

ON THE FRONT LINES OF THE
BORDER CRISIS: A HEARING
WITH CHIEF PATROL AGENTS

HEARING
BEFORE THE
COMMITTEE ON
OVERSIGHT AND ACCOUNTABILITY
HOUSE OF REPRESENTATIVES
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ON THE FRONT LINES OF THE BORDER CRISIS: A HEARING WITH CHIEF PATROL AGENTS

Tuesday, February 7, 2023

HOUSE OF REPRESENTATIVES,
COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY,
Washington, D.C.

The committee met, pursuant to notice, at 10:03 a.m., in room 2154, Rayburn House Office Building, Hon. James Comer (chairman of the committee) presiding.

Present: Representatives Comer, Gosar, Grothman, Palmer, Higgins, Sessions, Biggs, Mace, Fallon, Donalds, Armstrong, Perry, Timmons, Burchett, Greene of Georgia, McClain, Boebert, Fry, Luna, Edwards, Langworthy, Burlison, Raskin, Norton, Connolly, Krishnamoorthi, Khanna, Ocasio-Cortez, Porter, Brown, Gomez, Stansbury, Garcia, Frost, Balint, Lee of Pennsylvania, Casar, Crockett, Goldman, and Moskowitz.

Also present: Representative Tony Gonzales of Texas.

Chairman COMER. The Committee on Oversight and Accountability will come to order. I want welcome everyone to the hearing today. Without objection, the chair may declare a recess at any time. I recognize myself for the purpose of making an opening statement.

Today's hearing is an opportunity to gather facts about the border crisis from career law enforcement officials from the U.S. Border Patrol. Make no mistake, the state of our border is in crisis. Jeh Johnson, the Secretary of Homeland Security under President Obama, once said that 1,000 apprehensions per day overwhelms the system. In 2019, he said, and I quote: I cannot begin to imagine what 4,000 a day looks like. So, we are truly in a crisis. Unfortunately, we're witnessing that now. And it's truly a crisis.

In Fiscal Year 2022, over 6,000 migrants per day on average were apprehended after illegally crossing the border. That's over 2.2 million apprehensions in just a 12-month period. In just the first three months of Fiscal Year 2023, over 7,000 migrants per day on average were apprehended after illegally crossing the border. Those numbers don't include hundreds of thousands of aliens who evade apprehension entirely, estimated at almost 600,000 just in Fiscal Year 2022. And reports indicate nearly 300,000 illegal immigrants have evaded apprehension just four months into Fiscal Year 2023.

President Biden and his administration have created the worst border crisis in American history. Cartels are leveraging chaos at

the border. They are using their human smuggling operations to overwhelm U.S. border patrol agents with large, migrant groups, often placing migrants in peril. They create these diversions at the expense of human life to traffic dangerous narcotics like fentanyl across our Southern border. These deadly drugs then make their way into communities across the United States and poison our neighbors and our children. Why? Why is this happening?

Starting on his first day in office, President Biden signaled to the world, our borders were open, open to criminals, human traffickers, and drug traffickers. His administration's policies have eroded deterrence and stripped away enforcement tools. President Biden immediately ended enrollments in the migrant protection protocols which required inadmissible aliens to remain in Mexico while their immigration case was adjudicated. He halted construction of border barriers, even though Congress had appropriated nearly \$1.4 billion for wall construction just a month before. He issued a press release announcing a new immigration bill proposal that would give amnesty, which is legal status and a path to citizenship, to millions of illegal immigrants in the United States, signaling to the world that breaking our laws would not lead to detention and removal.

President Biden's Department of Homeland Security issued a memorandum instituting a 100-day moratorium on deportations for most illegal aliens, and limiting ICE's ability to enforce the law. ICE arrests plummeted almost immediately by more than 60 percent. All of these actions Biden and his administration took on his first day of office.

Secretary Mayorkas doubled down on these policies by issuing a memorandum restricting law enforcement's ability to enforce the law against illegal immigrants.

Even though a Federal court had said that the executive branch cannot override clear congressional commands in the law through these memos, President Biden's administration is still fighting in the courts on the side of illegal immigrants, not the American people.

Administration officials continue to say they're creating a, quote, "safe and orderly humane, immigration system." But reality contradicts this propaganda. Conditions at the border are dangerous, chaotic, and inhumane. Fiscal Year 2022 set records for the number of arrests of illegal border crossers, the number of migrants who died making the journey, the number of dangerous narcotics seized, and even the number of suspected terrorists arrested trying to illegally cross the Southern border. And given over half a million people have evaded apprehension entirely, the National Security risks are extremely high.

This administration must do more to protect our southern border. They must do more to protect the American people. I look forward to hearing from our witnesses today about their efforts to secure our southern border against illegal immigration, drug and human trafficking, and prevention of terrorist entries, as well as how the border crisis is making those efforts more difficult for the men and women under their command. Thank you all so much for being here to testify. And I yield now to Ranking Member Raskin for his opening statement.

Mr. RASKIN. Thank you very much, Mr. Chairman, and thanks to the witnesses for appearing today. The purpose of oversight is to collect facts that will allow us to legislate effectively to promote the common good and solve the Nation's problems. Today we're looking at the border, but the majority has offered no clarity as to what their solutions are to address what they believe to be the problems with immigration and the border.

Existence of a border is not in itself problematic and never has been. Neither is immigration a problem, for we are an immigrant society. Except for the descendants of slaves brought here involuntarily, or Native Americans who have been here for millennia, we are all descendants of immigrants. People have wanted to come to America as long as the Nation or the idea of Nation has existed. For we are a land premised on opportunity and freedom and dedicated to the proposition that all of us are created equal.

When Tom Paine got over here two years before the Revolution, he fell in love with the promise of America. He said, it will become an asylum to humanity, not an insane asylum, mind you, but a place of refuge for people fleeing religious, political, and economic persecution.

The traditional interest in coming to America has spread, deepened, and intensified recently as political democracy, civil freedom, basic public safety, and meaningful economic opportunity have come under ferocious attack and pressure in nations in our hemisphere like Venezuela, Cuba, Haiti, Mexico, and Nicaragua.

Our basic problem is a political one. Legal channels of immigration have been choked off in the wake of congressional failure to act in bipartisan fashion on immigration policy. That's despite the fact that we badly need workers in many sectors, in many parts of the country to fill the jobs that drive our economy. Under President Biden's economic boom, we are seeing record employment growth and the lowest unemployment rate in more than a half century. Since Biden's came into office, America's created millions and millions of new jobs. Multiple reports suggest that creating new legal pathways to citizenship would only enhance our current economic progress by increasing the GDP by up to \$1.7 trillion over the next 10 years, raising wages for all and creating hundreds of thousands more new jobs. But this won't be possible without comprehensive immigration reform, embodying the kind of progress that the administration and congressional Democrats have been fighting for. The political problem is that when it comes to working out commonsense immigration policy solutions, Republicans driven by the extreme MAGA wing of their party have been systematically thwarting and derailing comprehensive efforts to improve our immigration system and strengthen border enforcement.

In 2007, Republicans blocked bipartisan legislation which would have significantly increased border enforcement, capacity, and provided legal status, and a pathway to citizenship for approximately 12 million undocumented immigrants living in the United States.

In 2013, when Senate Democrats and Republicans again came together to pass a strong comprehensive immigration reform plan that would have provided unprecedented resources for border security, including 40,000 additional Border Patrol agents, and created a pathway to citizenship for millions of workers, the Republican-

controlled House threw a monkey wrench into the bipartisan collaboration and refused to hold a vote.

Since then, Democrats have repeatedly developed, proposed, and sometimes passed pragmatic legislative solutions to address border security while providing practical pathways to citizenship for people like the Dreamers; hundreds of thousands of young people brought to America in childhood who are now productively engaged in school or work or military service. Such proposals include the parole program that President Biden implemented last month, which has reduced the unlawful entries and cut border apprehensions of Cubans, Haitians, Nicaraguans, and Venezuelans by 97 percent.

We have proposed aggressive coordination with our allies abroad to block the flow into our country of fentanyl carried by criminals, most of whom are, alas, American citizens. We have advanced policies to promote sustained economic growth and stability throughout Latin America so that desperate people and families do not need to migrate to the southern border in search of a future safe from violent gangs, authoritarian governments, and grinding poverty.

The facts show that President Biden in the Democratic Congress surged \$7.3 billion in funding and resources to the southern border at the end of last year.

In December, Democrats bolstered border security by sending billions to CBP and Border Patrol, including money to hire 300 additional Border Patrol agents. Millions of dollars to provide more personnel to our ports of entry, and over \$200 million for between-the-ports technology to detect drug smugglers and human traffickers. And overwhelmingly, House Republicans did not support us. Yet rather than work with Democrats on these efforts, the MAGA forces and the GOP have chosen to abandon the strong pro-immigration stance of Abraham Lincoln and Ronald Reagan, and, instead, spread fear about a foreign invasion, dangerous paranoia about the racist and anti-Semitic great replacement mythology, and disinformation about fentanyl—the vast majority which is brought into our country by American smugglers working for the international drug cartels and traveling through lawful ports of entry. In 2021, American citizens accounted for more than 86 percent of fentanyl trafficking convictions.

The radical distortions about immigration, great replacement, and who is bringing fentanyl into America may work to rev up the MAGA base, but they do absolutely nothing to solve our real-world problems. The flagship MAGA-driven Republican proposal, H.R. 29, the so-called Border Safety and Security Act, would effectively end the asylum program in America. That's not consistent with the founding values of our Nation or the law today, which rejects the idea of returning people who have a well-founded fear of persecution back into the jaws of their oppressors. H.R. 29 is so extreme, some of our Republican colleagues are refusing to support it. One recently called it anti-American and un-Christian.

Mr. Chairman, there are many things we can do to improve our immigration laws and border enforcement if we set aside the myths and the disinformation. My colleagues and I ardently hope today's hearing will become a chance to search for bipartisan agreement rather than another missed opportunity by committee Republicans

to join with us in conducting meaningful oversight toward comprehensive reform. Turning this into more bad political theater will just extend the long pattern of failure on this question. For years, Republicans on this committee refused to conduct oversight of President Trump's disastrous and cruel border policies. They were silent in 2019 when the U.S. Customs and Border Protection declared a humanitarian crisis at the border. They refused to join with Democrats in opposing Orwellian policies that ripped thousands of little children from the arms of their parents and sent them away to vanish into a Kafkaesque bureaucracy.

Some may wish we would forget one of the grimmest chapters of any American Presidency. But people will not be fooled when MAGA Republicans pretend to cry foul over Secretary Mayorkas' and President Biden's strong actions today to impose order at the border while defending America's deepest values. It doesn't have to be this way. Let's act together in good faith now to pass comprehensive reforms to improve our immigration system. We are a Nation of immigrants, and we are a Nation of laws, and we can live up to all of our values in this challenge.

I look forward to the testimony of our witness and the thoughts of our colleagues. And I thank you very much, Mr. Chairman, and yield back.

Chairman COMER. The ranking member yields back. Before I introduce the witnesses, I feel compelled to respond to a couple of things, my friend, the distinguished ranking member said. First of all, the Republicans lack of oversight—I want to remind everyone, this is the first time since Joe Biden has been President that anyone, representing the border has been asked to come before this committee the first time. This crisis has gotten worse every day over two years. This is the first time.

So, the other thing I want to remind members of the member decorum, because two things have just been brought to my attention in the last few minutes. First of all, the White House's oversight spokesman just released a memo criticizing Republicans for having the nerve to have this hearing. He said, why do House Republicans want to make things worse at the border? I don't understand how two frontline Border Patrol agents coming before this committee would make things worse. I mean, that's what the Oversight Committee is about. That's what Mr. Raskin has complained that Republicans weren't serious about oversight. This is our first—we've just been in power a week, and we've had a COVID pandemic hearing, and now we have frontline workers just to get facts.

And the other thing—very disturbing—is the tweet that the Oversight Committee Democrats just tweeted out. It says: Good morning, and good luck to everyone except GOP Oversight members who are using today's hearing to amplify White nationalist conspiracy theories, instead of comprehensive solutions to protect our borders and strengthen our immigration system. I mean, really? I don't even know what to say about that. But just to remind everyone, the member decorum. The issues we're debating are important ones that members feel deeply about. While vigorous disagreement is part of the legislative process, members are reminded that we must adhere to establish standards of decorum and debate. It's a violation of House rules and the rules of this committee to

engage in personality, regarding other members or to question the motives of a colleague.

So, remarks of the type that we just saw in the tweet are not permitted by the rules and are not in keeping with the best traditions of our committee. So, the chair will enforce these rules of decorum at all times, and I urge all members to be mindful of their remarks.

Now, I am very pleased to introduce our two witnesses today who are both long-term veterans of the U.S. Border Patrol, bringing a combined five decades of experience.

John Modlin, I hope I pronounced that right—

Mr. MODLIN. Yes, sir.

Chairman COMER [continuing]. Has served in the U.S. Border Patrol for 26 years. He is currently the chief patrol agent for the Tucson Sector, but has extensive experience serving on the northern and southern border as well as both U.S. coasts during his career.

Gloria Chavez has also served in the U.S. Border Patrol for 26 years. She is the Chief Patrol Agent for the Rio Grande Valley Sector, and also recently served as Chief Patrol Agent in the El Paso Sector. She also brings a variety of experiences with the northern and southern borders of United States.

Chairman COMER. I look forward to hearing from Chief Modlin and Chief Chavez about their experiences with the U.S. Border Patrol, as well as their efforts to work to secure the border during an unprecedented time.

Prior to you-all's opening statements, pursuant to Rule 9(g), the witnesses will please stand and raise their right hand.

Do you solemnly swear or affirm that the testimony that you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

Let the record show that the witnesses all answered in the affirmative. And we will begin with you, Chief Modlin.

Mr. DONALDS. Mr. Chairman? Mr. Chairman, real quick. And I apologize—I know the proceedings of the committee room. I'm just going to cut to the chase from my colleagues on the other side of the aisle who want to state that we're using this hearing for White nationalism. I'm not doing that. So, if you feel that strongly, come walk up to this side of the room, and let's talk about it face to face. But leave that kind of silly stuff for somebody else. Don't bring that here today. This stuff is serious. I apologize, Mr. Chairman.

Mr. GOLDMAN. Mr. Chairman, could I have a question down here? Just in response to—well, it's OK for him to talk, but not me.

Chairman COMER. Go ahead and talk.

Mr. GOLDMAN. As a new Member, I have a question just in terms of the rules and personalities. I didn't see that—my understanding is that the prohibition against personalities relates to individuals calling on individual members. Is there—am I wrong about that? Is there something about the tweet that actually engaged in personalities, just so we know going forward?

Chairman COMER. This is just a reminder to all members about the rules of decorum. That is very important. This is our—we're just starting in this committee. We had a good, productive, substantive hearing last week. This, hopefully, will be a good produc-

tive information, fact-gathering hearing today. And every member needs to understand the rules of decorum.

Mr. GOLDMAN. Thank you.

Chairman COMER. Now, Chief Modlin, please begin your opening statement.

**STATEMENT OF JOHN MODLIN, CHIEF PATROL AGENT,
TUCSON SECTOR, U.S. CUSTOMS AND BORDER PROTECTION**

Mr. MODLIN. Good morning, Chairman Comer, Ranking Member Raskin, distinguished members of the committee, thank you for the opportunity to appear today on behalf of the United States Border Patrol, and to provide you with a status and understanding of the unique operational picture of border security efforts in Tucson Sector.

I started my career with the Border Patrol in 1995 in the San Diego sector. In the 27 years since, I have led border security efforts on our northern border in the Detroit sector, at Border Patrol headquarters here in Washington, DC, on our coastal border as the chief of the Miami sector, and now as the chief patrol agent of the Tucson Sector.

A few moments ago, I characterized this area as unique. As the current migration flow and challenges in the Tucson Sector are vastly different to many other sectors across the Nation, and as was widely reported in the media. The Tucson area of responsibility covers 262 linear miles of border, roughly, 18,000 square miles of mostly desert wilderness and mountain ranges that extend immediately north of the border. Putting this figure into perspective, the area's more than twice the size of the country of El Salvador. In summer, temperatures can exceed 120 degrees Fahrenheit, and in winter, it can fall below freezing. The environment is arduous and inhospitable, presenting significant challenges for our agents and potentially life-threatening conditions for migrants.

Last year, Tucson Sector agents responded to over 3,500 lost or distressed migrants who needed to be rescued or required emergency medical care. Many of these were difficult and dangerous mountain rescues, putting agents' lives in danger.

The most notable factor that sets Tucson apart from the rest of the Southwest border—excuse me, is the migrant demographic. It is not what you see on the news. Tucson Sector is not encountering large family groups with small children waiting for Border Patrol agents to pick them up and process them. In Tucson, the vast majority of encounters are single adult males attempting to avoid detection.

The smuggling organizations to our south are very well organized and resourceful. Each and every person crossing through the Tucson Sector must pay these criminal organizations. These criminal organization employ various tactics to move thousands of migrants illegally across the border. Nearly all migrants we encounter are completely outfitted in camouflage by the smuggling organizations before they cross. Most run from and may fight our agents to avoid apprehension. Many are previously deported felons who know they are inadmissible to the United States, and many pose a serious threat to our communities.

For example, task saturation is a term we use to describe a tactic where smuggling organizations split large groups of migrants into many smaller groups. These small groups are then directed to illegally cross the border all at once and at different locations, effectively saturating the area with migrants and exhausting our response capability. This tactic, coupled with the remoteness of the area, has a compounding effect and results in large areas of the border being left vulnerable while our agents are responding, rescuing, apprehending, and transporting hundreds of migrants.

Smuggling organizations also leverage technology. For a fee, migrants are provided with a smartphone with routes and updates to guide themselves over the mountains and across the desert. More concerning is the smuggling's organizations use of social media to recruit inexperienced smuggling low-drivers; in many cases, American teenagers who race down to the border to overload their parents' vehicles with migrants for what they are misled to believe is a quick and inconsequential payday. However, they are wrong. Tucson Sector prosecutes more smuggling cases than any other sector on the Southwest border.

Migrant encounters in the Tucson Sector have increased significantly over the past several years. In 2020, our total encounters were 66,000. That figure nearly tripled in 2021, and then quadrupled last year. We closed last year, 2022, with over 250,000 encounters in Tucson, 216,000 of those were single adults. That is 257 percent increase in just two years. At present, Tucson Sector is experiencing a 20 percent increase in encounters compared to last year.

In closing, I would be remiss if I did not acknowledge this service, dedication, and sacrifice of the men and women of the U.S. Border Patrol's Tucson Sector. In these challenging times, I continue to be amazed by their daily efforts to keep our country safe. Both our uniformed and professional staff have demonstrated great commitment and resiliency in this ever-changing environment. It is both humbling and an honor to lead this truly professional group of people. Thank you.

Chairman COMER. Thank you, Chief. The chair recognizes Chief Chavez.

STATEMENT OF GLORIA CHAVEZ, CHIEF PATROL AGENT, RIO GRANDE VALLEY SECTOR, U.S. CUSTOMS AND BORDER PROTECTION

Ms. CHAVEZ. Good morning, Chairman Comer, Ranking Member Raskin, and distinguished members of the committee. Thank you for the opportunity to be here today on behalf of the U.S. Border Patrol. I am Gloria Chavez, the Chief Patrol Agent of the Rio Grande Valley Sector, known as RGV. This is my 27th year of service to our country and to the men and women of the U.S. Border Patrol. I have led in four sectors on the northern and southern borders, and I completed two tours of duty at the U.S. Border Patrol Headquarters here in Washington, DC.

The RGV area covers 34,000 square miles of rural and urban landscape; 34,000 counties—34 counties, I'm sorry, 277 border miles with Mexico, and 317 coastal miles along the Gulf. Due to its proximity to the border of southern Mexico and Central America,

RGV is identified as a major corridor by cartels and transnational criminal organizations. And it is exploited daily for human smuggling, narcotics trafficking, and other illicit activities. Our RGV community has been at the forefront of irregular migration for several years now. In 2014, the trend was unaccompanied children. In 2016 and 2019, family units. Today, the migrant population in RGV consist of mainly single adults from Central America and Mexico. Although this fiscal year, to date, RGV has decreased in migrant encounters by 41 percent. Border Patrol agents and RGV continue to face the most egregious of illicit trends such as criminal migrants, gang members, hard narcotics, firearms, both currency outbound, and illicit drones used for counter surveillance.

[Slide.]

Ms. CHAVEZ. If you can bring up the slide, please. For example, in one year's time, RGV had over 10,000 drone incursions, and 25,000 at-the-border drone detections, demonstrating the drone capability of transnational criminal organizations, pinpointing law enforcement locations to increase the success of smuggling attempts. We have made great progress in countering the threat of small, unmanned platforms. However, the adversaries have 17 times the number of drones, twice the amount of flight hours, and unlimited funding to grow their operations. As border dynamics and entry locations shift, so does our security strategy. Our priorities in Fiscal Year 2022 and 2023 have been to gain resources and foster partnerships to assist with border security taskings. Our resources, priorities continue to be to augment our civilian and contracted personnel at central processing centers and allow our agents to return to frontline operations.

At present, RGV sector has more than 250 processing coordinators, 140 contracted processors, 120 childcare givers, 80 security personnel, and 100 volunteers, all made possible by the supplemental funding provided by Congress. These men and women provide feeding, care, and security of migrants at custody; duties that would otherwise fall to Border Patrol agents. Next side, please.

[Slide.]

Ms. CHAVEZ. Every badge back to the border equals seized bulk currency from cartels, hard narcotics, guns, and keeping criminals off the streets, and allows to allocate resources and manpower to address areas experiencing a high number of got-aways.

I would also like to highlight my great appreciation for the Department of Defense partners. RGV deploys over 200 National Guardsmen who assist with camera operations and mobile surveillance, increasing our situational awareness daily. As for partnerships, we collaborate daily with our Federal, state, county, and local city partners to include local, nongovernmental, and faith-based organizations who provide an avenue for placement for amenable migrants. The Texas Department of Public Safety and our county sheriffs render support to my Border Patrol agents on a daily basis and vice versa.

Last, RGV shares a strong partnership with Mexico, in the state of Tamaulipas, that is invaluable as threats to the security of our border are always evolving.

In closing, I will emphasize my most valued priority and who I strive to serve my very best every day: my civilian work force and

my Border Patrol agents, our Border Patrol agents who every day and who right now are out there on patrol, protecting you, protecting me, and every American watching today, because to them, what matters is who and what enters between those ports of entry, and that they have the available resources to make that detection and that arrest.

Regardless of the fluctuating migration flows, lack of resources, border threats and physical assaults against them, Border Patrol agents are always ready to respond. It is their grit and hard work that has enhanced and maintained the level of security we have on our border today. I will always honor them for their duty and their sacrifice. I thank you for your time today, and I look forward to answering your questions. Thank you.

Chairman COMER. Thank you, both. We'll begin the questioning. I will go first. Chief Modlin, would you agree that the cartels currently exercise significant control over who is allowed to illegally cross in between the ports of entry?

Mr. MODLIN. Chairman, thank you. What I see in Tucson Sector, in my experience is, is that no one crosses the border in Tucson Sector without going through the cartels. It's—you know, in the past, if you don't mind me expounding just a little bit, you know, my career started in San Diego. It was not uncommon for migrants to make it to the border, and then just cross, and then try to do the best they could. In Tucson Sector, everything south of the border is controlled by the cartels.

Chairman COMER. So, do the cartels try to overwhelm Border Patrol agents by illegally crossing large groups of individuals at a single time?

Mr. MODLIN. Yes, sir. So, what we see—although that is very rare in Tucson Sector. In Tucson Sector, maybe once or twice a week we'll see a group of about 100 people sort of what we refer to as a give-up group. It gives up in a very remote area. And, of course, when that happens, our first priority is to get to that group, sort of triage that group, determine if there's vulnerable populations in that group. But these locations could potentially be hours from the nearest paved road. So, to get that group out of there takes a tremendous amount of personnel, which leaves other areas vulnerable.

Chairman COMER. Right. As you mentioned, it takes a significant law enforcement to respond to those large groups. Have these crossings of large groups gotten more frequent over the last couple of years?

Mr. MODLIN. Sir, in my experience in the Tucson Sector, it has gone up a little bit. However, the biggest change that we've seen in the Tucson Sector, as I mentioned in my opening statement, is really the task saturation. What they're doing to us out there is a newer tactic, which is to break what used to be traditionally groups of maybe 10 to 20, which Border Patrol agents are trained to be able to apprehend a group of 10 to 20 people. However, it also takes a single Border Patrol agent to apprehend a single person coming across the border.

And so, the predominant tactic in the Tucson Sector is to allow people to cross by themselves, or in groups of two or three, which then saturates our ability to respond.

Chairman COMER. OK. Chief Chavez, do the cartels intentionally put migrants in peril so that U.S. patrol agents respond to conduct rescue operations?

Ms. CHAVEZ. That is correct, Chairman. I think that for the Rio Grande Valley, for example, as Chief Modlin was saying, you know, we have experienced a large group situation as well. For us, I think we've had this Fiscal Year 55—or 22, I'm sorry, different types of groups in the most Western portion of the RGV. And a lot of times, because we have so much brush land out there with a big, hilly ranch area up in the Rio Grande Valley area, many times, especially during the summer months, there's a lot of migrants out there that are out there requiring rescue. So, a lot of times, our agents are out there rescuing people being task saturated in rescues, abandoning frontline operations. So, therefore, cartels have taken advantage of that area.

