vet these individuals—if CBP officials even had the time to do so.

Per CBP, the number of Chinese and Russian nationals illegally crossing has skyrocketed in the last two years. From October 2022 through April of this year, Border Patrol has recorded nearly 12,000 apprehensions of Chinese nationals just at the Southwest border. In all of FY20, the number was 1,236. A similar number of Russian nationals have also been apprehended crossing the Southwest border illegally in the same timeframe.[113]

The Border Patrol's Chavez pointed out in March 2023 that apprehensions of Chinese nationals in FY23 had increased more than 900 percent compared to FY22,[114] tweeting that the surge was "creating a strain on our workforce due to the complexities of the language barrier and lengthens the processing."[115] More than 60,000 Russians could illegally cross the Southwest border in 2023 if the current pace holds.[116]

Despite not being able to adequately vet these individuals from hostile nations, Fox News' Adam Shaw and Bill Melugin reported in February 2023 that Chinese nationals are typically processed for expedited removal, "unless they claim to have a credible fear of persecution if returned to the country—where the Chinese Communist Party holds power."[117] Consequently, sources told Shaw and Melugin, "many are claiming that fear and are subsequently being released into the U.S. on their own recognizance and with a notice to appear for a court date for their immigration hearings."[118]

It is simply unknown how many of those released into the interior have sinister intentions.

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113 U.S. Customs and Border Protection Newsroom, supra note 17.
114 Sandra Sanchez, "South Texas Sees Surge of Chinese Nationals Crossing Border Illegally, Chief Says," Border Report, March 20, 2023, https://www.borderreport.com/immigration/south-texas-sees-surge-of-chinese-migrants-crossing-border-illegally-chief-says/.
115 Chief Patrol Agent Gloria I. Chavez [@USBPChiefRGV], "RGV Continues to Lead the Nation in Chinese Migrant Encounters. In FY23, There Have Been 1,577 Apprehensions-91% Being Single Adults. A 920% Increase Compared to FY22 Creating a Strain on Our Workforce Due to the Complexities of the Language Barrier & Lengthens the Processing. Https://T.Co/X9Z4QEbNT3," Tweet, Twitter, March 16, 2023, https://twitter.com/USBPChiefRGV/status/1636489039917219840.
116 Alexander Panetta, "These Russians Are Fleeing to the U.S. — by Walking from Mexico," CBC News, February 16, 2023, https://www.cbc.ca/news/russian-migrants-arizona-border-1.6747978.
117 Adam Shaw and Bill Melugin, "Border Patrol Apprehensions of Chinese Nationals at Southern Border up 800%: Source," Fox News, February 9, 2023, https://www.foxnews.com/politics/border-patrol-apprehensions-chinese-nationals-southern-border-800-source.
118 Ibid.

III. Not So Friendly Skies—Reassigning Air Marshals to Administrative Duty

The Federal Air Marshals Service (FAMS) has also been impacted by the crisis, with marshals being relocated to the border to assist in understaffed jurisdictions. Per information provided to the House Committee on Homeland Security, air marshals are being placed on three-week rotations, with up to 150 air marshals and seven supervisors at the border at any given time.[119] This has pulled them away from their usual roles ensuring security on flights to instead perform duties unrelated to law enforcement.

According to the Air Marshals Association, the relocation of air marshals has been problematic. The association recently stated in an internal newsletter, "We have had a staggering number of retirements in the last few years. We cannot keep sending a large number of our flying FAMS to the border at the expense of our current mission, while also creating new AVO positions, which currently take more FAMS out of the air without a clearly defined job."[120]

These deployments represent a potential national security risk. David Londo, president of the Air Marshal National Council, said in November 2022 that pulling marshals from their normal jobs to deal with the border crisis leaves "a gaping hole in our aviation security," and that deploying them to the border during the holiday season was "irresponsible and dangerous."[121]

119 Information provided to the Committee on April 25, 2023.
120 "Message from the Ama," Air Marshal Association, April 22, 2023
121 Matthew Medsger, "Biden Admin Deploys Air Marshals to Border to Help with Migrants," The Boston Herald, November 23, 2022, sec. Politics, https://www.bostonherald.com/2022/11/23/biden-admin-deploys-air-marshals-to-border-to-help-with-migrants/.

I. Fentanyl—An Unprecedented, Deadly, and Growing Crisis

The United States is consumed by a fentanyl crisis and it is being driven by the fentanyl flowing from Mexico across the Southwest border. Fentanyl poisoning is now the leading cause of death for Americans ages 18-49,[122] and the number of Americans falling victim to this deadly synthetic opioid remains unacceptably high, particularly as the Mexican cartels continue to manufacture the low-cost drug and smuggle it into the United States.[123]

Approximately 107,000 Americans died from drug overdoses in 2021, with more than 70,000 of those caused by fentanyl poisoning, compared to 36,359 fentanyl deaths in 2019.[124] In 2021, more Americans died from fentanyl poisoning than died in auto and gun-related incidents combined.[125] In Texas, fentanyl deaths rose 89 percent from 2020 to 2021.[126]

According to a recent CDC report,[127] the number of drug overdose deaths linked to fentanyl increased by 279 percent between 2016 and 2021,[128] increasing from 5.7 deaths per 100,000 to 21.6 per 100,000 in the same period.[129]

According to CDC data, fentanyl is the leading cause of drug-associated deaths across all age groups, and fentanyl is particularly devastating the young adult population.

The cartels' growing practice of lacing other forms of narcotics, even what look to be prescription drugs, with fentanyl is poisoning even more Americans, because many don't ever know they're ingesting the substance.[130]

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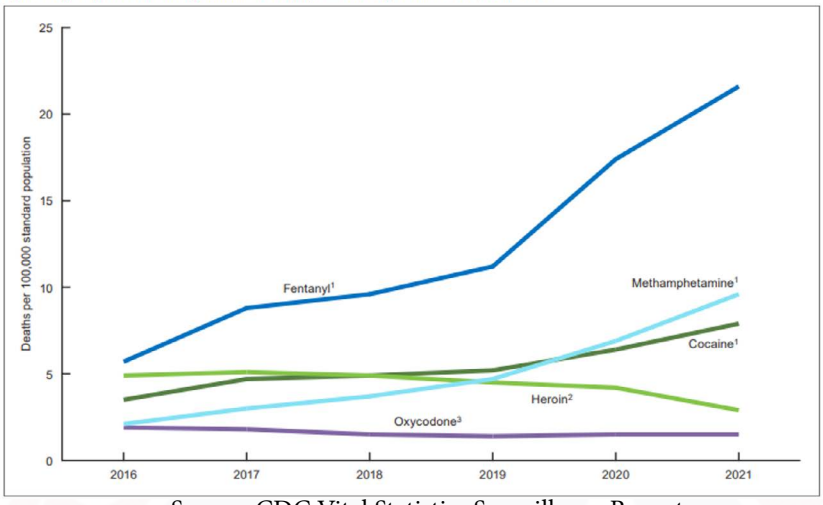
122 Julie Vitkovskaya and Courtney Kan, "Why Is Fentanyl so Dangerous?," The Washington Post, April 10, 2023, sec. National, https://www.washingtonpost.com/nation/2022/11/03/fentanyl-opioid-epidemic/.
123 "DEA Intelligence Report: Fentanyl Flow to the United States," DEA Intelligence Program Strategic Intelligence Section, DEA-DCT-DIR-008-20, January 2020, https://www.dea.gov/sites/default/files/2020-03/DEA_GOV_DIR-008-20%20Fentanyl%20Flow%20in%20the%20United%20States_0.pdf.
124 "Drug Overdose Death Rates," National Institute on Drug Abuse, February 9, 2023, https://nida.nih.gov/research-topics/trends-statistics/overdose-death-rates.
125 "DEA Warns of Increase in Mass-Overdose Events Involving Deadly Fentanyl," U.S. Drug Enforcement Administration Media Relations, April 6, 2022, https://www.dea.gov/press-releases/2022/04/06/dea-warns-increase-mass-overdose-events-involving-deadly-fentanyl.
126 "Fentanyl: One Pill Kills," Texas Department of Public Safety Media and Communications Office, February 3, 2023, https://www.dps.texas.gov/section/media-and-communications-office/fentanyl-one-pill-kills.
127 Merianne Spencer, et al., "Estimates of Drug Overdose Deaths Involving Fentanyl, Methamphetamine, Cocaine, Heroin, and Oxycodone: United States, 2021," Report No. 27, National Center for Health Statistics, May 3, 2023, https://www.cdc.gov/nchs/data/vsrr/vsrr027.pdf.
128 Nicoletta Lanese, "Fentanyl Overdose Death Rates 'more than Tripled' in Recent Years, CDC Report Shows," Live Science, May 3, 2023, https://www.livescience.com/health/medicine-drugs/fentanyl-overdose-death-rates-more-than-tripled-in-recent-years-cdc-report-shows.
129 Ibid
130 Ibid.

