

**THE IMPACTS OF TRUMP POLICIES ON BORDER
COMMUNITIES**

HEARING
BEFORE THE
SUBCOMMITTEE ON
BORDER SECURITY, FACILITATION,
AND OPERATIONS
OF THE
COMMITTEE ON HOMELAND SECURITY
HOUSE OF REPRESENTATIVES
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THE IMPACTS OF TRUMP POLICIES ON BORDER COMMUNITIES

Tuesday, April 30, 2019

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
SUBCOMMITTEE ON BORDER SECURITY, FACILITATION,
AND OPERATIONS,
Washington, DC.

The subcommittee met, pursuant to notice, at 10:04 a.m., in room 310, Cannon House Office Building, Hon. Kathleen M. Rice [Chairwoman of the subcommittee] presiding.

Present: Representatives Rice, Payne, Correa, Torres Small, Green of Texas, Higgins, Joyce, and Guest.

Miss RICE. The Subcommittee on Border Security, Facilitation, and Operations will come to order. The subcommittee is meeting today to receive testimony on the “Impacts of Trump Policies on Border Communities”.

I want to thank our border advocates, business owners, and law enforcement officials who have joined us this morning for their willingness to testify and share their first-hand experiences living and working along our Southern Border.

Earlier this month, I led a delegation to the U.S.-Mexico border to examine the reality of President Trump’s increasingly restrictive border security and immigration policies. While in El Paso, our delegation was briefed by Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE) on their current border operations.

We also toured the El Paso ICE Processing Center, where hundreds of migrants are currently being held. In addition, we had the opportunity to visit the pedestrian-only Paso del Norte Port of Entry and the cargo-only Bridge of the Americas, where hundreds of millions of dollars in goods pass through every day.

At both ports, we witnessed first-hand the severe slowdown of legal trade and travel as a result of this administration’s policies, beginning with the reassignment of hundreds of CBP officers away from these ports. Even before this reassignment, our Nation’s ports of entry—and particularly those in El Paso—were already woefully understaffed and CBP agents were struggling to keep up with the high volume of individuals and cargo passing through our border each day.

The recent reassignment of CBP agents has only exacerbated an already dire situation. Wait times have reached record highs, creating a sense of wariness and uncertainty with our vital trade partners in Mexico. With fewer CBP agents on-hand to screen cargo,

migrants, and travelers, our ports of entry are less secure than ever before, creating a serious National security threat.

Last, but certainly not least, staffing shortages, reassignments, and inadequate training of CBP agents have led to the inhumane and haphazard treatment of asylum seekers and migrant families.

As we saw just last month, DHS officials recently opted to house hundreds of migrants for several days under a bridge in unsanitary conditions. In another recent move, CBP abruptly released hundreds of migrant families into border communities, overwhelming local shelters and municipal services.

While we were down in Texas, we had the opportunity to sit down with local advocates, asylum seekers, law enforcement officials, and business owners to discuss the impact that these policies were having locally, and specifically, how staffing shortages at our ports of entry were playing out on the ground in real time.

We started our trip with a visit to the Annunciation House in El Paso, Texas, a nonprofit organization that has served as a way station for migrants for 40 years. It is run solely by volunteers and its services are supported entirely by private donations. After the administration implemented its policy of releasing hundreds of migrant families into border communities, the Annunciation House received anywhere from 500 to 850 families each day.

We also held a roundtable discussion with local business owners whose livelihood depended on cross-border trade. They described 10 miles of backed-up trucks in Mexico waiting for 25 hours to cross into the United States.

Finally, we heard from CBP agents themselves, who are stretched so thin that they worry they might miss something, either drugs, weapons, or something far worse.

The administration's border policies, coupled with the President's threats to close the border altogether and its incendiary immigration rhetoric have created utter chaos and confusion at our ports of entry. They have made us less safe, they have undermined our trade partnerships, and they have put thousands of asylum seekers in harm's way.

But make no mistake, this is not a funding issue or an issue of Congressional cooperation. Congress recently passed a bipartisan budget that would allocate \$60 million to DHS to hire over 1,000 new CBP agents. The issue we face right now is a leadership and management problem. The anti-immigrant directives coming from the President, along with DHS officials that have been purged or rendered powerless by White House Senior Adviser Stephen Miller leave CBP and ICE rudderless and unaccountable to Congress.

The Presidential memorandum issued last night is just another example of the White House attempting to unilaterally change our asylum laws while circumventing Congress.

So today's hearing will give Members of this committee the opportunity to hear directly from some of the individuals living and working in our border communities. We will hear about how businesses, migrants, and advocacy groups and law enforcement officials have been affected by this administration's latest immigration and border policies.

I want to thank all of our witnesses for joining us this morning.
[The statement of Chairwoman Rice follows:]

STATEMENT OF CHAIRWOMAN KATHLEEN M. RICE

APRIL 30, 2019

I want to thank our border advocates, business owners, and law enforcement officials who have joined us this morning for their willingness to testify and share their first-hand experiences living and working along our Southern Border. Earlier this month, I led a delegation to the U.S.-Mexico border to examine the reality of President Trump's increasingly restrictive border security and immigration policies. While in El Paso, our delegation was briefed by Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE) on their current border operations. We also toured the El Paso ICE Processing Center where hundreds of migrants are currently being held. In addition, we had the opportunity to visit the pedestrian-only Paso del Norte Port of Entry and the cargo-only Bridge of the Americas, where hundreds of millions of dollars in goods pass through every day.

At both ports, we witnessed first-hand the severe slowdown of legal trade and travel as a result of this administration's policies, beginning with the reassignment of hundreds of CBP officers away from these ports. Even before this reassignment, our Nation's ports of entry—and particularly those in El Paso—were already woefully understaffed and CBP agents were struggling to keep up with the high volume of individuals and cargo passing through our border each day. The recent reassignment of CBP agents has only exacerbated an already dire situation. Wait times have reached record highs, creating a sense of wariness and uncertainty with our vital trade partners in Mexico. And with fewer CBP agents on-hand to screen cargo, migrants, and travelers, our ports of entry are less secure than ever before, creating a serious National security threat.

And last but certainly not least, staffing shortages, reassignments, and inadequate training of CBP agents have led to the inhumane and haphazard treatment of asylum seekers and migrant families. As we saw just last month, DHS officials recently opted to house hundreds of migrants for several days under a bridge in unsanitary conditions. In another recent move, CBP abruptly released hundreds of migrant families into border communities, overwhelming local shelters and municipal services. While we were down in Texas, we had the opportunity to sit down with local advocates, asylum seekers, law enforcement officials, and business owners to discuss the impact that these policies were having locally, and specifically how staffing shortages at our ports of entry were playing out on the ground, in real time.

We started our trip with a visit to the Annunciation House in El Paso, Texas, a non-profit organization that has served as a way station for migrants for 40 years. It's run solely by volunteers and its services are supported entirely by private donations. After the administration implemented its policy of releasing hundreds of migrant families into border communities, the Annunciation House received anywhere from 500 to 850 families each day. We also held a roundtable discussion with local business owners whose livelihood depended on cross-border trade. They described 10 miles of backed-up trucks in Mexico waiting for 25 hours to cross into the United States. And finally, we heard from CBP agents themselves, who were stretched so thin that they worried they might miss something: Either drugs, weapons, or something far worse. The administration's border policies coupled with the President's threats to close the border altogether and his incendiary immigration rhetoric have created utter chaos and confusion at our ports of entry. They have made us less safe, they have undermined our trade partnerships, and they have put thousands of asylum seekers in harm's way.

But make no mistake, this is not a funding issue, or an issue of Congressional cooperation. Congress recently passed a bipartisan budget that would allocate \$60 million to DHS to hire over 1,000 new CBP agents. The issue we face right now is a leadership and management problem. The anti-immigrant directives coming from the President along with DHS officials that have been purged or rendered powerless by White House Senior Advisor Stephen Miller, leave CBP and ICE rudderless and unaccountable to Congress. The Presidential Memorandum issued last night is just another example of the White House attempting to unilaterally change our asylum laws while circumventing Congress. So, today's hearing will give Members of this committee the opportunity to hear directly from some of the individuals living and working in our border communities. We will hear about how businesses, migrants, and advocacy groups and law enforcement officials have been affected by this administration's latest immigration and border policies.

Miss RICE. I now recognize the Ranking Member of the subcommittee, the gentleman from Louisiana, Mr. Higgins, for an opening statement.

Mr. HIGGINS. Thank you, Madam Chair. I thank our witnesses for being here.

The crisis at our Southern Border is worsening by the day and is a result of decades of Congressional inaction, or inadequate action, and loopholes in our current laws. Combined, they leave us ill-prepared to handle this crisis.

This fiscal year, Customs and Border Protection is on track to apprehend the highest number of illegal migrants since 2008, a number greater than the entire population of the city of New Orleans in my home State of Louisiana.

Border Patrol processing facilities were not built to house families and children, which we are seeing in record numbers, of course, and El Paso, Rio Grande Valley, and Yuma facilities are all far beyond capacity. Migrants are telling Border Patrol agents that they are bringing children because smugglers have told them they will be released if they do. This raises serious safety concerns and heightens the risk of human trafficking.

According to the Customs and Border Protection, there have been over 3,000 cases since April 2018, where an adult claiming to be a parent or legal guardian of a child was found not to be. Groups of more than 100 migrants are arriving at the Southwest Border at unprecedented levels. Over the last 6 months, 104 groups of that size have been encountered by CBP. Comparatively, there were only two such groups in all of 2017.

In the past 4 months, Border Patrol agents have spent more than 100,000 man hours transporting migrants to hospital. This takes these agents off the line of duty.

This crisis is fueled by a combination of loopholes in our immigration laws which we must fix, and a backlog in immigration courts that prevent consequences from being delivered to those illegally entering our country without legitimate asylum claims.

The situation at the border is so bad that the CBP Office of Field Operations has reassigned over 500 officers from land ports of entry to help Border Patrol with processing. This has led to increased wait times for legal travel and trade. This diversion of resources poses a serious risk to individuals that man the border and risk of individuals slipping through our border who wish to do harm to this Nation. It is a concern.

Last month, CBP and ICE told Congress that due to resource constraints, they no longer have the ability to process, transport, and detain all migrants attempting unauthorized entry at the Southwest Border. They just can't handle the flow. They are being forced to release families into local border communities without screening them for credible fear or outfitting adults with GPS tracking bracelets.

Right now, there are no consequences to entering our country illegally. This only encourages illegal immigration and puts both Americans and migrants at risk. The nongovernmental organizations, or NGO's, that Customs and Border Protection and ICE usually partner with to house overflows of migrants have been pushed beyond their own capacity. There is no relief without additional resources from Congress.

As a result, our local border communities are becoming overwhelmed and overrun. Sheriff Napier can tell us first-hand that

border sheriffs are seizing the largest volume of drugs they have seen in years, and are increasingly coming across migrants that have made it past Border Patrol who need immediate humanitarian assistance.

We are a Nation of law in order. However, this is chaos that we face at the Southern Border. Without changing the laws and providing the Department of Homeland Security adequate resources to address these issues, we are tying the hands of the men and women we have entrusted to keep the homeland safe. This crisis is diminishing American safety, security, economic prosperity, and the integrity of our Southwest Border. We must address it head-on or it will continue to get worse.

I am looking forward to hearing testimony from our witnesses about the impact of this crisis on border communities.

I yield back, Madam Chair.

[The statement of Ranking Member Higgins follows:]

STATEMENT OF RANKING MEMBER CLAY HIGGINS

APRIL 30, 2019

Today we have gathered to discuss the “Impacts of Trump Policies on Border Communities.” This conversation will no doubt contain accusations and falsehoods designed to disparage President Trump and push false rhetoric that the border crisis is “manufactured.”

Therefore, I’d like to set the record straight, the crisis at our Southwest Border is worsening by the day and is the result of decades of Congressional inaction. Loopholes in our current laws have made us ill-prepared to handle this crisis.

This fiscal year CBP is on track to apprehend the highest number of migrants since 2008, a number greater than the entire population of New Orleans.

Border Patrol processing facilities were not built to house families and children, which we are seeing in record number. The El Paso, Rio Grande Valley, and Yuma facilities are all at more than 100 percent capacity.

Migrants are telling Border Patrol agents that they are bringing children because smugglers have told them they will be released if they do. This raises serious safety concerns and heightens the risk of human trafficking.

According to CBP there have been over 3,000 cases since April 2018 where an adult claiming to be a parent or legal guardian of a child was found not to be.

Groups of more than 100 migrants are arriving at the Southwest Border at unprecedented levels. Over the last 6 months, 104 groups of that size have been encountered by CBP. Comparatively, there were only 2 such groups in all of 2017.

In the past 4 months, Border Patrol agents have spent more than 100,000 hours transporting migrants to hospitals, taking them off the line of duty.

This crisis is fueled by a combination of loopholes in our immigration laws and backlog in our immigration courts that prevent consequences from being delivered to those illegally entering our country without legitimate asylum claims.

The situation at the border is so bad that the CBP Office of Field Operations has reassigned over 500 officers from land ports of entry to help Border Patrol with processing, which has led to increased wait times for legal travel and trade.

This diversion of resources poses a serious risk of individuals slipping through our border who wish to do harm to this Nation.

Last month, CBP and ICE told Congress that due to resource constraints, they no longer have the ability to process, transport, and detain all migrants attempting unauthorized entry at the Southwest Border.

They are being forced to release families into local border communities without screening them for credible fear, or outfitting adults with GPS tracking bracelets.

Right now there are no consequences to entering our country illegally. This only encourages illegal immigration and puts both Americans and migrants at risk.

The non-governmental organizations (NGO’s) that CBP and ICE usually partner with to house overflow of migrants are now pushed past capacity.

There is no relief without additional resources from Congress. As a result, our local border communities are becoming overwhelmed and overrun.

Sheriff Napier can tell us first-hand that border sheriffs are seizing the largest volume of drugs they've seen in years and are increasingly coming across migrants that have made it past Border Patrol who need immediate humanitarian assistance.

We are a Nation of law and order, however, this is chaos. Without changing the laws and providing the Department of Homeland Security adequate resources to address these issues, we are tying the hands of the men and women we have entrusted to keep the homeland safe.

This crisis is diminishing American safety, security, economic prosperity, and the integrity of our Southwest Border. We must address it head-on or it will continue to get worse.

I am looking forward to hearing testimony from our witnesses about the impact of this crisis on border communities, and I yield back the balance of my time.

Miss RICE. Thank you, Mr. Higgins.

Other Members of the committee are reminded that under the committee rules, opening statements may be submitted for the record.

[The statement of Chairman Thompson follows:]

STATEMENT OF CHAIRMAN BENNIE G. THOMPSON

APRIL 30, 2019

Today's witnesses are experts on life at the border—they live there and their work brings them into constant contact with events there every day. I am eager to hear about what they are witnessing first-hand, their thoughts on the humanitarian challenge at the border, and the impact of the Trump administration's border policies on their communities. To say I am concerned with President Trump's and the Department of Homeland Security's misguided, counterproductive actions would be an understatement. No other administration has carried out a policy to deliberately and systematically separate all migrant children from the adults that care for them.

The Trump administration's family separation policy has irreparably damaged children. The administration is claiming that reuniting families it separated in 2017 would be "onerous" and could take up to 2 years. This is outrageous. Equally outrageous is the White House's agenda to cut off avenues of humanitarian relief to people seeking asylum and refuge. The administration has tried—and failed—multiple times to change our asylum laws on its own, only to be blocked by the courts. To consider levying fees on individuals fleeing dire conditions in their home countries is cruel and completely blind to the reality these individuals are facing. Another example of the Trump administration's blindness to reality is the President's continued obsession with the wall.

Building it will not stop the majority of dangerous drugs that are coming through our legal ports of entry. Moreover, the President never talks about the American families who will be thrown off the land their family has had for generations. To make matters worse, the President continues to threaten to shut down the border, which would be devastating not just for border communities, but for our Nation's economy. Indeed, the economic consequences for this country would be catastrophic. The Chamber of Commerce in San Diego estimated the 5-hour shutdown last November at San Ysidro port of entry cost its 700 businesses at least \$5.3 million. I shudder to think what the fallout would be of ending \$1.7 billion in trade each day. Our border communities have thousands of people who cross the border all the time to go to work, go to school, and see family. There are an estimated 500,000 border crossings each day. All of that would grind to a halt if President Trump has his way.

So, I am especially pleased to hear from these witnesses today. They will be able to give us their personal and professional views of the border as people who live there and deal with the impacts of policies set in Washington, DC on a daily basis. The proposals and actions carried out by the Department to date are inadequate, and sometimes harmful, for actually trying to address the root problems at our Southern Border. What we discuss today will help the committee address the issues at the border in a productive manner. Committee Democrats intend to advocate for smart, effective, and humane alternatives to handling this humanitarian challenge occurring at the border.

Miss RICE. Additionally, I ask unanimous consent that the Members of the full committee shall be permitted to sit and question the witnesses as appropriate.

Without objection, so ordered.

I welcome our panel of witnesses.

Our first witness, Mr. Jon Barela, is the CEO of The Borderplex Alliance, a nonprofit organization dedicated to economic development and policy advocacy in the Ciudad Juárez, El Paso, and southern New Mexico region.

Prior to becoming a CEO of the alliance in 2016, Mr. Barela served as New Mexico's economic development cabinet secretary, where he led unprecedented efforts to develop and attract investments to the North American Borderplex and increase trade with Mexico. He has also worked at Intel Corporation and at Modrall-Sperling Law Firm. Mr. Barela has an international relations degree with honors from Georgetown University's School of Foreign Service.

Next, we have Mr. Efrén Olivares. Mr. Olivares is the racial and economic justice director at the Texas Civil Rights Project. Mr. Olivares handles and supervises cases in State and Federal court involving institutional discrimination, Constitutional violations, immigrants' rights, disability and economic rights, among others. Mr. Olivares joined TCRP's South Texas office in 2013 after working at the Inter-American Commission on Human Rights and at Fulbright & Jaworski, LLP. He is a graduate of the University of Pennsylvania and Yale Law School.

