

RESOLUTION REQUESTING THE PRESIDENT, AND DIRECTING THE SECRETARY OF HOMELAND SECURITY, TO TRANSMIT TO THE HOUSE OF REPRESENTATIVES COPIES OF ALL DOCUMENTS IN THEIR POSSESSION REFERRING OR RELATING TO CERTAIN ASPECTS OF BORDER POLICIES OF THE UNITED STATES

SEPTEMBER 19, 2022.—Referred to the House Calendar and ordered to be printed

Mr. THOMPSON of Mississippi, from the Committee on Homeland Security, submitted the following

ADVERSE REPORT

together with

MINORITY VIEWS

[To accompany H. Res. 1328]

The Committee on Homeland Security, to whom was referred the resolution (H. Res. 1328) requesting the President, and directing the Secretary of Homeland Security, to transmit to the House of Representatives copies of all documents in their possession referring or relating to certain aspects of border policies of the United States, having considered the same, report unfavorably thereon without amendment and recommend that the resolution not be agreed to.

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PURPOSE AND SUMMARY

H. Res. 1328 requests the President, and directs the Secretary of Homeland Security, to transmit to the House of Representatives

copies of all documents in their possession referring or relating to certain aspects of border policies affecting individuals who arrived at the Southwest land border of the United States since January 20, 2021.

BACKGROUND AND NEED FOR LEGISLATION

A resolution of inquiry is a simple resolution requesting the President, or directing the head of an executive department, to provide to the House specific information in the possession of the administration.

Clause 7 of rule XIII of the Rules of the House of Representatives provides that a motion to discharge the Committee to which the resolution was referred upon introduction is privileged in the House if the Committee has not reported the measure back to the House within 14 legislative days after its introduction.

The Committee notes that consideration of this resolution of inquiry is to comply with rule XIII. It does not affect the Committee's obligation or commitment to conduct oversight and require documentation from the administration on issues within the Committee's jurisdiction.

Representative Peter Meijer of Michigan introduced this resolution of inquiry on August 30, 2022. The need for such a resolution is obviated by information regularly and publicly published by the Department of Homeland Security as well as transmitted to the Committee through regular communications, hearings, and briefings during the course of the Committee's usual oversight of the Department's Southwest border operations.

HEARINGS

No hearings were used to develop H. Res. 1328 in the 117th Congress.

COMMITTEE CONSIDERATION

The Committee met on September 14, 2022, a quorum being present, to consider H. Res. 1328 and ordered the measure to be adversely reported to the House by a recorded vote of 18 ayes and 16 noes.

COMMITTEE VOTE

Clause 3(b) of rule XIII requires the Committee to list the recorded votes on the motion to report legislation and amendments thereto.

1. A motion by Mr. Thompson of Mississippi to adversely report H. Res. 1328 was agreed to by a recorded vote of 18 ayes and 16 noes (Rollcall No. 36).

Committee Record Vote No. 36

Thompson (MS) Motion to Adversely Report H. Res. 1328
Agreed to: 18 ayes and 16 noes

Majority Members	Vote	Minority Members	Vote
Ms. Jackson Lee	Aye	Mr. Katko	No

Committee Record Vote No. 36—Continued

Thompson (MS) Motion to Adversely Report H. Res. 1328
 Agreed to: 18 ayes and 16 noes

Majority Members	Vote	Minority Members	Vote
Mr. Langevin	Aye	Mr. McCaul	No
Mr. Payne	Aye	Mr. Higgins (LA)	
Mr. Correa	Aye	Mr. Guest	No
Ms. Slotkin	Aye	Mr. Bishop (NC)	No
Mr. Cleaver	Aye	Mr. Van Drew	No
Mr. Green (TX)	Aye	Mrs. Miller-Meeks	No
Ms. Clarke (NY)	Aye	Mrs. Harshbarger	No
Mr. Swalwell	Aye	Mr. Clyde	No
Ms. Titus	Aye	Mr. Gimenez	No
Mrs. Watson Coleman	Aye	Mr. LaTurner	No
Miss Rice (NY)	Aye	Mr. Meijer	No
Mrs. Demings	Aye	Mrs. Cammack	No
Ms. Barragán	Aye	Mr. Pfluger	No
Mr. Gottheimer	No	Mr. Garbarino	No
Mrs. Luria	Aye	Mrs. Flores	No
Mr. Malinowski	Aye		
Mr. Torres (NY)	Aye		
Mr. Thompson (MS), Chairman.	Aye		

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X, are incorporated in the descriptive portions of this report.