Indeed, the crisis is so acute that the FDA has taken the step of approving over-the-counter naloxone nasal spray to give Americans more access to life-saving treatment to counter fentanyl poisoning.[131]

Figure 1. Age-adjusted rates of drug overdose deaths, by selected drugs: United States, 2016–2021



Source: CDC Vital Statistics Surveillance Report

CBP's own data shows that the cartels have attempted to smuggle more fentanyl across the Southwest border than ever before. So far this fiscal year, CBP has seized 17,000 pounds of fentanyl at the Southwest border alone, including a record 3,257 pounds in April, blowing past FY22's total seizure of 14,100 pounds.[133] Troublingly, law enforcement officials believe they only apprehend about 5-10 percent of the total narcotics coming across.[134]

II. The Open-Borders Connection to the Fentanyl Crisis

This fentanyl is not just coming across in a vacuum. Mayorkas' open-borders policies are directly linked to the rising fentanyl crisis ravaging the country. The record seizures at the border, both between the ports and at the ports, indicate increased efforts by the cartels to traffic their product into the United States.

Smuggling between the ports is a particularly critical problem, because there simply is no way to know how much fentanyl is coming across these increasingly unguarded areas, and there are fewer ways to stop it.

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131 "FDA Approves First Over-the-Counter Naloxone Nasal Spray," U.S. Food & Drug Administration Office of the Commissioner, March 29, 2023, https://www.fda.gov/news-events/press-announcements/fda-approves-first-over-counter-naloxone-nasal-spray.

132 Spencer et al., supra note 125.

133 "Drug Seizure Statistics FY2023," U.S. Customs and Border Protection Newsroom, May 17, 2023, https://www.cbp.gov/newsroom/stats/drug-seizure-statistics.

134 Nick Miroff, "DEA Seized Enough Fentanyl to Kill Every Person in the U.S. in 2022," The Washington Post, December 21, 2022, sec. National Security, https://www.washingtonpost.com/national-security/2022/12/20/fentanyl-seizures-2022-dea/.

A South Texas sheriff recently told members of the House Committee on Homeland Security, "We have one of the busiest checkpoints in the southwest corridor. … A lot of narcotics are coming through between the ports of entry, and I know that because I've done operations for 18 years. … You can't put a metric on that."[135]

Early in the days of the crisis, the Border Patrol's Chavez told NBC News, "For the first time, we're starting to see these tactics where fentanyl is being smuggled between ports of entry. Cartels are very creative. They find ways to intimidate migrants and find ways to illegally have them transport that narcotic into the United States."[136] Chavez later noted, "These smuggling organizations (are) already doing drive-throughs through areas where my border barrier is weak or where there is none."[137]

With fewer Border Patrol agents performing their primary function of securing the border, the cartels have more gaps to exploit. They frequently use sophisticated tactics like pushing one group of illegal aliens across the border in one sector, knowing Border Patrol agents will respond, and then smuggling drugs like fentanyl across in the gaps their initial tactics created.

Former senior Border Patrol officials have confirmed this practice.[138]

III. Young People As Victims of the Fentanyl Crisis

In the United States, exposure to fentanyl is a crisis for the most innocent among us—children and young people.

Fentanyl poisoning deaths among American teens have risen at an alarming rate due to the proliferation of fentanyl. The synthetic opioid was involved in 884 adolescent deaths in 2021—up from 253 just two years earlier, according to a 2022 report published by the Journal of the American Medical Association.[139]

There were 133 opioid-related deaths among children under three years of age in 2021, according to federal mortality data, up from 67 in 2020 and 51 in 2019.

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135 "Texas Ranchers, Law Enforcement, and State Officials Share the Truth on Mayorkas' Border Crisis With Homeland Security Republicans," U.S. House of Representatives Committee on Homeland Security Republicans, March 16, 2023, https://homeland.house.gov/texas-ranchers-law-enforcement-and-state-officials-share-the-truth-on-mayorkas-border-crisis-with-homeland-security-republicans/.

136 Gabe Gutierrez and Al Henkel, "Fentanyl Seizures at U.S. Southern Border Rise Dramatically," NBC News, June 29, 2021, https://www.nbcnews.com/politics/immigration/fentanyl-seizures-u-s-southern-border-rise-dramatically-n1272676.

137 Ibid.

138 Rodney Scott, "Letter to Majority Leader Schumer, Minority Leader McConnell, Senator Peters, and Senator Portman," September 11, 2021, https://justthenews.com/sites/default/files/2021-09/Honorable%20Rob%20Portman%20%20US%20Senate%20Secuirty%20Concerns%20-%20Rodney%20Scott.pdf.

139 Joseph Friedman, et al., "Trends in Drug Overdose Deaths Among US Adolescents, January 2010 to June 2021," JAMA 327, no. 14 (April 12, 2022): 1398–1400, https://doi.org/10.1001/jama.2022.2847.

Synthetic opioids, of which fentanyl is the most significant, accounted for most of the fatalities.[140]

Pediatric deaths from fentanyl increased more than 30-fold between 2013 and 2021, according to the Yale School of Medicine.[141] More than 1,500 young people under the age of 20 died from fentanyl poisonings in 2021, more than four times as many than in 2018.[142]

Laboratory testing by the DEA has revealed that six out of 10 fentanyl-laced, fake prescription pills now contain a potentially lethal dose of fentanyl.[143] The emergence of "rainbow fentanyl"—brightly colored pills, powders and blocks made to look like candy—has created an even greater risk for kids.[144]

The DEA issued an alert in August 2022 about rainbow fentanyl, saying the drug had been seized in 26 states that month.[145] The DEA has warned that this brightly colored fentanyl is used to target and drive addiction in young Americans. This trend appears to be a new method used by the cartels to sell fentanyl-laced narcotics made to look like candy to children and young people.[146]

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140 Arian Campo-Flores and Jon Kamp, "The Youngest Victims of the Fentanyl Crisis," The Wall Street Journal, December 30, 2022, sec. Health, https://www.wsj.com/articles/children-victims-of-the-fentanyl-crisis-11672412771

141 "U.S. Child Deaths From Fentanyl Jumped 30-Fold in Just 8 Years," U.S. News & World Report and Health Day, May 8, 2023, https://www.usnews.com/news/health-news/articles/2023-05-08/u-s-child-deaths-from-fentanyl-jumped-30-fold-in-just-8-years.

142 Aimee Cunningham, "Fentanyl Deaths Have Spiked among U.S. Children and Teens," ScienceNews, April 28, 2023, https://www.sciencenews.org/article/fentanyl-deaths-children-teens-opioid.

143 "One Pill Can Kill," U.S. Drug Enforcement Administration, accessed June 12, 2023, https://www.dea.gov/onepill.

144 "DEA Warns of Brightly-Colored Fentanyl Used to Target Young Americans," U.S. Drug Enforcement Administration Media Relations, August 30, 2022, https://www.dea.gov/press-releases/2022/08/30/dea-warns-brightly-colored-fentanyl-used-target-young-americans.

145 "What Parents Should Know About Fentanyl," University Hospitals: The Science of Health, October 31, 2022, https://www.uhhospitals.org/blog/articles/2022/10/what-parents-should-know-about-fentanyl.

146 U.S. Drug Enforcement Administration Media Relations, supra note 142.

IV. Tragic Cases of Fentanyl Poisoning

In March 2023, the Lavenir family was staying at a VRBO rental unit in Florida. The family's attorney said 19-month-old Enora Lavenir was sleeping with her older sister in one of the rooms, when her mother, Lydie, found her unresponsive. The Palm Beach County Sheriff's Office and Medical Examiner's Office stated that she had gone into cardiac arrest due to toxic levels of fentanyl in her blood. A previous guest who rented the unit had left fentanyl behind.[147]

19-month-old Enora Lavenir was killed when she was exposed to fentanyl in a Florida VRBO rental unit.

Fifteen-year-old Brandon Dunn was killed by fentanyl in August 2022 after taking a counterfeit Percocet pill that contained four times the lethal dose of fentanyl. Noah's father, Brandon, testified before the House Judiciary Committee in February 2023, asking, "How many pounds of fentanyl are coming across the thousands of miles of sparsely policed or monitored southern border?"[148]

Rick and Erin Rachwal lost their 19-year-old son Logan in 2021 to fentanyl poisoning when he unknowingly took a pill in his dorm room that was laced with fentanyl. The family now runs a charity called "Love, Logan," which seeks to save young people from drug poisoning through education and preparedness.[149]

V. The Economic Cost of the Fentanyl Crisis

The human cost of the fentanyl crisis is incalculable. The lives lost from the fentanyl flowing across the Southwest border can never be replaced with any amount of money. However, it is important to note the financial costs this crisis has exacted from the American people.

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147 Sooji Nam, "Family Files Lawsuit after 19-Month-Old Daughter Dies from Fentanyl Exposure in Airbnb," WPBF, March 7, 2023, https://www.wpbf.com/article/florida-wellington-airbnb-vrbo-fentanyl-baby/43238731.