Chairman COMER. Have rescue operations by Border Patrol increased by the last couple of years?

Ms. CHAVEZ. Yes, they have, Chairman. For us, I think last year we had over 100—1,100 rescues just in the RGV area. And we are expecting that number to supersede last year.

Chairman COMER. Chief Modlin, we know that the majority of fentanyl seized was seized in the controlled environment of ports of entry. Does that mean that we shouldn't worry about the cartels trafficking illicit narcotics, including deadly fentanyl in between the ports of entry?

Mr. MODLIN. Chairman, what I can tell you from my experience in Tucson Sector is last year we seized about 700 pounds of fentanyl. To give you an idea based on the lethality of a dose of fentanyl, that's enough to kill everyone in Arizona 21 times or basically half the population of the United States. And that was encountered 52 percent of that, so the majority of that, was encountered in the field. So, that is predominantly being backpacked across the border. The other 48 percent was caught at our immigration checkpoint, sir.

Chairman COMER. There have been hundreds of thousands of got-aways just in the last few months. Almost 600,000 estimated last year. Chief Modlin, are you concerned that the cartels are leveraging a chaotic situation to bring in criminals or suspected terrorists to evade apprehension entirely?

Mr. MODLIN. Sir, got-aways are incredibly important. Tucson Sector has seen a lot of them. As I described earlier, that process of task saturating does leave areas vulnerable, and then allows people to cross that—that we're aware of in the case of a got-away. But we just literally can't get there to apprehend them.

I think the other concern is the sort of unknown amount of got-aways; the people that we don't see. I do know that Tucson Sector years ago, about 10 or 15 years ago, had a significant laydown of the technology. So, Tucson Sector does have an incredible amount of situational awareness. And so, we are aware of the folks that are getting away.

Chairman COMER. So, it sounds like the cartels are taking advantage of a historically high flow of illegal immigration, to overwhelm Border Patrol agent resources, place migrants in peril, and undermine border security by introducing deadly narcotics, crimi-

nals, and terrorists into our country. It's unfortunate then that President Biden's administration removed many of the deterrent policies that were working to reduce the flow of illegal border crossings and keep cartels in check. For two years, we've watched the crisis unfold with little oversight. No longer. With that, I yield to the ranking member.

Mr. RASKIN. Thank you, Mr. Chairman. And thank you, Chief Chavez and Chief Modlin for being with us today and for your service and your testimony. We've got to stop the flow of fentanyl into our country. It's a matter of life and death.

Chief Chavez, the vast majority of fentanyl coming into the country is seized at ports of entry, not from migrants traveling across the border on foot in between ports of entry. Am I right about that?

Ms. CHAVEZ. Thank you, sir, for the question. We have seen the large amounts of narcotics that have been seized at the ports of entry. However, for us between the ports of entry, the fentanyl specific, we have also documented cases for Border Patrol where we have seen some at our checkpoints.

For example, here in December of just this past year, we seized the largest fentanyl, liquid fentanyl seizure in coordination with a task force of Nueces County, which was—I don't know if you saw it on the news. It came out. It was about—largest fentanyl seizure, it was 25 pounds, 3 gallons of liquid fentanyl that was seized in coordination with our task forces under the license plate reader program with Stolgarten (ph) partners. Now, fentanyl, again, is a very dangerous drug just as Chief Modlin has mentioned. So, for us, it's something that is of high concern. These efforts—

Mr. RASKIN. Actually, can I follow up on that? And congratulations on that seizure.

Ms. CHAVEZ. Thank you, sir.

Mr. RASKIN. That's a big deal. And, you know, we thank you for your service. The statistics I'm looking at say that over 90 percent of fentanyl seizures occur at the point—at the ports of entry where vehicle checkpoints, and not between. Although, there is significant cases, as you point out, that are taking place between.

Who would best be able to speak to us about what's taking place at the ports of entry? Because I understand both of you are sort of in the intermediate points. Is that right.

Ms. CHAVEZ. Yes, sir. So, I think what I would probably refer you to our director of field operations. They work under CBP, but they are the ones that have command and control of our ports of entry at CBP.

Mr. RASKIN. And they're the central force interdicting fentanyl today across the border.

Ms. CHAVEZ. They're the ones that have oversight of all ports of entry who would be the ones to be the proper witness for that.

Mr. RASKIN. Got you. And they're not here today?

Ms. CHAVEZ. They are not, sir. Thank you.

Mr. RASKIN. OK. What's even more puzzling to me, in terms of the political rhetoric, is that 86 percent of the people convicted of fentanyl smuggling in 2021 were American citizens, not foreign nationals, or unauthorized immigrants, right, but U.S. citizens who are on the payroll of the smuggling operations of the cartels. Is that the same as your understanding, Chief Chavez?

Ms. CHAVEZ. I know that in some cases where we have arrested or interdicted and arrested folks for smuggling—drug smuggling—it has been American citizens, but I don't have the statistics, to my knowledge, at this time whether the majority have been American citizens.

Mr. RASKIN. OK. Well, then, I'll share with you the statistics that we got from the CBP about that. Let me ask you this: Will the operational security of our border be strengthened by the 300 additional Border Patrol agents and 500 support staff that will be added as a result of the latest funding bill that we passed in December? Is that going to help?

Ms. CHAVEZ. Sir, any type of funding, any type of support that we can get from our congressional Representatives to assist us with the type of support to enforce this type of—or to try and prosecute any type of drug smugglers at the border is going to assist us.

Mr. RASKIN. Got you. Chief Modlin, let me come to you for a second. As a Border Patrol chief, is it part of your responsibility to try and determine and assess the underlying causes of migration in the Western Hemisphere, or are you just on the operational side?

Mr. MODLIN. Thanks for the question, sir. So, I think it's a complicated question. So, the nature of the work I do, yes, that is part of it. However, what we focus on, what my primary responsibility is to execute on policy and law and just to secure the border, regardless of who comes across it. Whoever is trafficking, be it a foreign national, or a U.S. national, it is just to interdict whatever crosses and then place it in the proper pathway, sir.

Mr. RASKIN. Got you. So, you're not really interested in the why of how they got there, you're just interested in stopping the people who are showing up at the border?

Mr. MODLIN. So, sir, I would not say, though, I'm not interested in the why, I'm sorry, the beginning of my statement about the complexities of it. So, we have incredibly robust intelligence shops that look at this. Because the why will generally tell us where the traffic is likely to come next, and then where we can best deploy our resources to mitigate that.

Mr. RASKIN. Great. All right. Well, maybe we'll get to hear from some of those people that are involved on the intelligence side to try to analyze what's going on. Thank you, Mr. Chairman, I yield back.

Chairman COMER. The chair recognizes Mr. Higgins for five minutes.

Mr. HIGGINS. Thank you, Mr. Chairman. Mr. Chairman, we're going to be moving very fast today just because of the sheer volume of evidence that must be investigated by Congress. It's quite extensive. And America should understand that today's hearing marks the beginning of this committee's obligation to judiciously reveal, over the course of many months, exactly what has happened at our southern border over the last two years. We will investigate, we will reveal the truth, and we will force accountability.

I would like to comment before my questions begin that the talking points regarding fentanyl for my colleagues across the aisle, they had 500,000 got-aways in 2021, and 600,000 in 2022. These are known got-aways is by—this does not count the unknown got-aways. But let's just say that's a number. That's over 1 million got-

aways. That's stout young men running, as the chief testified, wearing camouflage. They're rolling hard. They've got mil spec radios. They're carrying backpacks. They work for the drug cartels. What do you think is in the backpack?

Every American watching this understands there's a tremendous amount of illicit fentanyl and meth crossing between the ports of entry.

Chief Modlin and Chief Chavez, I'm going to ask you to keep your answer to yes or no as much as possible. You can expound upon your answers in writing, of course, afterwards, but we'll be moving fast.

Chief Modlin, would you agree that part of your job as a career enforcement professional of law enforcement is to execute policies communicated to you from people above you in your chain of command?

Mr. MODLIN. Sir, my job is absolutely to execute policy.

Mr. HIGGINS. Thank you. And, Chief Chavez, you also agree that you're given policies to carry out by those above you in your chain of command?

Ms. CHAVEZ. Yes, sir. My job is to execute on the policies administered by my chain of command.

Mr. HIGGINS. Chief Modlin, do you participate in telephone calls with your upchain discussing how to carry out policies that are directed by Department of Homeland Security leadership?

Mr. MODLIN. Thank you, sir. It is rare to have detailed discussions about how to execute. That is really the job of the chief patrol agent to determine how to execute the policies.

Mr. HIGGINS. And do you have conversations on the telephone with your upchain regarding policy and the execution of policy?

Mr. MODLIN. Yes, sir.

Mr. HIGGINS. Thank you. Chief Chavez, do you also participate in telephone calls of that nature?

Ms. CHAVEZ. The same response as Chief Modlin, sir. We as chiefs determine the execution of the policy, we interpret the policy, discuss it with my subordinate personnel, and then we execute on the policy.

Mr. HIGGINS. Thank you, Chief. I'd like to hear from you each of you. The policies that are communicated through verbal commands, either from your upchain through your office and downchain, are the policies that are communicated through verbal commands that are not documented in written communication like emails, texts, official letters, official policy statements, et cetera.

Mr. MODLIN. Thanks again, sir. Most policies are either written or in policy.

Mr. HIGGINS. Are there some policies that are not written.

Mr. MODLIN. Well, sometimes we are informed of a policy, verbally, before it becomes written.

Mr. HIGGINS. And who would inform you? You are the chief. Would that be your upchain chief.

Mr. MODLIN. Yes, sir. That would be the chief of operations.

Mr. HIGGINS. Thank you. So, are you clarifying for this committee—Chief, I ask respectfully, are there some policies that are directed to be carried out by you and your chain of command below

that is not documented in writing, email, memorandum, et cetera, verbal commands?

Mr. MODLIN. Sir, I'm going through my head trying to remember the last time that happened. I would say it's exceptionally rare. And if it is, it's usually just to—

Mr. HIGGINS. Exceptionally rare. I would accept that as an answer, but you would acknowledge that that does happen?

Mr. MODLIN. I will acknowledge that it could. I would not say it never has. I just can't remember when it—

Mr. HIGGINS. Chief Chavez?

Ms. CHAVEZ. I would say in clarified policy versus procedures and direction. Because we do get phone calls on a certain procedure or direction as it relates to instructions on a certain type of—for example, demographic of a certain population of migrant. We're going to change the course of this demographic because we are now going to process certain individual Nicaragua persons coming this way. Now, we're going to process them in this direction. That's not a policy, that's a procedure. That's a different type of instruction that is given to us verbally or via email. But policies is normally written. Policies, that we get a heads-up, new policy is coming down the pike. It requires this and wait for the policy to hit the signature coming down from the ports of entry.

Mr. HIGGINS. Thank you, Chief, for that clarification. Mr. Chairman, my time has expired. If anyone has time to yield, I'll receive it later.

Chairman COMER. I thank the gentleman. The chair recognizes Ms. Porter for five minutes.

Ms. PORTER. Thank you. I want to start by thanking Chief Modlin and Chief Chavez for sharing your stories today. And one of the things I particularly wanted to acknowledge and appreciate about your testimony, Chief Modlin, is you acknowledged that our borders are not monoliths. You have served, both of you, in many different parts and pockets of our border, and the challenges that we face are different. And I appreciate you taking the time to acknowledge that. And I hope that my colleagues will recognize that the challenges we face in rural areas, like RGV and Tucson are different than what we face in coastal borders in areas like San Diego sector.

I wanted to focus on fentanyl and continue the line of questioning of the chairman. I want to introduce, with permission, Mr. Chair, I would like to introduce into evidence this chart, which is based on Customs and Border Patrol data. And I know it's hard to see, but I think you can probably see if you look at the screen.

This big jump. This is fentanyl seized at the border. There's a big jump here, and that big jump occurred around June 2020, August 2020.

Mr. Modlin, did anything happen then that caused any policy procedure change, that caused that big jump in fentanyl seizures?

Mr. MODLIN. Ma'am, thank you for the question. And what I will say is that I very much appreciate the beginning of your statement about the variety of the border. And what I would say is we're always grateful when any Members come down and see the border. And what I would certainly emphasize is that if you've seen one Border Patrol sector, you have only seen one Border Patrol sector.

And what's going on in Tucson is vastly different than what's going on in RGV. As to that jump, I'm unaware of what that jump is, ma'am.

Ms. PORTER. Have you seen data like this suggesting that there's a bit of increase in fentanyl seizures?

Mr. MODLIN. Yes.

Ms. PORTER. Ms. Chavez, are you aware of this jump in seizures? And do you have any explanation for why in about June, August—June, July, August 2020, we saw this big increase?

Ms. CHAVEZ. I do not have the knowledge of that chart, in particular. But we are aware that fentanyl seizures have gone up. I just don't have specific information related to that chart.

Ms. PORTER. Thank you. I'm going to follow up in writing to ask about this. Because I think what's interesting about this is, of course, we had a change in President in 2020, and some changes in border policy. And what we can see here is that the facts show we are seizing a lot more fentanyl. And for me, as a mom, that is a sign of success. I don't want that fentanyl in this country. It is dangerous, and it kills people, and it makes our communities dangerous. And to me, this is a sign that our Border Patrol and our agents at our ports of entry, which is, of course, where the vast majority of the fentanyl is seized, as you've acknowledged, are doing their jobs.

What I find interesting is despite success here, what we're hearing is an effort to characterize seizures as failures, and that is a change. So, what we've seen from my colleagues is tweets that say, you know, over 800 pounds of fentanyl seized. This is Biden's border crisis. That's a tweet from Rep. Stefanik. To me, the fact that you're seizing these drugs is a success. So, I think that there's a need here to acknowledge the successful work that you're doing. And I appreciate that.

I wanted to ask, as Border Patrol agents, distinguished from those who work at ports of entry doing inspection, what do—are we focusing enough energy and resources on detection in staffing at ports of entry? Because I have been to San Ysidro. I have seen the volume of cars, pedestrians that they are trying to process in a day. The more we do at ports of entry to halt smuggling of fentanyl, does that push it into more dangerous sectors and out into the border areas where you are? In other words, we're squeezing one part of it down doing more with the detection, with technology, X-ray. Has that then pushing people into these more dangerous different tactics? Mr. Modlin, do you have thoughts on this? Chief Modlin?

Mr. MODLIN. Yes, ma'am. Thanks, again. So, first, if you don't mind, I'm just going to circle back real quick to the spike in fentanyl, because sometimes answers come to me a little later than they probably should. But I would say that perhaps that is because of the recognition of fentanyl getting the K-9s trained to detect fentanyl. I mean, I would look at certainly when we started to see fentanyl, and then, of course, the technology to detect it as well.

In terms of the ports, what I will tell you is that I doubt there's anybody working in CBP's office of field operations that would say they don't need more people and technology as well as the Border Patrol, but certainly I would defer that to our headquarters. But what I will say is that your point is exactly right. What happens

at the ports affects outside the ports. So, you know, criminals are always going to go to the path of least resistance. And if the ports are the path of least resistance, they will go there. If between the ports are there, they'll go there. And, ultimately, it's not our concern who's trafficking the fentanyl, just that we keep it out of the country so that all of us parents feel safe and know that it's not going to be in our kids' schools.

Ms. PORTER. I appreciate that, Chief. And I would just the big jump here is coming from the ports of entry. The Border Patrol has been relatively consistent in the amount of fentanyl. So, we're clearly doing something much more effectively at our ports of entry to seize fentanyl. And I would just urge the chairman in the spirit of bipartisanship to suggest that we bring in some of our ports of entry officers so we can hear about the technologies and the things that they are doing that are resulting in these kinds of successes. Thank you very much, and I yield back.

Chairman COMER. The chair recognizes Mr. Biggs for five minutes.

Mr. BIGGS. Thank you. Good to see you, Chief Chavez and Chief Modlin, again. I think I met you, Chief Chavez, first in El Paso, and so it's good to see both of you here. And I first wanted to say thanks to your line agents and your team who do such an incredible job fighting this fight. And it is a real fight.

My first question is this: What does CBP Intelligence Division tell you that the percentage of drugs that are being interdicted crossing the southern border? In other words, I know what they've told me, I'm not sure I can say it publicly, but you can. But have they told you what's the percentage that's being interdicted? Chief Modlin?

Mr. MODLIN. Yes, sir. Thanks for the question. I can tell you, I don't know that I've ever seen a—you know, or heard a briefing that said what they thought the percentage of effectiveness was in terms of narcotics. I can tell you that, you know, we do have a measurement to measure the effectiveness of the border security efforts. And, unfortunately, currently in Tucson Sector, we tend to be at about 60 percent effectiveness, and that's due to all of the points I made in the opening statements and one of my earlier responses about the cartels saturating our agents and, of course, all the rescues that take place and everything else going on.

Mr. BIGGS. You get diverted. And both your sectors are vastly different. In fact, in Arizona, the Tucson Sector is very different than the Yuma Sector. Totally different. But the question that we're hearing is that most fentanyl is interdicted at the ports. Of course, OFO is going to interdict most is because that's where they have extra machines, dogs, all of the personnel and equipment there. And when you have over a million people coming in between the border, many of them, as you said, I think you guys stopped 216,000, Chief Modlin. Young single adult males in camo carrying backpacks. So, it's a very different thing. So, you can ignore that, but you only catch about 15 percent roughly at the ports of entry. You've got a major problem.

Chief Modlin, I want to talk briefly about the manpower in the Tucson Sector. I've been told by agents on the ground that some

of Tucson's agents are being allowed to—farmed out or being allowed to go to other sectors. Is that accurate?

Mr. MODLIN. Thanks, again, for the question, sir. So, there are some agents from the Tucson Sector that are outside the Tucson Sector. It's a small number. I believe it might be about 20 or 30 now that are going to other sectors. Tucson Sector in terms of personnel is the largest sector. We have more agents than any other sector. So often, Tucson Sector is utilized for things like that. And then Tucson Sector also has the largest special operations detachment as well, which, you know, is comprised of BORSTAR and BORTAC. So, they are often used in places where we see an increase in migrant rescues, water rescues. Then the teams will be deployed as well.

Mr. BIGGS. And you also have the largest number of known got-aways along the southwest border?

Mr. MODLIN. Sir, I believe that's Del Rio Sector just barely, barely ahead of us.

Mr. BIGGS. Yes, you—

Mr. MODLIN. Ours is a very significant number, yes, sir.

Mr. BIGGS. So, when I look at that, I guess the question is because I've been down there many times. How many of your line agents get diverted to detention and processing?

Mr. MODLIN. Yes, sir. Again, thanks for the question. So, this is constantly a challenge. As you know, border security operations are incredibly complex. Currently, about 20 percent of our uniformed personnel are in process. And, thankfully, as Chief Chavez noted earlier, the Border Patrol is starting to utilize Border Patrol processing coordinators. They are not law enforcement. They can do a lot of the work that Border Patrol agents have traditionally been doing that's outside the interdiction work and the work where someone needs to be sworn law enforcement.

Mr. BIGGS. So, let's consider this. If you have an agent that tracks someone, and maybe it's a group of 20 people in the Tucson Sector, they can be literally four hours before you are going to see anybody able to even come, pick them up, and transport them?

Mr. MODLIN. Yes, sir. So, the very difficult thing about the Tucson Sector, multiple mountain ranges eight, 9,000 feet up—and many times these migrants get up into those mountains—it can take an entire shift to track a group, as you describe. And even then, they can be apprehended hours from the nearest paved road.

Mr. BIGGS. And that will also keep agents off the line and leave a wide-open sector?

Mr. MODLIN. Yes, sir. It all adds to what our agents have to do out in the field. Whether it's a rescue, whether it's an apprehension.

Mr. BIGGS. Thanks. I yield back.

Chairman COMER. The chair recognizes Mr. Connolly for five minutes.

Mr. CONNOLLY. Thank you, Mr. Chairman. And I want to thank Chief Modlin and Chief Chavez for being here. It's thoughtful testimony. I really appreciate your approach. I just want to point out, though, that part of what we're doing here in this hearing and in lots of other discussions about this subject is, you know, the nar-

rative being woven that is a false narrative. We need more capacity and personnel at the border, at ports.

Well, we had that opportunity in the omnibus. And on this side of the aisle, we all supported it. But on the other side, that isn't the case. So, you can talk a good game about we need to beef up, you know, our capacity here and there, but you had an opportunity to vote for \$7.2 billion for Border Patrol operations, \$65 million for 300 new Border Patrol agents; \$60 million for CBP personnel at the ports of entry we're talking about, and \$230 million for between the ports technology that you referenced, Chief Modlin.

So, if we're going to be consistent and talk about the need to beef up the border, you got to vote for it. Otherwise, it's just hot air. Another part of the narrative is, you know, we have all these people crossing the border, and they violate the law multiple times and never show up, of course, for court hearings. And that's really interesting because in the alternatives to detention program, I guess, last year, there was 16,482 undocumented individuals. And, I don't know, Chief Modlin, do you know what percentage of those people showed up at their court hearing?

Mr. MODLIN. Thank you for the question, sir. What I can say is that I don't have an answer for that. So, Border Patrol's role in interdiction ends once we serve somebody with an NTA. Once they leave our custody, then we have no means of tracking that. If you don't mind me just circling back to what you said in the beginning about funding the Border Patrol. As I would say to everyone is that, you know, obviously the Border Patrol would like as much as funding as we could get. You know, we definitely need more personnel. We need more technology. However, we are a very small piece of this border security issue. And groups like ICE ERO, when they don't have bed space, that's when we see all the other—

Mr. CONNOLLY. And I'm going to get to that. Thank you for that intervention. By the way, the answer is 99.4 percent. So, of those individuals, 99.4 percent showed up for their court hearing. And that's not an anomaly. American Immigration Council looked at the record over the last 11 years, and they looked at over 2-1/2 million people who crossed the border in that time period; 83 percent showed up for their court hearings. So, it's not, you know, exactly the Wild West in terms of people complying with their court proceedings.

And, by the way, you were talking about new capacity and not just personnel. So, the President announced putting new scanners at land points of entry on the southern border, 123 of them. And that's going to increase inspection of passenger vehicles from, I think, 2 percent to 40 percent, and for cargo vehicles from 17 percent to 70 percent. Chief Modlin, would that add to your capacity? Would that, do you think, be a material contribution to helping us secure the border better and in the fight against fentanyl?

Mr. MODLIN. Thank you, sir. So, if I understood correctly, you're talking about some scanners that are going to be deployed to the ports of entry?

Mr. CONNOLLY. That's right.

Mr. MODLIN. Yes. So, that is not where the Border Patrol is at. Obviously, the border is holistic, you know, and so any security of the border is good security of the border.

What I would say, though, is that, again, as the ports get strengthened, then it will push more to in between the ports of entry—

Mr. CONNOLLY. Right.

Mr. MODLIN [continuing]. Because, again, the criminal organizations just want to move whatever commodity it is, whether it's people or narcotics.

Mr. CONNOLLY. We understand, but right now, most of that fentanyl is coming through legal ports of entry. So, beefing that up, adding that capacity obviously makes some sense.

But you're right; we've got to be concerned that an unintended effect is to push it down or in between. We've got to beef up capacity, and that's what we're trying to do with respect to that.

Mr. DONALDS. Will the gentleman yield to a question?

Mr. CONNOLLY. Well, I'm almost out of time.

Chief Chavez, would you like to comment on what I've been discussing with Chief Modlin?

Ms. CHAVEZ. Yes, sir. The scanners going to the port of entry, that's really for the Director of Field Operations to provide some input on. I'm sure they're going to be very useful for them because it's technology, and just like for the Border Patrol, technology is critical between the ports of entry, and they've been very useful, especially automated technology.

Mr. CONNOLLY. But I think you would agree—and my time is almost up—to go from 17 percent of inspection of cargoes to 70 percent is quite a significant jump and hopefully becomes a very useful tool for depressing the introduction of illegal fentanyl into the United States.

Ms. CHAVEZ. For our partners in blue, I'm sure my partners in blue would very much appreciate that increase in efficiency.

Mr. CONNOLLY. Thank you. Thank you both for being here. My time is up.

Chairman COMER. The chair recognizes Mr. Grothman for five minutes.

Mr. GROTHMAN. OK. First question, kind of a follow-up on what we had in the past. I've been at the border many times. The Border Patrol always seems to believe that the vast amount of—the guys that I talk to, gals down there—they feel that most of the fentanyl is coming across not at the points of entry but other places for the obvious—but it is not caught as much because you don't have got-aways at the points of entry.

In other words, there's, even now, I believe you told me over half the fentanyl was coming in between the points of entry. But, if you were going to sneak fentanyl across, you would not want to contact the Border Patrol first. Am I accurate in that?

Mr. MODLIN. Thank you, sir. So, the question gets to, I believe, what we were talking about earlier, which was the got-aways and then, of course, the unknowns, the stuff that we don't know. So, yes, potentially there is no way to know what is inside that group, both of those groups together.

Mr. GROTHMAN. Right, right. They felt that actually, the last time I was down there, there was a decrease of fentanyl caught and people sneaking across the border because you had less people to monitor that area because they were spending all day doing paper-

work on the people who were coming in the points of entry. Am I right in that?

Mr. MODLIN. So, what I can tell you, sir, is that there is, I think as I stated earlier, about 20 percent of the agents currently are doing processing, you know, sort of the care of migrants that are in our custody and are not actively—actively—securing the border.

