

TERRORIST ENTRY THROUGH THE SOUTHWEST BORDER

HEARING

BEFORE THE

SUBCOMMITTEE ON IMMIGRATION INTEGRITY,
SECURITY, AND ENFORCEMENT

COMMITTEE ON THE JUDICIARY

U.S. HOUSE OF REPRESENTATIVES

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TERRORIST ENTRY THROUGH THE SOUTHWEST BORDER

Thursday, September 14, 2023

HOUSE OF REPRESENTATIVES

SUBCOMMITTEE ON IMMIGRATION INTEGRITY, SECURITY,
AND ENFORCEMENT

COMMITTEE ON THE JUDICIARY

Washington, DC

The Committee met, pursuant to notice, at 10 a.m., in Room 2141, Rayburn House Office Building, Hon. Tom McClintock [Chair of the Subcommittee] presiding.

Members present: Representatives McClintock, Jordan, Buck, Biggs, Tiffany, Roy, Spartz, Van Drew, Moore, Hunt, Jayapal, Nadler, Correa, Escobar, Ross, and Swalwell.

Mr. MCCLINTOCK. The Subcommittee will come to order. Without objection, the Chair is authorized to declare a recess at any time.

I want to welcome everyone to today's hearing on Terrorist Entry Through the Southwest Border. I will now recognize myself for an opening statement.

Three days ago, we marked the 22nd Anniversary of the Taliban-backed terrorist attack on the United States. Two weeks ago, we marked the 2nd Anniversary of the administration's surrender to the Taliban, turning over billions of dollars of military equipment and releasing more than 5,000 of the most dangerous terrorists on the planet from Bagram-Parwan detention facility. On January 20th, we will mark the 3rd Anniversary of the Biden Executive Orders that opened our borders to the world by halting construction of the border wall, rescinding the remain in Mexico policy, and forbidding ICE from enforcing court-ordered deportations.

Since that day, more than 5.7 million illegal aliens from over 160 countries have illegally crossed our border. Mr. Biden has released over 2.6 million of them, a population larger than the entire State of New Mexico, into the United States in violation of our immigration laws. While the Border Patrol has been overwhelmed by this unprecedented mass illegal migration, another 1.7 million known got-aways have entered as well. That is an additional illegal population the size of West Virginia.

Now, since we have no access to most foreign criminal data bases, we know little of the foreign criminal records of these 2.6 million illegal immigrants as they have been released into our com-

munities and of course, we know nothing of the 1.7 million got-aways.

We know from a recent GAO report that many have already disappeared into our communities without a trace. Of 981,000 alien records they surveyed they found that, “addresses for more than 177,000 were either missing, invalid for delivery, or not legitimate residential locations.”

According to the GAO, the lack of valid addresses means that ICE, “cannot locate migrants to enforce immigration laws including to arrest or remove individuals who are considered potential threats to national security.”

Of much greater concern, of course, is the 1.7 million known got-aways, people the Border Patrol has observed entering this country, but could not stop because our resources are overwhelmed.

Under the open border policies of the Democrats, if you illegally enter this country, seek out a Border Patrol agent and make a false asylum claim, you will almost certainly be released into our country. You will get taxpayer-funded travel wherever you want to go and lots of free stuff including cash, food, free medical care, and even education. After six months, you can get work authorization and when your asylum claim is finally heard and denied, years from now, and you are ordered deported, that deportation order most likely won’t be enforced.

So, why would 1.7 million illegal aliens want to invade the Border Patrol? The only two reasons I can think of are that they are either hiding criminal records or they are conducting criminal acts. We do know that among those aliens the Border Patrol has apprehended, the number of suspected terrorists has increased exponentially. In 2021, we stopped 15 of them. That was five times the number encountered in 2020 and as many as we had stopped in the four previous years combined. By 2022, that number grew to 98 and in the first 10 months of this year that number has already grown to 146, a tenfold increase in two years.

In June, FBI Director Chris Wray testified before this Committee that there has been an uptick in “known or suspected terrorists coming across the Southern border,” and that “the Southern border represents a massive security threat.” Those are his words, a massive security threat.