148 "Testimony of Mr. Brandon Dunn: The Biden Border Crisis: Part I," U.S. House Committee on the Judiciary, February 1, 2023, https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/mr.-brandon-dunn-testimony.pdf.

149 Brittany Kasko, "Wisconsin Parents Lose Son to Fentanyl, Beg Other Families to Know the Truth about the Deadly Drug," Fox News, October 4, 2022, https://www.foxnews.com/lifestyle/wisconsin-parents-lose-son-fentanyl-beg-families-truth-deadly-drug.

In 2022, Congress' Joint Economic Committee released a report showing that that opioid epidemic cost the country almost $1.5 trillion in 2020 alone, an increase of more than 35 percent since the last time the cost was measured in 2017.[150] In the intervening years, the crisis has only worsened, meaning the next cost study will likely be even higher.

Health care providers have been hit hard by the rising opioid epidemic, as well. According to an Axios report in January 2023, the treatment of opioid use disorder (OUD) is costing hospitals an astounding $95+ billion per year, and accounting for almost eight percent of total hospital expenditures.[151] The report specifically names fentanyl as a driver of the crisis in the context of these higher costs.

150 "The Economic Toll of the Opioid Crisis Reached Nearly $1.5 Trillion in 2020," Joint Economic Committee Democrats, September 28, 2022, https://www.jec.senate.gov/public/_cache/files/67bced7f-4232-40ea-9263-f033d280c567/jec-cost-of-opioids-issue-brief.pdf.

151 Maya Goldman, "How Opioid Misuse Is Costing Health Systems," Axios, January 24, 2023, https://www.axios.com/2023/01/24/opioid-abuse-hospital-costs.

I. Plummeting Morale at CBP and ICE

In early May 2023, the DHS OIG released a report documenting how the record surge of illegal aliens across the border is negatively impacting the psychological health and morale of Border Patrol and ICE personnel.[152]

The specific findings of the report show a number of cracks forming in a DHS workforce suffering greatly from the stresses being placed on it by Biden and Mayorkas' open-borders policies.

The report's topline was sobering:

> "Based on interviews and survey responses from 9,311 law enforcement personnel, the details and overtime have negatively impacted the health and morale of law enforcement personnel, who feel overworked and unable to perform their primary law enforcement duties."[153]

Border Patrol agents spoke frankly with the Washington Examiner's Anna Giaritelli in June 2022, as well, with one agent telling her, "Under Biden, things are the worst they have ever been by far. Agents are calling in all the time. You always hear, 'It doesn't matter,' or, 'What's the point?' in reference to doing our job. Agents are afraid of ending up on the news for doing their job or getting in trouble for doing their job. There is no morale."[154]

Another agent bluntly said, "[I]t feels like we're committing a crime by allowing all these people into our country," rather than promptly removing or detaining those entering illegally.[155]

II. Border Patrol Suicides

The Border Patrol's Ortiz[156] and National Border Patrol Council Vice Pres. Chris Cabrera recently told Congress that 17 CBP personnel committed suicide in 2022[157]—the highest total in 13 years.[158]

152 "Intensifying Conditions at the Southwest Border Are Negatively Impacting CBP and ICE Employees' Health and Morale," U.S. Department of Homeland Security Office of the Inspector General, OIG-23-24, May 3, 2023, https://www.oig.dhs.gov/sites/default/files/assets/2023-05/OIG-23-24-May23.pdf.
153 Ibid.
154 Anna Giaritelli, "Border Patrol Cannot See Path Forward under Biden: 'There Is No Morale,'" The Washington Examiner, June 13, 2022, https://www.washingtonexaminer.com/policy/defense-national-security/border-patrol-cannot-see-path-forward-under-biden.
155 Ibid.
156 Virginia Allen, "'We Are Under Siege,' Texas Sheriff Says of Border Crisis," The Daily Signal, March 15, 2023, https://www.dailysignal.com/2023/03/15/we-are-under-siege-border-county-sheriff-tells-house-republicans-as-democrats-skip-hearing/.
157 Bethany Blankley, "Border Patrol Union: 'Failing' Biden Policies, Hardships Result in 17 Suicides in '22," The Center Square, March 16, 2023, https://www.thecentersquare.com/national/article_7c41f1ba-c428-11ed-b7dd-434d37b140a1.html.
158 Mireya Villarreal and Luke Barr, "US border officer suicides at 13-year high: How agency is focusing on 'culture change', ABC News, December 22, 2022, https://abcnews.go.com/US/us-border-officer-suicides-13-year-high-agency/story?id=95671395.

That includes the death of three Border Patrol agents within three weeks of each other in November 2022.[159] CBP reported another eight suicides in 2020 and 11 in 2021.

CBP started recording suicide statistics in 2007. Between then and the time of this report, the agency had lost at least 152 men and women to suicide. Around 40 of them have been lost in the last two years.[160]

Representative Tony Gonzales, R-Tex., who represents a district home to thousands of CBP personnel, has made clear how the current crisis is impacting them, saying in December, "Work has gotten very difficult on them. I've seen it in their faces. I've heard it in their voices for months now. It's almost, 'How much can a person take?' And often, they've taken a lot before they break."[161]

The aforementioned May 2023 OIG report found that the immense workload has forced CBP and ICE personnel to miss out on time with their families while subjecting them to additional stressors, with one agent commenting, "[The agency forces] a ridiculous 'anti-suicide' app onto our phones which cannot be deleted yet make us leave our homes and live in a hotel where we can't even eat healthily. This nightmare is forced upon us without a care of our mental or physical health."[162]

The wife of a long-serving Border Patrol agent confirmed this recently to the House Committee on Homeland Security, saying, "The first year that our men and women spent with this administration created so much PTSD, so much trauma, so much anxiety, so much depression, so much that us at home weren't trained to handle."[163]

III. Putting Border Patrol and Law Enforcement Officers At Risk

One of the stressors caused by the increasingly open border is the need for an ever-increasing number of search-and-rescue operations. Border Patrol agents routinely take heroic action to save individuals from dehydration, drowning in the Rio Grande River, and being callously tossed over the border wall by smugglers. Often, these efforts place the agents themselves in peril.

In FY22, CBP conducted 22,522 search-and-rescue operations nationwide, and 13,256 in FY21—the vast majority at the Southwest border.[164] Border Patrol Tucson Sector Chief John Modlin tweeted on May 25, 2023, that in just 72 hours, his agents had performed 60 rescues.[165]

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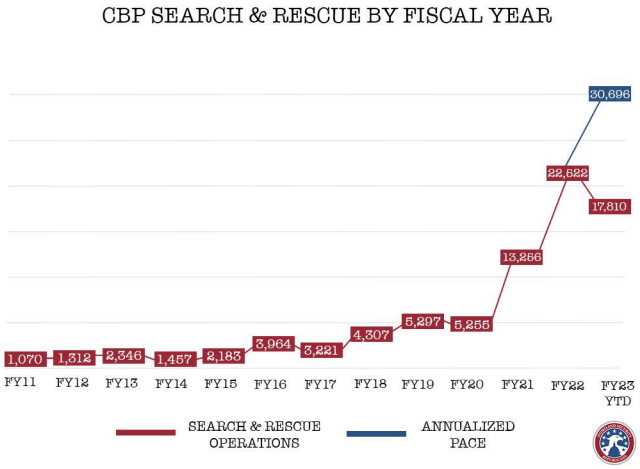
159 MaryAnn Martinez, "Three Border Patrol Agents Die by Suicide in Three Weeks," The New York Post, November 30, 2022, https://nypost.com/2022/11/30/three-border-patrol-agents-die-by-suicide-in-three-weeks/.
160 Ibid.
161 Ibid.
162 Ibid.
163 U.S. House of Representatives Committee on Homeland Security Republicans, supra note 133
164 U.S. Customs and Border Protection Newsroom, supra note 108.
165 John R. Modlin [@USBPChiefTCA], "Past 72 Hours... - 1 Agent Assaulted - 1,710 Apprehensions - 18 Criminal Migrants Arrested - 15 Pounds of Methamphetamine - 7 Human Smuggling Events - 1 Firearm We Also Performed 60 Rescues! #HonorFirst Https://T.Co/BVFzFtJDV6," Tweet, Twitter, May 24, 2023, https://twitter.com/USBPChiefTCA/status/1661468450508685312.