Next, we have Bishop Mark Seitz, who has been bishop of the Diocese of El Paso since 2013. He has served on the Diocesan Liturgical Commission and the Committee for Continuing Education of Priests. He is a member of the Presbyteral Council and the College of Consultors in the diocese of Dallas. Bishop Seitz was named a Prelate of Honor, a Monsignor, by His Holiness Pope John Paul II in December 2004. Bishop Seitz is also an author, and in 2017 released *Sorrow and Mourning Flee Away: Pastoral Letter on Migration to the People of God in the Diocese of El Paso*.

Finally, we have Sheriff Mark Napier, the sheriff of Pima County, Arizona. He started his law enforcement career in December 1981 as a police officer in Iowa, before moving to the Tucson Police Department in 1987, where he eventually retired. He then served as the assistant director for the Glendale, Arizona, police department and worked for the Department of Justice as a peer reviewer on Federal grant programs. He is here today as a member and representative of the Southwestern Border Sheriff's Coalition, which represents 31 counties along the U.S.-Mexico border.

Without objection, the witnesses' full statements will be inserted in the record. I now ask each witness to summarize his statement for 5 minutes, and we will start with Mr. Barela.

**STATEMENT OF JON BARELA, CHIEF EXECUTIVE OFFICER,
THE BORDERPLEX ALLIANCE**

Mr. BARELA. Well, thank you, Madam Chair. It is an absolute privilege to be here. Thank you for the invitation.

Members of the committee, thank you also for our ability to testify today.

The Borderplex Alliance is, to my knowledge, the only privately-funded organization that serves as the policy advocacy and economic development arm for our region. Our region consists of 2.5 million individuals, as the Chairwoman stated, Ciudad Juárez, El

Paso County, and Dona Ana County, New Mexico, my home county, are really, the crux and, to me, the heart of trade for the United States.

In fact, almost one-fifth of the trade between the United States and Mexico occurs through our various ports of entry. Eighty-two billion dollars in the last year of trade occurred through our ports of entries in the region. We, in many ways, style ourselves as the gateway of trade for the Americas.

So it is clear that the symbiotic relationship that we have with our southern neighbor is important to our region. But this morning, I would like to explain how the symbiotic nature of the relationship between the United States and Mexico provides between 5 to 6 million American jobs, collectively, in all of your States, over 1.2 million jobs.

Let me state at the outset that I believe firmly that Mexico is an economic and strategic ally of the United States. It is not a foe. As I mentioned, between 5 and 6 million American jobs rely directly on trade with Mexico. It has just recently become the No. 1 trading partner for the first 2 months—the No. 1 trading partner, eclipsing China and Canada—No. 1 trading partner, again, of the United States.

What we are experiencing along the border, however, threatens the economic security of our country. Our country is doing very well. We are at full employment. Our region reflects that. El Paso's unemployment rate is below 4 percent, at 3.9 percent, and even in Ciudad Juárez, the unemployment rate is at 3.6 percent.

Second thesis I would like to put out today is that trade is not a zero-sum game. As I have said many, many times, a job created in Ciudad Juárez ought to be a job created in the United States. Unfortunately, we are experiencing right now, with the difficulties that are currently being experienced, is creating economic devastation, potentially, for our area.

Two particular circumstances, the gentleman who runs a medical device industry has recently had to furlough because of the supply chain in Ciudad Juárez and New Jersey—he has had to furlough dozens of workers in New Jersey and move those to Eastern Europe.

A second individual owns an auto supply scrap business. He takes scrap material, scrap iron and metals, provides them to industries in Mexico which then form them into auto parts, is currently operating at 20 percent capacity and he has had to furlough employees.

He explained to me that, if these supply parts, these parts that go into automotive production in the United States, is not provided on time, it will have a very, very adverse effect on automotive production in the United States.

So as we move forward—and I do appreciate the comments made by the Chairwoman and the Ranking Member, Congressman Higgins. We appreciate that very much. We are in total agreement that the ripple effect could turn into a tsunami for the United States if we don't solve these wait times, which we are currently experiencing between 8 and 24 hours, as we speak. We simply cannot do business in our region, nor can the United States afford this

sort of ripple effect, which, again, will become an economic tsunami if we are not careful.

We must remain competitive as a North American region, and we must provide the adequate resources in a bipartisan, pragmatic way to help the courageous officers that we have working these very difficult issues day in and day out.

The last thing I will say before my formal comments are done is that this has been an issue that has been decades in the making. For many, many years we have said that our ports of entry have been woefully inadequately funded. It is not a mutually exclusive idea to secure our borders, which we all support, and to facilitate legitimate commerce.

So therefore we urge, respectfully, that significantly more resources be put in to help infrastructure along our ports of entry in the Southern Border. With that, Madam Chair, I appreciate very much the ability to be here. Thank you so much for the honor and privilege to do so.

[The prepared statement of Mr. Barela follows:]

PREPARED STATEMENT OF JON BARELA

APRIL 30, 2019

Madam Chair and Members of the committee: It is a great honor and pleasure for me to testify today before this esteemed committee. The Borderplex Alliance is a nonprofit organization dedicated to economic development and policy advocacy in the El Paso, Texas; Las Cruces, New Mexico; and Cd. Juárez, Chihuahua region.

Located in a gateway for international trade, The Borderplex Alliance is the go-to resource for regional ideas, information, and influence. We are supported by a coalition of over 250 businesses, community and civic leaders, all with a shared vision—bringing new investment and jobs to the Borderplex region and creating a positive business climate.

The Borderplex Alliance provides regional, National, and international development, advocacy, representation, and support to businesses looking to expand their operations within the Borderplex region. The organization also serves as an advocate for the region in State and National capitals, promoting the economic prosperity of the region and the strength of the U.S.-Mexico relationship.

My message today is simple. The U.S.-Mexico border is a dynamic and critical economic driver for the United States. Investing in infrastructure at our ports of entry and prioritizing the facilitation of legitimate trade and travel between the United States and Mexico will pay significant dividends for our economy.

We need a bipartisan, economically prudent approach to legislation impacting the U.S.-Mexico border. Doing so will improve North America's economic competitiveness, help secure the border, and address the migration crisis in a way that treats migrants with dignity and respect while following U.S. law and keeping within the best traditions of our Nation. When considering legislation related to the U.S.-Mexico border, please keep in mind these three compelling points.

First, Mexico is an economic and strategic ally of the United States, not a foe. Mexico is currently our third-largest goods trading partner. In 2018 the total U.S. goods and services traded with Mexico reached \$671.0 billion. In 2017 Mexico invested \$18.0 billion in the United States. This trade and investment on both sides of the border result in a symbiotic relationship with sophisticated supply chains that route goods back and forth across borders and ultimately to consumers around the world. This trade and investment is not a zero-sum game. It creates jobs, hope, and opportunity on both sides of the border.

In the Midwest, more than 700,000 jobs directly rely on trade with Mexico. Nationally, that figure is between 5 and 6 million. That is why the ratification of United States-Mexico-Canada Agreement is so critical to keeping this fruitful relationship between our great nations. The Borderplex region is the at the heart of the relationship and is the gateway of trade for the Americas. El Paso ports saw \$81.9 billion worth of trade in 2018, up 5.1 percent from in 2017. Investing in and modernizing these ports should be a priority to help make wait times more predictable and shorter. It will also make the Nation more prosperous.

Second, urgently-needed infrastructure improvements not only facilitate legitimate commerce, but it also helps secure the southern frontier. Securing the border and facilitating trade are not mutually exclusive. Every minute \$1 million worth of goods and services are traded between the United States and Mexico. As I testify before you today, delays and unpredictable wait times at our ports of entry are devastating business along the border and across the Nation. I've heard from multiple companies operating at 20–50 percent capacity, waiting 12–24 hours to get their shipments through the ports of entry.

One employer is furloughing hundreds of employees and reducing their hours. This employer is a canary in the coal mine for global supply chains. He is a scrap metal supplier. His goods make their way into auto parts. He tells us that due to the delays in crossing the ports of entry, companies in Mexico are making fewer goods and thus less scrap metal. These conditions create a ripple effect through the National economy that could turn into a tsunami of potential job losses in the United States.

The unpredictable and unacceptably long wait times are causing another member company of the Borderplex Alliance to move jobs from a plant in New Jersey to a facility in Eastern Europe in order to ensure continuity of product availability in the U.S. market. His products are life-saving medical equipment, such as heart stents used in the United States.

The cadence and flow of tractor trailers that travel back and forth between the United States and Mexico, first with raw materials and then with finished goods is part of the rhythm of investment and jobs. Disruptions in trade cause factories to slow or halt production, reduce hours or jobs, and create the conditions that result in emigration from the South to the North.

Long and unpredictable wait times at the ports of entry have been a problem on the border for decades. It is a bipartisan problem that should have been solved years ago. Only now, however, with the threat to shut the Southern Border, this problem has become a National economic security concern. I suggest Congress use the President's \$5.7 billion funding request for a border wall to:

- Hire more CBP officers;
- Invest in advanced technology at our ports; and
- Increase staffing at our ports during peak hours.

Third, we need a humane, rational, and long-term solution that works for immigrants and U.S. citizens alike. Immigration is a complex, multidimensional issue with economic push and pull factors at its heart. But when as a Nation we embrace trade, globalization, and a rules-based international order we can increase opportunity for everyone. I urge the Members of this committee to help us address this specific problem locally and more broadly work across the aisle to fix our broken immigration policies on the Federal level. Specifically, I believe Congress should:

- Streamline legal immigration;
- Clarify our asylum laws;
- Hire more immigration judges;
- Co-locate immigration processing centers with immigration courts;
- Create a special envoy to the North Triangle Countries to help rebuild civil society and institutions; and
- Work in a multilateral fashion with governments and international organization such as the Organization of American States, and others.

This crisis is creating local challenges as well. Several weeks ago, the Federal Government issued a request for proposal for a new \$192 million migrant processing center in the Border Patrol El Paso Sector (El Paso County, Hudspeth County, and the State of New Mexico). Due to the dramatic spike in asylum seekers from the Northern Triangle of Central America (Guatemala, Honduras, and El Salvador), the processing center is slated to be open as soon as June. While the situation on the ground is urgent, it is paramount that we get this right.

A quick retrofit of a former manufacturing plant will not produce a quality facility that reflects our community's values or those of the hardworking and brave agents and officers of the Border Patrol and Customs and Border Protection. Rather than hastily retrofit a vacant industrial warehouse, the Federal Government should design and build a new facility, purpose-built, to process migrants. Given the humanitarian crisis, it is possible to move swiftly and construct a custom-built facility. Moreover, while looking for a processing center location, the Federal Government should consider the entire El Paso Sector, including Hudspeth County, the State of New Mexico, and all of El Paso County. While we recognize the urgent need for a migrant processing center, the solution to this complex problem cannot be another quickly-built, ill-conceived facility like the ones reported on by the National media. Neither El Pasoans nor the migrants are well-served by a rushed, reactive response

that keeps children in cages and has hundreds of families sleeping on the floor of an empty warehouse. Let's work together to find a better solution.

CONCLUSION

Ladies and gentleman of the committee I want to thank you for the opportunity to speak before you today on this important topic. I want to particularly thank Chairwoman Rice who recently led a Congressional delegation to El Paso to see first-hand the issues we discussed here today. It has been a pleasure to address you all today, and I look forward to answering your questions.

Thank you.

Miss RICE. Thank you, Mr. Barela.

Mr. Olivares.

STATEMENT OF EFRÉN OLIVARES, RACIAL AND ECONOMIC JUSTICE DIRECTOR, TEXAS CIVIL RIGHTS PROJECT

Mr. OLIVARES. Thank you, Madam Chair.

Good morning. It is my pleasure to be here providing testimony before this committee this morning. I am an attorney with the Texas Civil Rights Project. My office represents landowners whose land the Government is trying to condemn in order to build a border wall in the Rio Grande Valley in south Texas.

Our office has represented these landowners for over 10 years now, since the 2008 border fence wave of condemnations.

This morning I want to touch on, briefly, two types of impact that this policy is having on border communities, particularly in the Rio Grande Valley.

First, the eminent domain process and how it leaves landowners wondering how they can oppose a taking of their land by the Federal Government, and second some of the broader impacts that the border wall will have on border communities and it is already having.

When the Government identifies a property where they want to build the border wall, they first try to purchase it from the landowner voluntarily. They make an offer of sale. Historically, those offers have been woefully below market value.

Now, how far below market value? One of the cases that our office handled, the initial offer was for \$100 for 1.3 acres of land in Cameron County. The case ended up settling for \$56,000. That is a multiple of 560 times the value of the land. That is not atypical.

Part of the problem is that the initial offer of purchase from the Government doesn't have to be backed up by a formal appraisal. So the Government can make any offer it wants, and especially if the landowner is not represented, they have a very hard time defending against—in those processes.

Another important piece of the process is that in virtually every case, the Government tries to get physical possession of the land before the issue of just compensation is resolved. Unfortunately, the eminent domain process allows for that. Federal courts routinely grant the Government physical possession of the land before the landowner has received a dime for their property.

This has resulted in dozens of landowners having lost the land to the Government, having the border wall built literally on their backyard, and then, years later, not have received a single dollar for that as just compensation, as required by the Fifth Amendment.

Such is the case of Ms. Maria Garcia in the city of San Benito in Cameron County. The border fence was built on her backyard back in 2012, and Ms. Garcia unfortunately passed away in November 2017 and never received a dime for her property.

Many other landowners, including some of our clients, have been in the process for over 10 years and the Government has changed how much of their property it wants to take, and the landowners have been living with the uncertainty looming over their heads without having received any compensation in more than 10 years by now.

Another important factor that makes the eminent domain process terribly unfair to the landowners is the fact that the Secretary of Homeland Security can waive all laws, except for the Constitution and treaties, but every other law—the Secretary of Homeland Security can waive pursuant to a waiver authority granted by Congress—and it has been described as the broadest waiver authority ever granted by Congress—that allows him or her to waive every law. So that leaves the landowners not being able to challenge the taking, other than challenge the amount of just compensation.

Now, on the effects that the border wall is going to have on the community, one thing that is often lost in the discussion is the fact that the wall is planned to be built many hundreds of yards from the actual border, from the river itself.

So Professor Madsen from the Ohio State University has calculated that, in Texas alone, 43,000 acres are going to be walled off from the rest of the country. They are going to become no-man's-land. Of those 43,000 acres, 42,000 acres are in the Rio Grande Valley alone, which are the three counties in the southeastern-most tip of Texas: Cameron, Hidalgo, and Starr Counties.

In those areas between what is going to become the wall and the river, the so-called no-man's-land, there are communities, there are neighborhoods, there are businesses that are going to be walled off from public utilities, from roads, public transportation, and everything that is on the northern side of the wall.

Some landowners may get gates, but not all of them. Not everyone is going to get a gate, so not everyone gets access to their property.

So imagine for a second if the Federal Government were walling off 43,000 acres of U.S. soil not along the Rio Grande but along the Potomac or along the Hudson. It would be a scandal. But in our community in south Texas, a majority Latino, Hispanic community, it is unfortunately something that we have become all too familiar. Our office will continue to do everything we can to represent these landowners so that they are treated fairly and with dignity.

Thank you.

[The prepared statement of Mr. Olivares follows:]

PREPARED STATEMENT OF EFRÉN C. OLIVARES

APRIL 30, 2019

It is a great honor to testify before such a distinguished committee about the disastrous impact that a border wall would have on border communities in the Rio Grande Valley of Texas. Thank you for inviting me.

For my testimony this morning, I draw from my work as director of the Racial and Economic Justice Program at the Texas Civil Rights Project (“TCRP”). We are Texas lawyers for Texas communities, serving the rising movement for equality and

justice. Our Racial and Economic Justice Program fights against discriminatory policies and practices based on immutable characteristics and immigration status. Along the Texas-Mexico border, our team works tirelessly to bring separated families back together, to ensure accountability for wrongful acts by immigration agents, and to defend landowners whose land the Federal Government seeks to condemn in order to build a border wall. Through litigation, education, and advocacy, TCRP fights to ensure that the most vulnerable communities in our State, and especially along the border, can live with dignity, freedom, and without fear.¹

I am a lawyer and an advocate, and also a member of the border community. My goal in this testimony is to highlight two significant ways in which the border wall negatively impacts border communities. First, I will discuss how the eminent domain process leaves affected landowners with little recourse to challenge the Government's takings. Eminent Domain law is extremely favorable to the Government, and when compounded by the expansive waiver authority given to the Secretary of Homeland Security, Texas landowners along the border are really left to wonder whether due process of law means anything for them. Second, I will touch upon some of the ways in which a border wall would forever alter the way families and communities live in this part of the United States. Families who have lived peacefully along the Rio Grande for centuries—in some cases even before the United States existed as a country—now stand to lose their land, their livelihood, and quite literally their way of life.

I. THE EMINENT DOMAIN PROCESS IN BORDER WALL CASES

Most of the land along the Texas-Mexico border where the Government plans to build a border wall is owned by private landowners. Pursuant to the Fifth Amendment to the United States Constitution, the Federal Government can only take private land for public use if it pays the owner “just compensation.” U.S. Const. amend. V.

a. Right of Entry (ROE) Requests

Once the Government identifies a piece of land where it plans to build the border wall, agents approach the landowner seeking his or her consent to survey the land, take soil samples, and conduct other precursory work on privately owned land. This typically happens via a letter, known as a Right of Entry (ROE) request. The letters are mailed to the owner of record at the address of the owner on file with the public property records.

These letters will often be followed by in-person visits by the Army Corps of Engineers, who are accompanied by the Border Patrol agents. Landowners describe the in-person visits as both persuasive and misleading, where Government officials attempt to explain any intrusion as minimal and unimportant. Landowners have reported that some of these visitors have told them that the Government will eventually get possession of the land anyway, so it is of no use to fight the process. The maps attached as Appendix A show the status of ROE requests in Starr County, Texas, as of December 2018.²

When a landowner does not consent to signing the ROE letter, DHS refers the matter to the Department of Justice, and a lawsuit is filed against the tract of land at issue in Federal district court. The lawsuits have typically taken the form of a Complaint in Condemnation and Declaration of Taking filed pursuant to the Declaration of Taking Act, 40 USC § 3114. These complaints consistently alleges that \$100.00 constitutes just compensation for access to the land for surveying and soil sampling purposes, regardless of the size of the land in question. As of April 25, 2019, the Trump administration has filed 12 such cases seeking access to survey land in South Texas, and dozens more, if not hundreds, are expected in the coming months, in light of the Congressional appropriations for fiscal year 2019. TCRP represents some of these affected landowners.

b. Acquisition of the Land

After surveying is completed pursuant to the ROE, the Government will then seek to buy the part of the property it needs. This will be done by a letter requesting to buy the land for a price the Government determines. Historically, these initial offers have been significantly below market value.