In August, we learned that a foreign national with ties to ISIS helped smuggle over 120 nationals from Uzbekistan, Russia, Georgia, and Chechnya into the United States through the Southwest border. Russian reports indicated that the FBI was “scrambling to find the smuggled individuals since the Biden Administration had released them into the U.S.” Of course, this begs the question if illegal aliens are so carefully vetted, as Mr. Mayorkas has repeatedly assured this Committee, why would the FBI be scrambling to find them? Clearly, very bad actors are entering our country through our open Southwest border and I am afraid something terrible is brewing, either a coordinated terrorist attack by elements that have entered over the last few years, or the kind of cartel violence that has now become so common in Mexico.

Now, the Democrats’ witness will tell us not to worry our pretty little heads about this, it hasn’t happened yet. Well, that is precisely the attitude that the 9/11 Commission excoriated as the cata-

strophic failure public policy that made us vulnerable to such a horror on 9/11.

Our other witnesses though have a very different perspective. They have seen first-hand what is happening at the border and they are desperately trying to sound the alarm before it is too late. I hope that we will all heed their warnings today. With that, I am pleased to recognize the Ranking Member for five minutes.

Ms. JAYAPAL. Thank you, Mr. Chair. Welcome and good morning to our witnesses.

It appears that this Subcommittee has found a new angle to have the same border hearing that we have had six times already this Congress, another hearing where we hear the same tired and untrue talking points about the Southern border and actions by President Biden and Secretary Mayorkas. I am not going to repeat them because guess what, these claims by my Republican colleagues, actually, empower smugglers to convince desperate migrants to pay for their services.

When I read the *CNN* article that came out at the end of last month about migrants from Uzbekistan crossing the Southern border with the help from somebody allegedly linked to ISIS, I wanted to learn more. Everyone on this panel wants to keep Americans safe and the idea that individuals with ties to terrorists might be crossing our border and intending to do our country harm is deeply concerning. This potential issue is one that should be approached with an eye toward gathering the facts and information so that we can act accordingly.

Unfortunately, that is not what this hearing is about. This hearing appears to be nothing more than political theater with little new information. What bothers me the most is that my Republican colleagues use these hearings to weaponize the emotions of the American public to score cheap political points as we head into the next election. This is not about telling the truth or getting to the facts. This hearing is purely intended to scare the public, to demonize immigrants, and to score cheap political points as we head toward that next election.

If the majority was serious about getting to the facts on this issue, instead of holding this hearing, the Subcommittee would have first let the Department of Homeland Security and Federal Bureau of Investigation give Members a classified briefing on the topic, something that both the FBI and DHS has offered to provide us. My understanding is that the FBI and DHS have even offered specific dates on when this briefing can take place in the near future. Instead, the majority is once again holding a hearing with no government witnesses, not a single government witness where we will hear a lot of innuendo, hearsay, and scary-sounding rhetoric intended to play politics on the issue of immigration. This is not the way to conduct oversight, especially over a national security issue that belongs in a classified setting. This is not a serious hearing intended to gather facts and get to the truth, but while we are here, I think it is important for us to get some facts out there.

- (1) In the last 48 years going back to 1975, the number of Americans killed by a terrorist who crossed the Southern border unlawfully is zero. That is right. Not a single American has been injured or killed by a terrorist who crossed our Southern border without authorization. So, don't fall for Republican fearmongering.

- (2) The only foreign-born terrorists who cross the Southern border unlawfully were three brothers from Macedonia who came to the United States while Ronald Reagan was President. Twenty years later, they were arrested while planning an attack in New Jersey. Our systems worked then, but you certainly won't hear Republicans on this Committee raise either of those facts.
- (3) Yes, there has been an increase in the number of migrants apprehended who are on the "Terrorist Screening Data Set." These people have been apprehended and they receive additional vetting and interviews from DHS as a result. There is also coordination with the FBI on the appropriate action that should be taken when responding to these individuals. If it is determined that these individuals pose a serious threat to national security or public safety, they may be denied admission, detained, removed, or turned over to another agency for prosecution as appropriate.