By comparison, CBP conducted 5,255 search operations in FY20, and even given the temporary crisis in FY19, CBP's total was 5,297.[166] A review of CBP data from FY11-FY18 shows that combined search-and-rescue operations from those years totaled 19,860, for an average of 2,482 a year—almost 3,000 fewer operations than CBP conducted just in FY22.[167]



Source: CBP Search and Rescue data

These efforts to enforce the law and save lives sometimes end in tragedy. In 2022, Texas National Guardsman Bishop Evans tragically lost his life trying to save two individuals who were drowning in the Rio Grande near Eagle Pass, Texas. He was successful in saving their lives, but a few days after the incident, Texas Rangers determined that both individuals "were involved in illicit transnational narcotics trafficking."[168]

166 "CBP Enforcement Statistics Fiscal Year 2020," U.S. Customs and Border Protection, May 8, 2023, https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics-fy2020.
167 "Stats and Summaries," U.S. Customs and Border Protection, accessed on June 12, 2023, https://www.cbp.gov/newsroom/media-resources/stats.
168 Timothy Nerozzi, "Bishop Evans, Texas Soldier Who Died Saving Migrants, to Be Laid to Rest," Fox News, April 30, 2022, https://www.foxnews.com/us/bishop-evans-texas-soldier-funeral-died-saving-migrants.

I. Rising Number of Criminal Illegal Alien Arrests

Border Patrol apprehensions of illegal aliens previously convicted of crimes have spiked on Biden and Mayorkas' watch.[169] These criminal aliens have the most serious crimes on their records, including homicide, assault, rape, burglary, theft, and weapons trafficking.

From Oct. 1, 2020, to March 2023, around two-and-a-half years, Border Patrol recorded nearly 28,000 arrests of illegal aliens with criminal backgrounds, about 6,000 more total arrests than the previous four fiscal years combined.[170]

According to CBP, illegal aliens apprehended with prior convictions for assault, battery, or domestic violence decreased each year under the Trump administration, to a low of 208 combined convictions among those apprehended in FY20. That number skyrocketed to 1,178 total convictions during Mayorkas' first year in office.

Total convictions for DUI among those apprehended at the border decreased every year under the Trump administration, to a low of 364 in FY20, but drastically increased to 1,629 in FY21. During Pres. Trump's entire term, illegal aliens apprehended by Border Patrol totaled only 11 convictions for homicide and manslaughter among them. Under Mayorkas' leadership, that number jumped to more than 130 in just two years.[171] The numbers for sexual offenses show a similar trend, with FY20's 156 total convictions rising to 488 in FY21 and 365 in FY22.

These are just CBP statistics. They do not encompass data from states like Texas, which through Operation Lone Star has apprehended hundreds of thousands of illegal aliens, and recorded more than 27,000 arrests of criminal illegal aliens itself.[172]

And these are just the criminals that are being caught. Some criminal illegal aliens are even released into the country, because Border Patrol agents simply cannot vet them adequately.

On May 30, 2023, ICE announced the arrest of a Brazilian gang member and convicted murderer in Massachusetts. According to ICE, the alien "has an extensive, violent criminal history," but after being apprehended crossing illegally in Arizona, he was released, "placed into removal proceedings," and given a court date for his immigration case after concealing information on his criminal history from Border Patrol.[173]

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169 "Major Spike in Convicted-Criminal-Alien Encounters by U.S. Border Patrol," The Heritage Foundation, April 19, 2023, https://datavisualizations.heritage.org/immigration/major-spike-in-convicted-criminal-alien-encounters-by-us-border-patrol.

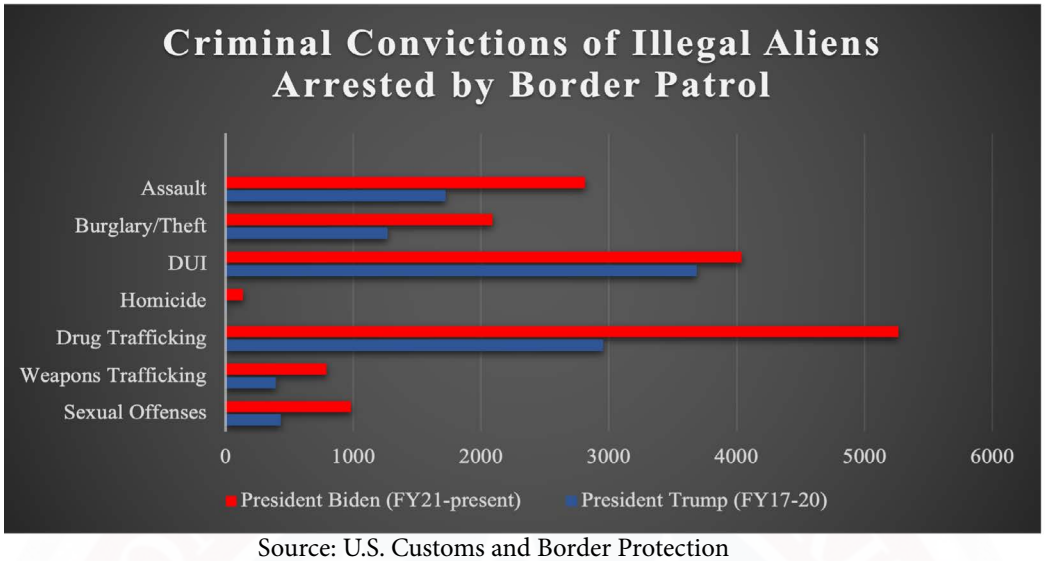
170 U.S. Customs and Border Protection Newsroom, supra note 53.

171 Ibid.

172 "Operation Lone Star Combats Increasing Smuggling Attempts By Cartels," Office of the Texas Governor, April 21, 2023, https://gov.texas.gov/news/post/operation-lone-star-combats-increasing-smuggling-attempts-by-cartels.

173 "ERO Boston Arrests Fugitive Gang Member Convicted of Murder in Brazil," U.S. Immigration and Customs Enforcement, May 30, 2023, https://www.ice.gov/news/releases/ero-boston-arrests-fugitive-gang-mem-

Criminals around the world are flocking to the Southwest border.



Source: U.S. Customs and Border Protection

II. Crimes Committed by Illegal Aliens Inside the United States

No national database exists to track crimes committed by illegal aliens. Many state and local jurisdictions do not record this information either, whether for reasons of resources or political correctness. However, it is instructive to note accounts of crimes committed by illegal aliens to understand the impact on innocent Americans, and to see how these individual crimes fit into the broader context of Mayorkas' open-borders policies and the chaos that the cartels and criminal aliens have created in the wake of those policies.

- On May 16, in Silver Spring, Maryland, just minutes from the nation's capital, Jose Hernandez-Espinal approached two women with a machete, stole their belongings, and raped one of them near a nature trail. He had entered the country as a minor, and eventually been ordered removed. ICE was not notified of his previous release from prison due to Prince George's County's sanctuary city law.[174] After his apprehension, Hernandez-Espinal indicated to law enforcement that he was responsible for raping a 15-year-old a few days prior in the same area.[175]

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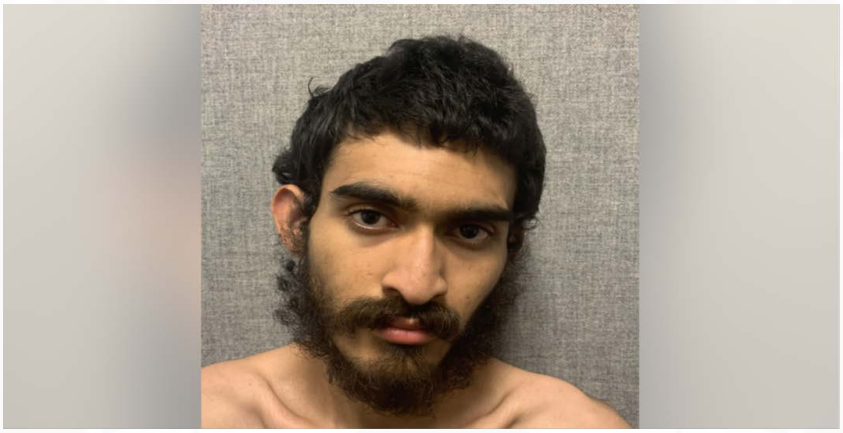
ber-convicted-murder-brazil.

174 Julio Rosas, "Surprise! Illegal Immigrant Accused of Sex Crimes Was Protected by Sanctuary Policies," Townhall, May 22, 2023, https://townhall.com/tipsheet/juliorosas/2023/05/22/illegal-immigrant-accused-of-sex-crimes-had-lengthy-criminal-record-n2623535.

175 David Kaplan and Tisha Lewis, "Alleged Silver Spring Trail Rapist Linked to Sex Assault in Prince George's County," FOX 5 DC, May 17, 2023, https://www.fox5dc.com/news/alleged-silver-spring-trail-rapist-linked-to-sex-assault-in-prince-georges-county.