What I would say too, and I think it's one of the things we missed when we were talking about hard narcotics, I know the focus has been on fentanyl however, but also in terms of the amount of meth that we've seized in the Tucson Sector, which is still an incredibly dangerous, hard narcotic, 93 percent of that is caught outside of our checkpoint. So, that is absolutely trafficked on people that are crossing the border.

Mr. GROTHMAN. Right, right. All people you encounter deal with the Border Patrol. The Border Patrol does not deal with the approximately 60,000 people a month who are got-aways. That's the point I'm trying to make.

Now, I want to give you some overall numbers because they're just so unbelievable; I want to confirm that they're accurate.

Two years ago, in December, there were about 24,000—or 21,000 people who came across the border, both released family units and single adults as well as got-aways. We have, in two years, gone from about 21,000 to 238,000, most recent December.

Are those numbers accurate, in two years, we've gone from 21,000 to 238,000?

Mr. MODLIN. Sir, one, I don't know why, but I'm having a little bit of trouble hearing you, but I hear you asking about the numbers over years—

Mr. GROTHMAN. Well, I'll say again.

Mr. MODLIN. Much better, sir.

Mr. GROTHMAN. Two years ago, in December, there were approximately 20,000 people coming across the border, both encounters and got-aways combined. We've now gone from 21,000 to 238,000. That's almost unbelievable. Do you believe those numbers are accurate?

Mr. MODLIN. I don't have December's numbers, sir. But what I can tell you is, so Fiscal Year 2018, 2019, and 2020, Tucson Sector had about 60,000 apprehensions. 2021, 190,000 apprehensions. So, we tripled the previous year or had all three of those years combined.

Last year, it quadrupled. Last year was 250,000. We are 20,000 ahead right now. So, we went from what I would describe as unprecedented to a point where I don't have the correct adjective to describe what's going on.

Mr. GROTHMAN. OK. Something in the past was said about children being separated from their families, or children being separated from both parents. Are there unaccompanied minors coming across the border, and are there children coming across the border with one parent, which inevitably means—or not always—but frequently means that we're separating families or families are being separated at the border?

Mr. MODLIN. Yes, sir. So, in Tucson Sector, we do see unaccompanied children. It's not an enormous part of our population. It's probably about seven percent of the population we deal with,

maybe less, are unaccompanied children. I do believe it's a much bigger issue in Rio Grande Valley, sir.

Mr. GROTHMAN. OK. I think seven percent of—well, unaccompanied children in the most recent month were about 8,000 of the 238,000 people who came across. I still think 8,000 unaccompanied children coming across the border every month is significant to those children. Right? 8,000 is a lot, wouldn't you think?

Mr. MODLIN. Sir, again, monthly, that's high, at least in Tucson Sector. In 2022, in Fiscal Year 2022, we apprehended 19,000 unaccompanied children in Tucson Sector, which, again, is still a very significant number and a great drain on our resources.

Mr. GROTHMAN. I don't consider 19,000 insignificant. I think that's a tragedy for just one area. One final comment before I let go of the microphone.

This comment today that we're having this hearing to amplify White conspiracy theories is one of the most offensive things I've seen since I've been here. And I would invite any of the Democrats, other than the ranking minority member, to maybe put out a press release or something if you disagree with this because this is such an inflammatory thing to put out there to the American public: We're having a hearing on the border, and it's for White conspiracy.

And it's just awful what you people put. Thank you.

Chairman COMER. The chair recognizes Mr. Stansbury for five minutes—or Ms. Stansbury, I'm sorry.

Ms. STANSBURY. Thank you, Mr. Chairman. I want to thank you for convening this panel today, and I do mean that sincerely because, as a New Mexican, I am one of only a few members on this committee who actually represents a border state in actuality.

And it is a crisis; what we are seeing on the southern border is a crisis. But it is not a crisis as our friends across the aisle would have us believe.

It is truly a humanitarian crisis, and it is a crisis that has been manufactured, reproduced over and over again, decade after decade by inaction by this body, by individuals who refuse to engage in bipartisan immigration reform, by individuals who refuse to understand that there are millions of lives being held in the balance, people who traveled thousands of miles, across continents, across the ocean, to come to this country, to seek refuge, safety, and opportunity.

Just like many of our forefathers and foremothers who came to this country, we are a Nation of immigrants, alongside our brothers and sisters of our indigenous communities.

My own ancestors who came here for opportunity, seeking refuge in this country, that is why people are coming here to our southern border. And the inaction of this body in passing bipartisan immigration reform, in supporting those who proudly serve our country and are working on our southern border, the inability for this body to act and actually fund programs so that we can have a just, humane, and equitable immigration system in this country is the moral failing and stain on this body.

So, we can talk about a crisis at the border, but let's talk about what it actually is, and that's a humanitarian crisis.

I also want to say, as somebody on this committee who is not only representing a border state, I am someone who has actually lost loved ones to the fentanyl crisis.

It is an absolute crisis. To know the pain of what it feels like to lose someone to fentanyl is something that I think many people in this room do not understand.

But American people all across the country understand. We should not be playing politics with people's lives. This is serious. People's lives are in the balance. There are deaths happening all across our country because of these issues.

So, let's talk about the humanitarian crisis, let's talk about these issues in reality and not try to score political brownie points and get cable TV moments. This is about our communities and about our families.

Now, let's be clear. The system is terribly broken, and that is why we need bipartisan reform. It's why we need action in this body. And the cost of inaction is falling on our communities.

In fact, thousands of people who have come to this country to seek refuge end up in my home state. And because we are not properly funding these programs, it is the people of New Mexico who, time and time again, have had to stand up and help people, by helping to house them, feed them.

Our government is failing. The system is failing. We need action. And it is the humane—inhumane policies of the previous administration that have contributed to this crisis.

In fact, under the Trump administration, thousands of children were separated from their parents, and to this day, because it was so haphazardly implemented, over a thousand children are still separated from their parents to this day.

I know, Chief Chavez, you work in the Rio Grande district. I want to ask you, in the course of your work and your agents' work—and thank you for your service—have you met some of the families and children who have come across the border?

Ms. CHAVEZ. Thank you, Congresswoman, for the question, and thank you for acknowledging the vulnerable population of children. For every Border Patrol agent that works that border, I assure you that our heart goes out to those children that show up unaccompanied, on their own.

Ms. STANSBURY. And, Agent Chavez, you have actually met these children and families. These are vulnerable populations, they are families, oftentimes children who have traveled hundreds and thousands of miles by themselves.

In addition to that, the Trump administration massively expanded the use of private, for-profit prisons, which are lining the pockets of private corporations right now, charging communities like mine millions of dollars a month to detain immigrants in prisons. These are folks who have already been screened to be safe.

And I want to ask our witness—

Chairman COMER. The lady's time has expired.

Ms. STANSBURY [continuing]. Have you actually been to these private detention centers. A "yes" answer is—

Chairman COMER. Feel free to answer the question.

Ms. CHAVEZ. I've been—the children that we hold at our facilities, temporary holding facilities?

Ms. STANSBURY. The for-profit private prisons where asylum seekers are being held.

Ms. CHAVEZ. I'm not aware. I have not attended those locations. Chairman COMER. The gentlelady's time has expired.

The chair recognizes Mr. Gosar for five minutes.

Mr. GOSAR. I thank the chairman. And I don't know about geography, I know the young—the gentlelady is from New Mexico, but you go down and look to your left, and you got two Members from Arizona here, and you have Members from Texas.

So, I represent much of Yuma County, and where my constituents are hit hard by this Biden open border crisis. I hear from them every day. In fact, the CEO of the hospital there showed that they had \$20 million of uncompensated care in just one year.

Joe Biden does have a plan. His plan was to deliberately open our border and cede power to the cartels. Here's some headlines.

Fox News from January 18, 2023: "Border under control of the cartels, not the U.S., Yuma residents say as gangs rake in billions off of human smuggling."

Yahoo News, from September 22, 2022: "Majority of Americans think cartels have more control over the border than the U.S. Government: Poll."

And why would Biden do this? To create chaos? To sew discord? What is the answer to this mess for Biden and the Democrats? More Big Brother, more control, even changing our culture?

Instead of empowering these two brave individuals and the rest of the Border Patrol seated here in front of us with the tools they need to stem the invasion of illegal aliens, Biden sends billions upon billions to Ukraine to protect the border of another country.

Under Biden, government is in a continual state of a massive expansion, except we refuse to use money where we really need it, at the border, protecting our own people.

Now, let me make this—get something straight. My understanding is that the omnibus was signed under the declaration of the COVID national emergency, where the President has 120 additional powers. So, technically, my understanding is, that any of those dollars could be changed away from where we sent it.

And let's talk about those—that money going to Border Patrol. Is it more of the clerical? Because all I hear is that they want to speed up the number of people coming into this country.

Remember when \$5 billion for a wall was just too much to stomach for the Democrats? Unless we fix policies at the bird's eye level, ending generous parole and asylum, finishing the wall and kicking people out immediately, not giving them a court date they will never show up to, these two brave individuals and everyone who works for them will continue to be overwhelmed.

Chief Modlin, do barriers work?

Mr. MODLIN. I'm sorry, sir. Could you repeat that?

Mr. GOSAR. Do barriers work?

Mr. MODLIN. Sir, so thanks for the question. What I will tell you is that there's no one solution to solving the border, as you know, or securing the border. There is a combination of personnel, technology, infrastructure.

In terms of the border wall system, you know, certainly we have a significant amount of it in Tucson Sector. I think an effective ex-

ample of this is on the Tohono O'odham Nation, there is no border wall south of that, no border wall system, just simply a, what we call, vehicle barrier that basically prevents vehicles from driving through.

And, in the years before it existed, about 20 percent of our traffic came through the Tohono O'odham Nation. In recent years, after the border wall system, about 50 percent of the traffic comes through the Tohono O'odham Nation.

Mr. GOSAR. But there's different reasons for that, though, right?

Mr. MODLIN. Well, yes, sir, because there is border wall system and improved infrastructure east and west of the Nation.

Mr. GOSAR. So, it's like funneling people through that?

Mr. MODLIN. Yes, sir.

Mr. GOSAR. So, I'll go somewhere else.

Under the current situation, would it be possible for foreign intelligence assets to penetrate the United States' interior?

Mr. MODLIN. Thanks again for the question, sir. So, to speculate who could possibly be in the got-aways or the unknowns that we know would just simply be speculation. All I can tell you is that it is a tremendous concern that anyone—anyone—goes through the border undetected. But the reality is we know there are people that are getting by.

Mr. GOSAR. Would you agree, Chief Chavez?

Ms. CHAVEZ. Yes, sir, thank you for the question. And just to add on the barrier question and the value of those barriers, I would have to agree as well with Chief Modlin because it is a tool in the toolbox for Border Patrol agents to have barriers in very strategic locations, not all locations because it will help us manage the flow of migrants coming into certain locations, especially vehicle traffic because there are roads that connect to Mexico and the U.S. currently.

So, those are effective tools in the toolbox, just like technology is, just like roads and lights and other types of things that we use so that we are more effective in managing flow.

Mr. GOSAR. Thank you. I yield back.

Ms. CHAVEZ. Thank you, sir.

Chairman COMER. The gentleman yields back. The chair recognizes Ms. Norton for five minutes.

Ms. NORTON. Thank you, Mr. Chairman.

My friends on the other side often demonize migrants who are attempting to cross the southern border. They call it an invasion. I don't think such rhetoric is worthy of Members of Congress.

But, as a result of this extreme rhetoric, faith-based organizations that support asylees and refugees fleeing violence and persecution have reported receiving heightened threats and attacks. All this rhetoric does is fan the flames. Migrants are increasingly dehumanized as a direct result of Republicans' xenophobic rhetoric.

In 2019, a far-right anti-immigrant extremist murdered 23 people, most of them Latino, at a Walmart in El Paso, Texas. Perhaps we all remember that.

According to his so-called manifesto, his murderous spree was motivated by his belief that there was what he called a Hispanic invasion of people coming to the United States illegally.

Chief Modlin, does hateful rhetoric, xenophobia, or racism have any place in the Border Patrol?

Mr. MODLIN. Ma'am, thank you for the question. I would say absolutely not. I think, you know, hearings like this are a great way to get the facts out there, you know, and certainly there is no place for hate within the Border Patrol. Thank you for the question.

Ms. NORTON. Well, I thank you for that answer.

Chief Chavez, how does extreme rhetoric, including the rhetoric used by lawmakers, make your work and that of agents more challenging?

Ms. CHAVEZ. Thank you, ma'am, for the question. You know, I think when I'm out there with our agents and we focus on the mission and we do the job that we do every day, encountering the migrants on the ground, the relationship that exists between those agents encountering those migrants, it's one of those relationships that no one will ever understand.

Because those migrants, they see that agent for the first time, many of them, on their journey, this is the first time they get the assistance and the help that they need from a law enforcement officer, from days and weeks, maybe even months, on a long journey.

So, they're very helpful; they're very happy to have seen that agent for the first time. So, a lot of times for us, I always talk to the agents about not worrying about the rhetoric or the things that they hear out there about—anything that they may see that's negative, just focus on your mission, focus on treating people with dignity and respect that they deserve, like any other human being, and always be professional and keep that standard, right?

One of the things that we always strive on, especially in the RGV, where we have these large central processing centers, is that we do our very best to keep migrants healthy, keep them safe, keep them fed, and keep them clean.

That's our No. 1 priority because they're only with us for a few hours. We are only a CBP temporary holding facility. We are not long-term detention. So, that is our No. 1 priority always.

Ms. NORTON. Well, I certainly appreciate what you are doing to assure these migrants, but, Chief Chavez, what can we in Congress do to ensure that we are working toward real and meaningful solutions to strengthen our immigration system?

Ms. CHAVEZ. Ma'am, thank you so much for the question. You know, I have served now 27 years in this outfit, and I remember, when I started, it was the 104th Session with Congress. We are now at the 118th Session. And here still talking—we're talking about immigration; we're still talking about border security.

I think that we need to really just embrace change, and good change, so that we reform our immigration laws. We really need to have that balance between immigration and border security and get serious about that.

And we seriously need to find a solution because we are Border Patrol agents; we are the ones that enforce policy, your policy that Congress puts out. We are there to secure that border. We care about the American people. We care about our country, and our Border Patrol agents work very hard every day between those ports of entry to secure this country, and I'm just so very proud.

I think that, as we continue to move forward, I always ask, whenever Congress is ready to put that team together, look at Border Patrol agents that come in and advise you because I think there's many of them out there already with experience that know how to help out in building that path forward because I think it's time.

If not, otherwise, if we don't have the right policies or consequences, the world is watching us, and we're going to continue to see these large migration flows from around the world entering here at our southern border. Thank you, ma'am, for the question.

Chairman COMER. The gentlelady's time is expired. I feel compelled to state the fact that I believe my Democrat friends are confusing real oversight with fanning flames. Conducting oversight allows us to gather facts, to solve problems, not fan flames.

The chair recognizes Ms. Mace for five minutes.

Ms. MACE. Thank you, Chairman Comer. I want to thank Ranking Member Raskin for this hearing today.

In Charleston, South Carolina, we have the Border Patrol Training Academy, so I appreciate your efforts to be here today.

I've been to the border, and to say it's eye-opening would be an understatement. I think, if most Americans could see what's going on there, they would be shocked and stunned.

I want to express my disappointment today with the actions of the Department of Homeland Security. The administration initially tried to block our Border Patrol chiefs from appearing before our Oversight Committee hearing today.

DHS was literally trying to obstruct oversight, Mr. Chairman, and that's wrong.

So, I'm grateful for your leadership today, but also begs the question why the administration would not want you both to testify. As we all know, our Border Patrol chiefs, you guys are on the front lines of the border crisis, and we need to hear from you, the American people need to hear from you.

Unfortunately, this isn't the first time the administration, or DHS, has tried to undermine the truth of what's really happening at the border.

Secretary Mayorkas used the now debunked border agent whipping incident to label our Border Patrol agents as racists. I can only imagine how that further tanked morale. Secretary Mayorkas' response to the question of whether or not there was a crisis at the border, just last year, November, he said we're seeing a significant challenge.

When you see over 5 million illegal immigrants come across our border, that's not a challenge; that is a crisis. And we're unwilling, it seems like, to admit that crisis is happening.

So, after two years of gaslighting, obstruction, stonewalling, and lies, we're finally able to hear straight from the source. So, I want to thank Chief Modlin and Chief Chavez for being here this morning.

I have three questions really that I want to get to, and I have about three minutes left so not a lot of time if you'll bear with me.

I'm kind of curious about your testimony, your joint testimony today. The funding, you mentioned a couple of different ways that the Border Patrol could be supported, but the funding to construct

a border wall was missing from your testimony. Why is that? Either of you can answer.

Mr. MODLIN. Congresswoman, thank you for the question. As I said, the Border Patrol would certainly appreciate any increases in funding—

Ms. MACE. But it was missing from your testimony. And so, you both have said today that barriers, walls, whatever you want to call it, or nuance it is needed. So, why was it missing from your testimony?

Mr. MODLIN. Ma'am, I believe what I testified to was that we would appreciate any increase in personnel, technology, and infrastructure.

Ms. MACE. Did someone from DHS tell y'all to remove it from your written testimony that was submitted to Oversight? Was there discussion about the wall? Was it going to be in there, and then it was taken out? Why was it missing?

If it's so needed and you're saying it in your oral arguments today—and I appreciate it. This is not a gotcha, but it is important. I've been down to the border. I've seen it, agents, you know, have—I believe there's a great need to have certain barriers, but why was it missing?

Mr. MODLIN. Ma'am, earlier I testified to the effectiveness of it. I was not asked to remove anything about border wall system from my testimony.

Ms. MACE. OK. And I do appreciate your comments because I know that Chief Chavez, you said back in 2019, your testimony, and to the former President, that we need a border barrier. Both of you in your testimony today, Tohono O'odham Nation, you said, Chief Modlin, that barriers in certain locations are certainly helpful.

I would just appreciate in testimony in the future that we have a real conversation, that it's in the written testimony because it is so important, and many of us know that.

Chief Modlin, you mentioned both personnel and technology being needed for the Border Patrol. The hiring process for Border Patrol agents can last over a year, almost a year and a half sometimes. So, what are some of the bureaucratic barriers to getting more agents into the Border Patrol?

Mr. MODLIN. Thanks again, ma'am. So, I would say, one, that is certainly not my area of expertise, but I do know we have worked very hard to narrow that down. When I came in, it was probably closer to two years to get into the Border Patrol.

Ms. MACE. Wow.

Mr. MODLIN. I do think there are some things that can be worked on, such as the ability to pass people that already have a background check, say they're in DOD and they've already had a clearance, to have that slide over into the Border Patrol and then not eat up time doing things like that.

I also know our academy has narrowed down significantly, and I believe our attrition at the academy is down from 35 percent to about 10 percent. So, agencywide we've recognized we need more people.

Ms. MACE. How many agents roughly do you think—do you guys think the Border Patrol needs right now, across?

Mr. MODLIN. So, the Border Patrol is about 19,300 or so.

Ms. MACE. How many more do you need? I mean—or what's the staffing shortage number roughly?

Mr. MODLIN. So, I think a reasonable amount of agents for the Border Patrol would be about 22,000, but, again, that would be a headquarters determination, not mine. I certainly know I don't have enough agents within Tucson Sector to deal with the flow that we're dealing with now.

Ms. MACE. All right. Thank you.

Mr. Chairman, I yield back.

Chairman COMER. The gentlelady yields back. The chair recognizes Mr. Garcia for five minutes.

Mr. GARCIA. Well, thank you very much, Mr. Chairman, and I want to just thank you both for being here as well. I'm proud to be part of a small group of immigrants in the Congress and, I believe, the only immigrant today that's asking questions and certainly that is here.

I immigrated as a young kid from South America to the United States with my family—my mom, my dad, grandmother. And like most immigrants, we came to the United States in search of the American Dream and trying to improve what was a very difficult life back home.

I always tell people that my proudest day was the day I became a United States citizen. I was in my early 20's. I was just wrapping up college. I think, like, most immigrants that we meet, immigrants are actually incredibly patriotic, we love this country. I'm so grateful to be an American and to be here with you today.

Immigrants, I think we recognize, have worked really hard to build this country. This is a country of immigrants, and a huge part of our success is due to immigrant labor and immigrants investing back into communities.

I think also we understand—and I certainly attest to this—that immigrants are also some of the most patriotic people that you'll ever meet. They love this country, and they're very grateful to be here.

We know that being anti-immigrant is really being anti-American, and we should be clear today at this hearing that no human is illegal. I think unfortunately we have heard from former leaders, even the former President, President Trump, calling immigrants, and particularly those from Mexico, rapists and drug dealers and other very derogatory terms. That is not a way to solve this problem.

I've heard today a lot of conversation about fentanyl and drugs coming over the border, and one argument I've heard is this false connection between asylum seekers and immigrants and the very serious fentanyl crisis that we actually—is serious in our country and in our community.

Now, Chief Modlin, you've made aware, in some of your comments earlier, but I want to note that the nonpartisan Government Accountability Office has found that over 90 percent of fentanyl border seizures actually occur at legal border crossings and that 91 percent of drug seizures are actually from U.S. citizens.

Now, this same study found that only four percent was from potentially removable immigrants.

The percentage of all those arrested by the Border Patrol who possess any fentanyl, according to the Conservative institute—the Cato Institute, is actually 0.02 percent.

So, the truth is, that a vast majority of fentanyl is being smuggled by U.S. citizens at legal ports of entry, and I think many of my colleagues have brought this up and have alluded to this data earlier today.

I just think it's clear, and it's clear to me from both of you, that you also understand that there is suffering that is happening from people that are desperate along our border.

And, when asylum seekers are fleeing these oppressive regimes, whether it's in Venezuela, whether it's in my home country of Peru, whether it's from Cuba, they are presenting themselves to the Border Patrol to make legal claim for asylum. These are mostly not traffickers.

So, I think it's important to think about the people that we're talking about today as human beings, as people, as generally folks that are suffering and are coming to our country for assistance and for help.

It's also been interesting to me that many of our colleagues today who claim to be concerned about this issue voted against a bill which included \$430 million for Customs and Border Protection to modernize and improve screening at our ports of entry. This, of course, was the Infrastructure Investment and Jobs Act.

So, this hearing is leaving me with a feeling that, like much in our immigration debate, we don't really have any interest, particularly with my friends on the other side, in actually solving this problem and making our country safer.

I want to remind us that the last President to sign real comprehensive immigration reform was President Reagan, a Republican. His leadership back in the 1980's is what put my family and myself on a pathway to citizenship.

And so I hope that today's Republican Party and today's leaders within the party are willing to come to the table and actually pass comprehensive and important immigration reform that not only continues to invest in our border and ensure that the asylum process is fair, but that also provides pathways and looks and goes to the root problem as to why folks are actually crossing the border.

Because as we are clear from this hearing, it's not a drug issue or solely an issue about fentanyl. It's about desperation, and it's about access to the American Dream.

So, I just want to thank you both for being here today, and, Mr. Chairman, I yield back my time.

Chairman COMER. The gentleman yields back.

The chair recognizes Mr. Palmer for five minutes.

Mr. PALMER. Thank you, Mr. Chairman.

Chief Modlin, I want to run through some things quickly. I'd appreciate a yes-or-no answer. When we talk about processing people who illegally cross the border, would you agree that a significant portion of those people are ultimately processed for release from DHS custody?

Mr. MODLIN. Thanks for the question, sir. I would say—

Mr. PALMER. It's a yes or no.

Mr. MODLIN [continuing]. Yes, that a significant amount of the people are released from our custody.

Mr. PALMER. The fact is, there's over a million, were released in the United States from DHS custody just in Fiscal Year 2022. These individuals are released with a notice to appear in immigration court at a later date. Is that correct?

Mr. MODLIN. Yes, sir. So, many people are released with a notice to appear.

Mr. PALMER. Are you aware that the Immigration Court backlog nationwide is now over 2 million cases?

Mr. MODLIN. Sir, that is not within our purview. I am unaware of—

Mr. PALMER. Just for informational purposes, as of the end of December 2022, it was 2,056,328 cases pending in Immigration Courts nationwide. The average number of days—and this is the average—for a hearing is 771. That's over two years.

So, people who are coming in here illegally are released from custody to appear in an immigration court, and even assuming they actually show up for the court hearing, make any case that they have and finalize all appeals and other processes available to them, we're talking about years living in the United States before there's ever even a possibility of a removal order. And that's just if they follow the rules.

Chief Modlin, would you agree, at a very basic level, that a higher likelihood of release from custody increases the incentive for people who have come here illegally, compared to a scenario where someone would be detained and removed if they were illegally crossing the border? Would that increase the number of people who would remain here?

Mr. MODLIN. Sir, thanks again for the question. What I would say is exactly what I was getting to earlier, is that, I think, when we talk about the border and border security, we have to recognize it's much bigger than the Border Patrol. We are the first 24 to 72 hours that someone experiences.

Everything that you are talking about is much further down. So, when we look at, you know, how to solve border security issues, we really have to look at more immigration judges, more CIS personnel, more ERO bed space, so that we don't have the releases into the communities and then we don't have these two-year waits, sir.

Mr. PALMER. Well—

Mr. MODLIN. But that's all far beyond my purview.