CONGRESSIONAL BUDGET OFFICE ESTIMATE, NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

The Committee finds the requirements of clause 3(c)(2) of rule XIII and section 308(a) of the Congressional Budget Act of 1974, and the requirements of clause 3(c)(3) of rule XIII and section 402 of the Congressional Budget Act of 1974, to be inapplicable to this resolution. Accordingly, the Committee did not request or receive a cost estimate from the Congressional Budget Office and makes no findings as to the budgetary impacts of this resolution or costs incurred to carry out the resolution.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII, the objective of H. Res. 1328 is to request the President, and direct the Secretary of Homeland Security, to transmit to the House of Representatives copies of all documents in their possession referring or relating to certain aspects of border policies of the United States.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

The resolution requests the President, and directs the Secretary of Homeland Security, to transmit to the House of Representatives copies of all documents, memoranda, analytical products, advisory legal opinions, notes, reports, briefing materials, intelligence assessments, audio recordings, records (including telephone and electronic mail records), correspondence, communications, and other materials, both classified and unclassified, in the possession of the President or the Secretary referring or relating to certain aspects of border policies of the United States for individuals who arrived at the border at the Southwest land border no later than 14 days after the date of adoption of this resolution.

The resolution requests the following:

1. Department of Homeland Security policies implemented and data collected regarding individuals who arrived at the Southwest border from January 20, 2021, including the total number of encounters by U.S. Customs and Border Protection (CBP) broken out by demographic; the total number of individuals who reported to U.S. Immigration and Customs Enforcement (ICE) post admission into the United States; the total number of unaccompanied minor children transferred to Department of Health and Human Services (HHS) custody; the total number of individuals denied admission into the United States; the reimplementation of the Migrant Protection Protocols; the guidance on acceptable valid identification for migrants traveling within the United States; the use of Title 42 to prevent the spread of communicable diseases to suspend persons and property from the United States; the guidance relating to COVID-19 for individuals encountered at the Southwest border; and the deployment of new existing technology on the Southwest border;
2. the total amount of illicit narcotics seized by CBP;
3. the treatment of unaccompanied minor children who have been encountered crossing the Southwest border, including the Department's screening and vetting procedures to determine a migrant's age and information regarding transportation of unaccompanied minor children;
4. any activity within the Department to track transnational criminal organizations that have engaged in human trafficking along the Southwest border, including intelligence assessments and incidents in which the Department interdicted criminals at the Southwest border;
5. incidents in which a child could not be located after being released into the United States pending a removal hearing with or to an accompanying adult;
6. communication with the Government of Mexico regarding unaccompanied migrant children crossing the Southwest border; and
7. policies and procedures when children are interdicted at the Southwest border and found to be trafficking illicit commodities.

MINORITY VIEWS

President Biden and his administration have created a truly catastrophic humanitarian crisis on our Southwest border. Tragically, this crisis has resulted in hundreds of migrant deaths this year, with no end in sight. For almost 2 years, Homeland Security Committee Republicans have been sounding the alarm about this unprecedented crisis. However, the Biden administration has chosen to downplay and even ignore this problem, and to mislead the American people about its severity at every turn.

The administration has not been forthcoming regarding the existence or severity of the crisis, nor with the disclosure of information in a timely manner. For instance, this Committee repeatedly asked for information regarding known or suspected terrorists (KSTs) encountered at the border. The Department of Homeland Security took almost a year to release this information and chose to release it via the media before informing the Committee. The Department also continues to either completely ignore or severely delay responses to official letters from Committee Republicans asking for information regarding specific policies at the border. This is also true for Questions for the Record (QFRs) submitted to the Department after hearings.

The United States continues to experience historic levels of migrant encounters and deadly narcotics crossing the border. As of August 2022, there have been nearly 3.4 million migrant encounters at the Southwest border, with an additional 900,000 known “got-aways” who evaded U.S. Border Patrol agents. Additionally, U.S. Customs and Border Protection (CBP) has seized enough fentanyl this fiscal year to kill almost 2.4 billion people, over seven times the U.S. population.¹

The porous Southwest border has also increased our homeland’s vulnerability to terrorist threats. As of July 31st, 66 individuals whose names appear on the terror watchlist have been stopped trying to cross the U.S.-Mexico border between ports of entry this fiscal year.² That is more than double the number of encounters in the last 5 years combined.

The American people deserve complete transparency into decisions made by the Biden administration that have encouraged and facilitated illegal border crossings, criminal activity, and the flow of dangerous drugs like fentanyl and methamphetamine into the United States. This resolution seeks that transparency.

JOHN KATKO.



¹“Drug Seizure Statistics,” U.S. Customs and Border Protection, (last modified Aug. 15, 2022), available at <https://www.cbp.gov/newsroom/stats/drug-seizure-statistics>.

²“CBP Enforcement Statistics Fiscal Year 2022,” U.S. Customs and Border Protection, (last modified Aug. 15, 2022), available at <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics>.