- Also in May, Honduran national Grevi Geovani Rivera-Zavala was charged with raping a teenage girl in Prattville, Alabama, in a restaurant bathroom in a completely random attack. He was found to have a criminal record in Honduras when he was apprehended crossing the Texas border illegally in November 2021, but was released by Border Patrol into the interior.[176]
- Also in May, Venezuelan national Elvis Diaz-Betancourt stabbed another Venezuelan outside an emergency shelter in Chicago, so deeply that the victim could see his internal organs. He had been in Chicago for about four months.[177]
- Kayla Hamilton was raped and murdered by a teenage illegal alien in Maryland in July 2022.[178] He was also a member of MS-13 who was caught and released into the interior because he was an unaccompanied minor who arrived at the border without his parents.[179] Kayla's mother, Tammy Nobles, told the House Judiciary Committee in May 2023, "For me this not a political issue, this a safety issue for everyone living in the United States. This could have been anyone's daughter."[180]



20-year-old Jose Hernandez-Espinal is implicated in the rapes of at least two women in the Washington, D.C., area.

176 Marty Roney, "No Bond in Prattville Rape Case against Honduran Man Who Illegally Entered U.S.," Montgomery Advertiser, May 15, 2023, https://www.montgomeryadvertiser.com/story/news/crime/progress/2023/05/15/no-bond-in-prattville-rape-case-where-defendant-is-in-the-country-illegally/70219553007/.

177 "Migrant Stabbed, Critically Injured Another during a Fight near Downtown Chicago Park: Prosecutors," CWB Chicago, May 13, 2023, https://cwbchicago.com/2023/05/venezuelan-migrant-stabbed-another-during-fight-pritzker-park-chicago-standard-club-shelter.html.

178 "Teen MS-13 Gang Member Arrested for Murder of Maryland Autistic Woman, 20," FOX 5 NY, January 22, 2023, https://www.fox6now.com/news/kayla-hamilton-maryland-ms-13-murder-autistic-woman.

179 Stephen Dinan, "Suspect in Killing of 20-Year-Old Autistic Woman Was Newly Released Illegal Immigrant Teen," The Washington Times, January 23, 2023, https://www.washingtontimes.com/news/2023/jan/23/suspect-killing-20-year-old-autistic-woman-was-new/.

180 Tammy Nobles, "Testimony of Tammy Nobles: Biden Border Crisis: Part III,"U.S. House Judiciary Committee Subcommittee on Immigration Integrity, Security, and Enforcement, May 23, 2023, https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/nobles-testimony.pdf

III. Illegal Aliens Making Our Streets Less Safe

Illegal aliens often bring harm and death to innocent Americans they encounter while fleeing law enforcement, engaging in human and drug smuggling, or simply disregarding the law through behavior such as driving recklessly or under the influence (DUI). Again, the lack of comprehensive data on vehicular homicides involving illegal aliens should not diminish the pain each story represents:

- On May 9, 2023, Polk County sheriff's detectives arrested Elmer Bryan Giron-Canil after he caused a two-car accident near Mulberry, Florida. Four of the occupants in Canil's Ford Expedition were ejected from the vehicle, with one dying at the scene and another later in the hospital.[181]
- On Apr. 8, 2023, in Watford City, North Dakota, 19-year-old Julian Montoya ran over a 6-year-old boy playing on his bicycle in an apartment complex parking lot. Per reports, Montoya made no attempt to stop or swerve in an effort to avoid hitting the boy, Ian Matteo Garcia, with his truck.[182]
- In September 2022, an illegal alien struck and killed Florida sheriff's deputy Mike Hartwick, then fled the scene. According to the sheriff's office, Juan Ariel Molina-Salles entered the country illegally in October 2021 in Eagle Pass, Texas, but was sent back to Mexico and at some point re-entered the country as a gotaway.[183]

Source: U.S. Border Patrol

181 "Guatemalan Man with No Valid Driver's License and Illegally in the Country Arrested during the Willow Oak Double Fatal Crash Investigation," Polk County Sheriff's Office, May 10, 2023, https://www.polksheriff.org/news-investigations/2023/05/10/guatemalan-man-with-no-valid-driver-s-license-and-illegally-in-the-country-arrested-during-the-willow-oak-double-fatal-crash-investigation.

182 "Driver Pleads Not Guilty in Death of 6-Year-Old Watford City Boy," The Bismarck Tribune, May 11, 2023, https://bismarcktribune.com/news/local/accident-and-incident/driver-pleads-not-guilty-in-death-of-6-year-old-watford-city-boy/article_846d0566-f031-11ed-9c16-df7b9557efcd.html.

183 Patrick Reilly, "Illegal Migrant Driving Front-End Loader Kills Florida Deputy," The New York Post, September 23, 2022, https://nypost.com/2022/09/23/illegal-migrant-driving-front-end-loader-kills-florida-deputy/.

IV. Human Smugglers and Cartels Destabilizing Border Communities

The cartels and human smuggling organizations have turned border states, cities, and towns into arenas of chaos, where law enforcement is being tested like never before, and innocent Americans are caught in the middle.

Between Jan. 1, 2021, and Dec. 31, 2022, Texas Highway Patrol recorded 8,721 traffic stops involving a vehicle suspected of transporting illegal aliens. In the execution of these stops, troopers discovered 39,100 illegal aliens being transported to cities like Houston—a national hub for human trafficking[184]—and San Antonio.[185]

The recent tragedy in Ozona, Texas, in which 71-year-old Maria Tambunga and her 7-year-old granddaughter Emilia Tambunga were killed by a Louisiana man who hit them with his truck while smuggling two illegal aliens, brings home the devastation caused by increased human smuggling and trafficking on our streets.[186]

Brad Coe, sheriff of Texas' Kinney County, recently testified under oath before the House Committee on Homeland Security that his deputies arrested 741 human smugglers in 2022, up from 169 in 2021, and that the department was on pace to apprehend more than 900 in 2023. Importantly, he said, "The number of pursuits has increased with the increase in human smuggling arrests. With these increases, the risk of traffic accident and deaths associated to these accidents also increase."[187]

184 Marie Jacinto, "'Sex Trafficking in Houston: Hidden in Plain Sight,'" The University of Houston Downtown, October 12, 2022, https://news.uhd.edu/sex-trafficking-in-houston-hidden-in-plain-sight/.
185 Anna Giaritelli, "Border Crisis News: Texas State Troopers Deployed by Abbott Stopped 8,721 Human Smugglers," The Washington Examiner, April 26, 2023, https://www.washingtonexaminer.com/policy/immigration/texas-state-troopers-abbott-human-smugglers-border-patrol.
186 "Community Mourns Loss of Grandmother and Granddaughter Killed in Multiple Vehicle Accident," The Ozona Stockman, March 14, 2023, https://www.ozonastockman.com/news-news-alert/community-mourns-loss-grandmother-and-granddaughter-killed-multiple-vehicle.
187 Sheriff Brad Coe, "Witness Testimony 1," U.S. House Committee on Homeland Security, March 15, 2023, https://homeland.house.gov/media/2023/03/03.15.23.Witness_Testimony-1.pdf.

I. Migrant Deaths

Photo by Fernando Llano/AP

Cartels often abandon those who have paid to get to the border in remote and dangerous areas, where severe heat, exposure, and miles of unforgiving desert pose deadly threats. Once they arrive at the border, many are simply dropped over the border wall[188] or abandoned to the elements, with Border Patrol agents or other law enforcement their only hope of rescue.[189]

For example, in March 2023, a Border Patrol agent in El Paso sped to the rescue of a one-year-old boy who was dropped off by a smuggler by a section of border wall along the Colorado River, a near-disastrous event that would have cost the child his life if not for the heroic actions of the agent.[190]

WATCH: Human Smuggler Abandons Toddler on Banks of Colorado River

Under Mayorkas' leadership, CBP has stopped recording the number of migrants found dead on U.S. soil, but in FY21, the last year for which CBP produced the data, Border Patrol reported 568 dead migrants found at the Southwest border, nearly double the 254 discovered in FY20. In FY22, the number jumped to 853, per reporting from the New York Post.[191]

188 Amber Stegall, "VIDEO: Smugglers Drop 2 Toddlers over Border Barrier, Rescued by U.S. Border Patrol," KCBD, March 31, 2021, https://www.kcbd.com/2021/03/31/video-smugglers-drop-toddlers-over-border-barrier-rescued-by-us-border-patrol/.
189 Kelli Dugan, "Border Patrol Rescues Infant, Toddler Abandoned by Smugglers in Arizona Desert," KIRO 7 News Seattle, August 27, 2022, https://www.kiro7.com/news/trending/border-patrol-rescues-infant-toddler-abandoned-by-smugglers-arizona-desert/ZOM4S7GPLFC5TCAMNKAMG5G66U/.
190 Fernie Ortiz, "VIDEO: Smuggler Abandons 1-Year-Old Guatemalan Boy along Border River," Border Report, March 24, 2023, https://www.borderreport.com/immigration/video-smuggler-abandons-1-year-old-guatemalan-boy-on-riverbank-on-border/.
191 "CBP Deaths Are the Latest Sign of the Biden Border Disaster," The New York Post, December 8, 2022, https://nypost.com/2022/12/08/cbp-deaths-are-the-latest-sign-of-the-biden-border-disaster/.