¹ Learn more at texascivilrightsproject.org.

² Although reliable information is hard to come by, Customs and Border Protection officials have indicated that over 90 percent of ROE's in Hidalgo County, and around 85 percent in Starr County were signed voluntarily. In Starr County, ownership of some tracts of land has still not been ascertained.

If the landowner refuses to sell, the Government will initiate eminent domain proceedings to take the land by filing a Complaint and Declaration of Taking pursuant to its authority under the Declaration of Taking Act (40 USC § 3114) and acquisition by condemnation (40 USC § 3113).³ Historically, the Government typically has also deposited \$100 as estimated “just compensation”⁴ to acquire the property, regardless of the size or quality of the land. If the landowner fails to answer the lawsuit or challenge the alleged amount of just compensation, the Government can take the land for that amount. This happened in multiple cases in “border fence” cases filed by the Federal Government in 2008. As an example of how far below market value these initial offers are: In one case handled by TCRP, the initial offer was \$100.00 for 1.3 acres of land, and the case ultimately settled for \$56,000.

After filing the Complaint, the Government typically files a Motion for Order of Immediate Possession and a Motion for Expedited Hearing, seeking to obtain expedited access to the land. Importantly, the Government consistently seeks to take physical possession of the land before the issue of just compensation is resolved. As a result, there are dozens of landowners who have lost their land to the Government, the Government has built a border fence on their property years ago, and as of today, they have not received a dime in compensation for their land. Ms. Maria Garcia, in the city of San Benito, died years after the border fence was built on her property, without ever being compensated.

In some instances, landowners have also endured the Government’s indecision on border wall construction, leading to years of negotiations, back and forth over portions of the property to be condemned, with the uncertainty looming over their heads for over a decade now. Pamela Rivas, a landowner in Los Ebanos, Texas, whose property is situated by the last hand-drawn ferry on the United States-Mexico border, has dealt with Government agents for well over 10 years now. Some years the Government only wanted a small slice of the property, others to bisect it in half, and now they want nearly all of her property. She still has not been compensated, and she still does not know how much of her land the Government wants. Our office represents her, and we will ensure she is treated fairly, despite the unconscionable amount of time this has taken.

In other eminent domain takings, the landowner can challenge the authority for the taking, or the public use. In border wall cases, however, it is difficult to challenge the authority for the taking, since it is the Federal Government who takes it, pursuant to the Secure Fence Act of 2006, Pub. L. 109-367, H.R. 6061, and subsequent Congressional appropriations. Similarly, the Government alleges “National security” reasons as the public purpose for the taking, and courts tend to defer to the Executive branch in matters of National security. Landowners are left with the possibility of challenging only the amount of just compensation.

Under Federal Rule of Civil Procedure 71.1, a landowner may request a jury trial to decide the issue of just compensation. Of the approximately 334 eminent domain actions filed by the Federal Government in 2008 in the Southern District of Texas, not a single one went to trial. Most of them settled or were dismissed, and over 50 are still pending as of today.

II. THE IMPACT OF THE BORDER WALL ON BORDER COMMUNITIES

The Rio Grande Valley contains some of the poorest areas of the country. The median incomes in the three southeastern-most counties in Texas, where border wall construction is scheduled to take place, are: \$36,095 per year in Cameron County, \$37,097 in Hidalgo County, \$27,133 in Starr County.⁵ Approximately 95 percent of the population in the region identifies as Latino or Hispanic.

As we sit here today, construction—or, should I say, destruction—activities have already begun. These activities have begun in Federally-owned land in the city of Mission, in Hidalgo County, Texas. Since this is Federally-owned land, the Government does not have to go through the condemnation process described above. But, those Federally-owned lands happen to be wildlife refuges, particularly the “La Parida” Banco tract, part of the Lower Rio Grande Valley National Wildlife Refuge.

³In these initial filings, the Government argues that upon the filing of the Complaint, Declaration of Taking, and the depositing of the estimated “just compensation,” title of the subject property is immediately vested to the United States. However, we have argued that 40 U.S. Code § 3114(d) specifically authorizes the court to fix the time and terms under which a landowner will transfer possession of property to the Government. See 40 U.S. Code § 3114(b)(1).

⁴As required by the Declaration of Taking Act, 40 U.S. Code § 3114.

⁵United States Census “Quick Facts” for Cameron, Hidalgo, and Starr Counties, available at <https://www.census.gov/quickfacts/fact/table/cameroncountytexas/PST045218>, <https://www.census.gov/quickfacts/fact/table/hidalgocountytexas/PST045218>, and <https://www.census.gov/quickfacts/fact/table/starrcountytexas/SEX255217>.

As we sit here today, bulldozers have begun destroying that formerly protected wildlife sanctuary.

a. Waiver authority under the Real ID Act of 2005

What allows the Government to build a wall on protected wildlife property? The answer is simple: The waiver authority Congress conferred on the Secretary of Homeland Security by the Real ID Act of 2005, Pub. L. 109–12, 119 Stat. 302, enacted May 11, 2005. The Real ID Act grants what has been described as the broadest waiver authority ever granted by Congress. It allows the Secretary of Homeland Security “to waive all legal requirements such Secretary, in such Secretary’s sole discretion, determines necessary to ensure expeditious construction of barriers and roads” along the border. Pub. L. 109–12, 119 Stat. 302, Sec. 102(c). This waiver authority allows the Secretary of Homeland Security to waive every conceivable law, save the Constitution and treaties.

Such broad waiver authority compounds the already unfavorable legal landscape that landowners face in these condemnation cases. Laws that would have made it illegal to build a border wall—from the Endangered Species Act to the Clean Water Act to the Religious Freedom Restoration Act and the American Indian Religious Freedom Act—have been waived by the Secretary, thereby depriving landowners of their rights under those laws. Whether it is called a wall, a fence, or a barrier, it will devastate border communities.

b. “No man’s land”—thousands of acres of U.S. soil walled off

Additionally, the proposed path of the border wall, as reflected in Appendix B, is far away from the Rio Grande River. In some places, the wall would be more than half a mile from the actual border. The physical location of the proposed wall presents a series of problems.

First, it belies the Trump administration’s claim that the wall would stop people or contraband from entering the United States. People will still be able to enter United States soil, and in some areas walk hundreds of yards north before reaching the border wall. If criminal activity does take place, the vast area between the border wall and the river stands to become a “staging area” for such activity.

Second, there are families, businesses, communities that lie on the area that will be walled off, the so-called “no man’s land” between the border wall and the river. Professor Kenneth Madsen, from Ohio State University at Newark, has calculated that over 43,000 acres of land will be in no-man’s land in Texas.⁶ Over 42,000 of those acres will be in the Rio Grande Valley alone. His maps depicting the thousands of acres of United States land that will be walled off from the rest of the country are attached as Appendix B.

Every person and every property located south of the wall will be blocked from access to public utilities, roads, public transportation, and their families on the other side of wall. Getting public utilities to the south side of the wall in the future will be prohibitively expensive. Many families stand to lose their livelihoods, as it may become impossible to raise cattle, farm, or lease out the riverfront property. Some riverfront tenants have already expressed that they intend not to renew their leases if the wall is built as planned.

Such is the case of the Cavazos family. The Cavazos family has owned property along the Rio Grande in Mission, Texas, for decades. Mr. Fred Cavazos is paralyzed from the waist down, so he uses a wheelchair for mobility purposes. He makes a living by raising cattle and leasing out riverfront properties for recreational purposes. Several of his tenants have expressed that they may leave the premises if the wall is built on Mr. Cavazos’s property. Mr. Cavazos’s cousin, Mr. Rey Anzaldua, a Vietnam Veteran and retired U.S. Customs agent, also stands to lose access to this family property.⁷ Simply getting into his property will become a challenge for Mr. Cavazos: If the Government decides to install a gate on his property, he will have to maneuver his wheelchair-accessible van over the flood control levee, and into his property.

Typically, wealthy, influential, or politically-connected land owners have had gates installed on their property, to allow them access to the north side of the wall. Even in those cases, landowners have to negotiate whether they will receive a small, “vehicle gate,” or the larger, “farming gate,” more suitable for RVs, farming equipment and implements, cattle trailers, and other large vehicles. Unrepresented landowners rarely have a gate installed on their property.

⁶Professor Madsen’s maps are available at: <http://u.osu.edu/madsen.34/maps/>.

⁷TCRP represents Mr. Cavazos and Mr. Anzaldua in their eminent domain case.

c. Wall design and flooding risks

According to the latest publicly-available plans, the Government plans to build a wall consisting of a concrete base, with 18-foot high steel bollards on top. In Hidalgo County, the Government plans to insert the concrete base into the existing flood control levee, up to the height of the levee, and then install the steel bollards atop that base. The bollards would be 6 inches wide, set 4 inches apart. In Starr County, where there are no flood-control levees, the Government plans to install the steel bollards at the surface level, with the concrete base buried into the ground.

In addition to the border wall, the Government has indicated its intention to build an “enforcement zone” spanning 150 feet from the wall on the river side, in which all vegetation and structures would be cleared and demolished to make way for an all-weather road, 24/7 lighting, sensors, and other Border Patrol operations.

This wall design raises significant flooding concerns: (1) On the south side of the wall into Mexico; (2) in the walled-off “no man’s land;” and (3) on the north side of the wall. The Rio Grande Valley is a hurricane zone, seeing an average of one significant hurricane every 3 years, in addition to several tropical storms and tropical depressions. The last significant hurricane to hit the Rio Grande Valley was Hurricane Alex, in 2010, which flooded thousands of acres in the area for months.

If the border wall is built as planned, it will unquestionably exacerbate flooding risks. First, if the Rio Grande River overflows, the wall will prevent water from flowing freely to the north, and it will flow disproportionately into Mexico and stagnate in the “no-man’s land.”

Although the top portion of the wall is designed to be made of bollards, every flood carries with it debris, branches, and other solid materials and will quickly clog up the wall, blocking water from flowing freely.

Similarly, even if the river does not overflow, in case of significant rain, the wall will prevent runoff water coming from the north side of the wall from flowing into the river. The same clogging-up phenomenon will keep the water from being able to drain into the river, thereby flooding cities and towns where the wall is scheduled to be built, particularly in Starr County. Appendix C shows a flooding model of the expected effects of border wall construction in the city of Roma, Texas.

III. CONCLUSION AND RECOMMENDATIONS

To those of us who live on the border, hearing the National debate around the border wall and the so-called “border crisis” and “National emergency” is extremely frustrating. I am an advocate, but I am also a member of this community, a community that has been vilified, demonized, and constantly attacked by this President.

The border is a welcoming, vibrant place, full of hardworking and resilient people from all walks of life. I am proud to live on the border. And it pains me to see how often it appears that politicians forget that the Rio Grande Valley is also part of the United States. Consider for a minute, if the Federal Government were planning to build infrastructure that would take hundreds of acres of land from U.S. citizens, not in South Texas, but in Washington or New York. How would people react if the Government were about to wall off 43,000 acres of United States soil, not along the Rio Grande, but along the Potomac or the Hudson? It would be a scandal. Yet for us in South Texas, this plunder and pillaging of our largely Latino and Mexican-American communities is, sadly, all too familiar.

In light of the above, I recommend Congress take the following actions:

1. Amend the Declaration of Taking Act, specifically 40 U.S.C. 3114(d), to require that a landowner receive full just compensation, pursuant to a final judgment of a competent court, before the Government can take physical possession of the land;
2. Revoke the waiver authority granted by the Real ID Act of 2005, by amending section 102(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note);
3. Do not appropriate any more money for the construction of border walls, fences, barriers, “enforcement zones,” or any other such infrastructure; and
4. Require the Federal Government to conduct comprehensive Yellow Book appraisals before filing a condemnation action against a landowner related to the border wall.

Miss RICE. Thank you, Mr. Olivares.
Mr. Seitz.

**STATEMENT OF MARK SEITZ, MOST REVEREND BISHOP,
CATHOLIC DIOCESE OF EL PASO, TEXAS, U.S. CONFERENCE
OF CATHOLIC BISHOPS**

Bishop SEITZ. I am the Catholic bishop of the Diocese of El Paso. I would like to thank the House Committee on Homeland Security and this subcommittee, as well as the subcommittee chair, Representative Rice, and Ranking Member Higgins, for the opportunity to testify today.

In my Diocese of El Paso, I have witnessed an extraordinary community response to the increasing number of asylum-seeking families we have seen since November. Our community is being led in our response to provide respite for arriving asylum-seeking families by a local entity, Annunciation House, whom you mentioned.

In November, my diocese also made the choice to open two shelters, one on the grounds of the Diocesan Pastoral Center, and one located in downtown El Paso. We realized that without these shelters, asylum seekers would have no other option and be released to the streets with no place to go.

We have seen many other parishes in El Paso and the neighboring diocese of Las Cruces open their doors to shelter immigrant families. These days, it is not unusual for our network of service providers to assist up to 600 to 1,000 family members a day.

While the lack of collaboration we often see between CBP and ICE makes our work that much more difficult, we welcome the opportunity to assist the families.

I remember vividly when the first bus of asylum seekers arrived at our shelter. The families didn't know where they were going, many thinking that they were being transported to another detention facility. When they realized that they were being greeted and welcomed by shelter volunteers, I saw their joy and relief.

I have seen first-hand through our work that the vast majority of these arriving families are fleeing violence and persecution, families forced to flee after receiving threats to their children, when the parents are unable to pay the demanded extortion fee, families threatened when sons and daughters refuse to join the local gang or become gang girlfriends.

While there have been efforts to frame our existing laws and policies as pull factors for arriving families and children, this is not the case. Our efforts to treat these asylum seekers with justice and compassion are not pull factors, just as efforts to deter them are not dissuading children and families from fleeing.

These families that we serve are extremely thankful for the assistance and compassion that they receive at our community respite centers. They are eager to comply with our laws in the United States and do not want to be a burden or pitied. Rather, they seek to be treated with dignity and given a chance to find protection, contribute to our country, and provide for their children.

Unfortunately, there are serious concerns about the mistreatment families receive along the dangerous migration journey, and sometimes at the hands of U.S. Border Patrol. My brother bishops and I also remain deeply troubled by the administration's recent efforts to curtail the ability of asylum seekers arriving at the U.S.-Mexico border to seek protection.

To be clear, the concern should not be primarily for the NGO's or our community. We are certainly stressed, but we are also blessed to be able to serve. The greater concern should be for those vulnerable children and families who are suffering greatly from the impact of our Government's often ill-conceived and heartless policies.

Policies have consequences. The impact of the administration's recent policies can be measured in the injury and death of many whose only crime is that they fled here to preserve the lives of their families.

I appreciate the subcommittee's attention to this important issue. I would ask you to consider the recommendations set forth in my written testimony. Our Nation has had a long and proud history of providing humane treatment to and due process for asylum seekers. We must reject policies and proposals that would abandon this tradition. I ask our Government to remember that those fleeing to our border are not the other, but people possessed of the same human dignity as we.

The border wall and recent policy proposals focused on the border are treating a symptom and not a cause. They are a symbol of a failure on the part of our country to resolve the issues that could be dealt with by a comprehensive immigration reform.

They are a response to our affluent Nation's unwillingness to love our neighbor, neighbor countries as well as the immigrant and asylum seeker. They are a sign of our broken relationship with God.

This reinforced wall and inhumane policies will heal no wounds, solve no problems, but stand as a further scar on our land, and dividing our families, our cities, and our nations. Thank you.

[The prepared statement of Bishop Seitz follows:]

PREPARED STATEMENT OF MARK SEITZ

APRIL 30, 2019

My name is Bishop Mark Seitz. I am the Catholic Bishop of the Diocese of El Paso, Texas and work with the U.S. Conference of Catholic Bishops' (USCCB) Committee on Migration. The Committee on Migration oversees the work of the Department of Migration and Refugee Services (MRS) within USCCB. On behalf of USCCB/MRS, I would like to thank the House Committee on Homeland Security and the Subcommittee on Border Security, Facilitation, and Operations, as well as the Subcommittee Chair Representative Kathleen Rice (D-NY) and Ranking Member Representative Clay Higgins (R-LA) for the opportunity to testify today.

USCCB/MRS has operated programs, working in a public/private partnership with the U.S. Government, to help protect unaccompanied children from all over the world for nearly 40 years. The Catholic Church in the United States has also long worked to support immigrant families who have experienced immigrant detention, providing legal assistance and pastoral accompaniment and visitation within immigrant detention facilities, as well as social assistance upon release. In addition to the programmatic work of USCCB/MRS through its largely Catholic Charities network, Catholic entities at the U.S./Mexico border have long provided humanitarian assistance and respite for migrants and refugees. For example, in my diocese of El Paso, Texas, our community is currently being led in our response to provide respite for arriving asylum-seeking families by a local entity, Annunciation House.

In this testimony, I will describe our recent experience in El Paso assisting asylum-seeking families who have been released by the Department of Homeland Security (DHS). I will also give context to what we are seeing as the effects of recent policies on our community and the primary factors leading to forced migration of children and families, and offer recommendations to: (1) Address root causes of migration; (2) help ensure that immigrant children and families are protected and treated with dignity; and (3) ensure such children and families are in compliance

with their immigration proceedings, while maintaining the existing legal and legislative protections such as the *Flores Settlement Agreement (Flores)* and the Trafficking Victims Protection Reauthorization Act (TVPRA).