All of this could have been discussed with a classified briefing, but that is not the path that the majority chose because they are not interested in the facts. As is my refrain every single time we have these hearings, if the majority was at all serious about addressing immigration in America, they would be working with us to pass bipartisan immigration reforms that would finally update our outdated immigration system so that we have real legal pathways for people to enter the United States, to be with their families, to escape terrible situations in their countries, and to contribute to our economy, our communities, and our country. That is what would decrease the number of people coming to the Southern border. That is what would allow Border Patrol agents to focus on true security threats. That is what would allow more people to go through detailed vetting before ever coming to the United States. That is how we can improve our national security.

Instead, some Republicans have openly said that they want to defund the Department of Homeland Security and the FBI. Last year, almost every one of them voted against the Bipartisan Infrastructure Bill which provided additional funding to ports of entry for nonintrusive inspections to combat smuggling of people and drugs, modernization, and additional staffing. Unfortunately, we have another hearing today that prioritizes cheap political points and outrage over action. So, let the show begin.

Mr. McCLINTOCK. Just to correct the record, we did request a classified briefing from DHS and the FBI on this subject and they said the earliest they could get to it was September 29th and we look forward to them meeting that request.

I see that the Chair of the Full Judiciary Committee is here and I would recognize him for five minutes for an opening statement.

Mr. NADLER. Well, thank you for elevating me to Chair again. I hope that is true next year.

Thank you, Mr. Chair. On Monday, we commemorated the 22nd Anniversary of the horrific attacks on September 11th. None of us will ever forget the terror of that day or the bravery of the first responders who rushed toward danger to save countless lives. To so many people, the wounds from 9/11 still feel fresh. The grief and pain is ever present.

Among the many ways that our lives changed after the events of that terrible day, September 11th served as the catalyst for a sea change in our immigration system. The 19 hijackers who carried out the attack came to this country legally on visas. In response to the intelligence failures that allowed them to enter, plan, and

execute the attacks, we created the Department of Homeland Security. This led to massive increases in funding, vetting, and enforcement within the immigration system. As a result, immigration became inextricably linked with national security.

While in many ways we are safer today, there are also many problematic aspects to this approach, not the least of which is that asylum seekers are too often treated like criminals by our government. However, one thing is certain, the Federal Government is deeply focused on keeping Americans safe from threats domestic and foreign and attacks by foreign-born terrorists on U.S. soil since 9/11 are vanishingly rare. I am sure that my Republican colleagues will do their best to scare people into believing that the next 9/11 is just around the corner. This time, they will claim, it will be planned by someone who snuck over the Southwest border. The fact remains that there has never been a successful attack planned by someone who illegally crossed our Southwest border.

Even the cherry-picked examples that we will likely hear about today tell a story about the rigorous vetting done by DHS and our intelligence agencies to keep us safe. For example, much has been made about recent reports that asylum seekers from Uzbekistan were aided by a smuggler with ISIS sympathies. What we know about those alleged ties is precisely because of investigative work done by intelligence agencies in coordination with immigration enforcement agencies working together, as they should, in a case like this.

The FBI is continuing to identify and vet this group of individuals even after the National Security Council stated publicly that there is no indication that any of the people who actually entered the U.S. have any connection to a foreign-terrorist network.

Of course, we won't learn anything new about these migrants today. That is because this slap-dash hearing was pulled together to make headlines, not progress. As has become commonplace in this Subcommittee, there are no government witnesses today, no one who can provide a thorough accounting of what the government is currently doing to address potential threats. Yet, DI and DHS have offered to provide Members of the classified briefing about this incident, but the classified briefing doesn't get anyone a spot on *Fox News*.

So, here we are, about to commence yet another hearing to demonstrate just how unserious my colleagues are about fixing the problems plaguing our immigration system. If they wanted to improve things, they would have joined the Democrats when we appropriated hundreds of millions of dollars to provide new technology inspection systems and CBP offices to the border in last year's omnibus spending bill. Not a single Republican Member of this Committee voted in favor of that bill.

Now, many of them want to defund DHS, DOJ, and the FBI or else they will shut down the government. These extreme MAGA priorities are dead wrong, and the American people are watching.

I thank the witnesses for appearing in front of us today and I yield back the balance of my time.

Mr. MCCLINTOCK. The gentleman yields back. The Chair recognizes the arrival of the Chair of the House Judiciary Committee. Mr. Jordan is recognized for an opening statement.