Since Biden and Mayorkas have opened the borders, agents have revealed anonymously that more than 1,700 migrants have died on U.S. soil while trying to enter the county illegally.[192]

Photo provided by Yuma County Sheriff Leon Wilmot

Over the four years prior to FY21, the number of dead migrants found by Border Patrol at the Southwest border did not exceed 300.

II. Sexual Abuse and Assault of Migrants

The Wall Street Journal reported in September 2021 that Doctors Without Border staff operating in Panama, north of the infamous Darien Gap through which South American migrants must travel, had recorded at least 180 cases of rape since opening in May 2021.[193] According to staff, "[T]he true number of victims is likely far higher since many migrants don't report the attacks for fear of retribution or because they don't want to slow their journey."[194]

One woman from Cuba, whose journey north to the border with her family began in South America, told reporters after making it to a camp in Bajo Chiquito, "Even if I make it to the U.S. and live out my American dream, I don't think I'll be able to say that crossing the Darién was worth it."[195]

In 2017, Doctors Without Borders published a report that included a survey of migrants interviewed at a number of its facilities in Mexico. The survey found that 68 percent of those interviewed had been victims of violence upon entering Mexico on their way toward the United States. Approximately one third of the women surveyed said they had been sexually abused during the journey, along with 17 percent of men surveyed.[196]

If this percentage is even close to representative of the broader group of several million individuals who have made their way to the border since Biden and Mayorkas took office, it suggests that hundreds of thousands of men, women, and children have been sexually abused along their journey to the border to take advantage of those policies.

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192 Tom Homan, "Biden's Latest Border Gambit Opens America's Doors to Evil Child Smugglers," Fox News, February 7, 2023, https://www.foxnews.com/opinion/biden-latest-border-gambit-opens-america-doors-evil-child-smugglers.

193 Kejal Vyas, "Rapes of U.S.-Bound Migrants Make a Treacherous Route Even More Dangerous," The Wall Street Journal, September 6, 2021, sec. World, https://www.wsj.com/articles/rapes-of-u-s-bound-migrants-make-a-treacherous-route-even-more-dangerous-11630956539.

194 Ibid.

195 Vyas, supra note 189.

196 "FORCED TO FLEE CENTRAL AMERICA'S NORTHERN TRIANGLE: A NEGLECTED HUMANITARIAN CRISIS," Medecins Sans Frontieres, May 2017, https://www.doctorswithoutborders.org/sites/default/files/2018-06/msf_forced-to-flee-central-americas-northern-triangle.pdf.

III. Increased Trafficking and Abuse of Unaccompanied Minors

Given the sheer volume of UACs entering through the Southwest border—approximately 350,000 since Mayorkas took office—tens of thousands of them have been released into the country to sponsors. Many of these minors are not even going to people who can be verified as legitimate family members or guardians.[197]

Two ground-breaking New York Times reports in February[198] and April[199] of this year showed how minors have been repeatedly taken advantage of after being released to "sponsors" in United States.

> "Thousands of children have ended up in punishing jobs across the country—working overnight in slaughterhouses, replacing roofs, operating machinery in factories—all in violation of child labor laws … But all along, there were signs of the explosive growth of this labor force and warnings that the Biden administration ignored or missed, The Times has found."[200]

Similarly, NBC recently reported on an investigation into a meat-packing plant in Nebraska that was illegally employing alien minors as young as 13, who were "cleaning blood and animal parts off the floor of meatpacking plants by night and going to school by day."[201]

A Department of Health and Human Services (HHS) whistleblower reported late in 2022 that UACs were being placed with sponsors with known criminal records,[202] later testifying in April 2023 before a House Judiciary Committee subcommittee that the U.S. under Mayorkas' leadership has become a "middleman" in the human smuggling chain.[203]

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197 Twenty-First Statewide Grand Jury of Florida, supra note 106.
198 Hannah Dreier and Kirsten Luce, "Alone and Exploited, Migrant Children Work Brutal Jobs Across the U.S.," The New York Times, February 25, 2023, sec. U.S., https://www.nytimes.com/2023/02/25/us/unaccompanied-migrant-child-workers-exploitation.html.
199 Hannah Dreier, "As Migrant Children Were Put to Work, U.S. Ignored Warnings," The New York Times, April 17, 2023, sec. U.S., https://www.nytimes.com/2023/04/17/us/politics/migrant-child-labor-biden.html.
200 Ibid.
201 Julia Ainsley and Laura Strickler, "Feds Expand Probe into Migrant Child Labor in Slaughterhouses," NBC News, March 1, 2023, https://www.nbcnews.com/politics/feds-expand-probe-migrant-child-labor-slaughterhouses-rcna72930.
202 Kelly Laco, "HHS 'Knowingly' Transferred Migrant Children to Criminals, Sex Traffickers, GOP Senators Charge," Fox News, December 6, 2022, https://www.foxnews.com/politics/hhs-knowingly-transferred-migrant-children-criminals-sex-traffickers-gop-senators.
203 Adam Shaw, "Whistleblower Tells Congress That Govt Is Delivering Migrant Children to Human Traffickers," Fox News, April 26, 2023, https://www.foxnews.com/politics/whistleblower-tells-congress-that-govt-delivering-migrant-children-human-traffickers.

Every day, millions of American taxpayer dollars are spent on costs directly associated with illegal immigration. Mass illegal immigration, accelerated by Mayorkas' open-borders policies, now represents a massive cost to the federal government and state governments alike, across a number of fronts.

Some of these costs include things most Americans would never even think to consider. For example, Leon Wilmot, sheriff of Yuma County, Arizona, wrote in his testimony to the House Judiciary Committee earlier this year that the county has had to spend $70,000 on portable toilets to place in agricultural fields throughout the county to keep illegal aliens from relieving themselves in those fields and contaminating crops.[204] Yuma County supplies 90 percent of leafy greens to the entire United States during the winter months, making preservation and sanitation of crops an issue of national importance.

Kinney County's Sheriff Coe recently told the House Homeland Security Committee that his Texas county, which shares 16 miles of border with Mexico, has seen a large influx of illegal alien foot traffic, with these individuals causing an untold amount of property damage to farms, ranches, and game-hunting operations.[205] Illegal aliens have torn down fences, damaged houses, and left "astronomical" amounts of trash on land owned by ranchers throughout Texas.[206] One rancher told NPR in April 2021, just weeks into the crisis, that he had spent at least $30,000 repairing damage caused by illegal aliens.[207]

And in a darkly sobering anecdote, a Brooks County, Texas, official said in 2022 that the costs to bury and cremate illegal aliens found dead on U.S. soil "were such an expense that county employees had to take a pay cut to cover the cost."[208]

This section contains just a sampling of the various costs imposed by the border crisis on every state, city, and town in the country.

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204 Leon Wilmot, et al.., "The Biden Border Crisis: Part Two," United States House Committee on the Judiciary, February 23, 2023, https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/WilmotTestimony.pdf.
205 Coe, supra note 183.
206 Kaylee Greenlee, "Texas Rancher Says Illegal Immigrants Repeatedly Damage His Property," The Daily Signal, March 11, 2021, https://www.dailysignal.com/2021/03/11/texas-rancher-says-illegal-immigrants-are-repeatedly-causing-property-damage-and-trashing-his-land/.
207 John Burnett, "Human Smugglers Bypass Border Patrol, Bedeviling Sheriffs And Ranchers In South Texas," National Public Radio, April 24, 2021, https://www.npr.org/2021/04/24/990150761/human-smugglers-bypass-border-patrol-bedeviling-sheriffs-and-ranchers-in-south-t.
208 Andrew Arthur, "RGV Border Disaster: Demoralized Agents, Angry and Despondent Residents," The Center for Immigration Studies, April 13, 2022, https://cis.org/Arthur/RGV-Border-Disaster-Demoralized-Agents-Angry-and-Despondent-Residents.

Some recent studies found that the total combined costs incurred by illegal aliens could range anywhere from around $150 billion[209] to more than $450 billion.[210]

I. Health Care, Particularly Emergency Services, for Illegal Aliens

Hospital and emergency room care for illegal aliens is one of the most significant expenses. The Emergency Medical Treatment and Labor Act (EMTALA) requires public hospitals to provide emergency medical services to individuals regardless of their ability to pay for those services.[211]

Illegal aliens, most of whom have no form of health insurance, often rely on emergency rooms and services as a source of free or cheap health care. Consequently, this has led to significant costs for hospitals because providers are often not reimbursed for these services.