1. CATHOLIC EXPERIENCE ASSISTING IMMIGRANT FAMILIES AND CHILDREN IN FEDERAL CUSTODY

Since 1994, USCCB/MRS has operated the “Safe Passages” program to provide residential care and family reunification services to immigrant children apprehended by DHS and placed in the custody and care of the Office of Refugee Resettlement (ORR), within the Department of Health and Human Services (HHS). In addition to providing programming and care for unaccompanied children, the Catholic Church has been a leading service provider for detained immigrant families. Immigrant detention, particularly the detention of families and children, is an explicit and long-standing concern of the Catholic Church. Each day, the Church witnesses the baleful effects of immigrant detention in ministry, through our pastoral and legal work with those in detention centers as well as in our care for those who have been paroled. Catholic entities serve separated families that struggle to maintain a semblance of normal family life and host support groups for the spouses of detained and deported immigrants. We have seen case after case of families who represent no threat or danger, but who are nonetheless treated as criminals and detained for reasons of enforcement. We further view immigrant detention from the perspective of Biblical tradition, which calls us to care for, act justly toward, and identify with persons on the margins of society, including newcomers and imprisoned persons.

Besides advocating for reform of the existing detention system, USCCB/MRS has operated several alternatives to detention programs to assist immigrant families and other vulnerable populations. From 1999–2002, INS (Immigration and Naturalization Service), the legacy DHS department, collaborated with Catholic Charities of New Orleans to work with 39 asylum seekers released from detention and 64 “indefinite detainees” who could not be removed from the United States. The court appearance rate for participants was 97 percent.¹ From January 2014 to March 2015, the USCCB/MRS (in partnership with Immigration and Customs Enforcement (ICE)) ran a community support alternative to detention program through its Catholic Charities partners in Baton Rouge, Louisiana and in Boston, Massachusetts that utilized case management and served individuals who would have not been ordinarily released from detention. The program yielded an over 95 percent appearance rate and included 4 family units.² Additionally, Catholic Charities participated in the Family Case Management Program, a 5-city pilot family-based alternative to detention pilot program overseen by ICE from 2015–2017.³

2. RECENT EXPERIENCE OF HUMANITARIAN SERVICE ENTITIES AT THE U.S./MEXICO BORDER

Family units have been arriving with increased frequency to the U.S./Mexico Border since 2014.⁴ Until recently, a large number of family units arriving and seeking asylum were released by ICE. Generally, the adults were processed by ICE and were given a credible fear interview, placed on an ankle monitor, and provided a “Notice to Appear” for immigration court, as well as a date for an appointment or “check-in” with local ICE offices in their final destination city. Many of these released families have been served in communities along the border by humanitarian service providers, such as the coalition of service providers led by Annunciation House in the El Paso area. Annunciation House has worked to ensure that as many

¹USCCB/MRS, et al., *The Real Alternatives to Detention 3* (2017), available at <https://justiceforimmigrants.org/wp-content/uploads/2017/07/The-Real-Alternatives-to-Detention-FINAL-06.27.17.pdf>.

²Id.

³GEOCARE, *Family Case Management Program 9* (2017).

⁴During fiscal year 2018, the number of arriving family units increased to roughly 107,000 members arriving at the U.S./Mexico border, up from 76,000 in fiscal year 2017. As March 2019, the number of arriving family units was already estimated at over 189,000 for fiscal year 2019. *U.S. Border Patrol Southwest Border Apprehensions by Sector Fiscal Year 2017*, U.S. CUSTOMS AND BORDER PROTECTION (Feb. 11, 2019), <https://www.cbp.gov/newsroom/stats/usbp-sw-border-apprehensions-fy2017>; *U.S. Border Patrol Southwest Border Apprehensions by Sector Fiscal Year 2018*, U.S. CUSTOMS AND BORDER PROTECTION (Oct. 23, 2018), <https://www.cbp.gov/newsroom/stats/usbp-sw-border-apprehensions>; *Southwest Border Migration*, U.S. CUSTOMS AND BORDER PROTECTION (April 29, 2019), <https://www.cbp.gov/newsroom/stats/sw-border-migration>.

as these families as possible receive a hot meal, a change of clothes, short-term respite and assistance with arranging travel onward in the United States.

In recent months, in addition to ICE releasing families, Customs Border Protection (CBP) has also begun releasing family units directly to humanitarian service providers. In El Paso, we have particularly seen, starting around Christmas, an increase in the number of families arriving to our humanitarian shelters.⁵ The families released to humanitarian service providers from CBP typically do not seem to have received a credible fear interview, do not wear ankle monitors, and may not have an ICE “check in” appointment in their destination city. The recent addition of CBP releases and differences in the immigration processing for the families (depending on release from ICE or CBP) has created an additional coordination challenges for humanitarian service providers. While these release practices differ depending on the specific border community and level of engagement with local DHS officers, a large number of the families are being released to humanitarian reception centers and those centers are being operated on a charitable and voluntary basis. Specifically, the areas that are receiving the largest number of families releases are being led by Catholic service providers in: (1) El Paso, Texas—coordinated by Annunciation House with support from the El Paso diocese and other religious organizations; (2) McAllen, Texas—coordinated by Catholic Charities Rio Grande Valley with support from the Brownsville diocese; and (3) Tucson and Yuma, Arizona—coordinated by Catholic Community Services of Southern Arizona with support from the Tucson diocese and other religious organizations.

In El Paso, in collaboration with the work of Annunciation House, my diocese is operating two shelters: One on the grounds of the diocesan pastoral center and one located in downtown El Paso. Additionally, parishes in El Paso and in the neighboring diocese of Las Cruces, New Mexico have opened their doors to shelter immigrant families. These days it is not unusual for our network of service providers to assist up to 600–1,000 family members a day. The work that is being undertaken is immediate and vital to ensuring the well-being of the families and avoiding instances in which families are left without any assistance, alone at the local bus station, and at risk for exploitation.

The families that we serve are fleeing great violence and are extremely thankful for the assistance and compassion that they receive at our community respite centers. They are eager to comply with our laws in the United States and do not want to be a burden or pitied; rather, they seek to be treated with dignity and given a chance to find protection, contribute to our country, and provide for their children. Most often, they are looking to reunite with family or a friend, and those sponsors pay for their transport onward and seek to leave our community within 24–48 hours. Sometimes, we encounter particularly vulnerable individuals, such as pregnant women or sick children who need additional care and stay longer in El Paso.

Our community is exceptional, and it has come together to help welcome asylum-seeking families and has shown strength and compassion in this challenging moment. I am personally motivated and inspired by the work of the community and by the migrant families that we are able to serve and accompany. I believe the Government has a responsibility to care for people who are arriving with credible claims for asylum and a responsibility to assist anyone in desperate need within our borders. It is an honor for the Church and for Christians in general to serve these vulnerable people. We do not begrudge the opportunity, but our resources and our volunteers are being significantly strained by the scope and duration of the high arrival numbers. The Church and other humanitarian service providers and the local communities along the border are key partners in this effort and need to be recognized by our Federal Government as such.

The impacts of the administration’s policies are having even more concerning effects on the vulnerable populations of children and families that are coming to our borders. There are serious concerns about them is treatment families receive along the dangerous migration journey and, sometimes, at the hands of U.S. Border Patrol. I worry that with the continued dehumanizing rhetoric regarding immigrants and refugees, a culture of disrespect and corresponding negative policies for those who come seeking refuge has begun to take form. To this end, my brother Bishops

⁵ See e.g., Joseph D. Lyons, *El Paso’s Migrant Shelters are Full, and Hundreds are Reportedly Being Released to the Streets*, BUSTLE (Dec. 30, 2018), <https://www.bustle.com/p/el-pasos-migrant-shelters-are-full-hundreds-are-reportedly-being-released-to-the-streets-15577034>; Aaron Martinez, *More Migrants Left by ICE in Downtown El Paso on Christmas; 2,000 Expected by Week’s End*, El Paso Times (Dec. 25, 2018), <https://www.elpasotimes.com/story/news/immigration/2018/12/25/more-migrants-expected-left-el-paso-bus-station-christmas/2411407002/> (“The announcement of the expected arrival of more than 1,200 migrants in the next few days comes after hundreds of migrants were dropped off at the Downtown El Paso Greyhound bus station over the weekend and on Monday.”).

and I remain deeply troubled by the administration's recent efforts to curtail the ability of asylum seekers arriving at the U.S./Mexico border to seek protection. In November 2018, the administration issued a Presidential Proclamation and corresponding interim final rule that attempted to bar individuals from being able to claim asylum if they enter the United States through the Southern Border without going through an official Port of Entry.⁶ Subsequently, in January 2019, the administration issued the "Migrant Protection Protocols," or the "Remain in Mexico" policy, which outlined instances where the U.S. Government would return certain asylum seekers to Mexico to wait during the duration of their pending cases in the United States immigration court system.⁷ As my brother Bishops along the border between Texas and Northern Mexico have noted, these policies harm our immigrant brothers and sisters in need.

I have toured the Casa del Migrante across the border in Juárez, Mexico, run by Padre Javier Caldillo, and seen first-hand how overwhelmed it is in recent months and especially with the implementation of the Remain in Mexico policy in the El Paso sector. The impact of this policy on vulnerable people forced to wait in uncertain and dangerous conditions in Mexico poses grave safety, humanitarian, and due process concerns. I urge the administration to rethink this policy, particularly as it relates to the institutional obstacles it places on humanitarian entities who operate along the border trying to safely assist and provide respite for immigrants and refugees and the dangerous situations it places asylum-seekers in as they attempt to access legal protection in our country. And, I reiterate the Texas and Northern Mexico bishops' appeal that, "in the name of our Lord Jesus Christ, that [governments] not adopt policies that have the effect of increasing the suffering of the vulnerable."⁸

3. UNDERSTANDING THE ROOT CAUSES THAT CAUSE FAMILIES AND CHILDREN TO FLEE

Recent efforts have attempted⁹ to frame existing laws, such as *Flores* and the TVPRA, as primary "pull" factors for arriving asylum-seeking children and families coming to the United States. The reality, however, is that violence and internal displacement continue within the Northern Triangle countries (El Salvador, Guatemala, and Honduras) unabated and that much of the violence is targeted at the vulnerable families and children who are subsequently forced to flee for safety. Through our work on the ground with Catholic partners, we know that entire families, not just children, are currently facing targeted violence and displacement. It is these factors—gang and domestic violence, impunity, and lack of opportunity related to displacement and violence—that cause families to flee north for protection, not awareness of the TVPRA and *Flores* and its legal litigation progeny.

To this point, a close look at the recent migration influx into Mexico shows a similar pattern to what we are facing in the United States. Mexico is no longer just an ending country, but a transit and destination country for migration—particularly that from the Northern Triangle. Similar to the United States, its asylum system has seen large increases in requests for protection: From just over 1,000 in 2013¹⁰ to nearly 30,000 in 2018.¹¹ In the first 2 months of 2019, there was a further 185 percent increase in the number of people seeking asylum in Mexico compared to the same period in 2018.¹² There have been similar increases in asylum requests in Costa Rica as well. These spiking numbers demonstrate that increased arrivals to the United States are not a result of a hyper-awareness of U.S. immigration laws by arriving families. Rather, there is a larger regional forced migration situation related to violence, political instability, lack of opportunity, climate change and crimi-

⁶President Donald J. Trump, Presidential Proclamation Addressing Mass Migration Through the Southern Border of the United States (Nov. 9, 2018), available at <https://www.whitehouse.gov/Presidential-actions/Presidential-proclamation-addressing-mass-migration-southern-border-united-states/>; Aliens Subject to a Bar on Entry Under Certain Presidential Proclamations; Procedures for Protection Claims, 83 Fed. Reg. 55,934 (Nov. 9, 2018).

⁷DHS Secretary Kirstjen Nielsen, Policy Guidance for Implementation of the Migrant Protection Protocols (Jan. 25, 2019), available at https://www.dhs.gov/sites/default/files/publications/19_0129_OPA_migrant-protection-protocols-policy-guidance.pdf.

⁸Statement of the Bishops of the Border Between Texas and Northern Mexico (March 4, 2019), available at <https://www.cdob.org/3-4-19-statement-from-tex-mex-border-bishops/>.

⁹Homeland Security Advisory Council (HSAC), Final Emergency Interim Report—CBP Families and Children Care 2 (April 16, 2019), available at https://www.dhs.gov/sites/default/files/publications/19_0416_hsac-emergency-interim-report.pdf.

¹⁰Comisión Mexicana de Ayuda a Refugiados, Boletín Estadístico de Solicitantes de Refugio en México (2013), available at https://www.gob.mx/cms/uploads/attachment/file/413013/COMAR_2013.pdf.

¹¹Rachel Schmidtke, *2018 Migration To and Through Mexico Fact Sheet*, Wilson Center (March 15, 2019), <https://www.wilsoncenter.org/article/2018-migration-to-and-through-mexico-fact-sheet>.

¹²*Id.*

nal impunity. Due to conditions in the Northern Triangle, families face forced migration; and, many of these families are truly fleeing persecution. Looking at solutions that are focused solely on changes to domestic laws will erode existing protections for such asylum-seeking children and families, while ignoring the larger holistic migration issue that must be addressed on a regional level.

The Church in Guatemala, Honduras, and El Salvador is experiencing, publicly reflecting on, and responding to the escalation of violence in urban communities, in rural communities, and to family units. In his pastoral letter, “I See Violence and Strife in the City,” Most Reverend José Luis Escobar Alas, Archbishop of San Salvador, stated: “[T]he faithful know that they are being monitored [by gangs] in their comings and goings in the communities. The same applies to pastoral agents who are constantly watched . . . The exodus of families is heartbreaking . . . It is truly unfortunate and painful that the Church cannot work because of this atmosphere of insecurity and anxiety that shakes our beloved country.”¹³ The Archbishop describes one parish alone that in one year was “exposed to murder, persecution, exodus, and extortion,” including the murder of 6 active parishioners by stabbing, dismemberment, or firearms.¹⁴

Catholic social teaching recognizes the right to migrate but also recognizes the right not to migrate and that people can and do have the right to remain in their homeland and be able to provide a decent life for themselves and their families. Many programs that have been implemented in Central America by the Church, our Federal Government and other partners are working to help ensure people can actually have a decent life and have access to a steady job and a safe community. We as a global Church are always reminding people that they have the right to remain in their home country. Unfortunately, due to increased violence and lack of opportunity that is not always something that families who are facing persecution feel is an option; sometimes migration is seen as the only option to protect one’s life.

4. RECOMMENDATIONS TO PROMOTE HUMANE CARE AND ENSURE IMMIGRATION COMPLIANCE

In light of the increased number of asylum-seeking families we are seeing in El Paso and other border communities, and in consideration of the regional forced migration situation the Western Hemisphere is facing due to violence, poverty, and other root causes, we recommend the following ways in which our country can provide humane care to immigrant children and families, promote secure borders and address the migration flow, and ensure compliance with immigration laws:

- *Aggressively Address Smuggling, Trafficking, and Criminal Networks Through Economic and Multilateral Efforts.*—Many of the families who are coming to the U.S./Mexico border have been exploited. They have been left unprotected and vulnerable by their home country and then have experienced dangerous migration journeys that have left them in debt and vulnerable to violence and death.
- *Short-Term.*—Look to robustly implement existing recent security cooperation arrangements and information-sharing agreements regarding drug, human, and gun traffickers and smugglers with Northern Triangle countries. Consider implementing similar arrangements with Mexico.
- *Long-Term.*—Develop more comprehensive regional intelligence and data sharing mechanisms on transnational criminal organizations and drug, human, and gun smuggling networks to weaken and disband networks. Additionally, look to utilize monetize the estimated \$200 million–\$2.3 billion 2017 smuggling network revenues thought to be collected from smuggling migrants from Guatemala, Honduras, and El Salvador to combat existing criminal networks.¹⁵
- *Address Root Causes of Migration with Trauma-Informed and Regional Responses—Congress should provide more funding for interdisciplinary programming to address root causes of migration in the Northern Triangle.*—Programming must address the actual social service needs of vulnerable children and families who are currently in forced migration situations. Special consideration should be given to funding initiatives like safe repatriation services, home country needs assessments and referrals, and aid that strengthens educational and work opportunities. Both Congress and the administration should also look to

¹³Most Reverend José Luis Escobar Alas, *I See Violence and Strife in the City: A Pastoral Letter on the Occasion of the Feast of the Beloved Blessed Oscar Romero*, 18 (March 24, 2016).

¹⁴Id. at 15.

¹⁵Victoria A. Greenfield, et al., Rand Corp., *Human Smuggling from Central America to the United States* (2019), available at https://www.rand.org/pubs/research_briefs/RB10057.html?utm_medium=rand_social&utm_source=twitter&utm_campaign=oea.

find ways to support regional asylum systems and alternative avenues for seeking protection in the United States.