Mr. PALMER [continuing]. Just increasing the speed and efficiency and the volume for release from custody, that's just a stop-gap measure. That doesn't really stop the flow.

I mean, until you're actually removing people, there's no incentive for—there's really no incentive for anybody to even show up.

I just—I find it interesting that my colleagues are just—sold out completely for an open border. I understand the need for families to find a better quality of life, but there needs to be a process, an orderly, organized process, and that's not what's happening.

When my colleagues, they want to avoid the issue of the danger to national security. They want to avoid the issue of the fact that there are over 107,000 people who died from drug overdoses—and

that's probably underreported by 15 to 20 percent based on what some of the coroners have said, the number of people who don't want it on the death certificate that their loved one died from a drug overdose.

fentanyl is a weapon that's coming across our borders that's killing young people at a record level. The drug overdose death rate for people under age 24 is at an all-time high, especially among the African American community.

So, what I—I have a real hard time understanding why we continue to operate the way we operate, and the questions I'm asking are about the people that you've picked up, not the ones who got away.

And you don't even know how many got-aways they are because those are only the ones that you saw.

So, Mr. Chairman, I sit here and listen to some of the questions from my colleagues, and many of them voted to not condemn socialism, and I just wonder what the real agenda is here for an open border.

Crap, we can't even keep a balloon from crossing our border, and we don't do anything about it until it's about to leave. That kind of sounds like our border policy across the board. I yield back.

Chairman COMER. The gentleman yields back.

The chair recognizes Representative Frost.

Mr. FROST. Thank you.

Mr. Chairman, before I start, earlier I believe I heard Mr. Gosar say something about President Biden's immigration policies being more Big Brother, more control, and more changing our culture. I just want a clarification. Is that what Mr. Gosar said?

OK. Changing our culture. I understand what he's trying to say, but I believe that immigrants are American and thus a part of American culture.

You know, it's unfortunate that this hearing started off with a ton of hyperbole and posturing, saying that President Biden and his administration have created the worst border crisis in American history.

That isn't about oversight; it's about stoking the fears of immigrants and those seeking asylum. And it's something I take personally as the son of a Cuban refugee.

Look, for many folks around the country who might only watch far right media or just listen to even some of the folks on this committee, I'm curious, Chief Chavez, when President Biden took office, did your agents stop enforcing the border and just allow everybody to come in, thus creating what we hear here is an open border? Did that happen when the President took office?

Ms. CHAVEZ. Sir, thank you for your question. The answer is no, sir.

Mr. FROST. OK, thank you.

Ms. CHAVEZ. We continue to enforce policy and laws.

Mr. FROST. Thank you, I appreciate it.

Chief Modlin, when President Biden took office, did the border just open, and did y'all stop enforcing your policies?

Mr. MODLIN. Also, thank you for your question, sir. I can tell you this, this is the fifth administration I've worked for, starting with

the Clinton Administration, and Border Patrol agents do their job every day.

Mr. FROST. Thank you, I appreciate it. Look, as y'all probably realize by now, a lot of these hearings are not really about solutions. They're about politics. And for me, I believe solutions must be rooted in facts. I know y'all probably watch the news and are aware of what's going on politically.

Would you agree that the narrative being peddled right now that says that an insane amount of fentanyl is being brought into this country by illegal immigrants specifically, would you say that is true?

Ms. CHAVEZ. Sir, again, we're here to report on the facts on border security. I'd probably defer from giving an opinion on anything in the news right now.

Mr. FROST. With the data, right?

Ms. CHAVEZ. Because that's probably doubtful. I can't—

Mr. FROST. Yes. No, all good. Thank you, Chief. No, I appreciate that. I agree, right, it has to be rooted in the data. You know, a Cato Institute report and CBP data shows that more than 85 percent of the illicit fentanyl entering the United States is brought in by citizens of the United States of America.

So, Mr. Chairman, I request unanimous consent to enter into the record the 2022 Cato Institute report demonstrating that illicit fentanyl is primarily trafficked by U.S. citizens at lawful ports of entry.

Chairman COMER. Without objection.

Mr. FROST. Thank you.

Look, my colleagues on the other side of the aisle would have us believe that the solution to the fentanyl problem in this country is to discourage both illegal and legal immigration.

In comes the wall, which we've heard a lot about. You know, we know that crossings haven't decreased since we spent \$15 billion—once again, \$15 billion with a B—of taxpayer money on that monument of fear. The wall kind of reminds me of a sad, decaying Soviet statue.

Is the bigger failure that migrants are able to breach the wall or find their way around it? Chief Modlin?

Mr. MODLIN. Thank you for the question, sir. One thing I would say, I think it's worth pointing out, especially Mr. Garcia just came back in the room—I'm glad you did. You talked about being an immigrant and being proud of the country.

I can tell you a week ago I was in San Diego, drove past the Scottish Rite Center, and the agent next to me said: I smile every time I see that building.

And I said: Why?

He said: Because I was born in Tijuana, and that's the place where I naturalized and became a U.S. citizen.

And so I do hope, you know, when you all make it down to the border, you talk to the Border Patrol agents and recognize that a great number of them are immigrants to the country as well, or first generations like yourself, Mr. Frost.

Mr. FROST. Yes. And, Chief, on that story, so the center he was naturalized in was across the border; it's something he saw from Mexico? It was like a beacon of hope is what you're saying.

Mr. MODLIN. No, this was pretty significantly into San Diego, but he grew up on the border, you know, Tijuana. You can certainly see across the border——

Mr. FROST. And he saw it as a beacon of hope——

Mr. MODLIN [continuing]. And his family recognized opportunity in the United States, in immigrating.

Mr. FROST. Being able to see directly in our country, yes.

Mr. MODLIN. Yes, sir. Yes.

Mr. FROST. That's amazing. That's a great story to hear. You know, for two years of campaigning, we've heard about the border, the border, the border, and here we are, and yet we're not being solutions-oriented. It's hyperbole and lies.

And I want to be clear—and we've heard this time and time again, and I'll say it again—the situation deserves this committee's attention because there is a crisis at the border. But the crisis is not a criminal one, it's a humanitarian one, and it's an important fact to keep in mind. I appreciate y'all's work, and I yield back the balance of my time.

Chairman COMER. The gentleman yields back.

The chair recognizes Mr. Fallon for five minutes.

Mr. FALLON. Thank you, Mr. Chairman. It was just stated that walls don't work, and yet there's one going up right on the Capitol right now against our recommendation. So, that's interesting.

Well, thank you, Mr. Chairman. I'd also like to thank the chiefs for coming and joining us today. We're on a tight time schedule, so, Chiefs, if I interrupt you at all, it's only because I'm trying to make your time as efficient as possible.

Now, I fully understand the realities at the border and the concerns of retaliation that you may have by some administration officials if what you say here angers those in power, so—even if it's truthful.

So, having said that, all I'm going to ask you to do is provide factual information and answers. Sound fair? That's all I want.

Chief Chavez, would you describe the current situation and present conditions at the southern border as either good or bad? Simple.

Ms. CHAVEZ. I would describe it a bit overwhelming.

Mr. FALLON. Overwhelming, so a synonym for bad. I would actually probably add terrible.

So, let me ask it another way. How long has Customs and Border Patrol been keeping and publishing records of illegal crossings on a monthly basis? Roughly? About 20 years?

Ms. CHAVEZ. On a monthly basis? Well, I've been in 27 years. I've probably been seeing them for about 25 years.

Mr. FALLON. Yes, I think it's about that.

So, what's the worst month in recorded history for illegal crossings? And when I say "worst," like the highest number?

Ms. CHAVEZ. In my 27-year career? I'd have to look, Congressman.

Mr. FALLON. I think it's—actually, it's last month, which was December. It was 251,487, was the worst month ever in over almost a quarter century. That's the very definition of bad and terrible.

But before December, were you aware of the worst month before December? And we're talking about almost a quarter of a century. The worst month, do you know, offhand? If you don't, I know.

Ms. CHAVEZ. I can't think right now of the worst—

Mr. FALLON. It's also 2022.

Ms. CHAVEZ. OK.

Mr. FALLON. It was in May, and it was 241,136 crossings. And, before May, it was the very previous month of April, which was 235,785 illegal crossings.

So, prior to the Biden administration, Chiefs, either of you, are you aware of any month that we ever had that was over 200,000? Either? No?

Mr. MODLIN. I'm unaware, sir.

Ms. CHAVEZ. No, sir.

Mr. FALLON. Because it had never happened before. And yet the last 10 months in a row have been over 200,000 illegal crossings, so—that's astonishing. And, in fact, it's safe to say that what's going on, on the southern border is tough, it's trying, and it's terrible. And there's a glaring difference between this administration and the past.

And one of the policies was the "Wait in Mexico" policy where we said: Your asylum case will be adjudicated while you wait in Mexico. Would you not agree, Chief Chavez, that effective policy, such as the Migrant Protection Protocols, are vital to deterring illegal immigration at the border?

Ms. CHAVEZ. During my time in El Paso, we had the Migrant Protection Protocols, and they were effective during the years that I was the chief in El Paso. It helped—

Mr. FALLON. So, they were effective?

Ms. CHAVEZ [continuing]. It helped manage capacity at the facility.

Mr. FALLON. Thank you.

Chief Modlin, do you believe the Mexican drug cartels present a clear and present danger to the safety and security of the United States?

Mr. MODLIN. Thanks for the question, sir. I would say that the drug cartels and their control of the border just south of—you know, just south of our border, is a very significant problem.

Mr. FALLON. So, I've seen estimates, and would you agree, that's about—or their income is about \$25 billion a year just with the illegal narcotics trafficking? Does that sound about right?

Mr. MODLIN. Yes, sir, I've seen those same figures.

Mr. FALLON. And then not to mention the \$13 billion that they're now making with human smuggling because of all the folks that are coming in and the tax that they charge those people. So, \$38 billion when you combine those. That's the size of some states' entire—some nation-states' entire GDP in a given year.

So, the cartels are dangerous, and they're deadly, and they're murderers. They're absolute worst of the worst.

Mr. MODLIN. Yes. I think—

Mr. FALLON. And you see it on the frontlines, both of you. So, as someone—if someone's committed and they take a constitutional oath to preserve, protect, and defend the United States and the safety of the citizens, doesn't it stand to reason that we should do

everything, everything within our lawful power, to secure the border?

Mr. MODLIN. Sir, yes. So, I took an oath to protect the United States. I take that very seriously. What I can tell you, I think it's very important that you brought up about the amount of money the cartels have.

So, these organizations it's almost limitless, the funds they have. They don't have to follow policy. They don't have to follow law. They don't recognize the international border. They don't recognize state borders. So, you know, where we are, of course, confined by all those things, or restricted by those things, they have absolute freedom in terms of—

Mr. FALLON. And absolute freedom—and I apologize, cut you off, but to smuggle in fentanyl, which I think we'd all agree is the most dangerous drug they're currently trafficking in, where something smaller than the tip of a pencil, 2 milligrams, can kill a human being.

They smuggled in 24,000 pounds in the last two fiscal years, and they have killed 80,000 Americans in just one year. That is asymmetrical warfare being waged on the United States. And what we don't lack is your will to secure the border, the Border Patrol agents' will. We have the resources. We have the manpower. We have the technology.

What we lack, Mr. Chairman, is Alejandro Mayorkas' will and Joe Biden's will to do so. I yield back.

Chairman COMER. The gentleman yields back.

The chair recognizes Ms. Balint.

Ms. BALINT. Thank you, Mr. Chairman.

I want to take a moment to acknowledge something that I fear might be getting lost in today's conversation, which is that asylum is a human right, and it's protected by law in the United States.

And so, I sit here today as a newly elected Member of Congress. My grandfather, Leopold Balint, was killed by Nazis during the Holocaust. My father and his family sought safety and security and a chance for a better life.

And I'm proud to be the child of an immigrant, an immigrant who was so grateful to this country that he served in the U.S. Army. I'm proud of him. I'm proud of our country for taking him in.

And I know, and Vermonters know, that immigrants enrich our communities. We took to the streets in protest when the Trump administration tore children of refugees away from their parents.

We welcome newcomers to our country and know that America must remain a safe haven for people seeking refuge and asylum.

It's also true that well over half of farm workers in my home state of Vermont, who live on farm, are migrant workers. Migrant workers are an integral, critical part of Vermont's agricultural sector.

And it's not unique to Vermont. Immigrant farm workers make up an estimated 73 percent of ag workers in the U.S. So, immigrants and migrant farm workers literally put food on our tables across this country.

And, because these issues are also about the economy, immigration policy is complex, and it can't be just about enforcement policy

alone, and which is why President Biden understands this and understands that migration, from South and Central America also follows deep-rooted political and social violence, environmental issues, environmental disasters, and economic instability. And he's addressing these issues head on.

In June, President Biden hosted the Summit of Americas to approach immigration with a comprehensive and collaborative framework. The result was the Los Angeles Declaration on Migration and Protection, an agreement between 21 countries in North, Central, and South America to promote stability and humane pathways for migration.

So, asylum is a human right. Immigration and migration are critical to our agricultural sector. We must remain a place of refuge. We must work to keep migrants and refugees safe.

So, my question to you, Chief Chavez, you've had a long career with Border Patrol. Chief Chavez, has there been a time when working well with your Mexican counterparts has helped keep migrants safe, and if so, could you please tell us about that time?

Ms. CHAVEZ. Yes, of course. Thank you, Congresswoman, for the question. So, in my time in the Border Patrol, I have had opportunities to work not only at the local level, sector level, but also here at headquarters on different types of programs like a repatriation agreement where we sit down and identify different steps along the process for repatriation, not only at the national level but local repatriation agreements where migrants will not be returned to a foreign country during the nighttime hours. It will only be during daytime under certain conditions with certain regulations.

And I think that it's important that we, as an enforcement agency on the border between the ports of entry, that we're able to come to those agreements with foreign governments because these are human beings that we treat each and every day, and that we ensure as an enforcement agency that, when we do encounter these migrants, whether they're children that are unaccompanied, whether they're families, whether they're single adults, that we treat them with dignity and respect that they deserve, and that we keep them safe, that we keep them clean, that we keep them healthy, and that we give them an opportunity to bathe. Because many of them haven't bathed for days or even weeks depending on how long their journey has been.

Just a couple of weeks ago I was in Panama. I wanted to be there. I wanted to see the Colombian and Panamanian border because we had seen and heard that there was a lot of different types of populations coming through there, coming through the Darien jungle up to the southern border of Mexico and into the United States, and to understand that journey, and to be able to understand the complexity of the journey and the needs of these people.

One of the things that we're very proud of in the Border Patrol is the ability to have those partnerships with Mexico right now and be able to understand that not only do they manage the flow on their side of the border as it relates to migrants but also with us on the northern border, on our side, because together we're able to have a more better understanding on how to better care for the migrants themselves.

Ms. BALINT. Thank you, Chief. I hear you saying that we need dignity, we need compassion, we need to see them as human beings first. Thank you.

I yield back.

Ms. CHAVEZ. Yes, ma'am. Thank you.

Chairman COMER. The chair recognizes Mr. Donalds for five minutes.

Mr. DONALDS. Thank you, Mr. Chair, and Chief Modlin, Chief Chavez, thank you for being here. We're going to go really fast, a lot of stuff to cover.

Going back for the past 12 years, border encounters, 2010, 447,000; 2011, 327,000; 2012, 356,000; 2013, 414,000; 2015, 331,000; 2016, 408,000; 2017, 303,000; 2018, 396,000; 2019, 851,000; 2020, 400,000; 2021, 1.6 million; 2022, 2.2 million.

There was somebody who became President of the United States in January 2021, and on January 20, 2021, this gentleman actually got rid of the Migrant Protection Protocols, the MPP program. He stopped border wall funding. He actually gutted the interior enforcement against illegal aliens. He put a 100-day moratorium to study border security protocols.

In your opinions, you've done this job, both of you, for quite some time, and we thank you for your service, but in your opinion, do you believe these policy changes actually led to the drastic increases in border encounters at the southern border?

Mr. MODLIN. Thank you, sir, for the question, and I will try to go fast. What I can tell you in 27 years is that migration is very complicated. There are push and pull factors. The thing that I can tell you that goes to the spike that you're talking about is, in the Tucson Sector, interviewing people post-arrest, what became the most common response was that they believed that when the administration changed, that the law changed, and policy changed and that there was an open border.

Mr. DONALDS. Chief, I'm glad you said that because, ladies and gentlemen, the law did not change. Joe Biden decided not to follow the law. I've actually been—Chief Chavez, I've been in your section. I was that Member that went to that bus that's run by HHS, that was taking migrant children out of your holding facilities, and they were taking them to unmarked hotels, somewhere along the southern border, which, by the way, is a no-bid contract to some for-profit company from the Department of Homeland—of HHS to some for-profit company.

What we see in the Yuma Section are the drug cartels get fake IDs for the migrants that they are trafficking through our southern border, and they tell the migrants to drop the fake IDs before they meet up with our border agents.

Chief Chavez, why would the drug cartels tell the migrants they are trafficking to drop their IDs before they engage our agents?

Ms. CHAVEZ. Because they do that, so that way there's no identification on them, and that we're not able to identify them, and they can be who they are, whoever they want to be at the time that we identify them at processing.

Mr. DONALDS. Chief Chavez, I got a second question for you. When I was not in your section, I was in Yuma Section, one of things that we found were empty capsules of Plan B, empty cap-

sules of birth control. It's been said in this hearing that this is not a criminal process or a criminal issue, this is a humanitarian issue. Are there young girls who are being raped in the journey to the southern border?

Ms. CHAVEZ. There are cases where we have debriefed many of the young ladies, migrants that have come into our custody at our central processing centers that have said that they have been abused.

Mr. DONALDS. So, we have young girls who are being raped in the journey to our southern border to be trafficked into the United States. We know the drug cartels charge anywhere from \$5,000 to \$50,000 per person to come into the southern border. And we know that starting January 20, 2021, we had a fourfold increase in encounters with border agents.

Chief Modlin, Chief Chavez, do you think the criteria of policy shifts have created a larger humanitarian crisis where young girls are now raped by smugglers or by the drug cartel in the path to our southern border?

Mr. MODLIN. Sir, thanks for the question. What I can tell you is in my experience, there has always been violence against migrants as they make these trips. I don't know that I can say that a policy has increased the violence against the migrants making that trip to the United States.

Mr. DONALDS. Well, I got 20 seconds, so I'm going to reclaim. That's not against you. I would argue that if you have wholesale policy changes which lead to a fourfold increase in encounters, what you also are doing is having a fourfold increase in sexual assaults of young girls going to our southern border.

Quick point, Mr. Chairman, it was said earlier about the last piece of immigration reform done by Congress was by Ronald Reagan and the Congress at that time in 1986. That was the last time it was done. Here are the facts of what actually happened. Ronald Reagan, in good faith, signed a comprehensive immigration reform plan. And part of that plan was enhanced border security and border wall funding. And congressional Democrats did not continue with the funding apparatuses in future budgets. So, they reneged on their side of the deal, which is why a lot of Republicans today don't want to do comprehensive immigration reform. We want to see the border secured consistently, and then at that point, we can do through the different pieces of immigration policy so we can have a full and complete immigration system to make sure America succeeds in the future. Sorry, Mr. Chairman, I yield back.

Chairman COMER. The gentleman yields back. The chair recognizes Ms. Lee for five minutes.

Ms. LEE. Thank you, Mr. Chairman. And thank you all for your testimony. Customs and Border Patrol plays an important role in our National Security, and we appreciate that fentanyl and other threats to our country are being addressed. But the fentanyl can't be a ubiquitous factor in discussing immigration. So, when you say immigrant, different images come to mind for different people. So, let's try vulnerable mothers, teenage sons, fathers with their daughters. These are people who are traveling to our southwest border for a host of reasons. Both domestic and international law established the right to seek safety from governmental prosecution,

protection from violence based on gender, ethnicity, or religion, relief from economic instability and poverty, and to escape other catastrophic events. To be clear, irregular migration is not a new phenomenon. We've seen this throughout my lifetime, all of our lifetimes quite before. But I will remind that the previous administration greatly harmed the lives of migrants while complicating the lives of CBP.

There was a Muslim ban. Legal migration was cut, blocking highly skilled migrants from important jobs. Asylum seekers were forced to live in encampments to await court hearings, and the wall. We all, in every branch of government, have more work to do to address our immigration system. But there are some clear next steps that we can and must take. We must fund more skilled judges to address the backlog. We must end Title 42. This Trump-era policy will only exacerbate the chaos at the border, and it must be ended. And we can address the root causes of migration to help our neighbors. The point is we must do more. The lives of those mothers and those sons and those daughters and those fathers, future Americans and our global citizens and siblings are relying on us.

So, with that said, Chief Chavez, what did that coordination with local officials and NGO's look like, and what kind of help was provided to immigrants?

Ms. CHAVEZ. So, the coordination in El Paso, specifically, El Paso and then RGV just quickly was daily. And I think the coordination was very important, especially because today I think our No. 1 goal in that situation at the border that can become very overwhelming very quickly, you need their support. You need local officials. You need other partners from other agencies at the Federal, state, and local level to assist you where they can also participate in providing holding transport, and they can assist you—Operational Stone Garden is a phenomenal program that's available to provide us support on border security, to see—the sheriff's department provide us assistance with transport of migrants from one point to the other, other than just transport. No type of immigration type nexus, just transport support. It's phenomenal for us. But on the coordination with NGO's is critical. It is something that the Border Patrol has truly evolved over the years. Because now we're working with shelters directly with the assistance also of ICE enforcement and renewal operations at the table. Because they are the long-term detention as well that can also assist us in the liaison with NGO's, faith-based organizations, so that they also have the opportunity to provide shelters for families, and also single adults that are amenable to release.

In many situations, CBP temporary holding facilities in situations where we're with high holding, that we need to release some of these people through ICE ERO, a lot of times we have to lean on these NGO's because we can't hold them very long at our facilities. So, the regular meetings, the regular communication, the group texting, the group emails were daily communication. Today, in RGV where I sit, we have a daily report that now I send to every group stakeholder in that region so that they know our activity levels of the flow of migration coming into my region. They get to see it just like my people see within the organization how many types

of Mexican nationals crossed yesterday. How many Nicaraguan Mexico—nationals came across? How many Hondurans? They know the type three types of nationalities. So, it's important for me that our stakeholders have the same situational awareness that I do on the type of populations coming across that border.

Ms. LEE. Thank you, Chief. Chief Modlin, I understand that many migrants are actually asylum seekers fleeing governmental prosecution—persecution, excuse me, protection from violence based on gender, ethnicity, or religion. What is your agency doing to help distinguish these people from the narrative of an invasion at the border?

Mr. MODLIN. Thanks for the question ma'am. So, a few things, one, asylum seekers are fairly rare in the Tucson Sector. About 87 percent of what we see are not—people that do not claim fear. I will tell you that certainly the Border Patrol and myself, we recognize the law, and the law states that any migrant that's in the United States regardless of status has the right to apply for asylum. And I would also say it's important to recognize that the Border Patrol doesn't grant or deny any sort of relief or benefit to anyone. We simply encounter the person. If they do make a claim of fear, then they're put in a different pathway than someone that doesn't make a claim of fear. But, ultimately, again, as I've stated many times, that's far beyond what the Border Patrol does.

Ms. LEE. Thank you. I yield back.

Chairman COMER. The chair recognizes Mr. Armstrong for five minutes.

Mr. ARMSTRONG. Thank you, Mr. Chairman. I don't think some of these things are new. When methamphetamine first started becoming a problem in the Midwest, it was primarily made locally. It was made in fish houses in Minnesota, in abandoned cabins in rural North Dakota. And local law enforcement actually did an incredibly good job of shutting it down. But in the law of unintended consequences, the cartels got significantly involved in methamphetamine and began trafficking it across the southern border, and it ended up in places like North Dakota and Minnesota and Chicago and every community all across the country.

I just have one question because we have a ton of law enforcement—well, I have a bunch of more questions, but I have one right now—law enforcement experience at that table. In your professional judgment, is the percentage of drugs seized by law enforcement higher at ports of entry or higher between ports of entry? Ms. Chavez? Chief Chavez? Which one is it harder to get drugs across?

Ms. CHAVEZ. I would have to say, in my experience, harder to get across?

Mr. ARMSTRONG. Yes.

Ms. CHAVEZ. It would probably be at the ports of entry.

Mr. ARMSTRONG. Thank you. Chief Modlin?

Mr. MODLIN. Thank you for your question, sir. Generally speaking, I would say that is probably correct when you look at how hardened some of the ports are, the technology. However, I would say, too, there are some ports that are in very rural areas that may be easier to—

Mr. ARMSTRONG. Oh, we have lots of them in North Dakota.

Mr. MODLIN. Yes, sir.

Mr. ARMSTRONG. But we're going to get to that in a second. Who makes the fentanyl? Chief Chavez. Go ahead, Chief Modlin.

Mr. MODLIN. Yes, sir, as you described, my understanding is equal to yours that in the beginning—oh, I'm sorry, fentanyl. My head was still on meth.

Mr. ARMSTRONG. Who's making the—

Mr. MODLIN. So, the fentanyl is being produced, my understanding, in Mexico.

Mr. ARMSTRONG. Chief Chavez?

Ms. CHAVEZ. The same briefings from our intelligence folks that it's a Mexico product.

Mr. ARMSTRONG. So, if it's being made in Mexico, I'm assuming it's being made by the cartels?

Ms. CHAVEZ. Correct, sir.