In a January 2021 filing challenging the Biden administration's deportation moratorium, Texas Attorney General Ken Paxton wrote that his state alone was required to pay anywhere between $62-90 million per year to cover illegal aliens under its Emergency Medicaid program.[212]

He also pointed out that between 2006-2008, uncompensated costs borne by Texas state hospitals providing care to illegal aliens ranged from $597 million to $717 million.[213] That's as much as $1.03 billion in May 2023 dollars.[214]

Data released by the state of Florida, meanwhile, showed that illegal aliens cost hospitals about $312 million in FY21, with hospitals only receiving around $103 million in reimbursements.[215]

Illinois is also facing a massive cost surge in providing care for illegal aliens. According to Politico in May 2023, "A state program that offers health benefits to undocumented adults is ballooning.

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209 "The Fiscal Burden of Illegal Immigration On United States Taxpayers 2023," The Federation for American Immigration Reform, https://www.fairus.org/sites/default/files/2023-03/Fiscal%20Burden%20of%20Illegal%20Immigration%20on%20American%20Taxpayers%202023%20WEB_0.pdf.
210 Andrew Arthur, "Biden's Border Fiasco Costing Local Taxpayers Billions," The Center for Immigration Studies, May 4, 2023, https://cis.org/Arthur/Bidens-Border-Fiasco-Costing-Local-Taxpayers-Billions.
211 "EMERGENCY HEALTH SERVICES FOR UNDOCUMENTED ALIENS," U.S. Centers for Medicare & Medicaid Services, May 09, 2005, https://www.cms.gov/newsroom/fact-sheets/emergency-health-services-undocumented-aliens.
212 "EMERGENCY APPLICATION FOR A TEMPORARY RESTRAINING ORDER," State of Texas v. David Pekoske, Troy Miller, Tae Johnson, and Tracy Renaud, Civ. Action No. 6:20-cv-00003, (U.S. District Court, Southern District of Texas Victoria Division, 2021), https://www.texasattorneygeneral.gov/sites/default/files/images/admin/2021/Press/TRO%20Motion%20FINAL.pdf.
213 Ibid.
214 "Inflation Calculator," Federal Reserve Bank of Minneapolis, https://www.minneapolisfed.org/about-us/monetary-policy/inflation-calculator.
215 "Cost of Services on the Health Care System Executive Order 21-223," State of Florida Agency for Health Care Administration, August 18, 2022, https://ahca.myflorida.com/content/download/20792/file/Executive_Order_21-223_Update_01302023.pdf.

When it was started a few years ago, lawmakers estimated it to run from $2 million to $4 million. Now health officials say the state needs more than $1.1 billion to keep it running," because the number of aliens using the service was far more than the state planned for.[216]

II. Specific Cases of the Border Crisis Burden Placed on Providers

Dr. Robert Trenschel, CEO of Yuma Regional Medical Hospital, recently told the House Committee on Homeland Security that the influx of aliens seeking medical services has swelled over the past two years, that most do not have insurance or money to pay for services, and that many arrive suffering from major illnesses or ailments:

> "Some migrants come to us with minor ailments but many of them come in with significant disease. We have had migrant patients on dialysis, cardiac catheterization and in need of heart surgery. Many are very sick. They have long-term complications of chronic disease that have not been cared for. Some end up in the ICU for 60 days or more. One of the largest cohorts we have seen are maternity patients who present with little or no prenatal care. These higher risk pregnancies and births result in higher complication rates and longer hospital stays."[217]

The hospital often provides transportation costs and hotel rooms, as well, and incurred more than $26 million in unreimbursed medical costs from December 2021 to November 2022 alone.[218]

III. Public School Expenditures

The number of Limited English Proficiency (LEP) students flooding American school districts is starting to overwhelm public schools. In Fairfax County, Virginia, LEPs made up nearly 20 percent of total enrollment, with the LEP budget increasing $1.5 million from FY19 to FY20.[219] In Buffalo, New York, the LEP budget increased from $12.9 million in 2018 to $20.4 million in 2020.[220] In Indianapolis, the number of "English learners" in the public school system in 2022 had increased by 27,000 from 2016.[221]

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216 Shia Kapos, "The Billion-Dollar Budget Drama," Politico, May 19, 2023, https://www.politico.com/newsletters/illinois-playbook/2023/05/19/the-1-1b-state-budget-drama-00097828.
217 Rebecca Kiessling et al., "Every State is a Border State: Examining Secretary Mayorkas' Border Crisis," U.S. House Committee on Homeland Security, 28 February 2023, https://homeland.house.gov/media/2023/02/2023-02-28-HRG-PressPacket.pdf.
218 Ibid.
219 "2020 Program Budget," Fairfax County Public Schools, July 11, 2019, https://www.fcps.edu/sites/default/files/media/pdf/FY_2020_Program_Budget.pdf.
220 "Buffalo Public Schools 2019-2020 Approved Budget," Buffalo Public Schools, May 15, 2019, https://www.buffaloschools.org/site/handlers/filedownload.ashx?moduleinstanceid=97&dataid=197087&FileName=2019-20%20Adopted%20Budget.pdf.
221 Camila Fernandez, "IPS Responds to Increase in English Language Learners," WISH-TV, March 29, 2022, https://www.wishtv.com/news/inside-story/ips-responds-to-increase-in-english-language-learners/.

Portland, Oregon schools are "scrambling" to place more than 800 new LEP students.[222] And in Rockland County, New York, more than 1,000 children have been added to county school districts.[223] One estimate has found that federal and state public school expenditures for illegal aliens or the U.S.-born children of illegal aliens may be as high as $75 billion.[224]

IV. Caring for Unaccompanied Minors

In the early days of the crisis, the Washington Post reported that the Biden administration was spending $60 million per week to provide care to around "just" 16,000 minors in HHS facilities,[225] not counting the cost of new soft-sided shelters in locations like Donna, Texas. Existing HHS beds quickly filled up, leading the administration to devote substantial resources to "emergency facilities" that could house additional minors. These new facilities often cost more than twice what HHS beds cost, per the Post's reporting.

In FY22, HHS reported it cost $8 billion to care for unaccompanied minors, which comes out to $61,584 per minor, with HHS requesting another $4.9 billion for FY23.[226]

V. State Law Enforcement Costs

Several states, most notably Texas, Florida, and Arizona, have devoted substantial resources to respond to the crisis sparked by Mayorkas' policies, especially given the Biden administration's refusal to provide relief to these states or change its policies. These efforts have cost the states billions of dollars. States like Texas and Arizona have borne the brunt of this cost, with Texas spending the most—more than $4 billion as of September 2022.[227] The Lone Star State is preparing to spend another $4.6 billion in just the next two years to secure its border.[228]

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222 "Across the Nation, Cities Feel Strain of Housing Migrants," NewsNation, May 23, 2023, https://www.newsnationnow.com/us-news/immigration/border-coverage/cities-strain-housing-migrants/.
223 Tesesa Kenny, "Kenny Testimony," U.S. House Committee on the Judiciary, https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/kenny-testimony.pdf.
224 The Federation for American Immigration Reform, supra note 205.
225 Nick Miroff, "Biden Administration Spending $60 Million per Week to Shelter Unaccompanied Minors," The Washington Post, April 9, 2021, sec. National, https://www.washingtonpost.com/national/border-shelters-cost/2021/04/08/c54eec3a-97bd-11eb-8e42-3906c09073f9_story.html.
226 "Fiscal Year 2023 Budget in Brief," U.S. Department of Health and Human Services Assistant Secretary for Financial Resources, March 28, 2022, https://www.hhs.gov/sites/default/files/fy-2023-budget-in-brief.pdf, 121.
227 Glorie Martinez and Rhonda Fanning, "Texas Has Spent over $4 Billion on Operation Lone Star. Where Did That Money Come From?," KERA News, September 15, 2022, https://www.keranews.org/politics/2022-09-15/texas-has-spent-over-4-billion-on-operation-lone-star-where-did-that-money-come-from.
228 "Governor Abbott Urges Nation's Governors To Help Combat Border Crisis," Office of the Texas Governor, May 16, 2023, https://gov.texas.gov/news/post/governor-abbott-urges-nations-governors-to-help-combat-border-crisis.

States have also stepped up to help secure the Southwest border, at immense cost to themselves. Though dollar figures are not yet available, Florida Gov. Ron DeSantis announced on May 16, 2023, the deployment of substantial resources to Texas, including 101 Florida Highway Patrol troopers, 200 Florida Department of Law Enforcement officers, 800 Florida National Guard soldiers, 17 available unmanned aerial vehicles and support teams, and 10 vessels including airboats, shallow draft vessels, and mid-range vessels.[229] Tennessee, Idaho, and Nebraska have also contributed to the effort,[230] as have Virginia, South Carolina, and South Dakota.[231]

VI. Costs of Transporting Illegal Aliens

In the wake of daily surges of illegal aliens across the border and the limited capacity to handle them, several states—led by Texas, Arizona, and Florida—have had little choice but to transport those aliens out of their states to other locales, particularly sanctuary states and cities. This costs states even more money. Thousands of illegal aliens have been bussed and flown out of these states, and costs have varied depending on the state.[232]

For example, the city of El Paso is now spending up to $250,000 per day, up from $55,000 per day, to handle the historic flow of illegal aliens into the city.[233] Over the course of the year, this comes out to more than $91 million, nearly 20 percent of the city's general fund budget for FY23.[234]

Texas:

- According to Gov. Greg Abbott, the state has sent more than 12,000 illegal aliens to major cities including Washington D.C., Chicago, Philadelphia, and New York City. As of summer 2022, the state had paid a total of $12.7 million to Wynne Transportation, the company conducting much of the transportation.[235]

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229 "Governor Ron DeSantis: 'Florida Is Sending Help to Texas to Secure the Southern Border,'" Office of the Florida Governor, May 16, 2023, https://www.flgov.com/2023/05/16/governor-ron-desantis-florida-is-sending-help-to-texas-to-secure-the-southern-border/.