- *Short-Term.*—The administration should fully reinstate the Central American Minors Program and not look to cut off aid to the Northern Triangle. As noted above, the United States should invest in expanded programming to address the needs of vulnerable families and children in the region. The United States should also look to expand investments in anti-gang and anti-corruption programming, as well as initiatives to promote human rights in the sending countries.
- *Long-Term.*—The United States should help to build capacity of the Mexican and other regional asylum systems, encourage consistency in Mexican immigration policy, and address the on-going humanitarian crisis in Venezuela.
- *Improve Existing Border Processing Policies to Reflect Humanitarian Needs and Retain Flexibility.*—Migration is a cyclical and dynamic phenomenon. Current DHS institutional capacity to address influx periods of migration, however, is limited. CBP and ICE need to take approaches from the emergency management field and implement short- and long-term policies that enable greater community stakeholder cooperation, as well as communication and agency flexibility during influx migration periods.
- *Short-Term.*—DHS should acknowledge local community partners on the ground and better coordinate with them to address the current influx. DHS entities, both ICE and CBP, need to better coordinate drop-offs of families and clearly communicate the number of arriving families to humanitarian service providers earlier in the day. Drop-offs need to be made, when possible, during business hours. Local city and county governments need to be kept informed of expected number of arrivals and briefed regularly. Furthermore, Congress needs to authorize DHS to have grant-making authority to fund humanitarian service providers in influx periods to increase capacity.
- *Long-Term.*—Congress should fund DHS to build and staff processing facilities along the border and increase Port of Entry infrastructure to improve the orderly flow of goods and the orderly processing of people. Processing facilities should be designed to accommodate the needs of arriving families, children, and other vulnerable populations. Medical professionals and child welfare experts should be staffed at processing centers that receive large numbers of families and children.
- *Invest Robustly in a Variety of Alternatives to Detention Programming for Families.*—Congress should more robustly fund alternatives to detention (ATDs) in the DHS budget. Congress should also ensure that DHS is working to expand and pilot diverse alternatives to detention programming—in the form of the Intensive Supervision Appearance Program (ISAP), as well as alternatives to detention programming that utilize case management and, in some cases, NGO civil society participation. Congress should instruct DHS to publicly report on the outcomes of these programs and ensure that a continual pilot period is undertaken to secure transparent and viable data on the effectiveness of such programs. There should be special attention given to addressing the cost and due process concerns for those on detained vs. non-detained docket.
- *Short-Term.*—Congress should ensure DHS immediately begins to implement a pilot of the Family Case Management Program for the top 5 destination cities for families. Under the fiscal year 2019 DHS Appropriations Agreement from February 2019, ICE is instructed to report within 90 days to Congress about plans to implement some form of family case management alternative to detention programming. DHS can look to start implementing this program immediately by engaging existing Government contractors, as well as NGO's who have worked on similar programs in the past.
- *Long-Term.*—Congress should require longitudinal studies on the efficacy of alternatives to detention for families, to be overseen by independent monitors. Studies should focus on examining the range of ATDs employed, the cost per day, the overall cost of the program, the ability to effectuate outcomes such as removal or attainment of legal status and demonstrated compliance as a means to ensure future participation.
- *Maintain Family Unity and Family Reunification Principles.*—As Pope Francis has stated, the family “is the foundation of co-existence and a remedy against social fragmentation.” Upholding and protecting the family unit, regardless of its national origins and its size, is vital to our faith and to our country.
- *Short-Term.*—DHS must ensure that it utilizes family-friendly processing procedures and does not separate family units unless in situations of child endangerment. These policies need to be robustly implemented and instances of family separation must be documented.

- *Long-Term.*—Congress must look to ensure that family-based immigration principles and laws are maintained.
- *Ensure Efficient Due Process and Humane Policies for Asylum-Seeking Families.*
- *Short-Term.*—Congress should urge the administration to reverse its Remain in Mexico and November 2019 asylum policies, which if permitted by the courts to proceed, would needlessly increase the suffering of the most vulnerable and violate international protocols.
- *Long-Term.*—Congress should further invest in augmenting the capacity of the immigration courts by hiring more judges and providing additional funding for new courtroom facilities. It should also consider making the immigration courts independent Article I courts. Additionally, Congress should ensure robust funding for legal information programs such as the Legal Orientation Program, Legal Orientation Programs for Custodians of Unaccompanied Children, and the Information Help Desk, which do not fund immigration counsel but help provide information to detained and released immigrants to ensure they know more about compliance requirements.

5. CONCLUSION

Our Nation has had a long and proud history of providing humane treatment to and due process for asylum seekers. I urge us to reject policies and proposals that would abandon this tradition, and I ask our Government to remember that those fleeing to our border are not the “other” but fellow children of God. I appreciate the subcommittee’s consideration of the recommendations set forth above, which seek to address root causes of migration, promote asylum seekers’ humane care, and ensure immigration compliance. As always, the Catholic community of El Paso and the larger Catholic Church stands ready to work with Congress and the administration to develop and implement compassionate and just policies and procedures relating to the arriving families and children. And, we will continue to pray for these vulnerable migrants and those working with them and on their behalf.

Miss RICE. Thank you, Bishop.
Sheriff.

STATEMENT OF SHERIFF MARK D. NAPIER, SHERIFF OF PIMA COUNTY, SOUTHWESTERN BORDER SHERIFFS COALITION

Sheriff NAPIER. Good morning, Subcommittee Chairman Rice, Ranking Member Higgins. It is an honor to have the opportunity to testify before the subcommittee this morning.

Pima County, Arizona is the largest of the 31 border counties, with 125-mile linear exposure to the international border, in a population of just over 1 million.

In many places, the international border is nondistinguishable, meaning there is literally nothing there to secure or otherwise define our international border.

To suggest that there does not exist a crisis on our Southern Border is intellectually dishonest. To be steadfast in that assertion despite clear evidence to the contrary is to be intellectually dishonest with malice.

To promulgate the idea that this is a crisis created or manufactured by the current administration is simply false. No reasonable-thinking person could assume the current administration has sought to entice families with children and unaccompanied minors to come in caravans to our border, or in some manner sought an escalation of the trafficking of hard narcotics into our country.

I have been in Pima County for 32 years. We have had a border crisis for all 32 years that I have been in Pima County. The nuances and the elements of that crisis have evolved over time. But nonetheless, we have had a crisis all this while.

The unprecedented increase in family unit migration and the public health emergency associated with drug addiction are real,

not manufactured or the product of some nefarious political scheme.

Prior administrations, both Republican and Democrat, have recognized and affirmed the existence of a crisis on the border and the need for border security.

There are three unimpeachable reasons that without respect to political ideology, we should embrace as reasons to address this crisis and secure our border with Mexico. They are public safety, National security, and human rights.

With respect to public safety, the lack of a secure border presents a public safety crisis, not only for border counties but also for our Nation. The porous border is being exploited by drug and human traffickers. We are interdicting unprecedented amounts of methamphetamine, heroin, and fentanyl.

According to Arizona HIDTA, in 2018 alone, 113,286 pounds of methamphetamine, 7,949 pounds of heroin, 204,932 fentanyl pills were seized just along the Southwest Border of the United States. These are absolutely shocking numbers.

Migrants are being victimized financially, criminally, and sexually as they make the journey from Mexico and Central America to our border. The lack of a border security is an undeniable public safety crisis.

With respect to human rights, tacitly encouraging people in Mexico and Central America to make the dangerous journey to our border is not compassionate public policy. Southwest Border sheriff deputies recover more than 100 bodies a year in the remote areas of our counties. Migrants are dying in our deserts.

The composition of migrants has changed significantly over the past several years. Previously, the majority were single males from Mexico traveling as individuals or in small groups. Now, the majority are other than Mexican, and comprised of family units, women, children, and unaccompanied minors.

As Federal resources have been strained past the breaking point, asylum seekers are being released into border communities. An estimated 7,000 people have been released into Pima County just over the past several months, pending asylum hearings. Just this past week, 213 people were released, of which 112, or 53 percent, were children.

Once released into our community, we are obligated to provide adequate care for them. This has nearly collapsed our local social services network. Our NGO's and their volunteers are stressed to the breaking point and beyond. Social service resources that should address local issues of hunger and homelessness are now unable to do so.

The lack of a secure border is an undeniable humanitarian crisis. The humanitarian crisis is compelling, and should bring leaders of both parties together to find solutions.

The border crisis is real. I know as a border sheriff; I live with it every day. However, to caption it as a border crisis, while true, is misleading. There were 70,000 opioid-related overdose deaths last year, more than from motor vehicle traffic accidents. Law enforcement officers now carry medicine, Narcan, on their persons like they might a flashlight or a radio, in the hope of saving just a few lives. This was unimaginable but a few years ago.

Without a doubt, these drugs are coming through our Southern Border. Gang members and hardened criminals are using this crisis to enter our country undetected to prey upon our citizens and make our communities less safe. Migrants are being victimized on both sides of the border, and our inability to care for them once here, despite the best efforts of my Federal partners, only serve to compound their misery.

Human traffickers and drug traffickers are profiteering from this crisis, and only seek to escalate it. We need action from Washington, DC, not partisan politics. We need significant and meaningful additional resources to bolster both our public safety and our humanitarian efforts to address this crisis.

Finally, we need comprehensive, thoughtful, and detailed legislative action to address a permanent resolution to this crisis. I have lived and worked in a border county for more than 30 years. All that time, leadership in Washington, DC, have acknowledged the challenge of border security and sought to some varying degrees to address it. Yet, here we are. Let us affirm today that no sheriff will sit before Congress 30 years from now and say: We should do something.

Honorable Members of this committee, we must do something now. The degradation of public safety, the humanitarian crisis, and the concern for National security mandate that we do so.

Thank you for the opportunity to testify before you, and I welcome questions from the subcommittee. Thank you.

[The prepared statement of Sheriff Napier follows:]

PREPARED STATEMENT OF MARK D. NAPIER

APRIL 30, 2019

INTRODUCTION

Subcommittee Chairwoman Rice and Ranking Member Higgins, it is an honor to have the opportunity to testify before the Border Security, Facilitation, and Operations Subcommittee. I serve as the elected Sheriff of Pima County, Arizona. I am a member of the Southwest Border Sheriffs' Coalition, vice president of the Arizona Sheriffs' Association and serve as the chair of the Border Security Committee of the Major County Sheriffs of America. I possess a Master's Degree in Criminal Justice from Boston University and have 3 decades of law enforcement experience.

Pima County, Arizona is the largest of the 31 border counties abutting the U.S./Mexico international border. Pima County has a 125-mile linear exposure to the international border and a population of just over 1 million. In many places in our county, the international border is non-distinguishable; meaning there is literally nothing there to secure or otherwise define the border. This makes our county vulnerable to drug and human trafficking. With this comes humanitarian and public safety challenges that strain our resources and negatively affects our community.

Border counties take the issue of the crisis on our border seriously. We do so because we live it and see it first-hand. This crisis affects our home, our safety, and our economy.

DENIAL OF A CRISIS ON OUR BORDER

To suggest that there does not exist a crisis on our Southern Border is intellectually dishonest. To be steadfast in that assertion despite clear evidence to the contrary is to be intellectually dishonest with malice. To promulgate the idea that this is a crisis created or manufactured by the current administration is simply false. No reasonable thinking person could assume that in some way the current administration has enticed families with children and unaccompanied minors in Central America to come in caravans to our border or in some manner sought an escalation of the trafficking of hard narcotics into our country. The unprecedented increase in family unit migration and the public health emergency associated with drug addic-

tion are real, not manufactured or the product of some nefarious political scheme. This is not stated with a partisan heart or in blind defense of a political party, current administration, or ideology. Rather, it is stated as a person with decades of law enforcement experience and who has resided in the border region for more than 30 years. There has been a crisis on our border all this time. The nature and nuances of that crisis have changed/evolved over the years, but it has always existed. Prior administrations from both political parties have recognized and affirmed the existence of a crisis on the border. To varying degrees leaders of both political parties have attempted to address it over the proceeding decades.

In Washington, DC, the border crisis has become fodder for seemingly endless debate and political gamesmanship. It appears to be more important who wins, than actually solving the problem. The ascribing of blame for the current conditions on the border is more in focus than a bipartisan effort to find solutions. For those of us who live along the border who wins and the application of blame are of complete disinterest. This crisis impacts our safety, our community, and our economy. We do not read about the degradation of public safety with passive interest from afar. We do not learn of the humanitarian costs with casual concern. We experience both in concrete and objective terms every day. We look to our elected officials in Washington to address this crisis in a meaningful manner. It is time to do so. First, we must secure our border.

WE MUST SECURE OUR SOUTHERN BORDER WITH MEXICO

There has been and will likely continue to be much debate about border security and how to achieve it. Sheriffs stand united and are crystal clear in stating; our Southern Border with Mexico must be secured. As the chief law enforcement officers in our respective counties, we have witnessed the societal and public safety costs resulting from the lack of border security. We have heard political leaders of all stripes talk about securing the border with little consequence. Today, many portions of our border with Mexico are still not secure in any meaningful way. Our ports of entry lack the sufficient staffing and technology necessary to be effective deterrents to transnational crime. Fundamentally problematic is allowing such a significant issue to be mired in endless political debate and partisan divide. It is time, past time, to move forward with meaningful border security.

Some argue that efforts to secure the border are somehow immoral. What is immoral is a system that incentivizes migrant families in Central America to undertake the long and dangerous journey to our Southern Border in the belief it is possible to walk easily across. These people are victimized criminally, financially, and sexually during this journey. Many also suffer due to environmental exposure. Once in the United States, there is further victimization as they are thrust into a system that of no fault of our Federal Government is unable to care for them properly. Securing the border should rationally be viewed as moral. It serves as a disincentive to engage in what is a very dangerous behavior.

THE REASON FOR BORDER SECURITY

The desire to secure the border is not driven by hate or disdain for people in Mexico and Central America. The people of those countries are not our enemies. In Arizona, we see them as our friends, our neighbors, and our trading partners.

There are three unimpeachable reasons that without respect to political ideology we should all embrace as valid reasons to secure immediately our border with Mexico. They are public safety, National security, and human rights

Public Safety.—The lack of a secure border presents a public safety crisis, not only for border counties but also for our Nation. The porous border is exploited by transnational criminal organizations to engage in drug and human trafficking.

We have a public health crisis with respect to illicit drug use that is leading to overdose deaths and lifetime addiction. The public safety threat of drug trafficking is significant and the societal costs are staggering. Overdose deaths exceeded those of traffic accidents last year. No one would have believed this could occur even a few years ago. An estimated 70,000 people died because of opioid overdose in 2018.

Deputies in my county are interdicting unprecedented quantities of hard drugs. Large seizures are almost a daily occurrence. For every interdiction we make we know that we miss far more. Traffickers continue to use these methods because they are more often successful than not. They have become increasingly sophisticated with respect to how to conceal drugs in vehicles. This has made interdiction efforts more difficult as we now have to ferret out complicated concealed compartments in vehicles. Drugs we miss in Pima County (we believe despite our best efforts is substantial) are distributed throughout the country to the detriment of public safety and public health.

Methamphetamine.—Seizures of 20 to 50 pounds of methamphetamine have become common. We know that this drug is not being manufactured locally. The manufacturing labs are in Mexico. Meth is coming up from the border in previously unimaginable amounts. Quantities of this size are not destined for consumption locally. This methamphetamine is destined for locations across the country. The collateral criminality associated with methamphetamine intoxication is very pronounced.

A few examples of seizures just from Pima County, Arizona:

- November 2018 (140.75 pounds of methamphetamine)
- December 13, 2018 (25.15 pounds of methamphetamine)
- December 18, 2018 (20.35 pounds of methamphetamine)
- December 21, 2018 (16.05 pounds of methamphetamine)
- January 7, 2019 (10.22 pounds of methamphetamine)

Opioids.—In our county, we are interdicting thousands of fentanyl pills. These too are not being manufactured locally and are being trafficked from the border. The potency of these pills varies widely and they often have fictitious labeling. As a result, communities across the country are facing a staggering number of overdoses and deaths. The costs to families, emergency services, and to our public health system are staggering.

On November 7, 2018, Pima County deputies interdicted 13,000 fentanyl pills on a single traffic stop. This was clearly destined for distribution across the country. It is reasonable to assume that this would have resulted in a significant number of overdose deaths affecting communities far removed from the border.

So significant is the opioid problem that many law enforcement agencies are now deploying Narcan in the hope of saving some from overdose deaths. We should pause to consider this for a moment. This has become such a crisis that law enforcement officers are now carrying medicine on their person as they might a radio or a flashlight.

Drug trafficking across the Southern Border facilitated by a lack of border security is a public safety and a public health crisis the scale of which we have never experienced in my more than 30 years here.

Human traffickers exploit migrants criminally, sexually, and financially. Most people seeking to enter this country without proper documentation are otherwise good people in pursuit of a better life. However, smugglers require large sums of money to transport or shepherd them across the border financially victimize them. They are frequently the victim of criminality in the remote desert areas of the SW where they have little protection and are reticent to seek law enforcement protection. We know that about 30 percent of migrant women suffer sexual abuse. Most likely, this is significantly underreported. Some are sexually trafficked once inside the United States for a protracted period.

Criminals and gang members posing as migrants can and do use the lack of border security to enter our country to further their criminal behavior. We have ample evidence of this occurring that is beyond refute. Criminals exploit the influx of asylum-seeking migrants to mask their illegal entry into the United States. In recent weeks, gang members and other persons with serious criminal histories have been detained after entering the country. Some of these people had previously been deported multiple times. It is reasonable to assume that had these individuals avoided capture they would have posed a public safety threat to our communities. Moreover, it is also reasonable to assume that many similar persons have evaded capture due to the system being overwhelmed.

This week heavily-armed persons were observed escorting a migrant woman and child to the border. These individuals were wearing tactical gear and possessing military-style weaponry. The public safety threat of this is significant. It is demonstrative of an escalation in the level of potential violence associated with human trafficking.

We are beginning to see a rise in quasi-militia groups operating along the border. These armed individuals are detaining persons suspected of being in the country illegally without training or legal authority to do so. This provides a significant potential for conflict between local or Federal law enforcement and these groups. Further, it imperils the safety and human rights of migrants. It is also disquieting to people along the border as they have unfamiliar heavily-armed people traversing their community. These groups are born in part out of frustration over the apparent inability of the Federal Government to secure our border.

The lack of a secure border is an undeniable public safety crisis.

National Security.—We simply do not know who is coming across our border. We do know there are bad actors from hostile nations that wish us harm. This is not a political statement, but rather a factual one. The lack of border security can be leveraged by those wishing us harm to come into our country undetected. Engaging in debate about whether 1 suspected terrorist or 50 enter our country through our

insecure Southern Border is both unproductive and meritless. The salient point is that we do not know who is coming into our country, which is rationally a National security concern. International terrorism is a threat that must be taken seriously.

The National security threat is compounded by how it has evolved. We have diminished concern about complex and well-coordinated attacks such as we experienced on 9/11. The current concern is more toward low-tech lone wolf-type attacks, such as physical attacks with hand weapons in crowded areas, suicide bombings, and the weaponization of common vehicles. These single bad actors could easily enter our country undetected through Southern Border. No-Fly lists or other law enforcement methods of detecting/intercepting these persons are ineffective if the person enters the country in this manner. We have ample evidence of the lethality that a single motivated person can possess through a very low-tech random attack. One of these people entering our country undetected is too many.

The lack of border security is an undeniable National security concern.