Mr. ARMSTRONG. So, regardless of who's bringing it across the border, U.S. citizens, ports of entry, between ports of entry, not ports of entry, the drugs that are killing people in my communities are being made by the cartels?

Ms. CHAVEZ. That is correct, sir.

Mr. ARMSTRONG. Chief Modlin, you testified earlier that nobody's crossing the southern border in your district. Correct me if I'm wrong, but I think this is what you said: Without interacting with the cartels.

Mr. MODLIN. That is 100 percent correct, sir.

Mr. ARMSTRONG. So, the cartels are involved in the manufacture and trafficking of methamphetamine?

Mr. MODLIN. Yes, sir.

Mr. ARMSTRONG. And they are involved in trafficking anybody who is trying to come across southern border?

Mr. MODLIN. That's correct, sir.

Mr. ARMSTRONG. So, one of the things I'm having a hard time getting my head around is we skip that part. If there's a 12-year-old girl that's come from southern Mexico, Honduras, whatever, hasn't had a drink of water, hasn't had a—you were talking about bathing—gets to the southern border, I don't think there's anybody that doesn't want to give her a blanket and a hug. Like that is part of being a human being, that is part of compassion, that is part we want. But what my colleagues on the other side of the aisle are failing to recognize is in order to get there, they have to deal with a group of people that is not interested in human rights, that have no human value—they place no value on humanity. If they can make money on it, they will exploit it. I think one of the mistakes we make quite often is we talk about them like they're drug cartels. They're in the business of making money. And whatever the path of the least resistance is—is how they make money. So—and I just—and, Chief Chavez, I want to go back to you, in your sector, does anybody get to the border at some point without dealing with the cartels?

Ms. CHAVEZ. No, sir, they own the territory south of the border.

Mr. ARMSTRONG. So, the vulnerable mother deals with the cartels?

Ms. CHAVEZ. Correct.

Mr. ARMSTRONG. The child deals with the cartels.

Ms. CHAVEZ. Correct.

Mr. ARMSTRONG. Do they treat them well on these journeys.

Ms. CHAVEZ. No, sir.

Mr. ARMSTRONG. Do they treat them well after they get here?

Ms. CHAVEZ. No, sir.

Mr. ARMSTRONG. Are some of their family members enslaved—enslaved, pressured, and do whatever in order to continue to pay them until they've worked off their fee.

Ms. CHAVEZ. They are. They're pretty much confined to whatever those cartels require in order to be able to see their family member again.

Mr. ARMSTRONG. If you are a 14-year-old girl and you come to one of your stations and the cartels have threatened your mom, your dad, your family, your grandmother, or any of those people, are they going to tell you the truth about what they have to do next?

Ms. CHAVEZ. Most of the time, they will not because they're afraid that their family may get, you know, hurt or that they themselves will be injured or hurt.

Mr. ARMSTRONG. So, when we talk about the humanitarian crisis—and my friend Congressman Donalds went through these numbers—we are putting these people in the hands of cartels in their journey by our policies that we have set in the United States?

Ms. CHAVEZ. Many times, these people from the moment that they leave their front door at their point of origin, in the middle village of down south somewhere, they're already starting their exploitation from that point on.

Mr. ARMSTRONG. Yes, the Northern Triangle countries have a tremendous amount of gang activity that is organized all the way through.

Ms. CHAVEZ. Correct.

Mr. ARMSTRONG. Thank you. I yield back.

Chairman COMER. I thank the gentleman. The chair recognizes Mr. Casar for five minutes.

Mr. CASAR. Thank you. The Republicans on this committee keep trying to link immigrants to the opioid crisis, but the facts are clear. Immigrant families fleeing violence and poverty are not the source of the fentanyl crisis as they cross the border.

So, Chief Chavez and Chief Modlin, you run sectors of the Border Patrol. Do you know what percentage of those arrested by Border Patrol for unlawfully crossing the border, how many of them are found with fentanyl? Do you know that number? Yes or no.

Mr. MODLIN. Sir, thank you for the question. I do not have that number.

Mr. CASAR. I have the number from Border Patrol. It is 0.02 percent. That's less than one half of one half of one percent. That's so little you couldn't see it on a typical graph if I had one behind me. But we do arrest others who do have fentanyl. More than nine out of 10 people caught by Border Patrol trafficking it are by—excuse me, by Customs and Border Protection trafficking it and Border Patrol are lawful U.S. residents. So, I'll say that again. More than nine out of 10 people caught are lawful U.S. residents.

I was just in the El Paso sector last week with Border Patrol, and they confirmed this number because people driving narcotics across the border are citizens with passports who can get past the

checkpoints. So, the people trafficking fentanyl on the border are U.S. citizens. The people suffering and dying from overdoses in our communities are U.S. citizens. So, why on Earth are we talking about immigrants today? Because Republicans in this Congress want to drum up fear about poor people who are fleeing to this country and distract from the real issues of mental health, overdoses, and poverty. If we actually want to take on fentanyl overdoses, then let's call a hearing on successful addiction treatment programs. Let's call a hearing where we treat the opioid crisis as what it is, a public health emergency. We could have our first bipartisan and fully functional hearing in Congress here if we did that. But instead, we are hearing members on this committee calling refugees and asylees, quote, an invasion, and warning that immigrants coming here are President Biden trying to, quote, change our culture. The failed drug war, plus failed anti-immigrant policies that close any legal pathway to immigration creates the underground market for cartels and criminal groups in the first place.

You're not helping beat the cartels; you're setting up the market for them. You're not helping keep migrants safe; we're pushing folks to go have to work with criminal organizations to get here because there is no other legal pathway. No one should have to pay smugglers and brave the jungle and the desert and nights on top of a train to save their family. No one should have to sleep on the streets or risk violence, including sexual assault.

In San Antonio last summer, I represent San Antonio and Austin, Texas, there were 53 people found dead in the back of a tractor trailer who were trying to come here for a better life. They should have just been able to apply and come here in an orderly and legal manner, but instead grandmothers, mothers, fathers, kids as young as 13 years old were scorched to death in the heat and killed.

If we want to help those folks, then we need comprehensive immigration reform. If we want to address the fentanyl crisis, then let's talk about helping our communities deal with addiction, mental health, poverty, income and equality, and instability. Let's have hearings on that. Let's have oversight about that. But let's not participate in this sham that tries to blame those problems on the poorest among us. Because we have seen that all too often in this building, and we're going to push back on that. Thank you. I yield back my time.

Chairman COMER. The chair recognizes Mr. Perry for five minutes.

Mr. PERRY. I thank the chairman and thank Chief Modlin, Chief Chavez for your service to our country. I've been listening to the dialog today, and it probably seems confusing to many Americans who may be watching. Is this about people that can't get—by the way, can people come to this country legally? Chief, can you just answer that question? Because I just heard that they can't. But can they come to this country legally?

Mr. MODLIN. Yes, sir.

Mr. PERRY. Of course, they can, right? They can come legally. So, I've heard this. You know, it's about people seeking a better life. It's we need more Border Patrol agents. We don't have the resources that we need. It's all very complicated. Well, it's not very complicated.

In 2017, 300,000-plus people came across the border illegally. This is using CBP's total encounter number. 300,000. Border Patrol actually had more agents in 2017 than they have right now. But somehow 310,000. Fiscal Year 2018, 404,000. So, it's up. But then suddenly in Fiscal Year 2021, 1,660,000. And then the next year, Fiscal Year 2022 breaks another record, 2,200,000. Chief Modlin, what changed? What happened?

Mr. MODLIN. Sir, thank you for the question. As I stated earlier, migration is incredibly—

Mr. PERRY. No, I get that, but what happened? What changed? Did the law change?

Mr. MODLIN. No, sir. Absolutely nothing changed.

Mr. PERRY. Did Border Patrols resolve to secure a border change? What changed?

Mr. MODLIN. No, and I will say, I'm glad you brought that up. If there's one thing that is unchanged in my 27 years, it's the Border Patrol's resolve—

Mr. PERRY. We agree with that, and we applaud that and celebrate that. But what changed? Something dramatically changed between Fiscal Year 2020 when 400,000 encounters happened, and Fiscal Year 2021, when, 1,660,000 encounters. And then a record was broken again in 2022 with 2.2 million. What changed?

Mr. MODLIN. So, what I can tell you, sir, again, my experience in the Tucson Sector, as that surge started, and we did our post-arrest interviews of people that were in our custody, what we found was that the vast majority of them were saying that they believed when the administration changed, that law and policy changed—

Mr. PERRY. Why? Why did they believe that?

Mr. MODLIN. That they were allowed to enter the border. I can tell you, sir, again based on my experience, all it takes is a few people to start talking about things like asylum. It's literally—it spreads all over.

Mr. PERRY. Was there more wall, Chief—I'm sorry to interrupt you. But was there more border wall in 2021 than there was in 2020? Was there more border wall?

Mr. MODLIN. Yes, sir.

Mr. PERRY. How much more?

Mr. MODLIN. I don't know sir,

Mr. PERRY. Miniscule or a lot? Hundreds of miles?

Mr. MODLIN. Yes, significant amounts.

Mr. PERRY. Significant amount. But yet it still went up. So, that didn't fix it. What changed? The law didn't change, did it? You didn't change, did you?

Mr. MODLIN. No, sir.

Mr. PERRY. I know you don't want to say it, right? You can't say it.

Mr. MODLIN. No, sir, respectfully, I did tell you exactly why I'm aware of—

Mr. PERRY. You know why, but you know that the migrants said that they thought the border was open.

Mr. MODLIN. Yes.

Mr. PERRY. Right.

Mr. PERRY. Why did they think that?

Mr. MODLIN. They thought, sir—well, I don't know. What they told us, you know, was that they had heard it was open. So—and again, sir, in my experience, again, it only takes a few people to say the right words, and it travels. And certainly, in this age where everyone has a smartphone, everyone's on social media, the message they get is obviously not always the correct message. And then they start migrating. And sometimes people migrate for other reasons.

Mr. PERRY. So, just based on rumor, we got five times more people coming across the border illegally just based on rumor? Nothing else changed. Just a rumor of people talking on their cell phones south of the border. Is that what you're telling me?

Mr. MODLIN. Sir, my experience was a lot of what they had heard they believed had changed. They believed law had changed. They believed policy had changed.

Mr. PERRY. Let me just tell you what hadn't changed: The Border Patrol's mission, which is to protect the American people—I'm sure you know this—protect the American people, safeguard our borders, and enhance the Nation's economic prosperity. It seems pretty simple to me. You know what I got?

[Chart.]

Mr. PERRY. I got this poster behind me. You see that? That's the exhibit at the DEA museum. Now, I live in Pennsylvania. I represent a state far away from the border. But there's a bunch of people in this picture from Pennsylvania, 5,000 people of Pennsylvania died from fentanyl, coming across the border illegally. That changed. You know what else changed? The number of fentanyl deaths across the United States of America has gone up dramatically and incrementally at the same rate, proportionately as people coming across the border illegally. You can make the correlation.

Sir, what has changed is this administration's approach. Not your fealty to your job and your love for your country, that hasn't changed. But what has changed is this administration's view and outlook on what should happen on the border. I apologize on behalf of the United States of America for putting you in a bad situation that you're in every single day and your members have to deal with every single day.

Deal with this. This. Something this size. You know this kills 330 Americans. Something this size. And with all the rhetoric on the other side saying it's all coming through the ports of entry, how many of these can someone—one of the got-aways carry? Do you know how many a got-away can carry? How many of these?

Mr. MODLIN. Sir, generally speaking, when we see a migrant that is moving narcotics, it's usually a few kilos. Maybe 3 or 4 kilos—

Mr. PERRY. A whole bunch of these.

Mr. MODLIN. Absolutely.

Mr. PERRY. And how many of the got-aways do you know that were carrying fentanyl? How many do you know.

Mr. MODLIN. There is no way of knowing.

Mr. PERRY. You don't know, right? So, this claim of 90 percent at the ports of entry is unknown compared to the got-aways because we don't know what they were carrying, because they got away, right.

Mr. MODLIN. One environment—so the port of entry is a controlled environment. Obviously, as you know, between the ports of entry is uncontrolled.

Mr. PERRY. Thank you for your service. I yield back.

Chairman COMER. The gentleman yields back. The chair recognizes Ms. Crockett for five minutes.

Ms. CROCKETT. Thank you so much for being here. I know it's a long day. I'm actually out of Texas, and so, I'm a little familiar with border issues. But I first want to begin by making it clear, that Democrat or Republican, I think that we all can agree that there is an issue in this country as it relates to drugs. Period. And I also want to be clear for anyone that may not know, but all drugs come across all borders, to be perfectly honest. It's not just fentanyl. And that has been an issue for quite some time. We also know that fentanyl is a synthetic opioid, and we know that the opioid epidemic has been on the rise for quite some time. But I do want to make sure that I clarify a few things. This is what happens when you're at the end, you've got to clarify a few things.

So, No. 1, it's my understanding that the number for 2019 was 900,000, instead of the claim that, you know, the numbers somehow were on the rise seemingly insinuating once President Biden was in office. But that 900,000 number that was crossing in 2019 was double what we had seen in the past decade. And in 2019, the President was still Trump. So, I do want to do that. As well as I want to acknowledge the fact that in 2020, we know that COVID was happening, which was also complicating issues. And not every country had the same access to be able to survive COVID. We know that the United States was actually leading the world as it relates to trying to survive this once-in-a-lifetime pandemic, and the rest of the world was following us. So, for some people, it legitimately was life or death. And, honestly, it typically is a life-or-death issue.

I also want to ask you one quick question about the cartels. As someone who has had to deal with cartels in courtrooms before, we know that they are quite powerful. We know that they are also problematic. And it is my understanding that the cartels were continually spreading disinformation so that people would cross the border. Because guess what? If there are more people crossing the border, does it not make it more difficult for y'all to spot the cartels in a big crowd versus if it's just a couple of people that are crossing over?

Mr. MODLIN. Thank you for your question, ma'am. So, the cartels certainly have a capacity to overwhelm us with these groups that are crossing.

Ms. CROCKETT. Absolutely.

Mr. MODLIN. I would like to point just for a quick second. You know, you mentioned COVID. And, obviously, COVID has hit us hard in Tucson Sector. You know, in the two years that I've been there, we lost three agents to COVID as well. Because, you know, as frontline employees, we can't work from home.

Ms. CROCKETT. Correct.

Mr. MODLIN. We can't take a lot of the precautions that everyone—that other people did. And dealing with populations that have come from all over the world and across some of the sort of hottest

spots on the globe for COVID. And were housed south of the border with no PPE in these terrible conditions, and then crossed and contacted our agents caused quite a bit of loss of life throughout CBP, but in my sector, three agents in the last two years.

Ms. CROCKETT. Thank you for that. And I am sorry for your loss. Let me also point to another issue. I think that Haiti may have been mentioned at some point in time. I don't know if anyone pointed out that the President was killed July 7th, 2021, in Haiti, which also caused for a more dangerous situation for those that were living there and could have prompted people to want to cross the border. And I'm going to hit one other point, and then I have got another question to ask, and that's around—there was an issue of jailing migrants and separating families under the Trump administration. Are you aware of that; that children were in cages?

Mr. MODLIN. Ma'am, thanks, again, for the question. One thing I can tell you about separation. You know, it's come up here a few times.

Ms. CROCKETT. But let me just be real clear. Are you aware that there were people in cages, including children?

Mr. MODLIN. No, ma'am.

Ms. CROCKETT. OK. Well, moving on. The next question that I have, then, is are you familiar with an Operation Lone Star out of the state of Texas?

Ms. CHAVEZ. We are familiar with that operation, ma'am.

Ms. CROCKETT. OK. So, I sat on the committee in the Texas House that dealt with Operation Lone Star where we had a number of hearings. Are you aware that the purpose was to make sure that we could go after those that were trafficking drugs, go after the cartels, those that were trafficking people, and make sure that we were keeping the border safe. But the only thing that we were finding is that the majority of our moneys were being spent on basically asylum seekers, and we were not actually getting at the cartels and the bad folk that we were trying to keep out. I want to say close to 90 percent of the people that were being incarcerated were being incarcerated for simple trespass that—and they were just trying to seek asylum. Are you aware of that?

Ms. CHAVEZ. I am not aware of that.

Ms. CROCKETT. OK. Also, I don't know how much discussion there's been, but I know that this was always an issue, and it was about whether or not we were going to build a wall. You would agree with me that a wall is not going to keep bad people out? Because when drug traffickers and cartels decide they're going to do something, the wall ain't going to do nothing.

Chairman COMER. The gentlelady's time has expired. Feel free to answer the question.

Ms. CHAVEZ. Well, we spoke earlier about barrier as being one of the many tools that Border Patrol agents utilize to get the job done on the border. So, I think that barrier is effective in certain strategic locations along the border to manage whatever may come, whether it's vehicles or people attempting to enter through certain locations there.

Chairman COMER. All right. Thank you. The chair recognizes Mr. Burchett for five minutes.

Mr. BURCHETT. Thank you, Mr. Chairman. Thank y'all for being here. It's a myth that the border control issues—that it's just at the border. In Knox County, in my home state of Tennessee, 533 people have died in 2021 due to drug overdose. 463 of them, 87 percent, had fentanyl in their system.

Mr. Chairman, I seek unanimous consent to include the 2021 drug-related death report into the record.

Chairman COMER. Without objection. So ordered.

Mr. BURCHETT. And Agent Modlin, do you know how much fentanyl is required to kill an individual?

Mr. MODLIN. Thanks for your question, sir. So, I don't have it right in front of me. But what I do have is, you know, last year we seized about 700 pounds of fentanyl in my sector between the ports of entry when—

Mr. BURCHETT. You're giving my speech for me. I'll get to that.

Mr. MODLIN. Yes, which is about enough to kill half the population of the United States, sir.

Mr. BURCHETT. Well, the answer is 2 milligrams. And, Agent Modlin, is it true the Department of Homeland Security, you just mentioned it, but they seized over 9,400 pounds of fentanyl—

Mr. MODLIN. Sir—

Mr. BURCHETT [continuing]. So far this year?

Mr. MODLIN.—I'm not sure of the exact number; I can speak for Tucson Sector.

Mr. BURCHETT. All right. That's you-all's record, it's true. And, approximately, 76 percent or 7,200 pounds of that was seized coming through our Southwest border. Would you agree with that?

Mr. MODLIN. Yes, sir, that sounds correct.

Mr. BURCHETT. OK. And, Agent Chavez, ma'am, I'm sure you would agree that 7,200 pounds of fentanyl is enough fentanyl to kill a lot of people?

Ms. CHAVEZ. I concur, sir. I agree.

Mr. BURCHETT. Yes, ma'am. Do you-all know how many people that 7,200 pounds of fentanyl could kill?

Mr. MODLIN. I don't, sir. But if 700 pounds is enough to wipe out half the United States, then, obviously, it's much more than the population of the United States.

Mr. BURCHETT. Well, I'll do the math for you. It's 1.6 billion people with a B. That's enough fentanyl to kill every American almost five times over. The bottom line is, is this country was on its way, I feel, to a secure border under President Trump, but President Biden put an end to that on his first day in office. And I believe Americans are dying as a result.

Now, I would like to change a little bit of direction here, if we could, and talk a little bit about the human trafficking issue.

Agent Chavez, have you and your agents seen an increase—excuse me, Chief Chavez, have you all seen an increase in the number of human trafficking cases on the Southwest border over the last two years?

Ms. CHAVEZ. We have, sir. There's been a significant increase in tractor load cases where people are being smuggled through trailers. And we have seen it mostly at our checkpoints.

Mr. BURCHETT. OK. How much of an increase have you seen? Do you know the percentage-wise, just at the southwest border?

Ms. CHAVEZ. Sir, I don't have the percentage numbers here in front of me.

Mr. BURCHETT. OK. Well, Homeland Security gave us those numbers. And it's 109 percent since Fiscal Year 2020. Human trafficking arrests have more than doubled. And I can't imagine the number of human traffickers and their victims who never get stopped as you all do.

Agent Chavez, do agents—do y'all ever come across children being trafficked across our southern border?

Ms. CHAVEZ. Yes, we do, sir. We see that often.

Mr. BURCHETT. Are those victims of child sex trafficking, forced labor trafficking, or both?

Ms. CHAVEZ. Well—

Mr. BURCHETT. Do you have any way of even knowing that?

Ms. CHAVEZ. There's no way we can know that. That usually falls within the human—within Homeland Security Investigations, our HSI agents under ICE.

Mr. BURCHETT. Do the agents ever get an idea of whether human traffickers plan to take these victims, especially the children?

Ms. CHAVEZ. I don't have that information, sir.

Mr. BURCHETT. OK. You don't—Chief Modlin, do you know where they plan to take those folks?

Mr. MODLIN. Thanks for the question, sir. So, in—what I will tell you is, again, Tucson is very unique. So, Tucson, the vast majority of those unaccompanied children are 17-year-old Guatemalan males. They are generally not being trafficked. If we're separating the terms, because they are very different, between trafficked and being smuggled, most of them are coming into the United States to work, sir.

Mr. BURCHETT. And they're coming without parents.

Mr. MODLIN. Without parents to move further into the United States.

Mr. BURCHETT. OK. Agent Chavez, do you think it's easier for someone to walk across an open desert without having a wall in their way, or is it easier to walk across the same desert with a great big wall in their way?

Ms. CHAVEZ. Well, I think that it would be easier to walk in an open desert with no barrier present.

Mr. BURCHETT. Thank you. Agent Chavez, if fewer human traffickers were allowed into our country, don't you think we'd see the number of human trafficking victims and crimes decrease?

Ms. CHAVEZ. Well, yes. Of course.

Mr. BURCHETT. Thank you. Thank y'all very much. And I really do appreciate y'all being here. The people of America appreciate the great job that you all do for us and your patriotism for our country. Thank y'all very much. Mr. Chairman?

Chairman COMER. The gentleman yields back. The chair recognizes Mr. Moskowitz for five minutes.

Mr. MOSKOWITZ. Mr. Chairman, thank you. And thank you, Chiefs, for coming here today. And, you know, I appreciate, and I know the committee appreciates your service to the country.

You know, this country has served as beacon of freedom and a place for—where people can escape oppression. As someone whose grandparents escaped the Holocaust and came here because Amer-

ica was that beacon, it's important that America continue to be that beacon in the world for people escaping oppression, especially from their government.

You know, the Congressman that I replaced, nephew died from a fentanyl overdose, Ted Deutch. And, you know, one of the words that he mentioned—and I'm going to read something that he—in an editorial he wrote. It says: You know, we cannot wait until it's all personal to us. It's time for us to pass the many bipartisan bills introduced this Congress that will protect the health and well-being of the American people. In state legislatures, it's time to adopt drug laws to support rather than stigmatizing Americans in need. It's time to broaden access. We need to rise above the polarization, the cheap shots, the partisan fights to powerfully face the harsh realities of fentanyl.

You know, those words could not be more true than in this hearing. Because all we're doing in this hearing is politicizing another issue in this country that doesn't need to be politicized. We all agree that fentanyl is a problem.

You made a statement earlier about fentanyl, and there was a question, I think, by Congressman Perry. He said, fentanyl is coming in illegally. I have a question. Does any fentanyl—and this is for either of you—does any fentanyl come into this country legally? It's an easy one.

Mr. MODLIN. Sir, yes, thanks for the question. My understanding is, of course, fentanyl is used in medical procedures.

Mr. MOSKOWITZ. OK. But it's not coming whether it's through the port or any other place, right? It's not coming through a legal process. That's all illegal. It's not a trick question.

Mr. MODLIN. Sir, if I'm understanding correctly, if you're talking about fentanyl that's being used medically, then, yes—

Mr. MOSKOWITZ. I'm not talking about medical fentanyl. We don't have a problem with things escaping pharmacies. I'm talking about stuff that's coming through. When it comes through a port, right, that's illegal, correct?

Mr. MODLIN. Yes. Oh—so, yes, I apologize. Now, I do understand. And I think that gets to my earlier point is that for us, it's not important if it's coming through the port or between the ports. When, you know, when my sector—

Mr. MOSKOWITZ. So, that's good. I just want to stop you there. I appreciate that. That it's not important where it comes from, because it's about the fentanyl. Right? So then, why is the majority only talking about one out of every nine pills that are coming into this country, right? If 90 percent are coming through ports of entry, that means that nine pills they didn't want to talk about. They only wanted to talk about one pill, which is the 10 percent, right? Shouldn't we be talking about all of it? Shouldn't they be as concerned as they are as it coming across the Rio Grande as it comes across the port?

Mr. MODLIN. Well, sir, I would say anyone that's lost a loved one to fentanyl probably doesn't care if it came through the port or between the ports of entry. It's all important, as you said. And whoever is transporting it, unimportant to us as well. Now, our job is to secure the border.

Mr. MOSKOWITZ. No, that's exactly right. And look, I understand you guys aren't the experts on all things fentanyl. You know, the chairman didn't bring those experts here today.

You know, a lot of the members over there voted against funding for you guys, right? Voted against all the things you say you need. They voted against all that stuff. So, they say they're strong on the border, but when it comes to funding it, they didn't want to do it.

You know, we've heard statistics today about, you know, apprehensions and all of that stuff. But, you know, one of the things I find fascinating is, you know, we're beefing up the border, we're apprehending more people. They want to spin that as a bad thing, that apprehending more people means more people are trying to get in. Well, news for them, in 2019, 3,707 pounds of narcotics were seized in 2019. That's more than in 2022. So, does that mean more narcotics are coming in in 2019? It's possible. You know, they're focused on the realm of the possible rather than the facts.