230 Greg Abbott [@GregAbbott_TX], "Tennessee Joins Idaho, Florida, and Nebraska in Support of Texas' Historic Border Mission. Thank You, @GovBillLee. Together, We Will Fill the Gaps Biden's Open Border Policies Created and Keep Americans Safe.," Tweet, Twitter, May 25, 2023, https://twitter.com/GregAbbott_TX/status/1661856812650446854.

231 Summer Concepcion, "Four GOP Governors Send National Guard to the Southern Border," NBC News, May 31, 2023, https://www.nbcnews.com/politics/immigration/va-gov-glenn-youngkin-sends-national-guard-southern-border-rcna87048.

232 Priscilla Alvarez, Tatiana Laborde, and Aaron Reichlin-Melnick, "What's Happening To The Migrants Being Bussed North?," NPR News, September 26, 2022, sec. 1A, https://www.npr.org/2022/09/26/1125217441/whats-happening-to-the-migrants-being-bussed-north.

233 "Migrant Crisis: FAQs," The City of El Paso, accessed June 12, 2023, https://www.elpasotexas.gov/migrant-crisis/faqs/.

234 "El Paso City Budget 2023," The City of El Paso Office of Management & Budget, August 23, 2022, https://www.elpasotexas.gov/assets/Documents/CoEP/OMB/FY23-Budget/FY-2023-Budget-Book-FINAL.pdf.

235 Pooja Salhotra, "Gov. Greg Abbott's Migrant Busing Program Costs Texas $12 Million," The Texas Tribune,

Arizona:

- Since May 2022, when Arizona's bus program began, 43 buses have departed from Arizona to Washington, D.C., bringing almost 1,600 illegal aliens to the east coast.
- Each bus trip cost roughly $83,000, bringing the total to around $3.5 million.[236]

Florida:

- State lawmakers allocated $12 million to the Florida Department of Transportation for illegal alien relocation purposes, which DeSantis made clear would be spent.[237]

Finally, from January-September 2021 alone, the Biden administration also spent at least $340 million transporting illegal aliens into the interior.[238]

VII. Hotel Rooms for Illegal Aliens

Cities are also spending millions of dollars on housing for illegal aliens that are not being detained or deported. New York City is perhaps the starkest example. Earlier this year, the city signed a $275 million contract with the Hotel Association of New York City to house just 5,000 illegal aliens—$55,000 per individual.[239]

New York City budget director Jacques Jiha said in January that the city has already spent more than $366 million on aid for illegal aliens since 2022.[240] In the city's application to requesting federal reimbursement, Jiha said New York City estimates it will spend $4.3 billion on shelter and services for illegal aliens by July 2024.[241] Other reports confirm similar figures.[242]

August 31, 2022, https://www.texastribune.org/2022/08/31/texas-12-million-migrant-busing-program/.

236 Polo Sandoval and Andy Rose, "Texas Spends More than $12 Million to Bus Migrants to Washington, DC, and New York," CNN Politics August 31, 2022, https://www.cnn.com/2022/08/30/politics/texas-migrant-busing-cost-abbott-washington-dc-new-york/index.html.

237 Douglas Soule, "As Legal Bills Mount, Florida Paid about $35,000 for Each Migrant in Martha's Vineyard Flights," The Tallahassee Democrat, January 9, 2023, https://www.tallahassee.com/story/news/politics/2023/01/09/marthas-vineyard-migrant-flight-lawsuit-could-cost-florida-1-million/69782146007/.

238 John Binder, "Biden's Flights of Illegals into U.S. Cost Taxpayers $340M in 9 Months," Breitbart, February 1, 2022, https://www.breitbart.com/politics/2022/02/01/bidens-flights-of-illegal-aliens-into-u-s-cost-taxpayers-340m-in-9-months/.

239 David Lazar, "Mayor Signs $275 Million Deal with Hotels to House Migrants," Spectrum News NY1, January 15, 2023, https://www.ny1.com/nyc/all-boroughs/housing/2023/01/15/mayor-signs--275-million-deal-with-hotels-to-house-migrants.

240 Carl Campanile and Bernadette Hogan, "Ka-Ching! Adams Ink $275 Million with Hotels to House Migrants," The New York Post, January 13, 2023, https://nypost.com/2023/01/13/ka-ching-adams-ink-275-million-with-hotels-to-house-migrants/.

241 Chris Sommerfeldt, "NYC Submits FEMA Application for $650 Million in Federal Migrant Aid — 4 Days before Deadline," Yahoo News and New York Daily News, April 10, 2023, https://news.yahoo.com/nyc-submits-fema-application-650-163200271.html.

242 Bernadette Hogan and Bruce Golding, "Biden Migrant Crisis to Cost NYC $4.2 Billion," The New York

The city is even reportedly considering housing illegal aliens at a closed prison facility on Riker's Island,[243] and in mid-May of this year, Mayor Eric Adams declared that nearly half of all hotel rooms in New York City were being occupied by illegal aliens, limiting the ability of the city to generate revenue from tourists using those hotels instead.[244]

- Denver city officials estimate they will spend $20 million just from January-June 2023 to house illegal aliens.[245]
- Chicago is spending more than $20 million monthly to "house and support" aliens.[246]
- Through May 2023, Washington, D.C. had spent $15.1 million to house, feed, and support illegal aliens arriving in the city—with local hotel space being maxed out.[247] Those costs are expected to rise to $52.5 million by October 2023.[248]

Post, February 7, 2023, https://nypost.com/2023/02/07/biden-migrant-crisis-to-cost-nyc-4-2-billion/.

243 Chris Sommerfeldt and Graham Rayman, "NYC Seriously Mulls Housing Migrants in Shuttered Jail on Rikers Island," New York Daily News, May 17, 2023, https://www.nydailynews.com/new-york/nyc-crime/ny-rikers-island-migrants-closed-jail-mayor-adams-20230517-m5yhriyoffdwtbzrlln63upxrq-story.html.

244 "NYC Migrant Crisis: Roosevelt Hotel in Midtown Manhattan Begins Welcoming Migrants," ABC7 New York, May 19, 2023, https://abc7ny.com/nyc-migrants-hotels-gyms/13268663/.

245 Zachary Rogers, "Housing Migrants Will Cost Denver up to $20 Million in Just Six Months, Officials Estimate," KTUL, April 7, 2023, https://ktul.com/news/nation-world/housing-migrants-will-cost-denver-up-to-20-million-in-just-six-months-officials-estimate-mexico-border-biden-administration-illegal-immigrants.

246 Diane Pathieu, "City Seeks More Federal Funding to Manage Migrant Influx as Some Sleep in Chicago Police Stations," ABC7 Chicago, April 28, 2023, https://abc7chicago.com/chicago-migrants-immigrants-border-migrant/13191997/.

247 Antonio Olivo and Michael Brice-Saddler, "Migrants Find No Space in Crowded Hotels Leased by D.C., Council Members Say," The Washington Post, May 3, 2023, https://www.washingtonpost.com/dc-md-va/2023/05/02/migrants-dc-hotels-buses-closed/.

248 Cuneyt Dil, "D.C. struggles to help migrants amid influx," Axios, May 15, 2023, https://www.axios.com/local/washington-dc/2023/05/15/dc-struggles-to-help-migrants

CONCLUSION

There is undeniably a catastrophic crisis raging at our Southwest border, a crisis that has been raging for more than two years. The American people are suffering, not just in border states, but in communities all across this country, as the consequences of an unprecedented crisis impact Americans of all walks of life.

These costs and consequences are unacceptable, especially when they are the result of a crisis that was predictable and preventable. Indeed, many experienced men and women with long careers in law enforcement and national security warned the Biden administration against exactly this kind of policy agenda.

Those responsible for the policies that have brought us here must be investigated, and that is a duty this Committee is going to fully and faithfully execute. We will report our findings to the American people as we obtain them, and will ultimately deliver final recommendations to Congress on next steps.

In closing, the American people must understand that this is not about politics. It is not about disagreements over policy. It is about law and order, and the safety of the American people.

This is about right and wrong, and whether a cabinet secretary has followed the law, upheld his oath, and been faithful to the public trust. These are questions we have a duty and responsibility to answer.