Human Rights.—Encouraging migrants to make the dangerous journey to our border and then attempt to cross into remote areas of our country is not compassionate public policy. Southwest Border deputies recover hundreds of bodies a year in remote areas of our counties. Migrants die due to the harsh environment or at the hands of alien smugglers. Often all we recover are bones that are scattered about by animals. It is frequently impossible to know who the person was or what led to death. Many walk hundreds of miles from Central America, some with children in tow, to get to the border in hope of a better life. They are led to believe they can simply walk in to the United States. This leads to human rights issues/abuses on both sides of the border and too often deaths.

The composition of migrants has changed significantly over the past several years. Previously, the majority were single males from Mexico traveling as individuals or in small groups. Now, the majority are other than Mexican and are comprised of family units, women, children, and unaccompanied minors. They now travel in larger groups and caravans. This does not serve to diminish the victimization of them on either side of the border. The ability of Federal resources to address the volume and changing nature of the migrants is a significant concern. The system is strained beyond capacity. Once in the United States there is further hardship faced by migrants because, at no fault of the system, it is not capable or designed to provide sufficient care or housing for them.

As Federal resources have been strained past the breaking point asylum seekers have been released into border communities. An estimated 7,000 people have been released into Pima County over the past several months. Once released into the community we are obligated to provide adequate care for them until they transition to other locations across the United States pending asylum hearings. This has nearly collapsed our local social services network. My detention facility is currently providing sack lunches for up to 150 persons per day to help with feeding. Social service resources that should address local issues of hunger and homelessness are now completely unable to do so, as we now must provide care for people that really are the responsibility of the Federal Government.

The Rand Corporation recently published a study indicating that human smugglers may make as much as \$2.3 billion per year smuggling people into the United States. While the drug cartels may not be directly involved in human trafficking, they profit from human smuggling by requiring a tax for traveling through cartel-controlled avenues into the United States. Many migrants pay as much as \$7,000 to smugglers to be brought into our country. Too often they are abandoned a short distance into the United States without sufficient water or resources. This frequently leads to death due to environmental exposure. Women frequently pay by being sexually victimized. Being smuggled into this country is not a harmless or benign activity. It leads to financial, criminal, and sexual victimization of migrants and tragically death.

People in many parts of the world face desperate conditions Americans can hardly imagine. They seek a better life for themselves and their families. A secure border, along with more sensible legal immigration policies, would dissuade the dangerous and often deadly behavior of engaging smugglers and traversing hundreds of miles of remote areas.

The lack of border security is an undeniable human rights issue.

Sheriffs have been, and will remain, consistent in their stance on border security. Let us reiterate and be absolutely clear, we need to secure our Southern Border with Mexico immediately for public safety, National security, and human rights reasons.

HOW TO SECURE THE BORDER

There has been much focus on “The Wall.” The term “The Wall” has become synonymous with border security. This term has become a lightning rod of division that has detracted, more than added, to thoughtful approaches to securing our border. “The Wall” alone is a sound bite, not a cogent public policy position.

The U.S./Mexico border is nearly 2,000 linear miles. It presents topography, environmental and land use challenges to what might be considered a traditional wall. There are mountains, waterways, Native American Reservations, and environmentally sensitive areas where traditional physical barriers will be difficult, if not impossible, to construct. Some areas are very remote and lack the supporting infrastructure to facilitate a massive construction project of this scale. Even if properly funded and enjoying wide-spread public support, it would take many years to construct a wall across the entire border with Mexico. We cannot wait for years and be hostage to the future whims of subsequent political leadership to secure our border. The time is now.

There are many places where physical barriers make sense and are in fact the best solution to securing the border. They should be constructed immediately. The strategic deployment of physical barriers along our Southern Border is not racist, not partisan, and not the result of imagined threat; it is good public policy. In fact, at one time or another doing so has been embraced by both political parties. In other locations, we need to turn to technology, which thanks to modern advances is robust and effective. In other areas, we need more human resources closer to the border to ensure security. Likely, in all locations we will need some blend of physical barriers, technology, and human resources to be successful.

The ultimate goal of these efforts should be the complete and total operational security of our Southern Border. Endless debate about what constitutes a “wall” and how it is paid for it do little to advance this element of much-needed border security.

As we discuss border security, we need to remember the importance of addressing our Ports of Entry (POE). POEs are not being discussed enough and remain a major vulnerability for drug trafficking. We have to ensure security while still supporting the effective flow of legitimate transnational commerce. Commerce with Mexico through the POEs is vital to Border States and pumps billions into our economy. Allowing Mexican citizens the ability to cross into the United States to engage in legitimate commerce is also vital to the economy of border regions. The POEs need better staffing and technology to support the efficient flow of legitimate transnational commerce while having the ability to detect and interdict illegitimate/criminal transnational activity.

POE's are a current vulnerability for the trafficking of drugs concealed in vehicles or upon persons. Some argue that the drug problem could be solved by simply shoring up the POEs and that other border securing measures would therefore be unnecessary. While it is true that the majority of drugs trafficked into the United States are currently coming through the POEs, rather than between them, this assertion is logically nonsensical. To believe otherwise one would have to assume that if it became impossible to traffic drugs through the POEs that the drug cartels would fold up operations and find legitimate employment. This, of course, is absurd. The cartels are the ultimate entrepreneurial organizations. They will simply exploit the next vulnerability. Addressing POEs will increase, not decrease, the need for security between the POEs to address the issue of drug trafficking.

We should not let partisan politics stand in the way of securing the border. It is clear we have done so for many decades and through several administrations. We need to secure the border for public safety, National security, and human rights reasons. The mechanism of how this is done is far less important to sheriffs than getting it done. The idea that a wall is the only solution because it is permanent is misguided. A wall that is not monitored, enforced, or maintained is only an impediment not real security.

PROACTIVE IMMIGRATION ENFORCEMENT

Sheriffs support the increased attention given to the border and welcome additional Federal resources to handle the immigration situation. However, sheriffs neither have the capacity to engage in proactive enforcement of Federal immigration laws, nor the responsibility to do so. Federal authorities best address these violations of Federal law. That being stated, sheriffs are steadfastly committed to cooperation and collaboration with all our Federal law enforcement partners. We value these relationships and we remain committed to working together for the safety and security of the citizens that we serve.

CLOSING

Sheriffs know first-hand that there is in fact a crisis on our border. We live with the impacts of this crisis every day. We fully support efforts to secure our border. Moreover, we demand action on this issue. There are compelling and undeniable reasons to do so. We need to move forward and secure our border immediately. The investment made in doing so will be returned many times over in reduced crime, reduced illegal drug use, and a reduction of other societal and humanitarian costs. Sheriffs are committed to providing the highest level of public safety services to all people of our counties. We proactively attack crime problems and criminal behavior without regard to the immigration status of the criminals involved and will continue to do so.

I am grateful of the opportunity to provide testimony to this subcommittee. It is important, if not critical, that you hear from border county sheriffs who are local experts on these matters with no agenda other than providing public safety to our respective communities.

Miss RICE. I want to thank all the witnesses for their testimony, and I will remind each Member that he or she will have 5 minutes to question the panel.

I will now recognize myself for questions.

Bishop, I would like to start with you. There has been a lot of heated rhetoric coming from this administration, and specifically, the President, but others in the administration regarding the type of people who are coming here and requesting asylum.

I think it is really important if we are going to have an honest conversation here for us to agree that we are going to deal with the facts. So what I would like to ask you to do is if you could just talk more about the people that you are servicing—asylum seekers, the family units.

Can you just talk more about what brought them here, what they are fleeing, their character, what they are like? I mean, if you listen to this administration, these are all murderers and rapists and drug dealers, and I just don't think that that is factually accurate. But tell me if I am wrong.

Bishop SEITZ. We who work with the asylum seekers every day wish that those who speak about them have the chance to simply meet them and talk to them, and we invite people to come and visit our border area and to spend a few moments with them.

We have been receiving, for instance, at the shelter on my property around 80 a day, as an average, and I have the opportunity just about every day to go by and visit. I find people that are extremely humble, very grateful, good moms and dads who have loving relationships with their children.

I think that if that relationship wasn't there, it would be pretty obvious to us, but we see the way that they care for them and their concern for them, for instance, when they have a cold or a fever or something like that. They are people of tremendous faith, and they are often asking us to pray and to pray with them.

I have been inspired by my opportunity to be with them. We have—in the months since November that we have opened, had this shelter. We have not had a single experience of violence or any kind of expression like that—of anger, even. All we have found is people humbly trying to escape very, very difficult situations in their home countries. Some of their children show signs of malnutrition that they just—because of the chaos and violence in their countries, they can't make a living anymore.

Miss RICE. Thank you, Bishop.

Mr. Olivares, I want to talk to you because I have to say that I was—I was really well-educated being recently down at the border, and I wish that every single American, and certainly—well, at the very least, every Member of Congress could go and look.

We happened to be in McAllen, and I would just like to see if you could kind-of expound on where the wall is going up, and how—to just explain a little bit more about this no-man's-land, because I didn't understand it until I actually saw it; that the wall is not actually preventing anyone from coming to this country and claiming asylum. It literally is just walling off all those thousands of acres and taking property from people without just compensation.

When I—you know, I am from New York. I knew the President before he was President, and I would—I feel safe saying that if anyone tried to take any part of his real estate empire away from him, he would not allow that to happen. But he didn't have to worry about that because he had an army of lawyers, and he could afford to pay for it. These people don't.

So I think it is really important for the American people, and certainly Members of Congress, to understand where this wall—I mean, we met with a CBP officer, and we said: What is the No. 1 thing that we can give you that will help you here? They didn't say a wall, he didn't say a wall, he said we need more personnel, which is what Congress allotted \$65 million for.

So having said all of that, if you could just explain a little more about what—just if you can, what is going to be created by putting this wall in a place that is—really just going to create, as you said, a no-man's-land?

Mr. OLIVARES. Thank you, Madam Chair. That is right. In Hidalgo County, there is a flood control levee that runs parallel to the river, more or less. Now it is not exactly parallel because the river turns and twists, but on that border control levee, that is where the Government is planning to build the border wall.

Now that levee is, in some places, half a mile from the river, three-quarters of a mile, over a mile from the river, and all of that area is going to be walled off completely. Now, who lives in that area? One of our clients, Mr. Cavazos, he is a 69-year-old man, he is paralyzed from the waist down.

He makes a living by raising cattle and leasing some of his river-front property for recreational purposes. Now his entire property is going to be walled off. His tenants have already explained that if the wall is built as planned, they are not going to renew their lease, so he is going to lose his livelihood, him and his family.

These are communities that have been there for a long time. I wish these were, you know, individuals concerned about losing their empire. They are losing their livelihood, it is changing their way of life, and this stretches along the southeast tip of Texas, Cameron County, Hidalgo County, and Starr Counties.

Another concern there is the flooding concerns. We are in a hurricane zone. Every summer, we get tropical depressions, tropical storms, and hurricanes most summers. Now, what is going to happen when you wall that off?

If the river overflows, the wall is going to prevent water from running over. Even though there are still borders, still posts that

are going to make up the wall, that gets clogged up with any flooding, with debris and branches and trash and what not.

So that is going to do two things. It is—the water is going to stagnate in the no-man's-land and is going to divert disproportionately to the Mexican side.

On the northern side of the wall, especially in the more populated areas in Starr County, such as Rio Grande City and Roma, Texas, the water that would normally run off into the river and drain into the Gulf of Mexico is going to be prevented from draining into the river because of the wall.

It is literally going to create a dam effect and it is going to flood those cities. In my written submission, I have included some of the flooding models that have been developed about it and I worry seriously that 1 day, when the next serious hurricane hits our area, if this wall is built, we are going to be crying over the deaths of people quite literally.

Miss RICE. Well, it is also not going to prevent anyone from crossing and reaching American soil. Thank you. Mr. Higgins, you are recognized for 5 minutes.

Mr. HIGGINS. Thank you, Madam Chairwoman.

Let us clarify that the layered security that we describe as called for on our Southern Border, calls for enhanced technology to detect a pending illegal crossing, enhanced physical barrier to delay and deter that illegal crossing, enhance capacity to respond to the detected and delayed or deterred illegal crossing, with all-weather roads, additional vehicles, manpower, et cetera, and enhanced capacity to process those that have been apprehended once they have crossed into our country, if they do so successfully.

So did the concept of a—that has been sort-of presented to America, let us be solid with this, my friends. I thank you for appearing, I appreciate your passion and I recognize our differences in ideological perspective of this challenge we face.

But we are at a point of collapse in our Southern Border. The sovereignty of our Nation is at stake. We have to move forward with a cautious focus on what it is to maintain the America that we serve.

This layer of security that we are describing is not the Great Wall of China. The—I would ask Sheriff Napier, regarding manpower and humanitarian crisis—there is a crisis on the law enforcement side of this patch. If you had more money, could you hire more deputies, sheriff?

Sheriff NAPIER. Ranking Member Higgins, it is very difficult right now to hire law enforcement officers. If we had more money—currently struggling, as most law enforcement executives are, with hiring good people. It is a very difficult environment right now to hire people in the law enforcement, whether they be on the Federal side or the local side. We need some—

Mr. HIGGINS. How long have you been a sheriff on the border, sir? Just to clarify?

Sheriff NAPIER. I have been in law enforcement at the border area for 30 years and—

Mr. HIGGINS. Have you ever seen anything like this right now?

Sheriff NAPIER. I have never seen anything like our current crisis. The crisis has always existed. The current crisis is staggering.

Mr. HIGGINS. Are there locations along the border that you could refer to that would benefit from enhanced physical barriers with 21st Century technology to detect and with enhanced capacity to respond? Are there areas that—of our Southern Border that would be more secure should we make this investment?

Sheriff NAPIER. This strategic deployment of physical barriers along our Southern Border will always be part of a total border security package and administrations, both Republican and Democrat, have realized that in the past and supported physical barrier deployment.

It will always be just one part of this total picture of border security. We will always need to buttress that with technology and human resources. So it is going to have to be a very comprehensive solution because the border is not a single thing, it is 2,000 linear miles and varying topography, varying land use—

Mr. HIGGINS. Exactly.

Sheriff NAPIER. Issues. So we are going to have to look at a very comprehensive solution.

Mr. HIGGINS. Thank you for that. Bishop, I thank you for your service to the church and to our fellow man, sir. The sun does not set upon the glory of God through the church and I thank you for your service and your compassion.

I would ask you, does the U.S. Conference of Catholic Bishops work with its counterparts in Central America to warn parents and children of the dangers of this trek? You talked about malnutrition, and I am certainly concerned, as a compassionate man, about these families.

What is the church doing in Central America to stem this flow before we reach this humanitarian crisis that you are encountering in your shelters?

Bishop SEITZ. Right. Thank you very much for that question. I have had the opportunity to serve for a short time in Central America and to visit, and I have friends who are members of the clergy there. They have been working very hard since my first exposure to the life there to dissuade people from leaving their home and to begin to address to the degree that—

Mr. HIGGINS. Just in the interest of time, bishop, I don't mean to cut you off. So is there an active engagement between the church and authorities and organizations in Central America to deter this trafficking of humans?

Bishop SEITZ. There is an active engagement. But the problem is that the governments are so weak and so corrupt that there is no authority on the governmental level that people can go to. The church is about the only one.

Mr. HIGGINS. Thank you for that answer. I have one brief question, Madam, if you will indulge me, for the bishop.

Regarding the sovereignty of the church and as it relates and compares with the sovereignty of our Nation, the church has been a light for the world for 2,000 years, a place of refuge, a place where any child of God could seek spiritual prosperity.

But the sovereignty of the church has been protected by the security of the church. One of the most famous walls in history is the wall around the Vatican.

I would ask you, Bishop, in the area that you serve, do your churches lock their doors after hours?

Bishop SEITZ. Many of them do. I would point out that that wall you refer to at the Vatican also has arms embracing and opening to the world. If you have been at the—

Mr. HIGGINS. Yes, as we do. So we have 328 ports of entry for legal entry into our country in the United States of America.

Madam Chairwoman, I thank you for your indulgence. My time has expired.

Thank you all for appearing today.

Miss RICE. The Chair recognizes for 5 minutes the gentleman from New Jersey, Mr. Payne.

Mr. PAYNE. Thank you, Madam Chair.

Bishop, can you discuss the long-term impacts of the President's policies on immigrant families? How will the continuation of these policies affect the ability of organizations such as yours to care for families?

We see that we have gotten into this habit of locking children in cages, in fences, and feeling that that will deter people from coming here.

But there has to be something that is pushing these people to come here, irrespective of the dangers that they know, irrespective of the plight that they might face, that they are willing to take that chance.

You know, Moses was put in a cradle and pushed down a river in order to save him. That must have been dangerous to do. But the options that his mother had at that time, she was willing to take that chance. Talk to me about the impacts of these policies of the President.

Bishop SEITZ. Well, one of the most important points that I think I could share today is that if we really want to address border security, we need to look at the sending countries and their circumstances there.

Mr. PAYNE. Right.

Bishop SEITZ. Which are beyond what most Americans can even imagine. People are fleeing. They are not simply coming because they want a better car. They are fleeing for their lives and for their children's lives.

We as a country can do much to support the improvement of the situations in those countries, as we worked with Colombia, for instance, to improve their circumstances.

What we are creating here in this country now is extremely concerning. The incarceration that many of these asylum seekers are receiving is having long-term effects on their health, especially the health of their children. I talked to kids who were incarcerated at Tornillo and they are still having nightmares and having to deal with their experience.

Families that, even with documents, very often are living in fear when they see Border Patrol vehicles and so on, because they believe that simply because they look like they are coming from that place and might not have documents, they are already under suspicion.

Mr. PAYNE. Absolutely. We know in a lot of the cities and areas along the border that have American citizens that might look like

the people, the immigrants that are coming up, in cities, they are stopped on the streets and asked, you know, Are you legal? Who are you—what are you—I mean, you know, I am just concerned about the road that this country is going down.

I mean, you know, when was asylum right now that it—like, wants to be vilified? It makes me ask what people are allowed, you know, to come here, give us your tired, your poor, your huddled masses yearning to breathe free. Now the borders are locked. No entrance. We don't want anyone.

Bishop SEITZ. Yes. It is also interesting that we helped write those asylum laws. We have held other countries accountable, who have received a much higher percentage than we are beginning to look at here in this country.

Mr. PAYNE. Yes. Well, thank you. It just makes me wonder what it is about these people, that now we are—want to shut our borders.