Let me give you another fact. I'm concerned about fentanyl getting into children. But you know what I'm also equally concerned about that they're not concerned about? The leading cause of death among kids between 1 and 19 is not fentanyl, it's guns, right? There's not going to be any oversight for the children that are buried in a cemetery. They're coming on the five-year anniversary of Parkland where parents are going to go visit their kids in a cemetery, right? There's no oversight hearing on the epidemic that's going on with kids and guns. But we should be equally concerned about fentanyl with kids and guns with kids. I yield back.

Chairman COMER. The chair recognizes Ms. Greene for five minutes.

Ms. GREENE. Thank you. And thank you, Chief Modlin. Thank you, Chief Chavez, for coming in and speaking with us today. I'd like to talk to you a little bit about unaccompanied minors. I'm sure this is a very serious situation that you're familiar with.

Under the Trump administration with Title 42, can you tell me when you had unaccompanied minors, what would happen to those children?

Mr. MODLIN. Thank you for the question, ma'am. So, before or after Title 42, Title 42—so my point is Title 42 did not affect how we deal with unaccompanied children. We do not expel unaccompanied children. So, when unaccompanied children are encountered, they're brought into our custody. We make sure they get any medical attention they need, you know, showers, change of clothes, all of that. And then they're turned over to HHS's ORR within 72 hours.

Ms. GREENE. And that's how it's handled right now under the Biden administration?

Mr. MODLIN. That's how it's been handled for as long as I've been handling unaccompanied children, ma'am.

Ms. GREENE. And were they sent back to their home countries before the Biden administration?

Mr. MODLIN. Not to my knowledge. But, again, ma'am, what I would say is—again, that's much further down the process than where the Border Patrol is. So, once we encounter them, whether it was 3 or 4 years ago or yesterday, they're brought into our cus-

tody, assessed, and then eventually turned over to ORR. Where they end up, that's—

Ms. GREENE. Right.

Mr. MODLIN [continuing]. Much longer after we have them.

Ms. GREENE. And many of them were sent back to their home countries before under Trump's administration. I want to talk to you a minute about—are you familiar with there was a 20-year-old autistic woman in Maryland who was strangled to death by an illegal alien here. A 17-year-old MS-13 gang member. Under the program as it is right now, many of the MS-13 gang members are being brought in the country as unaccompanied minors. They're very young. They're under 18, and then their numbers have doubled, maybe tripled in our country. What have you seen with that?

Mr. MODLIN. Again, ma'am, thanks for the question. My personal experience in the two years I've been in the Tucson Sector, I'm unaware of any significant amount of MS-13 gang members within the unaccompanied children population.

Ms. GREENE. Well, how are you able to know if they're gang members or not? Do you have an MS-13 gang data base that you're able to search them up in there and somehow find out if they're gang members or not.

Mr. MODLIN. So, ma'am, with our agents that have the significant amount of training and experience, there are things they look for? There are certainly—as you know, you've probably seen photographs of MS-13 gang members with a significant amount of tattoos. Sometimes it's simply an admission of it. Sometimes it may be other things that trigger agents to start questioning.

Ms. GREENE. Right, but Chief Modlin, they may not have had all their tattoos yet being that they're young and under 18, being a 15- or 16-year-old. As a matter of fact, they are coming in the country at a much higher rate. That's why this 20-year-old autistic woman was killed because of an illegal alien, a 17-year-old MS-13 gang member. And she'd be alive today if our border was secure.

You know, one of my Democratic colleagues was talking about the wall as if it doesn't work. I assure you that the Democrats believe in walls because they've erected one around the Capitol today because President Joe Biden is delivering his State of the Union address to the country. Walls do work, and we want you to have a wall as one of the toolkits in your box to stop the illegal invasion into our country that's occurring every single day. Are you aware of how many fentanyl deaths that the percentage increase in my home state of Georgia?

Mr. MODLIN. Ma'am, I'm unaware.

Ms. GREENE. Well, I'll just let you know. Fentanyl deaths have increased to 350 percent in Georgia. We're not a border state. We're not along the southern border. But fentanyl deaths have gone up 350 percent.

Are you aware of how much money the Mexican cartels make selling fentanyl, or what their industry makes?

Mr. MODLIN. Ma'am, again, thank you. So, what I do know is that the cartels are making billions. And whether it's fentanyl, whether it's moving people across the border, everything's a commodity to them. And to your point earlier, you not being a border state, it has been said many times, and I completely agree that

every state is a border state, ma'am. Everything that happens on the border affects the entirety of the country.

Ms. GREENE. Absolutely. And that's why a young lady in Maryland should be alive today because our border should be secure. It's a \$20 billion industry the cartels have, \$20 billion. And that's because our border is not secure. Now, we appreciate the job that you do, both of you, and we're thankful for you, but we are completely against the policies of the Biden administration that's allowing the murder of over 300 Americans today from fentanyl, allowing the Mexican cartels to illegally make over \$20 billion, and allow our country to be invaded every single day. And I yield back the remainder of my time.

Chairman COMER. The lady yields back. The chair recognizes Mr. Goldman for five minutes.

Mr. GOLDMAN. Thank you, Mr. Chairman. You know, you'd think that the cartels were created two years ago. The cartels have been operating for decades and decades. And as someone who actually prosecuted cases relating to drug trafficking by international narcotic organizations, let's remember that this has been a pervasive problem for a long time.

But Chief Modlin, I am very happy to hear you say that you and your excellent team has dramatically increased fentanyl apprehensions over the past couple of years. It means that the increased funding and the new policies of the Biden administration are working on the ground. And, in fact, isn't it true that one of the new policies is to impose sanctions on some of these dangerous cartels, which had not been done in the Trump administration. Is that right?

Mr. MODLIN. Thanks for the question, sir. So, I am unaware of that particular policy. But certainly, we greatly appreciate any help that we get on the border.

Mr. GOLDMAN. You know, my colleagues on the other side of the aisle clearly would like to go back to the immigration policies of the Trump administration. So, I want to take a minute just to look at those.

Chief Chavez, are you familiar with something called the El Paso Initiative?

Ms. CHAVEZ. I am not, sir.

Mr. GOLDMAN. Well, the El Paso Initiative was conducted from March to November 2017. And it was a pilot program that operated in your sector, the Rio Grande Valley, that resulted in the separation of at least 280 families. Does that sound familiar to you?

Ms. CHAVEZ. Oh, yes, the El Paso Prosecution Initiative.

Mr. GOLDMAN. Oh, yes. Thank you. Thank you for clarifying. Thank you for clarifying. In fact, that's actually where I'm going with this because—

Ms. CHAVEZ. Yes.

Mr. GOLDMAN [continuing]. What differed is the prosecution of immigrants who are coming across the border. This was a pilot program that you are intimately familiar with. Isn't that right?

Ms. CHAVEZ. That is correct.

Mr. GOLDMAN. And, in fact, you didn't notify for quite a while your senior leadership of this pilot program. Is that correct?

Ms. CHAVEZ. Congressman, thank you for question. But—

Mr. GOLDMAN. Well, it's just a simple question. I don't have a lot of time.

Ms. CHAVEZ. Well, it's pending litigation, so I can't really answer specific questions about that.

Mr. GOLDMAN. OK. Fair enough. So, we've heard a lot about unaccompanied minors who, by definition of being unaccompanied minors, wouldn't you agree, crossed the border without any families, right?

Ms. CHAVEZ. In general, yes. Unaccompanied minors crossed the border without families.

Mr. GOLDMAN. And you're aware that under our immigration law, those detained by immigration enforcement must be released within 72 hours, right?

Ms. CHAVEZ. Must be re—yes, sir.

Mr. GOLDMAN. OK.

Ms. CHAVEZ. Correct.

Mr. GOLDMAN. And when individuals are detained or in immigration detention, they're kept together with their families, right?

Ms. CHAVEZ. We make every effort for individuals to stay together with their families. Unless an adult has a criminal history, that adult is processed separately by policy.

Mr. GOLDMAN. Immigration detention processing separately?

Ms. CHAVEZ. Correct.

Mr. GOLDMAN. And it is also true, right, that a violation of a criminal statute means that both an individual can be detained longer than 72 hours and that they cannot be detained with their family. Is that right?

Ms. CHAVEZ. That is correct.

Mr. GOLDMAN. OK. So, let's talk about the child separation policy. Title 18, United States Code, Section 1325, is a misdemeanor for improper entry into this country. And I can tell you I spent 10 years as a Federal prosecutor, I had never even heard of this statute. But this was what was used, am I right, to make sure that parents were separated from their children, correct? The parents were charged with Section 1325?

Ms. CHAVEZ. Again, I can comment because as there is pending litigation on the case.

Mr. GOLDMAN. Well, I think we all know that that is the case. You know, there have been—as you say, there's litigation going on. This was a cruel and inhumane policy that my colleagues on the other side of the aisle would like us to return to, the old, antiquated immigration policy that separated children from their families. And Mr. Palmer earlier talked about having an organized process. And I agree, and you guys have mentioned this. Let's increase the number of immigration judges to process asylum claims so that we can move through the system faster. Let's increase the number of visas so that there is an organized process to welcome immigrants into this country. The Trump administration reduced the number of visas by 11 million. So, you know, let's have this organized process. And let's remember that for Fiscal Year 23, the Biden administration increased funding for you and other law enforcement agents at the border security by 17 percent, but the Republicans voted against it. I yield back.

Chairman COMER. The chair recognizes Mrs. McClain for five minutes.

Mrs. MCCLAIN. Thank you, Mr. Chairman. And, first, I want to start out by saying thank you for being here, but, more importantly, thank you for doing what you do to try and protect this Nation at the border. I think at times we get a little bit lost in our partisan politics. And your job and what you do is increasingly important. It has been highlighted, if ever before. And the job that you do to try and keep this Nation safe should be applauded and not condemned. So, let me applaud you for the job you do.

In the interest of time, I just want to go through some questions to make sure I have the facts correct. And I'll start with you, Chief Modlin. Do you know how many potential terrorists were apprehended last year?

Mr. MODLIN. Thanks for the question, ma'am. And I know you're going fast, but I do just want to say thank you for applauding us. What I would say is that, honestly, our jobs in the big scheme of things are fairly easy. It's the agents on the ground every day—

Mrs. MCCLAIN. Sure.

Mr. MODLIN [continuing]. That were hiking in those mountains and risking their lives to save the migrants and apprehend people that really should be applauded.

Mrs. MCCLAIN. And please extend our thank you to those agents as well.

Mr. MODLIN. Yes, ma'am, and in terms of the numbers, so I do not know—I do know in the Tucson Sector, which is what I represent, there were two or three last year. I believe there was two persons that were on the watch list.

Mrs. MCCLAIN. Again, sir, just in the interest of time, we are in agreement that CBP has apprehended individuals on the terror watch list, correct?

Mr. MODLIN. Yes, ma'am.

Mrs. MCCLAIN. OK. The CBP data that I have said reports 98 suspected terrorists apprehended just last Fiscal Year on the southern border. Would you have any reason to doubt that, or do you think that's inflated or deflated? Does that sound directionally correct?

Mr. MODLIN. I don't have any reason to doubt that ma'am.

Mrs. MCCLAIN. OK. Thank you. Ma'am?

Ms. CHAVEZ. No, Ma'am, Congresswoman.

Mrs. MCCLAIN. That is a substantial increase from prior years. Is that correct as well?

Ms. CHAVEZ. That sounds about right.

Mrs. MCCLAIN. And would you agree there's a high number of got-aways?

Ms. CHAVEZ. That is correct, ma'am.

Mrs. MCCLAIN. OK. And, again, I'm just trying to get the facts, trying to leave the personalization out of it. In fact, CBP estimated that there were over a half a million people that got away in Fiscal Year 2022. Sound correct?

Mr. MODLIN. Yes, ma'am. That sounds correct.

Mrs. MCCLAIN. And given the number of people slipping past CBP, are you concerned that terrorists could be exploiting this chaotic situation to slip through the cracks?

Mr. MODLIN. Again, ma'am, in terms of the got-aways, I think it would be irresponsible to try to assume who they were. All I do know is that a lot of people do get away from us.

Mrs. MCCLAIN. Fair assessment. Fair assessment. Also, would you agree that given the high number of illegal border crossing, the potential for a terrorist slipping through is higher than in previous years? I mean, just by sheer means of volume.

Ms. CHAVEZ. I don't want to speculate, ma'am, but as Chief Modlin mentioned, we don't want to assume the unknown. We are concerned, always, of course, because to us what matters is who and what comes between those ports of entry, and that we're able to identify every single person that comes through.

Mrs. MCCLAIN. And are you doing that?

Ms. CHAVEZ. And we're not able to do that at this time.

Mrs. MCCLAIN. I don't mean that any disrespect. You are doing—

Ms. CHAVEZ. That is what the challenge is.

Mrs. MCCLAIN [continuing]. The best you can with what you have. Would you agree that this presents a significant National Security risk?

Ms. CHAVEZ. When we don't have the right amount of resources, the technology, the infrastructure, the personnel where our agents can get to every bit of location across that border to ensure that we—

Mrs. MCCLAIN. Sure.

Ms. CHAVEZ [continuing]. Have the vigilance necessary to find every person that's crossing illegally, then we have a high probability that—

Mrs. MCCLAIN. So, that would be a yes.

Ms. CHAVEZ [continuing]. We don't know who's coming across, yes.

Mrs. MCCLAIN. OK. In terms of the cartels, have they become more active on the border in recent years or less active?

Ms. CHAVEZ. It is my belief and my experience that they've become more active in recent years.

Mrs. MCCLAIN. Thank you. So, throughout this hearing, we've highlighted several issues that have both arisen because of the open border crisis. My final question is, would you agree that our catch-and-release policies are actually incentivizing more people to try and illegally cross our borders or deter them?

Ms. CHAVEZ. I think that with the current situation that we've been faced with here in the last year where we are working now with trying to—we only have four dispositions to work with which, is return, remove, transfer to another agency, or release. I think that everyone nowadays has a cell phone. So, when migrants are released into a community, they immediately contact the relatives. They contact others, so then that start of incentivizes to come across.

Mrs. MCCLAIN. So, you would agree with me that this actually incentivizes more—

Ms. CHAVEZ. Correct.

Mrs. MCCLAIN [continuing]. It is like with our children, if we tell them that our curfew is 11 o'clock, but they come home at 11:30, and there's no consequences to their action, that only incentivizes

them to come home at 11:30, even though their curfew is at 11. So, I appreciate that.

I think it's clear that these policies put in place by this administration has opened the door for dangerous individuals, including, but not limited to terrorists to cross into our Nation undetected. These policies are harming our citizens in a myriad of ways. And every day that goes by, our National Security is more and more at risk.

Again, I do thank you for the job you do and extend that gratitude to the people and men and women that are actually on the ground trying to secure our borders. And thank you, Mr. Chairman, I've gone over my time.

Chairman COMER. The gentlelady yields back. The chair recognizes Ms. Ocasio-Cortez.

Ms. OCASIO-CORTEZ. Thank you so much, Mr. Chair. You know, much of the work of this committee is done alongside the work of the Government Accountability Office, which provides reporting to the Oversight Committee as well as the whole of government and the public about vulnerabilities in overall Federal operations.

In 2020 the GAO said office reported that Border Patrol does not currently have reliable information on deaths, serious injuries, and suicide attempts, and has not consistently reported deaths of individuals to Congress. And in 2022, the GAO, again, found that Border Patrol has not collected and recorded or reported to Congress complete data on migrant deaths or disclosed associated data limitations. Chiefs Chavez and Modlin, why is that?

Mr. MODLIN. Ma'am, thank you for the question. What I can tell you is that anytime a migrant dies in the desert, you know, in the mountains, it's horrific. And as discussed earlier, the cartels are putting these people in grave danger.

And the area I work, it's 4 or 5 days for most people to get to the border, up to a place where they can be picked up by a smuggler. So, those are incredibly treacherous things.

What I'll tell you too is often, you know, when someone is found in the desert that has perished, that person could've been there for 2 or 3 years. You know, the area that I work is very different than others. So, I think our numbers probably tend to be a little harder to lock down, but I do know that certainly the numbers have increased this year, I believe, nationwide.

I don't think it's commensurate to the amount of people that are crossing because one of the things—

Ms. OCASIO-CORTEZ. Understood.

Mr. MODLIN [continuing]. That we've done is put a tremendous amount of focus, I've got close to 300 EMTs—

Ms. OCASIO-CORTEZ. And I'm sorry, I just have to—I have to—

Mr. MODLIN. Yes, ma'am.

Ms. OCASIO-CORTEZ. I don't have much time. What about in custody—deaths in custody or suicide attempts in custody?

Ms. CHAVEZ. Congresswoman, thank you for the question. So, information like that of migrants that attempt suicide or migrants that die in custody, we actually have evolved and have some really good recordkeeping. Maybe it's as a result of the GAO reporting; I'm not sure. But I know as a fact that when it comes to our central

processing centers, we have now ramped up camera systems that are very robust, so now we're recording everything.

Ms. OCASIO-CORTEZ. Understood.

Ms. CHAVEZ. So, the tracking is impeccable now, where the reporting is constant for us.

Ms. OCASIO-CORTEZ. Understood. Thank you. And we'll be sure to follow up on that information.

And, Chief Modlin, Pima County falls under your sector, correct?

Mr. MODLIN. Did you say Pima County, ma'am? Yes.

Ms. OCASIO-CORTEZ. Thank you. And are you aware of the militia group known as Veterans on Patrol?

Mr. MODLIN. Yes, ma'am.

Ms. OCASIO-CORTEZ. And are you aware that this organization is a designated hate group by the Southern Poverty Law Center?

Mr. MODLIN. Yes, ma'am, I'm aware.

Ms. OCASIO-CORTEZ. And are you aware that agents in Pima County, CBP agents in Pima County, have had regular contact and, according to this report, seems to have received assistance from this organization?

Mr. MODLIN. Ma'am, I think it's important to define what assistance is. What I will tell you is whether it's Pima County or any the other three border counties, if someone calls and says there is illegal activity on the border, then we do respond. And obviously some of those calls will come from militia groups, whether it's that or others, or sometimes there's other groups out there, humanitarian groups as well that will call us and tell us that someone's in need of medical response—

Ms. OCASIO-CORTEZ. Yes.

Mr. MODLIN [continuing]. Or something.

Ms. OCASIO-CORTEZ. Thank you. I ask because Veterans on Patrol, again a designated hate group, does publish quite a bit of their own media which includes agents in some of these videos that they post. And in one, over the course of the conversation, an agent greets militia members with a high-five.

This is an organization that spreads anti-Semitic conspiracies and beyond, and I was wondering if your sector has a policy regarding agents interfacing with known members of designated hate organizations?

Mr. MODLIN. Thanks again for the question, ma'am. So, what I can tell you is that I don't know that it's possible to separate all interaction with any group that's down on the border. Certainly, we do not encourage militia groups or anyone else to be in the border environment.

But we do respond, again, if someone calls and says there's someone in distress that needs us or that they've witnessed some illegal action on the border.

Ms. OCASIO-CORTEZ. If you were to discover agents actively working with hate groups and militias, would their employment be terminated?

Mr. MODLIN. So, our agents, ma'am, are all part of a bargaining unit so that there is—CBP has a table of penalties, and then, of course, they're afforded right to representation and stuff. So, I don't know that I could say that, you know, what would and wouldn't

trigger an automatic termination, but there would certainly be a disciplinary process.

Ms. OCASIO-CORTEZ. Thank you.

Chairman COMER. The gentlelady yields back.

The chair recognizes Mrs. Boebert for five minutes.

Mrs. BOEBERT. Thank you, Mr. Chairman, and thank you so much to our witnesses. Thank you for our sector chiefs for being here present with us today. This is the first time in the Biden administration that we have had the privilege to have our Customs and Border Patrol agents here present with us in Washington, DC. So, I appreciate you being here.

I would like to ask you both, do you think that you were brought here today to promote White nationalism? Mr. Modlin?

Mr. MODLIN. Thanks for the question, ma'am. I can tell you, I absolutely was not brought here for that reason.

Mrs. BOEBERT. Thank you.

Chief Chavez?

Ms. CHAVEZ. No, ma'am, I was not.

Mrs. BOEBERT. Thank you.

Chief Modlin, compared to two years ago, is Border Patrol finding more or less dead bodies of people trying to cross the border?

Mr. MODLIN. So, within the Tucson Sector, because that is my purview, I can tell you that we are encountering more migrants that have died in the crossing.

Mrs. BOEBERT. Thank you. Thank you, Chief Modlin. That is correct, and, in fact, nearly 1,400 dead bodies have been found along the southern border since Biden took office. Each year has been a record high and a 300-percent increase since the Trump administration.

Chief Modlin, do you know border counties that have had to procure mobile morgues just to try to keep up with the increased volume of dead bodies Border Patrol is finding?

Mr. MODLIN. Ma'am, I'm unaware of that within the Tucson Sector. What I can tell you, though, is that we work very hard to try to prevent any migrant deaths out there. So, as I was starting to say earlier, close to 300 EMTs and paramedics, a great ability to lift agents on Blackhawks, get them to people very quickly to prevent that.

Mrs. BOEBERT. With all due respect, thank you, Chief Modlin.

Just last year, Culberson County Sheriff Oscar Carrillo was forced to deploy a corpse trolley after finding so many bodies, so many more bodies than in years past. These counties are using their limited resources to clean up Joe Biden's mess.

This sheriff stated, quote: I used to request regular stuff like bullet-proof vests. Now I'm asking for more body quotes—end—bag.

Chief Modlin, compared to two years ago, is Border Patrol arresting more illegal aliens found to have criminal convictions or fewer?

Mr. MODLIN. Ma'am, so in terms of—

Mrs. BOEBERT. More or fewer, please, Chief.

Mr. MODLIN. Ma'am?

Mrs. BOEBERT. More or fewer?

Mr. MODLIN. More.

Mrs. BOEBERT. Thank you. In fact, Border Patrol arrested more than 12,000 last year, up from 2,500 in Fiscal Year 2020. That's almost a 400-percent increase.

Now, what about terrorists? Is Border Patrol encountering more or less people with records in terrorist screening data bases? Chief Modlin?

Mr. MODLIN. Ma'am, my understanding, more commensurate with the increased flow.

Mrs. BOEBERT. Thank you, Chief.

In fact, CBP encountered 98 potential terrorists last fiscal year. That's compared to just 6 during President Trump's entire time in office.

Now, Chief Chavez, I've visited your sector. What about known got-aways, have those increased over the last couple of years, known got-aways.

Ms. CHAVEZ. They have, ma'am.

Mrs. BOEBERT. Yes. I have that information as well. On Biden's watch, there have been over 1.2 million known got-aways, and of course we don't know the unknown got-aways.

Now, Chief Modlin, would you agree that got-aways included convicted criminals, terrorists, drug traffickers, or even gang members?

Mr. MODLIN. Ma'am, as I've stated, I don't think I can suppose any—anything.

Mrs. BOEBERT. Thank you, Chief.

Chief Chavez, are you aware prosecuting and imprisoning any drug trafficking criminals caught by state and local law enforcement comes out of their local budgets?

Ms. CHAVEZ. I am aware that the county and local law enforcement bear the costs—

Mrs. BOEBERT. Yes.

Ms. CHAVEZ [continuing]. Of detention for criminal—

Mrs. BOEBERT. And our local communities are being forced to foot the bill for Joe Biden's border crisis.

What about CBP officers committing suicide? Now, I have seen the despair in Border Patrol agents' faces. Their morale is certainly decreased. They are unable to do the job that they swore to do. Would you say that that has increased in the past two years? I'll let both of you answer yes or no.

Ms. CHAVEZ. It has, ma'am. In the last two years, Border Patrol has had 13 suicides, 5 in RGV, and it's a terrible thing that we experience.

Mrs. BOEBERT. Thank you, Chief. My time is almost up.

Chief Modlin, yes or no, are suicides up?

Mr. MODLIN. Yes, ma'am. Agree with Chief Chavez.

Mrs. BOEBERT. Thank you. Unfortunate and disgraceful and I have one final question.

Chief Modlin, you were asked if there was a policy change, if there was laws changing, and it was possibly—you answered that it was possibly rumors that people were coming here to our country illegally because of something they had heard.

But wouldn't you agree the policy did change? Under President Trump, it was catch and deport, and under Biden, it is catch and release into the interior of our country.

They are no longer waiting outside of our country for asylum. They are being released into our country on the honor system. And so, with that, we are seeing an increase of terrorists, 1,500 percent, gang members coming across that have doubled, illegal crossings with criminal convictions up 400 percent, dead bodies being found, up 300 percent, and CBP suicides at a decade high.

So, would you agree that the policy did change, and the truth is that there's an invasion happening at our southern border because of this policy change, and it's happening because Joe Biden invoked amnesty and changed the secure border policies that were working for our country, and he won't change it back because Democrats—and this is intentional. In fact, their policy is a success; it's not a failure because this is their intent.

Chairman COMER. The lady's time has expired, but please feel free to answer the question.

Mr. MODLIN. Thank you, ma'am. So, I stand by my response. All I know is what we're being told by people that have crossed, and they absolutely unequivocally said they crossed because they felt like law and policy had changed.

Mrs. BOEBERT. Thank you.

Chairman COMER. The chair recognizes Mr. Gomez for five minutes.

Mr. GOMEZ. Thank you, Mr. Chairman. Just before I move on to my comment, I just want to point out to the Representative from Colorado that we mourn with the CBP on the loss of their officers who died by suicide, but we also passed \$23 million for suicide prevention for Border Patrol officers which the majority ended up voting against in the omnibus bill.

I'm about solving problems but solving problems based on facts and having the right individuals here to answer questions. The majority likes to conflate a lot of facts or lack of facts or even made-up facts.

And here's a fact. This is what we do know; it's true. Despite what you have heard on the other side, 90 percent of fentanyl seizures happen at ports of entry, with the majority trafficked by U.S. citizens, not migrants, and not asylum seekers.

So, why isn't the Office of Field Operations here to talk about our efforts to stop drugs trafficking at ports of entry? And it's because this hearing isn't about border security or solving our opioid crisis. It isn't even about facts.

What it's about is painting immigrants as villains in order for my colleagues to further their anti-immigrant agenda. Republicans are trying to rewrite history to hide their extremist agenda from the American people.

This extreme wing is trying to say that immigrants are trafficking fentanyl across an unchecked border, but we know that that's not true. Why? Because it happens at the ports of entry by U.S. citizens, not mainly by asylum seekers.

And if you're wondering just how extreme, one bill they're trying to pass would end asylum as we know it, completely stopping asylum seekers trying to find safety in our country.

And here's what one person said about the bill, quote: The reality is that this is a backdoor way of ending all asylum claims. The asy-

lum process is broken and needs major reform, but abolishment is un-American.

And who said that? It wasn't a Democrat. It was Tony Gonzales, a Republican from Texas.

But the party isn't controlled by reason. It's controlled by the extreme QAnon caucus who spew hate and xenophobia and try to mislead the American people. In fact, nine members of this committee of the majority are cosponsors of the extreme bill.

So, let's be clear. The extreme MAGA plan will not secure our borders because they're not asking the right questions to the right individuals about the right facts. And it won't stop the flow of drugs. But it will harm real people.

You know, we have saw a man with a documented history of abuse and racist behavior go out and shoot two migrants, killing one. In 2019, a man went to a Walmart in El Paso, Texas, and killed 22 people. He told police he wanted to kill Mexicans.

Their hatred of foreign-born people and their blatant lies have consequences, and it's time that they own up to it. We know some House Republicans are already speaking out against this extreme anti-immigrant, and I quote, anti-American plan for the border.

So, if we really want to solve problems, we should bring not only these witnesses but other witness——

Mrs. LUNA. Will the gentleman yield for a question?

Mr. GOMEZ. No, I won't. And one of the things——

Mrs. LUNA. Can he stop pushing rhetoric, please? Thank you.

Mr. GOMEZ [continuing]. I want to make sure—I want to make sure is that we've solved the problem with facts. Right? If it's basically—if we want to talk about what happens between the ports of entry and what you're dealing with, let's talk about those facts, but—and what you need to solve it.

But if we want to talk about the fentanyl crisis and how it's coming in and what's being needed, we should talk about those facts, instead of conflating all the different issues.

That's what happens here in the U.S. House of Representatives. We cherry-pick the facts that we want to see in order to make the points. But this is—like, it is a difficult situation on the border, we get it. But usually in these hearings, what we try to do is use the five minutes to get the viral moment, to get the tweets, to get the likes, to get the more followers, right?

But it doesn't really solve anything. So, I feel like the majority is playing into that same song and dance, right, and not really trying to ask the right questions to the right witnesses but just to further their narrative and the agenda that they want to push.

With that, I yield back.

Chairman COMER. The gentleman yields back.

The chair recognizes Mr. Fry for five minutes.

Mr. FRY. Thank you, Mr. Chairman. I appreciate, Chiefs, y'all being here today. You know, I'm a little bit of déjà vu, Mr. Chairman, because just last week we had a border security hearing in Judiciary, and to hear my colleagues on the left in there and in here today, we're imagining things that are going on, on the southern border, that we're not engaged in actual fact-finding missions, that we're not looking at the facts. Well, here's some of the facts.

Fact, over a hundred thousand deaths associated with fentanyl just last year. Fact, border crossings are at an all-time high. Fact, millions of got-aways are in this country, and those have been increasing under the last two years than ever before. Fact, only 14 percent of those seeking asylum are legitimate asylum seekers. That was under Trump administration and Obama Administration. Fact, ICE arrests and removals have decreased, I think, according to one study, by 90 percent from 2019 to the present day. And fact, as you testified to, walls work.

Just real quick, for both of you, can you provide me a real-world example on how border barrier systems or border walls have aided you or your agents in the field?

Ms. CHAVEZ. Specifically for RGV, in areas where we have high number of people crossing, you know, when we have a border wall system or border barrier, if it's a full system, it brings in all-weather roads. It has lights for the night-time. It has technology that assists us, right? So, we don't have to have 20 agents in one zone or region or area. These agents can be mobile in other locations.

That barrier, well-equipped, well-advanced technology, will tell us if there's a detection or an incursion. So, that way agents can maximize their coverage area elsewhere, so that way, that product, that barrier, will do its job, and we can maximize the agents deployed elsewhere.

Now, aside from that, a barrier is very useful because it also manages flow, and it directs flow into other locations where we can more effectively make an interdiction and more effectively make an arrest.

Mr. FRY. Chief Modlin, would you agree with that statement by Chief Chavez?

Mr. MODLIN. Yes, sir, I would. And what I would say from my experience, when I started in San Diego back in 1995, yes, we basically had maybe a 6-or 7-foot-tall fence that was made up of landing mats, I think they were Vietnam-era landing mats, that were put down.

And, if you were to look at aerial photography of that area then versus now, much of that area that was just—it was uninhabitable because thousands of people would cross it every night and the property crime rates were very high. It was just a—if you looked at it now, there's very expensive homes in those areas, and the community flourishes in an area that at one time was uninhabitable because of the way the border was. Currently there's double wall through there—

Mr. FRY. Thank you.

Mr. MODLIN [continuing]. And plenty of agents to patrol that area.

Mr. FRY. Are other areas of your sector that are currently unprotected by a border barrier that would be helpful to you and your agents?

Ms. CHAVEZ. Yes, Congressman. There's locations in my AOR, in my area of responsibility, that requires barrier that is unprotected at this current time, as well as gates. Gates are super important for us, and currently there's gates that are not there, that leave us vulnerable.

Mr. FRY. Chief Modlin?

Mr. MODLIN. So, Congressman, in my sector, the good news is, we got about 120 miles of border wall system that we asked for. One of the challenges, though, is that it was never meant to be just the wall. It was supposed to be the wall system, the barrier, and then road as well and fiber optic cable that would alert us when things were going on.

I think one of our biggest challenges related to it now are the gaps that exist which are slowly being remediated, just not in Tucson Sector yet, but we look forward to those gaps being closed.

Mr. FRY. Thank you. Real quick, I know I have one minute left. Y'all seized an unprecedented amount of fentanyl just last year, China-sourced fentanyl, at most of the ports of entries.

Wouldn't you agree that record overdose deaths from fentanyl among Americans indicate that a significant amount of fentanyl is slipping through the cracks of our southern border?

Mr. MODLIN. Sir, again thanks for the question. I would say, as a Border Patrol agent, as the chief of the sector, I don't, and I don't believe any of my agents care where it comes through, as long as it enters the United States, then it's certainly a threat to the children of the United States, to everyone that—that has the potential ability to overdose. So, regardless of where, if it's between the ports or at the ports, it's a threat.

Mr. FRY. But there is undetected, obviously, undetected fentanyl that is coming through, it is not being apprehended by border agents? Is that correct? Is that fair to say?

Mr. MODLIN. Yes, sir. Yes, sir.

What forms of fentanyl or fentanyl-like substances are your agents encountering?

Ms. CHAVEZ. To our knowledge, primarily of biggest concern is the liquid fentanyl is the latest threat that we have seen, especially as we continue to work in partnership with our local sheriff's departments, our local task forces.

They continue to try to exploit our checkpoints, and I think Operation Stonegarden and the different types of programs that we have, linked up with our task force, have been effective, but liquid fentanyl is the latest one that we've seen the trend spike up on.

Mr. FRY. Chief Modlin?

Mr. MODLIN. Sir——

Chairman COMER. The gentleman's time is expired, but please answer the question.

Mr. MODLIN. Thank you, sir. In my area generally, it's pill form. A year or two ago, it was mostly the powder. It has certainly transitioned to pill form.

Mr. FRY. Thank you. Thank you both.

Chairman COMER. The chair recognizes Mr. Biggs for recognition.

Mr. BIGGS. Thank you, Mr. Chairman. I have some documents to submit to the record. One is a piece entitled "Preliminary Border Data: Record Number of Apprehensions, Got-aways, in November."

Another one: "Record number of apprehensions, got-aways in Fiscal Year 2022 surpassed 3.3 million."

And then the third is a letter that I received on January 10th from the Administration for Children and Families in response to my question on their follow-up calls for children who were placed with the ORR, where they admitted that they had lost contact with

42,577 children placed in their care during the Biden administration.

Chairman COMER. Without objection, so ordered.

Chairman COMER. The chair recognizes Ms. Brown for five minutes.

Ms. BROWN. Thank you, Chairman Comer. I just want to get something clarified. It's been said that people have heard the border was open during the Biden administration. So, Chief Modlin, can you clarify for me, have the laws changed between the administrations, yes or no?

Mr. MODLIN. Thanks for the question, ma'am. There's been no change in the law.

Ms. BROWN. Thank you so much. People around the world look to the United States as a beacon of hope and freedom. Some of those facing poverty, war, and famine seek a better life here to make the American Dream their reality.

I am proud that northeast Ohio has a long tradition of welcoming immigrants and refugees, most recently our Afghan allies and Ukrainians fleeing Putin's illegal war.

Instead of talking about our immigration system in the abstract, it seems essential to highlight the suffering of those seeking refuge. These are real people with real stories who we have the power to help.

Immigrants are also bringing us economic prosperity. In 2019 alone, immigrant households in northeast Ohio contributed \$1 billion in Federal taxes and \$520 million in local and state taxes.

That same year, 8,300 immigrant entrepreneurs generated an amazing \$204.8 million in business income in northeast Ohio. The fact is immigrants make us stronger.

Let me say that again: Immigrants make us stronger.

I want to share just one story from among thousands of families who have faced hardships and were determined to seek a better life in the United States.

I ask unanimous consent to enter into the record a collection of immigrant stories from Lutheran Immigration and Refugee Services.

Chairman COMER. Without objection, so ordered.

Ms. BROWN. Thank you.

This story is about Lucia, a mother from Venezuela who is seeking a better life, safer life, for her four children living with physical disabilities. Lucia states, and I quote, her husband and four children had been seeking protection for almost a year before arriving in the United States. She and her family left Venezuela because she faced persecution for speaking out against the government, for denying her children healthcare based on their class status.

The antigovernment video she shared circulated throughout social media and consequently resulted in government officials targeting her and her family.

Fearing for her and her children's safety, Lucia decided to leave her home. Lucia and her family tried to seek asylum in the neighboring countries but faced discrimination and mistreatment due to her children's disabilities.

Lucia's only choice was to seek asylum in the United States. She finally made it to this country a year after fleeing Venezuela. Lucia

and her family are still waiting for their asylum interview, but they are relieved that their children can be properly diagnosed and receive their hearing aids. Most importantly, the children can attend a school that accommodates their disability.

This is what our American story is truly about—finding a better life in this great country.

Now, unfortunately, some on the other side block important action to secure our border and provide humane pathways to immigration while claiming to have strong records on the issue. The hypocrisy does not go unnoticed.

The Biden administration and congressional Democrats are here to work hand in hand to fix problems in our immigration system, to make our country stronger, better, and more just.

I hope that my friends on the other side of the aisle will come to the table and responsibly tackle our immigration system. Thank you so much, and with that, Mr. Chairman, I yield back the balance of my time.

Chairman COMER. Thank you. The lady yields back.

The chair recognizes Mrs. Luna for five minutes.

Mrs. LUNA. Thank you, Chairman. I would just like to correct the record. It was Obama-Biden who built the cages, aka chain link partitions used by Border Patrol stations as a safety measure to guard against things like sexual assault. I know that we had heard earlier that Trump built cages. That is simply not true.

And it is also, as seen behind me, Biden who put kids in shipping containers, something that the media wanted to fact-check. But as you can see, these are shipping containers.

Now, it is no secret that there's a crisis at our southern border. Obviously, Mayorkas was actually caught on a hot mic a couple of years ago saying that these numbers were unsustainable.

We have approximately 325,000 children enter the U.S. under the Biden administration, and these are unaccompanied minors a majority of the time, and it's vastly between these ports of entry.

Now, Mr. Chairman, I would ask for unanimous consent to enter these two graphics into the record.

Chairman COMER. Without objection, so ordered.

Mrs. LUNA. The Biden administration does not want to acknowledge these facts, and they certainly don't want to know who's coming into our country. It has been estimated that a shocking 60 percent of Latin American children who cross the border are caught by cartels and exploited for child pornography and drug trafficking, which would be roughly about 200,000 kids under this administration.

As Representative Andy Biggs had stated because of a letter that he received, 42,577 children have been lost.

Just before I go into my next point, Chief Chavez, can you tell me the youngest age of a known rape victim that you've come across or that you've heard of?

Ms. CHAVEZ. I don't have the age, ma'am. I know that, when we go to the Central Processing Center—and this was in El Paso—my intelligence agents, as well as Homeland Security investigations agents, they do the debriefs at the center—

Mrs. LUNA. Do you have minors that are raped when crossing the border? Has it been an occurrence that has happened? Either

Chief Chavez or Chief Modlin. A yes or no, please. Sorry, we're limited on time.

Mr. MODLIN. Yes, ma'am.

Ms. CHAVEZ. Yes, on my end.

Mrs. LUNA. Thank you.

President Trump did expand biometrics collection to include DNA testing pilot program and fingerprinted children under the age of 14 to crack down on child smuggling and migrants posing as fake families.

Now, I hear a lot of rhetoric saying it was wrong for people to separate children, but I, as a Hispanic woman and a veteran, think that it is the right thing to do, to separate children until you can biologically confirm that they are not being handed over into the hands of traffickers.

And it is grossly irresponsible to hand those children that we might not have any idea if they're actually biologically related.

Chief Modlin, would you agree that you would rather have a child confirmed to be a known family member than release them into the hands of a trafficker?

Mr. MODLIN. Thanks, ma'am. I would agree; anything that helps us determine the actual familial bond is positive.

Mrs. LUNA. OK. So, with my follow-up question on this one, are children currently having their biometric data being collected under this administration?

Mr. MODLIN. Ma'am, it depends on the age of the children. But 14 and above, they are. As I testified to earlier, in Tucson Sector, the vast majority are 17-year-old Guatemalan males. It's fairly rare to see young, unaccompanied females in Tucson.

Mrs. LUNA. Are you able to collect in every sector in every section of the border?

Mr. MODLIN. I can't speak for the other sectors, ma'am, but—

Ms. CHAVEZ. We do the same in RGV.

Mrs. LUNA. OK. I would just like to also ask one more thing. A large part of your job is engaging in catching those that are engaging in human smuggling and trafficking. Do you believe that, with more funding, that you could do your job better?

Mr. MODLIN. Ma'am, I absolutely believe more funding we can do our own job—we can do our job better, absolutely.

Mrs. LUNA. Ma'am?

Ms. CHAVEZ. I agree the same, ma'am.

Mrs. LUNA. OK. I just want to close out with this because I know that we are limited on time here. For any Member of this House of Representatives advocating to defund Border Patrol and ICE, not only are you complicit in engaging in aiding and abetting traffickers, but you are hurting minority children at that.

And, with my final question, can you please tell me, are a majority of Border Patrol agents White or Hispanic?

Mr. MODLIN. Ma'am, my understanding is the majority of Border Patrol agents are Hispanic, and as I have stated earlier, you know, most of them are, either first-generation migrants or migrants themselves.

Mrs. LUNA. I will close with this. Clearly, we don't have a White supremacy issue in this country. Clearly, it's an illegal immigration

one. I thank you guys for your service and please tell your counterparts, God bless them. Thank you.

Chairman, I yield my time.

Chairman COMER. The lady yields back.

The chair recognizes Mr. Edwards for five minutes.

Mr. EDWARDS. Thank you, Mr. Chair.

To each of our fine officers here, I thank you for your service at our border and all of those that are supporting you.

I've heard from at least one member here this afternoon that they felt that they were the only person that represented a border district. I just completed a tour of the westernmost counties in North Carolina, counties nestled down in the mountains, a thousand miles away from the border.

And every sheriff that I visited said that they felt that they were protecting their county from the border, they were a border county because they're seeing the influence into what was once mountains that seemed impenetrable to these types of behaviors, particularly the drugs.

Mr. Modlin, I know that we have heard reports of how many pounds of fentanyl, gallons of fentanyl, have been captured. Do we have any method to estimate how much fentanyl has actually made it through into the United States?

Mr. MODLIN. Thanks for the question, sir. To my knowledge, there is no way to estimate the amount that made it into the United States. It certainly—that estimation certainly wouldn't come from me.

Mr. EDWARDS. I'd like to follow up. When you discover fentanyl coming in, can you tell us what that looks like? Is it in the back of a truck, a backpack, did somebody swallow it in some container? What are the mechanisms that people are using to get the Chinese fentanyl into the U.S.?

Mr. MODLIN. Thanks again for the question, sir. So, when we uncover fentanyl, usually it is—usually it's in pill form. You've probably seen, because it's been widely discussed, some of the multicolored pills recently.

I think my sector had one of the largest seizures of the multicolored fentanyl. It sort of looks a lot like candy would look like. We see that sometimes at our immigration checkpoints and then often between the ports of entry as well or just on a traffic stop that Border Patrol agents make.

Mr. EDWARDS. Thank you.

Mr. Chair, I'd just like to comment to the committee that we heard an argument from the other side earlier this afternoon that this—this was an issue of humanity, and I couldn't agree more.

When I listen to the folks in western North Carolina, I think that we have to consider the humanity, first of all, of those fine officers that are putting their lives at risk to deal with drug dealers, to deal with the increase in crime.

We need to consider the humanity for the children that are losing their parents to overdoses or the children that are seeing their brothers and sisters incarcerated for dealing with drugs, the humanity for young folks that are getting hooked on drugs and overdosing and living their lives, the humanity for parents that are losing their children to the fentanyl influx that we see in this country.

Mr. Chair, I know we're running out of time. We've got some other deadlines, so I yield back. Thank you.

Chairman COMER. The gentleman yields back. The ranking member and I have agreed, and the votes have been called. I'm sure you all need a break. We have a few more people left for questions, and then we were going to do a closing comment, closing statement. So, at this time, the committee will stand in recess until 10 minutes after the last vote.

There are only two votes, I believe, so this won't last very long. So, at this time, we'll be in recess until 10 minutes after the conclusion of the last vote.

[Recess.]

Chairman COMER. We'll call the meeting back to order. Before we resume questioning, I ask unanimous consent for Representative Tony Gonzales from Texas to waive on to the committee for the purpose of asking questions.

Without objection, so ordered.

Welcome the witnesses back, and now the chair recognizes Mr. Burlison for five minutes.

Mr. BURLISON. Thank you, Mr. Chairman, and I want to say, thank you, Chief Modlin and Chief Chavez, and please extend a hearty thank you to your agents who risk their lives for us. They're truly patriots and heroes for the United States.

Sadly, the data has clearly shown that fentanyl seizures have gone through the roof since 2020, and you have mentioned during committee that criminals tend to follow the path of least resistance.

Chief Chavez, you said, quote/unquote, that at one point the Remain in Mexico program has been effective, or at least was in El Paso. And then, again during Mr. Fallon's testimony, you affirmed that those processes can have an impact on agents' ability to enforce the laws of this Nation.

During Mrs. McClain's testimony, you said that there are really four outcomes, right? There's return, remove, transport, and then release. And then you said, if you release more people, that could create more of an incentive for others to also cross illegally which expects more of a likelihood of release.

So, my question is that, while I appreciate government efficiencies and processes, and I appreciate that the border is efficient, many times processing is leading to release. Is that correct?

Ms. CHAVEZ. Thank you, Congressman, for your question. You know, the border situation is a dynamic one, and it's a very complex environment, and we deal with all sorts of nationalities. Just in the RGV, we've arrested here this Fiscal Year over 142 different countries of people, right, coming from 142 different countries.

And those four pathways, or those four dispositions that we talked about, we still have a different pathway. They're either voluntary returns, warrant of arrest, a notice to appear, either expedited removal, or parole NTD or NTAs as well.

The release is the last option, sir, for us. It's not something we do easily. It's something that we take very much caution with.

Mr. BURLISON. And what percentage of—of the four, what percentages is release used?

Ms. CHAVEZ. I think it's—I don't have the percentage amount here with me today, but it's something that we can certainly get back to you on with our headquarters.

Mr. BURLISON. My other question is, have we always had this approach to release—or the parole policy, have we always had this approach that we have today?

Ms. CHAVEZ. It has always been an option——

Mr. BURLISON. But has it been done the way that it's being performed today?

Ms. CHAVEZ. Not in my experience.

Mr. BURLISON. So, it—so today we're doing things with parole and release differently than we have done in years passed?

Ms. CHAVEZ. It's been practiced a little bit more fluidly, uh-huh.

Mr. BURLISON. OK. So, with that being said, when you say “fluid,” prior to 2020, was the process of parole, how fluid—how much more prevalent was that?

Ms. CHAVEZ. I think previously it was a little bit more restrictive. It required a lot more verifications and approvals up the chain of command up to our headquarters level.

Mr. BURLISON. OK. So that, to me—so the process of the parole was more restrictive prior to 2020 than it is today?

Ms. CHAVEZ. It was to a certain extent because even the releases today, we still need to make notification to our headquarters on releases, but chief patrol agents in the field today do have the purview, based on the extent of their capacity levels, to react to the ability to coordinate with their NGO's to try and have a release of migrants from their custody immediately if you see their capacity levels to be overwhelming.

Mr. BURLISON. OK. So, then the question is, you know, the requirements are, for parole, the path to parole, is basically based on an only by case-by-case basis, and you have to provide the reason, the specific reason for that individual? Am I wrong? Is that not what the law says?

Ms. CHAVEZ. No, you are not wrong, sir. The thing is, we coordinate everything through ICE ERO. It is not directly done from CBP, Border Patrol. It is in coordination with the ICE ERO. They're at our facilities doing the processing with us jointly, and, therefore, it is coordinated with them and then the NGO.

Mr. BURLISON. OK. So, who is recording the reason for the parole?

Ms. CHAVEZ. It would be ICE ERO.

Mr. BURLISON. ICE ERO. OK. But that is being documented?

Ms. CHAVEZ. Yes, sir.

Mr. BURLISON. Because it is required by law that it be documented.

Ms. CHAVEZ. Yes, it is documented. Everything is documented.

Mr. BURLISON. So, according to the omnibus appropriations bill in March 2022, it required, that within 60 days, that there be a quarterly report to Congress, including the number of parole requests received and granted, and for those granted, the rationale for each grant and its duration.

Would you be surprised to know that the report that was released to Congress did not include any of the rationale for each parolee granted?

Ms. CHAVEZ. I was not aware of that, sir.

Mr. BURLISON. But you agree with me that it would be an expectation, if it's in the law, that it should be the responsibility to provide that information individually for each individual?

Ms. CHAVEZ. I would think if it's a requirement to record and then if it's under law that it's required, that it's something that should be submitted.

Mr. BURLISON. OK. Thank you. Thank you.

Ms. CHAVEZ. Yes, sir. Thank you.

Mr. BURLISON. I yield back.

Chairman COMER. The gentleman yields back.

The chair recognizes Mr. Langworthy for five minutes.

Mr. LANGWORTHY. Thank you, Mr. Chairman, and thank you, Chief Chavez and Chief Modlin, for all of your testimony here today, and please express our thanks to all of the Border Patrol agents for all that you do to do your very best to keep this Nation safe.

In the first three months of Fiscal Year 2023, there were an estimated 7,000 aliens passing a day illegally. Chief Modlin, how has the unprecedented flow of illegal immigration impacted U.S. Border Patrol's ability to maintain operational control of the southern border?

Mr. MODLIN. Thank you for the question, sir. So, you know, when the flow of migrants across the border increases the way it does, there's a compounding amount of things that happen.

One, and certainly in my sector, in the Tucson Sector, because of the very extreme terrain we deal with, agents are called upon to make rescues. So, an agent literally, in a matter of seconds, can go from an enforcement action to now rescuing someone, you know, performing, you know, putting tourniquets on, whatever that happens to be. So, you have that.

You have just the great distances within my sector that cause us to deal with these large groups and takes away from the border security mission. So, it is a challenge, for sure, and it absolutely impacts our ability to secure the border.

Mr. LANGWORTHY. Are you familiar with the phrase a "got-away"?

Mr. MODLIN. Absolutely, sir.

Mr. LANGWORTHY. Are you aware there has been an estimated 600,000 got-aways in the last year?

Mr. MODLIN. Yes, sir, I'm familiar with the estimate.

Mr. LANGWORTHY. So, let's now pivot to terrorism. Have the both of you heard of the Terrorist Screening Data base?

Mr. MODLIN. Yes, sir.