With that, I will yield back.

Miss RICE. Chair recognizes for 5 minutes the gentleman from Pennsylvania, Mr. Joyce.

Mr. JOYCE. Thank you, Madam Chair. Thank you for having this hearing today.

Sheriff Napier, thank you for coming before the subcommittee. I would specifically like to thank you for a portion of your written statement where you said: "To suggest that there does not exist a crisis on our Southern Border is intellectually dishonest. To be steadfast in that assertion, despite clear evidence to the contrary, is to be intellectually dishonest with malice. To promulgate this idea that it is a crisis created or manufactured by the current administration is simply false."

I recently was part of a Congressional delegation, the trip to Yuma, Arizona, a neighbor of yours. I must say, I could not agree with you any more, that your assessment reflects that this clearly is a crisis, sir.

While I was there, I witnessed first-hand the lack of a secure border in areas along the Colorado River, which allows the cartels to smuggle drugs into our country, drugs that end up affecting all of American citizens on one level or another.

There is also a newer problem, with a surge of people who seek to be apprehended, seek to be brought into custody and say the prescribed words and be allowed to have access to American jobs, American health care, education, like they are law-abiding Americans, with no ability to verify their claims.

Is the experience that I recently had while I was in Arizona with a delegation of Congressmen and women, is this experience what you see on a daily basis, sir?

Sheriff NAPIER. Thank you for the question. It is clear that we have a public safety and humanitarian crisis on our Southern Border. We know that the escalation of the trafficking of hard narcotics into our country is unprecedented.

I don't say that as a partisan statement or a political statement. It is a factual one. We have never seen quantities of methamphetamine coming into our country or heroin in the quantities that it is coming in now.

When we interdict 58 pounds of methamphetamine, we know two things: One, that methamphetamine is not being cooked in the United States, and furthermore, that is not going to be consumed in my county, it is going all over our Nation.

When we interdicted 13,000 fentanyl pills, we know they were not manufactured in the United States and they were not destined for consumption in Pima County, this is a National problem. The public safety aspect of our border crisis is compelling.

It is not a political statement. I am charged with public safety in my county, not partisan politics. The humanitarian crisis is also compelling. Deputies recover dozens of bodies a year in the deserts of my county.

How we cannot think of that as a humanitarian crisis—and as the bishop points out, people in Central America, El Salvador, Guatemala, Honduras are facing desperate life conditions that we, in this room, with food in our stomachs, a roof over our head and safety, cannot imagine and they are coming here out of desperation.

But that journey is arduous, it is dangerous, it is—it is fraught with all kinds of perils, criminality, sexual abuse, financial abuse. This is a humanitarian and public safety crisis of compelling and unprecedented nature. It is not a manufactured crisis or a partisan crisis.

I hope that the people in Washington, DC, can come across the aisle, both Republican and Democrat, and look for solutions to this problem, because long after this is not fodder for political debate in Washington DC, Pima County and the border region will be my home. That is my home, it is where my family lives, it is where my granddaughter lives.

So this is significantly important to me and the people of my county.

Mr. JOYCE. Thank you, sir. Like you, I do believe it is necessary to build protective barriers where it makes sense. We do have the ability, with some companies like I saw, to deploy a mile of new barrier every single day.

In the interim, CBP has a critical shortage of manpower, which has already resulted in agents being pulled from their primary role in order to protect the border. DHS and the President have explored the option of increasing the National Guard presence to alleviate personnel shortages.

In your experience, Sheriff, do you believe that that would be helpful?

Sheriff NAPIER. It does have great efficacy when we can take military assets, military personnel, and deploy them to non-enforcement, non-contact-type activities that otherwise Border Patrol or CBP would be tasked with doing.

That allows them to deploy their resources on a front-line basis to bolster their capacity. So it makes perfect sense from a public policy standpoint and from an operational deployment of personnel to bolster those resources with military personnel in non-enforcement, non-contact roles, yes.

Mr. JOYCE. Thank you, sir. Thank you for protecting our country. Thank you for protecting the sovereignty of our country.

Sheriff NAPIER. Thank you.

Mr. JOYCE. Madam Chair, I yield.

Miss RICE. Thank you. The Chair recognizes for 5 minutes the gentlewoman from New Mexico, Ms. Torres Small.

Ms. TORRES SMALL. Thank you, Madam Chair.

Mr. Barela, it is great to see a fellow Las Cruces at the witness panel and thank you so much for your work in border life, border trade, and border opportunity, I deeply appreciate it.

As you know, last month CBP reassigned hundreds of port officers to Border Patrol sectors along the Southwestern Border, and in my district in Santa Teresa port of entry, which with you are well familiar, we lost an estimated 20 percent of our work force, resulting in the closure of multiple commercial lanes and a wait time of up to 6 hours for trucks to cross the border.

Can you just please describe how these wait times are affecting the business of local companies that depend on a stable supply chain?

Mr. BARELA. Congresswoman, it is great to see you, as well, and also a fellow Georgetown grad, so—if I might be digressing a bit. But I want to be very clear about what is happening with the wait times, and they are indeed starting to have a very devastating impact on the Borderplex region.

Between 15 percent and 30 percent of the retail trade on a given time, any time of the year in our Borderplex region, is done by Mexican nationals. Frankly, we don't have the bricks and mortar problem that many, many communities have because Mexican nationals, with the burgeoning middle class, because of trade—and I mentioned in my comments that the unemployment rate has dropped, is creating this type of opportunity.

So, yes, we are also experiencing problems with individuals crossing to support retail trade in our area on the U.S. side of the border. The manufacturing sector, the logistics sector, all of the other sectors that are into the symbiotic relationship between the two countries are beginning to have a severe and very, very adverse impact.

We represent over 250 businesses in our region, and we have had dozens of people call us in the last couple of weeks describing the very hard, very difficult impact, adverse impact that they have experienced.

In many cases, there have been temporary layoffs, there have been shuttering of businesses, there have been trucking companies that have been idling for up to 24 hours, not only in Santa Teresa but on the El Paso side of the border, and that is simply unacceptable.

There are businesses in each and every one of your districts and in States that rely upon this very sophisticated supply chain that will have to come to a closure situation sooner than later if we don't resolve this issue.

Ms. TORRES SMALL. Thank you, Mr. Barela. I would love to let you go on, I have a few more questions—

Mr. BARELA. Sure.

Ms. TORRES SMALL. But I deeply appreciate your testimony there.

You mentioned some of the modernization that we have experienced in Santa Teresa. But would you say—do you believe that

there are more Federal investments that could be made to allow Santa Teresa port of entry to continue to increase trade to Mexico?

Mr. BARELA. Absolutely.

Ms. TORRES SMALL. Thank you.

Mr. BARELA. Thank you, Congresswoman. The—

Ms. TORRES SMALL. Thank you. I think just a yes or no on this one, sir.

Mr. BARELA. Yes, absolutely.

Ms. TORRES SMALL. Thank you. I would like to move on now because, as you know last month, CBP began releasing thousands of individuals, mostly families, into border communities with a notice to appear at immigration hearings.

In my district, CBP has at times released hundreds of people a day. Our local and county governments, non-profit organizations, and faith-based organizations have stepped up with empathy, care, and compassion, but the administration has failed in assisting these local communities with this Federal issue.

Bishop Seitz, how is your organization affected when CBP does not notify you in advance of releasing hundreds of individuals and family members into your community?

Bishop SEITZ. It has a tremendous effect on us because we are dealing, as I mentioned, with something like 800 to 1,000 people a day. We are capable of receiving them and providing them a place, but if they are simply—it is simply announced that they are going to be released at the last moment or, you know, without any preparation, it is difficult.

Border Patrol hasn't had experience in that. They used to hand them off to ICE, but now that is not always happening.

Ms. TORRES SMALL. I appreciate you bringing up that point. What are the challenges you see with helping migrants reach their final destinations and arranging travel arrangements that the sponsors are paying for?

Bishop SEITZ. Well, very often, we are finding that people are being released without having been processed, without receiving the papers that they need, without the documents that they would need to travel further, and also sometimes to the streets.

So we are unable to connect them with that network we have created to assist them.

Ms. TORRES SMALL. Thank you, Bishop.

I yield back.

Miss RICE. Thank you. The Chair now recognizes the gentleman from Mississippi, Mr. Guest.

Mr. GUEST. Thank you, Madam Chairwoman.

To each of you, I want to thank you for taking time away from your families, for traveling to be with us today to discuss these important issues.

I believe that what we are talking about today is the most pressing issue that we face as a Nation. It is something that we are grappling with each and every day as Members of Congress.

Sheriff, I want to thank you for your 30-plus years of service to the people of your State, the people of your district. I want to ask you—you have—throughout your testimony, I see that you speak of what appear to be multiple crises that exist along our Southwest Border.

You speak of a drug trafficking crisis. I see here that you have listed, over a period of just over a year, 5 different seizures of methamphetamine that total over 200 pounds of methamphetamine.

You talk about seizures of fentanyl. You talk about 1 seizure alone in 2018 being 13,000 dosage units. I don't see anything here about cocaine. I am assuming that we have not stopped the flow of cocaine into the country and that we are continuing to see that drug flow. Would that be correct?

Sheriff NAPIER. That is correct. Cocaine is less pronounced right now, but methamphetamine and fentanyl, the opiate-based drugs, are our major concern. But cocaine has not gone away by a long stretch.

Mr. GUEST. Sheriff, you talked about, or touched on it very briefly, the amount of narcotics that you are seeing coming across our border, that is not personal use. Those are drugs that are intended to be introduced first into the country and then those are drugs that are going to be shipped across our country and sold in each of our communities to our families and friends. Is that correct?

Sheriff NAPIER. That is correct. Shocking is the fact that there were 70,000 opioid-related overdose deaths last year. That is more significant in number than the number of deaths from automobile accidents. Deputies now carry medicine on their person—medicine—like they would a flashlight or a radio—in the hope of saving some lives.

This is unthinkable. To not caption this as a crisis, I don't understand.

Mr. GUEST. Sheriff, I want to talk very briefly also—you talk on page 4 of your report about the human trafficking crisis. Can you talk about that just very briefly, what you are seeing along the Southwest Border?

Sheriff NAPIER. Well, we know that the migrants are being exploited both financially and sexually, criminally, in their journey from Central America, in Mexico and in the United States. Estimates say that some of these migrants are paying upwards of \$7,000 to be shepherded into the United States and then brought a very short distance into the United States and then abandoned. As a result, they don't have sufficient water or food to care for themselves and that ends in death in the desert.

We know that the human smuggling—the RAND Corporation just did a study that says human smuggling may be upward of a \$2 billion industry, operating in collaboration with the drug cartels, so they may not be actually involved, but they control the avenues of ingress into the United States.

So this is a very serious public safety problem that—the profiteering off of the migrants is a very significant problem, and to the tune of probably upward of \$1 billion a year.

Mr. GUEST. Sheriff, you also said in your report there on page 4 that just this week—and that is the week that you wrote the report—that there were heavily-armed persons who were observed escorting a migrant woman and child at the border. You say in your report these individuals were wearing tactical gear and possessing military-style equipment. The public safety threat of this is significant. Could you expound on that just a little bit, please?

Sheriff NAPIER. This is a relatively new phenomenon, but we had on video surveillance a woman and an 8-year-old child being escorted by 5 heavily armed military-style-equipped persons, shepherded them to the border and then crossed the border, which obviously presents a public safety challenge to us in law enforcement that might have confronted these people.

They were heavily armed. They were very, very serious criminals. We don't know what engagement this woman and her child made with these armed persons to get there, which ought to give anybody pause from a humanitarian standpoint of what agreement was made between that woman and an 8-year-old child to be brought into the United States in that manner?

Mr. GUEST. So we have operating to some extent across our Southwest Border heavily-armed individuals who are wearing tactical gear and using military equipment that are involved in both human trafficking and drug trafficking. Is that your testimony, Sheriff?

Sheriff NAPIER. That is my testimony and that is also something that is not new. It has been going on for 30 years. It was marijuana trade prior to this, and it has been going on for decades.

Mr. GUEST. Then, finally, you speak about the immigration crisis and the effect that it has on your community, on page 5 and then page 6, about the near-collapse of social services networks and the ability to handle the increase in immigration. Can you speak on that very briefly?

Sheriff NAPIER. Yes, after the asylum seekers are granted an asylum hearing, they are being released into our community. We have, as compassionate Christian people, an affirmative responsibility to provide adequate care for them. That has really strained our NGO's and our social service network, to the point of collapse.

We had 7,000 people released just over the last several months, more than 200 just in the past week. It is very straining to our social service networks.

We need some support out of Washington, DC, to our NGO's, our local nonprofits and our law enforcement and be able to confront this crisis. We need real relief. We need real resources. We need meaningful action out of Washington, DC, to confront this crisis that is not academic in our part of the world. It is a very real thing that we live with every day.

Mr. GUEST. Thank you, Madam Chairwoman. I yield back.

Miss RICE. Thank you.

The Chair recognizes for 5 minutes the gentleman from Texas, Mr. Green.

Mr. GREEN of Texas. Thank you, Madam Chair.

I thank the witnesses for appearing.

Bishop, with your consent and permission, may I call you Father?

Bishop SEITZ. You may.

Mr. GREEN of Texas. My grandfather was a preacher, and I have great reverence and respect for persons who are what, in my community, we call men of God.

Bishop, you may not be familiar with this, so I will call it to your attention more specifically. Voltaire, the great writer, philosopher,

intellectual, reminded us that those who can make you believe absurdities can make you commit atrocities.

Bishop, would you agree with Voltaire?

Bishop SEITZ. Certainly.

Mr. GREEN of Texas. Father, if I may ask, do you believe that the women and children who are paying these inordinate amounts of money, who are putting their children at risk of being harmed, or the term sexually assaulted—do you believe that they are an invading force?

Bishop SEITZ. I think it is unfortunate when they are characterized in that kind of manner, when people speak in generalities to the very small percentage who are taking advantage of the situation, as though that characterizes the whole.

Mr. GREEN of Texas. May I assume that you do not consider them an invading force?

Bishop SEITZ. I don't think we have ever seen an invasion like that before.

Mr. GREEN of Texas. Bishop, Father, if I may say so, do you think that these persons should pay a fee to be processed, who are coming? Traditionally our law has not required a fee of them. Do you think they should pay a fee?

Bishop SEITZ. Well, it is something I would have to give more thought to, to give you a complete answer. Certainly they can be part of that process. But unfortunately, the fees that I know many people are facing are extraordinary right now. I have talked to people from Canada who received citizenship here, it cost them \$10,000.

Mr. GREEN of Texas. Well, we are talking about now those who are seeking asylum, who have traditionally not had to do this in the sense that I am hearing now? I just heard a report about some desire to affix a fee.

But moving right along. You mentioned Canada. Now, Father, this question goes to the heart. Do you believe that if these were white babies coming from Canada, we would separate them from their mothers to the extent that we have? That we would lose them, such that we cannot reconnect them to their parents?

Dear Father, do you believe this?

Bishop SEITZ. I am concerned that, at least unconsciously, there may well be a bias against people of color that sometimes expresses itself among some.

Mr. GREEN of Texas. Dear Sheriff, my dear brother, I assure you, I concur with you and I think that there is more than a humanitarian crisis. But I ask you candidly, do you believe that, just as it relates to the humanitarian crisis you have identified, do you believe that a wall alone will solve the humanitarian crisis? A simple yes or no will do for starters, given that I have little time left.

Sheriff NAPIER. If you are limiting me to a yes or no answer, the answer is no, it will not solve the problem by itself.

Mr. GREEN of Texas. I thank you. I believe you have the intellect to explain further that there are other aspects of this that have to be dealt with. I concur with you.

But I also know this. A great country is not going to be measured—its greatness is not going to be measured by how we treat the people who live in the suites of life. It will be measured by how

we treat people in the streets of life, people who are coming, people who should be allowed to benefit from the Golden Rule that we would apply to ourselves, Father. Do unto others.

My time is up and I thank the Chair for the additional seconds. I yield back.

Miss RICE. Thank you.

The Chair recognizes for 5 minutes the gentleman from California, Mr. Correa.

Mr. CORREA. Chairwoman Rice and Ranking Member Higgins, thank you very much, both of you, for holding this most important hearing.

Gentlemen, thank you for being here, as well. It is a very interesting issue we have before us. I just got back from Mexico City. I was there, Thursday, talking to Mexican officials about NAFTA, NAFTA II.

While I was there, the United States became—I should say Mexico became America's biggest trading partner, to a great extent because of the tariffs on Canadian and Chinese products. But you begin to see the patterns here.

If you were to take a pencil and draw a circle, plus, minus 200 miles on each side of the border, you would probably have the 10th-largest economy in the world. Just that border region. A lot of economic activity.

Two months ago, I was in—took a tour, Honduras, Guatemala, El Salvador. Wanted to look at what was going on at just where folks lived, try to live, and where people immigrate from.

Saw a lot of eye-openers. The biggest thing that I came back with, the a-ha, was that all of our drug money, people, our insatiable thirst for drugs in this country, it doesn't matter how you get it here. This society consumes drugs at an alarming rate.

Those dollars over there are creating so much chaos, so much corruption that there isn't anybody there who can resist that. They tell the folks over there: Either you take the gold, or we are going to put some lead in your head.

That is what is creating a lot of the chaos. There are no institutions of law. You don't have predictability so businesses can set up to create jobs because there is so much corruption.

At the same time, I did find some silver linings in those dark clouds. In El Salvador, I got to visit a fusion center. Sheriff, you might know what a fusion center is, where we had the USDA, U.S. FBI, U.S. authorities, local authorities working together to identify the bad guys, the bad girls coming in and out of Central America and the United States.

Sheriff, you mentioned a couple of things. You know, I am trying to figure out the big picture. We can talk about the refugee crisis. We can talk about records. But the fact of the matter is, we have had a refugee crisis from Central America in this country since the 1980's. Yet we have ignored it.

Now, because these caravans—7,000 people—and I asked people in Honduras, I said, Mr. President, who is putting these caravans together? Could never get a straight answer. I know social media had something to do with it.