Mr. LANGWORTHY. Can you explain the Terrorist Screening Data base broadly?

Mr. MODLIN. Yes, sir. So, broadly, at least the way we come into contact with it, is, when we apprehend someone and we start running all the checks on them, the biographical checks, the biometrics checks, if those checks return a hit that they are possibly connected to the data base, then our agents reach out to the National Targeting Center, and then in conjunction with agencies like the FBI, that person is vetted to see if they are, in fact, on the list.

Mr. LANGWORTHY. Chief Modlin, are you aware that the U.S. Border Patrol agents apprehended 98 individuals with derogatory information in the Terrorist Screening Data bases in Fiscal Year 2022?

Mr. MODLIN. Yes, sir, I'm aware that that number was published.

Mr. LANGWORTHY. Are you aware of whether any of these suspected terrorists were released from custody, or were you able to maintain detention on them through the lifecycle of the immigration case?

Mr. MODLIN. So, again, thank you for the question, sir. So, we don't maintain detention on anyone throughout the lifecycle of their immigration, regardless of whether it's an unaccompanied child, a family group, a single migrant, or somebody like that, that would be on the watch list.

Ours is just very quick and initial processing, and then they move on to custody of others.

Mr. LANGWORTHY. Could you list some of the countries where some of these terrorists, known terrorists, are coming from, that have entered, some of the 98?

Mr. MODLIN. So, in my experience, I will say this, Tucson Sector has not seen very much of this. I believe there may have been two last year that were on the list, and I don't know what country they came from, sir.

Mr. LANGWORTHY. Are you aware that some of the terrorists that are coming from hostile countries like, for instance, Yemen?

Mr. MODLIN. Again, I have not seen the list of where they were coming from, sir. I just know that they're on the list.

Mr. LANGWORTHY. Great. Can you describe to us the tactics used at the southern border to evade Federal agents?

Mr. MODLIN. So, there are quite a few tactics in my sector particularly, which is fairly unique to Tucson Sector, everyone that crosses is head to toe in camouflage. So, literally a camouflage hoodie, camouflage boots they pull on over their shoes, which have carpet on the bottom of them, which help them to evade tracking as well. So, when we try to track someone, it's much more difficult if there's carpet on there versus that.

And then they also get up into incredibly high elevations, so they get 8-, 9,000 feet up into the mountains to avoid detection.

Mr. LANGWORTHY. Because we don't have an official number of got-aways, is it possible that there could be more terrorists who have entered the United States that the Border Patrol is unaware of, or they were able to be evaded?

Mr. MODLIN. As I said before, sir, I don't think it's appropriate for me to take a guess at anyone that might've evaded us. All I can say is that the got-away numbers are incredibly important, and that is—there's two parts to that as well as I testified earlier, is that there are the known got-aways, and then there's what we don't know as well.

All of it is a concern to the Border Patrol. I can tell you that it affects every agent to know that we don't have the border—or that people are getting past us at points.

Mr. LANGWORTHY. Chief Chavez, have you seen this number of terrorists enter the U.S. with such ease in your entire career?

Ms. CHAVEZ. Sir, thank you for the question. I'll add to Chief Modlin's response. You know, for the RGV, I know that CBP has also published that they're monitoring certain types of countries—migrants from certain types of countries. I know 25 countries as well, plus China.

And what's of concern to me in RGV, and the agents that work every day on that border, is that we have seen a 176-percent increase of Chinese nationals in the RGV sector, between those ports of entry. So, for us, I mean, it's a difference of 309 this Fiscal Year compared to 112 previously, and it's something that we're keeping a close eye on, as well as an increase of Albanian nationals this year. I think it's a 314-increase of Albanian nationals which is really a number of 29 versus 7 from last year.

But, you know, more so than that, the got-away situation is something that not only concerns every Border Patrol agent on that front line but certainly us as chiefs, because the field commanders, we know that there are got-aways that we can verify and have fidelity because of the technology and the agents' ability to verify that there was a person that crossed through that zone or that area.

But then the ones that concern us are the unknowns, the people that we just don't know about actually, you know, actually crossing and those got-aways taking place.

Mr. LANGWORTHY. Thank you both very much for your testimony today, and I yield back.

Chairman COMER. The gentleman yields back.

The chair recognizes Mr. Sessions for five minutes.

Mr. SESSIONS. Mr. Chairman, thank you very much, and thanks to both of you chiefs for being here.

We don't need to rough you up. You know we're not happy. I'm concerned about the agents. I'm concerned about their lives. I'm concerned about them being spread out individually. I'm concerned about the rules and regulations put on them about picking up people and bringing them back. I'm concerned about the amount of drugs flowing in. I'm concerned about the got-aways that you just spoke about.

What I don't understand is why some positive response to deter these problems is not under way. And I'm going to say "under way" because you could be doing something that we don't know about.

But I think you should immediately take action to stop the things that are your biggest problems. For instance, got-aways, I think you ought to pick them up, put them on the next plane, fly them back well south of the border.

They chose to intentionally violate you knowing who they were. I think they're an immediate threat to the security of this country. I would, if I were within that management, talk about how endangered your agents are, women especially.

When I was in the sector down in Tucson, we were several Members of Congress, and there was one woman out there at the gap with a hundred people from Cuba. I think it's dangerous. I think your people are being endangered.

And I just think that your entire organization up to the Secretary are neutered from attempting to take care of your people and to take care of these terrible problems of the got-aways.

They're got-aways for a reason. They're got-aways because they're part of drug cartels, because they've got contraband, because they're doing something. And I think you should take a very negative and dim view of these people and arm your organization to support the American people differently.

And so, these are the kinds of problems that a Member like me, I'm from Waco, Texas, a couple hundred miles up, but we've got problems all over the congressional district that I represent. And I don't see where there's anything other than a demand to go help these immigrants that have come here illegally and leave alone the got-aways.

And I think they're dangerous. I think it's a national priority, and so I know I've spoken for three minutes about my problems, but I would like to see there be real action instead of it being bigger than you are.

And, if it's bigger than you are, like I think it is for the Secretary, I think he's an embarrassment and should step down. This, protecting this country, if you were in the United States military—and I'll never forget watching Admiral Harris out in Pearl Harbor, a long way away from here but in the United States, and he said: Our number 1 goal that we in the United States military is there for is to protect this country.

You are not protecting this country. You're allowing a bad situation to get worse. You're allowing it to continue to get worse, and you have no real action to plug that with an offense.

And I think it's embarrassing. I think that you should go back within your organization and support your people more. I think it's embarrassing to have one woman out there by herself.

And so, I want to thank you for your service, but at the same time comes a responsibility of serious talk within the administration about this breaking the law and doing nothing about it.

So, I've left you defenseless. I didn't allow you time to respond. I did not yell or scream, but I think that you need to hear it when you come up here on the Hill. We do not have confidence in the Department, and we have complete confidence in the men and women who want and need their property protected. We have complete confidence in the families that need you to support them, and that's called the Border Patrol and Federal law enforcement.

Mr. Chairman, I yield back my time.

Chairman COMER. The gentleman yields back.

If you all wanted to respond, I'll give you time to respond. If not, we'll go to the next question.

Mr. MODLIN. Thank you, Chairman. My response will be very short. What I'll say is that, you know, I recognize where the Member's—the Member's points, but what I will say is that, you know, the men and women of the United States Border Patrol, I've never worked with an organization that was more dedicated to what they do, more able to switch immediately from an enforcement posture to a humanitarian posture.

These are agents that risk their lives every day they go out there, and, you know, when things are said about agents publicly, you know, whether it's this forum or others, it has an impact, it has an impact on the morale of the organization, and I just think we need to be careful about that. Thank you, sir.

Mr. SESSIONS. Mr. Chairman, I'll respond back then. At no point did I take it out on the men and women. I took it out on the leadership of the organization that is placing those men and women in harm's way. And so, if you took it that I was talking about anyone that wears a green uniform, wrong. If you take it that I am talking about the circumstances that they're placed under, dead on.

Chairman COMER. Ma'am?

Ms. CHAVEZ. Thank you, sir. Congressman, thank you so much for your words as well. And, in addition to what Chief Modlin has stated, I also want to recognize our partner agencies. You know, Congressman, this last Fiscal Year has been a very difficult one for the rest of the partner agencies on the border.

I'm talking about ICE, ERO. I'm talking about CIS, HHS, all the partner agencies that have been out there helping us; they're embedded with us at our Central Processing Centers. The sheriff's department, our local law enforcement, have been phenomenal. So, I just want to make sure I give some kudos their way because, without them, I don't know how the Border Patrol would've been able to survive this last type of year that we've had. Thank you.

Mr. SESSIONS. Thank you, Mr. Chair.

Chairman COMER. Thank you.

The chair recognizes Mr. Timmons for five minutes.

Mr. TIMMONS. Thank you, Mr. Chairman. Chiefs, welcome, thank you for being here.

I understand that DHS has emphasized processing efficiencies and partnerships with community groups and outside organizations over the last couple years as the flow of illegal immigration reached historical proportion.

But cutting through the haze of technical terminology, processing efficiencies really just boiled down to processing illegal aliens faster for release from custody, where they are free to travel into the interior of the United States.

Chief Chavez, would you agree that a significant portion of the illegal aliens encountered by Border Patrol agents in your sector over the last few months have ultimately been released from DHS custody?

Ms. CHAVEZ. In the RGV sector, actually, we've been able to process individuals and remove them. I think that we've been able to remove them to other countries. See, RGV Sector primarily encounters migrants from Central America, and these are from countries like El Salvador, Guatemala, Honduras, we're getting many from Nicaragua right now as well, and Mexico.

Mr. TIMMONS. So, what percent are released into the interior?

Ms. CHAVEZ. We haven't actually been releasing here anyone here in a while. For us, they've been expelled to the countries via flights, via removal flights.

Mr. TIMMONS. So, none of them are requesting asylum because they have a credible fear of threat in their country?

Ms. CHAVEZ. There have been some. There are numbers of people that have requested asylum between the ports of entry, and they've been set up for their CIS interview, a little bit quite different situation than when I was the chief of El Paso. Those numbers were a little bit different, right?

In El Paso, there was a lot of coordination with local NGO's and local faith-based organizations to work some sort of a release with ICE ERO for the community releases. Varied types of different demographics, different types of populations that we dealt with at the time back in El Paso.

Mr. TIMMONS. OK. Of the individuals that are being released into the country, what's the average processing time?

Ms. CHAVEZ. The average processing time?

Mr. TIMMONS. Yes.

Ms. CHAVEZ. Well, for those, it was within hours. It wasn't—it wasn't days. It was a coordinated, I want to say, there would be an estimated—nowadays I wouldn't have an accurate number.

Mr. TIMMONS. How do you differentiate between the individuals that are alleging credible threat and requesting asylum versus ones that you're putting on planes and flying back?

Ms. CHAVEZ. It is, sir, it's a very different type of process. So, as where one could take, I want to say, eight hours to process, another one could take a day or two to process, depending on the type of pathway that they're going to be taking.

Mr. TIMMONS. OK. Again, based just on the last few months, what percent of illegal border crossers would you say are released from your sector to travel onward to their ultimate destination in the U.S., what percent?

Ms. CHAVEZ. I don't have a percent for you, sir, on the number.

Mr. TIMMONS. Ten, 20, 50, I mean, ballpark?

Ms. CHAVEZ. I would be guessing, sir.

Mr. TIMMONS. OK. Well, so the individuals that are released ultimately, they're free to go anywhere they want to in the United States. Is that correct?

Ms. CHAVEZ. When we work with ICE ERO and we do the process complete and turn them over to ICE ERO and they work the release, after that, we have no contact with that migrant. So, they are pretty much released into the interior of the United States, and they determine where they want to go in the United States.

Mr. TIMMONS. So, I was in McAllen a few years ago, and I was leaving at the airport, and there were people with manila envelopes getting on flights. They had just been processed and the manila envelope is what is their ultimate court date. Is that correct?

Ms. CHAVEZ. Yes, sir.

Mr. TIMMONS. And how do they get on a plane if they don't have ID? How do they go through security?

Ms. CHAVEZ. That would be a question for ICE ERO, sir, because they make all those arrangements with the airlines.

Mr. TIMMONS. OK. But, I mean, these individuals very likely do not have ID, but they're allowed to use their paperwork, their court date as their ID to get through security in McAllen. That's my understanding.

Ms. CHAVEZ. They have certain documents with them, and they use those documents to get their travel documents—

Mr. TIMMONS. I have a Federal—I either have a driver's license or a military ID that gets me through security. But these individuals who have just come into the country illegally requesting asylum are allowed to not show ID to get on planes. Is that right?

Ms. CHAVEZ. I'm not aware of what they would do, sir.

Mr. TIMMONS. OK. So, I heard this foundation's oversight project did a study of illegal aliens that were released from DHS custody. And just in January 2022, they traced the individuals that were released to 431 separate congressional districts. You know, all but four congressional districts are receiving individuals that had been processed from the southern border and are here illegally awaiting their hearing. I just find that to be pretty shocking. But, again, I'm out of time. Thank you so much for being here. Mr. Chairman, I yield back.

Chairman COMER. The gentleman yields back. The chair recognizes Mr. Gonzales for five minutes.

Mr. GONZALES. Thank you, Chairman Comer, for hosting me today. I represent 42 percent of the southern border, places like Uvalde, Eagle Pass, Del Rio, El Paso County that are in the news every single day. As a Representative of the largest border district in the country, I share frustrations with my colleagues. And it's long time for Congress and the administration to stop playing political games and do something.

I want to first start by thanking you. Thank you both chiefs for everything that you do. Thank you for the men and women in green that every day roll up their sleeves and go to work.

My first question is to Chief Chavez. Yes or no, please. Do you think repatriation flights work?

Ms. CHAVEZ. Yes, sir, they do for us.

Mr. GONZALES. You're damn right they do. A repatriation flight is someone that does not qualify for asylum, gets put on a plane—and they don't get flown to New York or Chicago or Washington, DC, they get flown to Haiti, to El Salvador, or Guatemala. They absolutely work. When there were 15,000 Haitians under a bridge in Del Rio, what stopped that was literally around 2,000—it wasn't the whole 15,000—local people were released into the country. But it was about 2,000 people that were flown back to Haiti, and all of a sudden it stopped.

My next question, also, for Chief Chavez. I have a bill, the Security First Act, that labels cartels as terrorist organizations. Would you agree that cartels terrorize the people they smuggle and deserve to be prosecuted with higher penalties?

Ms. CHAVEZ. I do agree that they do terrorize the migrants that they smuggle. Just from statements and debriefs that we receive when we interview migrants in our custody.

Mr. GONZALES. Of course. These are evil people that don't even view these migrants as cattle. They're really treated—mistreated in every single way.

The next question also for Chief Chavez. Does the Border Patrol currently have the capacity to permanently house all migrants for the entire length of their asylum process?

Ms. CHAVEZ. Absolutely not, Congressman. We do not have that level of capacity in our facilities.

Mr. GONZALES. It currently takes around five years for an asylum case to be heard. Sometimes longer, depending on what part of the country that you take. This is the danger of turning an agency like yours that is meant to catch terrorists, fentanyl, real-time situations, and putting you in the processing centers.

My next question is for Chief Modlin. Would banning all asylum claims, including people in legitimate life-or-death situations make the border more or less secure?

Mr. MODLIN. Thank you for your question, sir. I don't know that banning any asylum claims would make the border any more secure.

Mr. GONZALES. Yes, I think your sector, in particular, were the bulk of your—the bulk of people coming over are got-aways, are essentially trying to flee and escape. That's what I worry with the rhetoric. If you divide the two, you won't solve the root of the problem, which is essentially catching bad people from entering our country.

I want to go back to Chief Chavez, would manpower and technology, would that help start to secure the border?

Ms. CHAVEZ. Yes, sir. Absolutely. Manpower and technology makes a huge difference in order for us to secure that border.

Mr. GONZALES. Can you give me some examples of where manpower and technology have been successful?

Ms. CHAVEZ. If we go back a 27-year career back in the mid-nineties, we had a 5-mile piece of border in San Diego from the beach just to Interstate 5. Five miles of border, we were encountering over half a million people. And in those 5 miles, we increased the amount of personnel, and we tripled the amount of technology. And within a couple of years, we were able to gain operational control of those 5 miles of border. So, it was effective. It was really effective, but it also added barrier. So, with infrastructure, we were able to gain a significant amount of enforcement there.

Mr. GONZALES. You know, a little over a year ago last Christmas, I visited Del Rio. I spent 20 years in the military. I've spent a lot of Christmases abroad. I wanted to spend this Christmas on the border. So, I visited Del Rio at 7 o'clock in the morning. And there was over 100 migrants waiting to be processed. And I'll never forget that day, there was one Border Patrol agent that was exhausted. You could see it in the man's eyes. It was 7 a.m. His shift had just started, and he was already tired. And so, you can tell that the work force is under an incredible amount of pressure.

In the same lens, I see a young woman in her mid-twenties with a four or five-year-old little boy, and that him boy is gripping her hand as tight as can be. And all I can think of is what kind of journey had they had gotten to get to that point. And so, you know, speaking with her a little later, her husband was killed, in the country that they were fleeing. What I'm getting at is there are moments where there are people legitimately fleeing persecution all across the world, and we got to be respectful of that. We also have to stop the terrorism and the fentanyl from coming into our country and killing our children. Mr. Chairman, I yield back.

Chairman COMER. The gentleman yields back. That concludes the questions. Now, we're going to move to closing statements. At this time, I yield to Ranking Member Raskin.

Mr. RASKIN. Thank you kindly, Mr. Chairman. Before I close, may I seek unanimous consent to submit several letters from immigrants, stakeholder groups, and two articles?

Chairman COMER. Without objection. So ordered.

Mr. RASKIN. All right. Thank you, Mr. Chairman. It's been a long day, but very productive day. And I want to start by thanking Chief Modlin and Chief Chavez for your really exceptional testimony today.

I wanted to close with just a few points, Mr. Chairman. There was a point about the language that we use and the logic of our arguments, because over the course of the day, I've followed as people have made arguments about noticing an increase in the number of arrests and apprehensions. And sometimes it's said, well, there have been a lot more arrests and apprehensions under the Biden administration, therefore, the situation is getting worse. Of course, our side says, there's more arrests and apprehensions under the Biden administration, so things are getting better, because the officers have been given more funding and support and they're able to do enforcement better. But, in any event, whatever we think about it, we should be consistent with it. If we think that the number of apprehensions and arrests going down means that that's good news because the problem is less, it should be good news under both Trump and Biden. If we think it's good news if the number of arrests and apprehensions are going up, it should be good news under both. This should not be a rhetorical exercise. But all of that to me underscores the importance of our actually working together to try to solve these problems. And I think what we've learned from our witnesses today is that we need to be listening to the people on the ground. We need to be avoiding the ideological polemics as much as possible in responding to what people on the ground actually say is needed in order to improve the situation.

With respect to that, in the omnibus last year, there was \$7.2 billion for Border Patrol operations. And I just want to say, Washington is known as a place where there is a lot of rhetoric. There's a lot of oratory. There's a lot of fancy language. But then there's also votes. And votes really is the lowest common denominator where the rubber hits the road. And I was proud to have supported the \$7.2 billion for Border Patrol operations for hiring and for southern border reinforcements; \$65 million for 300 new Border Patrol agents; \$60 million for new CBP personnel at ports of entry, where 90 percent of the fentanyl is coming in, and so on.

So, I think that speaks volumes about our seriousness about being willing to work together and to put the needs of the country and the possibility of consensus about immigration above pure politics.

And the final point I wanted to make, Mr. Chairman, is about a point that several members, including yourself made, taking umbrage at the invocation of the great replacement theory. The central dogma of extreme White nationalism in America today. And I'm not sure if the members took umbrage at the suggestion that the great replacement theory is the central dogma of extreme White nationalism, or they took umbrage of the fact that they were being associated with it. And I would love to get to the bottom of that.

But just to be clear, I can say to you, chapter and verse, from numerous mass murderers who attacked racial minorities and cited the great replacement theory as their justification for doing it. Starting with Payton Gendron, who assassinated 10 people at the

Top Supermarket in Buffalo and repeatedly cited the great replacement theory as his motive for engaging in the shooting.

We can also look to Robert Bowers, who was the mass murderer who killed 11 Jewish worshippers at the Tree of Life Synagogue in Cleveland, who also posted online before his crime that he was objecting to a Jewish non prophet, which he said likes to bring invaders in that kill our people, and then echoed numerous claims of the great replacement theory.

The Walmart mass murderer, who assassinated 23 people in El Paso said, I am simply defending my country from cultural and ethnic replacement, and so on. And so, I think it's beyond question that this is becoming an article of White extremism and violent White national extremism in the country.

Now, you can hear about this in more mainstream context, like Fox News. And you do hear very distinct echoes of the great replacement theory being uttered by politicians. But if what our side heard today was that people who don't want to be associated with the great replacement theory, then we say Hallelujah to that. And all we need is a word renouncing or denouncing the great replacement theory. And you will never hear from us again any implication that people on that side support it. But all we have to go on otherwise are prior statements that people have made. But I would love nothing more than to have every member of this committee together, you and I could issue a statement together on behalf of the entire committee, denouncing the great replacement theory, which has proven to be such a danger to our people, and such a poisonous intoxicant for people who are going out and acting on it in lethal ways.

With that, I just want to thank you, Mr. Chairman, for putting together a good hearing here. And, again, I thank the witnesses for their participation. I yield back to you.

Chairman COMER. The ranking member yields back. I don't even know how to comment on a lot of that. I mean, I assume you stand by the tweet. We just thought it was some lowly staffer that tweeted something out and made a mistake, but I assume you stand by the statement, on your official statement that today's hearing was to amplify White nationalist conspiracy theories?

Mr. RASKIN. It actually—that's not what it says, Mr. Chairman. I'm happy to read it.

Chairman COMER. I just read it off, the tweet.

Ms. RASKIN. It says: Good morning to everyone, except Oversight members who are using today's hearing to amplify White nationalist conspiracy theories instead of a comprehensive solution. So, it specifically excludes everybody who doesn't participate in that. There are members on this committee who have indulged in that kind of rhetoric. But if they are willing to say now that they renounce the great replacement theory, they don't want to be associated with it, then I am very happy to say we will withdraw that tweet, and you will never see a tweet like that again.

Chairman COMER. It appears to me that the two sides couldn't be any different on border security. We believe border security's National Security. It's my analysis of my friends on the other side's defense of an open border is that anyone who would suggest we need to secure our border is a racist or a White supremacist.

Mr. RASKIN. No one has said that. And I disavow and renounce and denounce that sentiment. There are legitimate differences that people have about this, but my only point about it, Mr. Chairman, and with your indulgence, is that people are getting killed because of the great replacement theory. And I gave you several examples of that. There are people loaded up on hate who go in and who actually believe that there's a deliberate effort to replace the native population of the United States, and that there's an effort to bring people in to replace them. That's what people were chanting in Charlottesville: Jews will not replace us. That's what it's meaning is. And so, it would be great if people will just say we don't believe that, and we would like to turn down the temperature on this and work together for meaningful solutions.

Chairman COMER. Well, we believe that people are getting killed because of the fentanyl that's coming across the border every day. We believe that crime rates are increasing. We believe that human trafficking is increasing because of the lack of security on the southern border. This hearing was a fact-finding mission to hear from chief patrol agents on the front lines of Biden's border crisis. This wasn't another—I forget what the White House said it was this morning—trying to politicize. This was, I think, a substantive committee hearing, gathering facts from people on the front line. I don't know why Secretary Mayorkas was so hesitant to allow people to come forward.

Committees of jurisdiction in the House of Representatives are going to continue to invite people on front lines of the Border Patrol to come and testify because we want to support you all. We appreciate your service to our country. Those of us on the Republican side, we've made many trips to the border. There's no telling how many meetings the members that represent the border states have had with Border Patrol agents. And they're begging us for help. They're begging us to change the policy; to force this administration to change the policy to make their jobs easier and their lives safer.

We heard testimony from two great law enforcement professionals today that the cartels are taking advantage of the crisis at the southern border, leveraging chaos by overwhelming Border Patrol agents with large groups and task saturation tactics. That's what I saw when I went to the border. We knew they were utilizing drones. They were sending large groups in. The Border Patrol would apprehend them and take them to process. And knowing that no one was left in that area, they would send drug runners across the border with the fentanyl. It happens every day.

We heard testimony that the number of encounters of illegal border crossers went from unprecedented to a situation so bad that the situation is now indescribable. We learned that many migrants decided to illegally enter the United States because they believed that President Biden would let them in; they believed that the law had changed. We've heard testimony that President Trump's remain in Mexico policy was effective in El Paso. We heard testimony that Border Patrol has had to divert resources to respond to cartel tactics, crossing large groups, or putting migrants in peril, leading other parts of our border unguarded. What I just mentioned earlier. And we learned that the Tucson Section, 52 percent of 700

pounds of fentanyl seized in the field was backpacked across the border by smugglers in between ports of entry. These are just a few of the facts that we learned today.

And I want to thank the witnesses again for appearing. We appreciate your service. We want to work with you. If there's ever anything that we can do to make your jobs easier, make your lives safer, and secure our southern border, to help secure our southern border, we want to do that. This is a priority for the majority in this House of Representatives. And I appreciate the substantive testimony today and look forward to working with you in the future. With that, I now declare this committee hearing adjourned. [Whereupon, at 3 p.m., the committee was adjourned.]