But I look at it from a political perspective. Both sides have something to gain. You got a TV camera show 7,000 people, it is

an invasion. But 20 years ago, it was quiet. Unless we create economic development in Central America, you are not going to stop this crisis.

It is interesting, because the Chinese—talking to El Salvador's president, the Chinese want to build a deep water port in El Salvador. They want to buy 75 percent of the Salvadoran coastline to bring them economic development.

I propose to you gentlemen, folks, this is our economic sphere of influence. It is to our best interest to stabilize Central America.

Great speakers, I have heard your comments. We do have a crisis. It is a humanitarian crisis driven by people that are desperate. My district is 200 miles from the border. The other day, my local priest from one of my local churches came to me with a refugee candidate, both hands chopped off. Is this a person who would be a refugee? We are going to have to figure it out.

But, Sheriff, you did have an interesting thought, which was to open up centers to apply for refugee status in Central America. I hope we figure this out. Try to put the politics out of this issue and work on a, for lack of a better term, a Marshall plan from Central America.

Because 70 years ago, it was to our best interest to stabilize Europe. It is to our best interest today to stabilize the Americas. It is common sense. Mexico is kind-of stable. Now we have got to figure out Central America. By the way, the Mexicans are also addressing this issue because it is causing them challenges, as well.

Madam Secretary, I am running out of—or, Madam Chairperson, I am running out of time. I yield the remainder of my 2 seconds. Miss RICE. Thank you. Thank you, Mr. Correa.

I thank the witnesses for their valuable testimony and the Members for their questions. The Members of the subcommittee may have additional questions for the witnesses, and we ask that you respond expeditiously in writing to those questions.

With that, I ask unanimous consent to insert a statement from Church World Service into the hearing record. Without objection. [The information follows:]

STATEMENT OF THE CHURCH WORLD SERVICE (CWS)

APRIL 30, 2019

As a 73-year-old humanitarian organization representing 37 Protestant, Anglican, and Orthodox communions and 23 refugee resettlement offices across 17 States, Church World Service urges Congress to cut funding for immigration detention, deportation, and border militarization and to demand accountability over the Department of Homeland Security (OHS). We urge Congress to reduce funding for Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP) that has fueled family separation and the immoral and illegal treatment of asylum seekers and other immigrants.

CWS urges the administration to rescind its April 2018 information-sharing agreement between DHS and the Department of Health and Human Services (HHS) that turns HHS into an immigration enforcement agency and prolongs family separation. The agreement “requires HHS to share the immigration status of potential sponsors and other adults in their households with OHS to facilitate HHS’s background checks.” The population of detained unaccompanied children ballooned, and although HHS announced that it would stop requiring fingerprints from all household members of sponsors, ORR continues to share information about all potential sponsors with OHS, needlessly prolonging child detention.

CWS is strongly opposed to any proposal that would undermine *Flores* protections or increase family incarceration, which is plagued with systemic abuse and inad-

equate access to medical care. These conditions are unacceptable, especially for children, pregnant and nursing mothers, and individuals with serious medical conditions. The American Association of Pediatrics has found that family detention facilities do not meet basic standards for children and “no child should be in detention centers or separated from parents.” CWS urges Congress to reject any proposal that would expand family detention or violate the *Flores* agreement’s long-standing consensus that children should not be detained for longer than 20 days.

CWS is equally troubled by proposals to weaken or eliminate provisions in the Trafficking Victims Protection Reauthorization Act (TVPRA), which provides important procedural protections for unaccompanied children in order to accurately determine if they are eligible for relief as victims of trafficking or persecution. Weakening existing legal protections, especially for children, undermines the United States’ moral authority as a leader in combating human trafficking and increases vulnerabilities for trafficking victims by curtailing access to due process, legal representation, and child-appropriate services.

Congress and the administration should utilize community-based, least-restrictive alternatives to detention (ATDs) that connect individuals with family members, faith-based hospitality communities, and local services to help them navigate the legal system. For example, the Family Case Management Program (FCMP) is effective and less expensive than detention, allowing people to be released, connecting them with legal counsel, providing case supervision, and helping with child care. The program is 99 percent effective at having families show up for check-ins and court appearances and also ensures departure from the United States for those who are not granted protection.

Immigration policies that repeatedly result in death do not make us secure. The death of two children in CSP custody pointedly highlights the urgent need for shifts in policy. Border crossings have declined to near-record levels; the uptick in arrivals this year stems from families fleeing violence, persecution, and desperation from El Salvador, Honduras, and Guatemala. Militarizing the border and separating families undermine our moral and legal obligations and are ineffective, as families continue to seek safety. The United States can humanely process all families and individuals who arrive at our borders seeking protection.

CWS strongly opposes sending troops to the border and any other policy that further militarizes our border. Border communities are some of the safest in the country. The most recent data available shows each Border Patrol agent along the Southwest Border apprehended on average about 3 migrants per month, far below fiscal year 2000 levels (approximately 16 migrants per month). With CBP’s all-time high funding for border security procurement and development alone, legislators should be looking for ways to rein in CBP’s draconian enforcement efforts.

As a faith-based organization, we urge Congress to hold the administration respecting the humanity and dignity of all asylum seekers, unaccompanied children, and others seeking protection.

Miss RICE. The subcommittee record shall be kept open for 10 days.

Mr. HIGGINS. Madam Chair, I ask unanimous consent to enter into the record the following items—a brief from the Rand Corporation on human smuggling, and the January statement on border security from the Southwestern Border Sheriffs.

Miss RICE. Without objection.

[The information follows:]

RESEARCH BRIEF, HOMELAND SECURITY OPERATIONAL ANALYSIS CENTER (AN FFRDC OPERATED BY THE RAND CORPORATION UNDER CONTRACT WITH DHS)

HUMAN SMUGGLING FROM CENTRAL AMERICA TO THE UNITED STATES

WHAT IS KNOWN OR KNOWABLE ABOUT SMUGGLERS’ OPERATIONS AND REVENUES?

Each year, thousands of unlawful migrants from Central America are apprehended at the U.S.-Mexico border. Many or most of these migrants hire smugglers for assistance or pay others for rights of way at some point during their journey north.

Of particular concern to policy makers is the possibility that a substantial share of migrants’ expenditures on smuggling services is flowing to transnational criminal organizations (TCOs). TCOs that benefit from smuggling migrants from Central

America to the United States across the U.S.-Mexico border represent a potential threat to homeland security. They can create, contribute to, or help to shape a criminal industry that exploits and harms the people smuggled, challenges the rule of law in U.S. border States and the countries along transit routes, and degrades confidence in U.S. immigration laws.

To date, the U.S. Department of Homeland Security (OHS) and larger policy community have lacked evidence on the full extent and distribution of migrants' expenditures and the characteristics of the smugglers, whether they are TCOs or other types of actors. To fill some of these knowledge gaps, the Homeland Security Operational Analysis Center (HSOAC), a Federally-funded research and development center operated by the RAND Corporation, conducted a scoping study to understand how TCOs and other actors participating in human smuggling along routes from Central America (specifically, Guatemala, Honduras, and El Salvador) to the United States are structured, do business, and are financed. The quick-turn effort involved interviews with subject-matter experts, a literature review, and an analysis of governmental and non-governmental data on migration and human smuggling.

FINDINGS

Types and Roles of Human Smugglers

Many different types of actors are involved in moving unlawful migrants from Central America to the United States. These smugglers range from independent operators, to ad hoc groups, to loose or more-formal networks, such as TCOs. However, only some of these networks appear to meet the statutory definition of a TCO, which describes a "self-perpetuating" association that systematically uses violence and corruption and is structured transnationally. The table characterizes the spectrum of actors engaged in human smuggling.

Smugglers commonly move between levels or can operate at more than one level along the spectrum, depending on their opportunities. Moreover, they offer a wide array of services to unlawful migrants, from "pay-as-you-go" arrangements (i.e., services provided by different individuals or groups, as needed, along the route) to "all-inclusive" or "end-to-end" packages that cover migrants' travel from their point of origin to their final destination in the United States. A combination of organizational flexibility, fluid market arrangements, and pervasive subcontracting suggests resilience that makes human smuggling hard to target. Facilitators—individuals who coordinate human smuggling—might be less replaceable and present a more fruitful avenue for intervention, but going after them might be challenging, especially when they are based in foreign countries, as is typical.

THE SPECTRUM OF ACTORS ENGAGED IN HUMAN SMUGGLING

Type of Actor	Organizational Structure	Services	Group Membership	Geographic Reach
Independent operators.	One "cell" composed of one or a few individuals.	Provide a discrete service (e.g., transportation or lodging).	Do not generally work with other cells or actors.	Generally work in one location, or between two locations.
Ad hoc groups	Two or more independent operators that may not always work together.	Provide multiple, complementary services.	Generally unaware of other actors and groups more than one degree of separation removed.	Work in one, two, or more locations.
Loose networks.	A larger number of small groups that usually work together.	May provide end-to-end service along the full route or a portion of the route.	Members may know only a limited number of other members.	Working in many locations, potentially the full route.

THE SPECTRUM OF ACTORS ENGAGED IN HUMAN SMUGGLING—Continued

Type of Actor	Organizational Structure	Services	Group Membership	Geographic Reach
More-formal networks.	A central figure who coordinates groups that consistently work together.	Provide end-to-end services.	Members generally know each other.	Working along the full route.

Relationship Between Human Smuggling and Drug Trafficking

Human smugglers and drug traffickers conduct similar activities—providing illicit transportation services across international borders—and do so along common smuggling corridors, suggesting opportunities for overlapping business. However, the researchers found little evidence that drug-trafficking TCOs engage directly in human smuggling.

Drug-trafficking TCOs do control primary smuggling corridors into the United States and charge migrants a “tax,” known as a *piso*, to pass through their territories. In addition, drug-trafficking TCOs may also coordinate some unlawful migrants’ border crossings to divert attention from other illicit activities, and recruit or coerce some to carry drugs.

Preliminary Estimate of Revenues Associated with Human Smuggling

Most TCOs’ activities and revenues, apart from the *piso*, cannot be separated credibly from those of other actors that engage in human smuggling. However, the researchers were able to use data from OHS and other sources to construct a range of preliminary estimates of total revenue to all types of smugglers operating along routes from Guatemala, Honduras, and El Salvador to the United States.

The researchers’ preliminary estimate of those revenues ranged from about \$200 million to about \$2.3 billion in 2017. The breadth of that range reflects the uncertainty of the underlying estimates of unlawful migrant flows, migrants’ use of smugglers, and smuggling fees.

Separately, the researchers produced a preliminary estimate of the taxes, or *pisos*, that migrants pay to drug-trafficking TCOs to pass through their territories. Those payments could have ranged from about \$30 million to \$180 million in 2017.

A lack of reliable data contributes to substantial uncertainty in both estimates.

RECOMMENDATIONS

HSOAC made three main recommendations for how OHS might use findings from this research to target human smuggling, allocate resources, and improve data collection.

Target vulnerabilities of human smugglers.—OHS might consider expanding existing efforts to investigate payments to human smugglers, especially in the United States, and working more closely with formal and informal banking services to identify suspicious payments. DHS could also consider expanding current efforts to work with foreign law enforcement partners to disrupt smuggling operations.

Use information from these revenue estimates to inform funding decisions.—DHS could draw on information on the value of the human smuggling market, including comparisons with other illicit or analogous markets, to help guide decisions about allocating resources to efforts to target and disrupt human smuggling.

Improve data collection.—DHS could consider standardizing and expanding the range of questions that border officials ask migrants during interviews to seek more consistent and detailed information from migrants about smugglers, routes, and payments. Other options include a shared portal for data entry chat screens for errors and a randomized survey process to facilitate data collection and reduce the burden on front-line personnel.

This brief describes research conducted within the Homeland Security Operational Analysis Center (HSOAC) and documented in “Human Smuggling and Associated Revenues: What Do or Can We Know About Routes From Central America to the United States?”, by Victoria A. Greenfield, Blas Nunez-Neto, Ian Mitch, Joseph C. Chang, and Etienne Rosas, RR-2852–DHS, 2019 (available at www.rand.org/t/RR2852). To view this brief online, visit www.rand.org/t/RB10057. HSOAC is an FFRDC operated by the RAND Corporation under contract with the Department of

Homeland Security. The results presented here do not necessarily reflect official DHS opinion or policy. For more information on HSOAC, see www.rand.org/hsoac.

STATEMENT OF LEON N. WILMOT, CHAIRMAN, SOUTHWESTERN BORDER SHERIFFS
COALITION

WE MUST SECURE OUR SOUTHERN BORDER WITH MEXICO

There has been and will likely continue to be much debate about border security and how to achieve it. Sheriffs stand united and are crystal clear in stating; our Southern Border with Mexico must be secured. As the chief law enforcement officers in our respective counties, we have witnessed the societal costs of the lack of border security. We have heard political leaders of all stripes talk about securing the border with little consequence. Today, many portions of our border with Mexico are not secure in any meaningful way. Our Ports of Entry lack the staffing and technology necessary to be effective deterrents to transnational crime. Equally problematic is allowing such a significant issue to be mired in endless political debate and partisan divide. It is time, past time, to move forward with meaningful border security.

THE CASE FOR BORDER SECURITY

There are three unimpeachable reasons that without respect to political ideology we should embrace in support of the need to secure immediately our border with Mexico. They are public safety, National security, and human rights.

Public Safety.—The lack of a secure border presents a public safety problem, not only for our counties but also for our Nation. The porous border is exploited by transnational crime organizations to engage in drug and human trafficking. We have a public health crisis with respect to illicit drug use that is leading to overdose deaths and lifetime addiction. The public safety threat of drug trafficking is significant and the societal costs are staggering. Human traffickers exploit migrants criminally, sexually, and financially. Criminals and gang members posing as migrants can and do use the lack of border security to enter our country to further their criminal behavior. We have ample evidence of this occurring. The lack of a secure border is an undeniable public safety crisis.

National Security.—We simply do not know who is coming across our border. We know there are bad actors from hostile nations that wish us harm. This is not a political statement, but rather a factual one. The lack of border security can be leveraged by those wishing us harm to come into our country undetected. The lack of border security is an undeniable National security concern.

Human Rights.—Encouraging migrants to make the dangerous journey to our border and then attempt to cross into remote areas of our country is not compassionate public policy. Southwest Border deputies recover hundreds of bodies a year in remote areas of our counties. Migrants die due to the harsh environment or at the hands of alien smugglers. Many walk hundreds of miles from Central America, some with children in tow, to get to the border in hope of a better life. They are led to believe they can simply walk in to the United States. This leads to human rights issues along the border and even deaths. People in many parts of the world face desperate conditions Americans can hardly imagine. They seek a better life for themselves and their families. A secure border, along with more sensible legal immigration policies, would dissuade this dangerous and often deadly behavior. The lack of border security is an undeniable human rights issue.

Sheriffs have been, and will remain, consistent in their stance on border security. Let us reiterate and be absolutely clear, we need to secure our Southern Border with Mexico immediately for public safety, National security, and human rights.

HOW TO SECURE THE BORDER

There has been much focus on “The Wall.” The term “The Wall” has become synonymous with border security. This term has become a lightning rod of division that has detracted, more than added, to thoughtful approaches to securing our border. “The Wall” is a sound bite, not a cogent public policy position.

The U.S./Mexico border is nearly 2,000 linear miles. It presents topography, environmental and land use challenges to what might be considered a traditional wall. There are mountains, waterways, Native American Reservations, and environmentally sensitive areas where traditional physical barriers will be difficult, if not impossible, to construct. Some areas are very remote and lack the supporting infrastructure to facilitate a massive construction project of this scale. Even if properly funded and enjoying wide-spread public support, it would take many years to construct a wall across the entire border with Mexico. We cannot wait for years and

be hostage to the future whims of subsequent political leadership to secure our border. The time is now.

There are many places where physical barriers make sense and are in fact the best solution to securing the border. They should be constructed without delay. In other locations, we need to turn to technology, which thanks to modern advances is robust and effective. In other areas, we need more human resources to ensure security. Likely, in all locations we will need some blend of physical barriers, technology, and human resources to be successful.

The ultimate goal of these efforts should be the complete and total operational security of our Southern Border. Endless debate about what constitutes a “wall” and who pays for it does little to advance much-needed border security.

As we discuss border security, we need to remember the importance of addressing our Ports of Entry (POE). POEs are not being discussed enough and are a major vulnerability. We have to ensure security while still supporting the effective flow of legitimate transnational commerce. Commerce with Mexico through the POEs is vital to the economy of the United States and pumps billions into our economy. Allowing citizens the ability to cross into the United States to engage in legitimate commerce is also vital to the economy of border regions. The POEs need better staffing and technology to support the efficient flow of legitimate transnational commerce while having the ability to detect and interdict illegitimate/criminal transnational activity.

We should not let partisan politics stand in the way of securing the border. It is clear we have done so for many decades and through several administrations. We need to secure the border for public safety, National security, and human rights reasons. The mechanism of how this is done is far less important to sheriffs than getting it done. The idea that a wall is the only solution because it is permanent is misguided. A wall that is not monitored, enforced, or maintained is only an impediment, not real security.

PROACTIVE IMMIGRATION ENFORCEMENT

We support the increased attention given to the border and welcome additional Federal resources to handle the immigration situation. However, sheriffs neither have the capacity to engage in proactive enforcement of Federal immigration laws, nor is it the responsibility of local law enforcement to engage in enforcement of Federal immigration violations. Federal authorities best address these violations of Federal law. That being stated, sheriffs are committed to cooperation and collaboration with all our Federal law enforcement partners.

We value these relationships with our Federal partners and we remain steadfast in working together for the safety and security of our citizens that we serve.

CLOSING

Sheriffs fully support efforts to secure our border. Moreover, we demand action on this issue. There are compelling and undeniable reasons to do so. We need to move forward and secure our border immediately. The investment made in doing so will be returned many times over in reduced crime, reduced illegal drug use, and a reduction of other societal and humanitarian costs. Sheriffs are committed to providing the highest level of public safety services to all people of our counties. We proactively attack crime problems and criminal behavior without regard to the immigration status of the criminals involved and will continue to do so.

Miss RICE. Hearing no further business, the subcommittee stands adjourned.

[Whereupon, at 11:25 a.m., the subcommittee was adjourned.]