Chair JORDAN. Well, I will be brief. I thank you, Mr. Chair. Thank you for doing this hearing. I just wanted to respond to the Ranking Member of the Full Committee's statement that no one from the government is here to give us answers. We have been asking for answers from those guys for I don't know how long. We wrote to Secretary Mayorkas before he came in front of this Committee seven weeks ago. We wrote to him the week before saying, hey, here are questions we want you to be prepared to answer. This is like the professor telling you hey, these are the questions I am going to ask you on the exam. He came to the Committee and wouldn't answer the questions.

We asked him multiple—we asked him a question, not even on the terrorist issue. We asked him a simple question. We said how many of the over two million people who have been accounted on the border, how many of them have been adjudicated and when removed from the country? He wouldn't answer the question. Mr. Gaetz asked him. Mr. Roy asked him. I asked him a couple of times. Finally, I said is the number greater than zero? He would agree to that, but he wouldn't tell us the number.

We then followed up with a letter to him. What's the answer? Still no response. So, the idea that we don't want answers and someone from the government can give them to us is baloney. We have tried and tried and tried. That is why we are probably going to have to do some compulsory resources to get some—try to get some answers for the American people. Appreciated the leadership of the Subcommittee Chair on so many important issues that have been in front of this Committee and I would yield back.

Mr. MCCLINTOCK. Thanks. Without objection, all other opening statements will be included in the record, and I will now introduce today's witnesses.

Our first witness will be Mr. Todd Bensman. Mr. Bensman is the Texas-based Senior National Security Fellow for the Center for Immigration Studies. Prior to that, he led counterterrorism intelligence for the Texas Department of Public Safety's Intelligence and Counterterrorism Division. He has written about and routinely reports on the U.S. border crisis. Mr. Bensman holds an MA in Security Studies from the Navy Post-Graduate School, Center for Homeland Defense and Security, and an undergraduate degree in Journalism from Northern Arizona University.

Our second witness will be Mr. Charles Marino. Mr. Marino is a national security expert who served as Senior Law Enforcement Advisor to DHS Secretary Janet Napolitano from 2009–2011. He was a career Secret Service officer during three different administrations. He is a graduate of the National War College in which he received an MS in National Security Strategy and is currently Adjunct Professor at the University of South Carolina.

The minority, of course, gets to choose a witness. They did not choose any administration officials, but we have with us today at their invitation Mr. Alex Nowrasteh, do I have that right?

Mr. NOWRASTEH. Nowrasteh.

Mr. MCCLINTOCK. Nowrasteh. Thank you.

Mr. NOWRASTEH. Thank you for asking.

Mr. MCCLINTOCK. Mr. Nowrasteh is the Vice President for Economic and Social Policy Studies at Cato Institute. He has written

on the economic impacts of immigration on the economy. Mr. Nowrasteh received a BA in Economics from George Mason University and an MS in Economic History from the London School of Economics.

Then, finally, returning to the Subcommittee is Chief Rodney Scott who served 29 years in the United States Border Patrol before retiring as Chief of the Border Patrol in August 2021. During that time, he held numerous leadership positions at various stations and sectors along the Southwest border, as well as several leadership and specialized assignments at U.S. Customs and Border Protection Headquarters.

I want to welcome all our witnesses and thank them for appearing today. I will begin by swearing you in. Will you please rise and raise your right hand?

Do you swear or affirm under penalty of perjury that the testimony you are about to give is true and correct to the best of your knowledge, information, and belief so help you God?

Let the record reflect that the witnesses have answered in the affirmative. Thank you. Please be seated.

Please know that your written testimony will be entered into the record in its entirety, so accordingly, we will ask you to summarize your testimony in five minutes.

Mr. Bensman, we will begin with you.

STATEMENT OF TODD BENSMAN

Mr. BENSMAN. Thank you for holding this hearing about the national security consequence of the worst mass migration crisis ever to have stricken America. The consequence of this threat is the threat of terrorist entry over that border and evidence demonstrates the mass migration crisis has elevated that threat as I will explain.

After 9/11, DHS developed border counterterrorism programs that did prevent terrorist infiltration into the United States, a threat by the way that the 9/11 Commission expressly warned about. Programs established in 2004, perhaps aided by sure luck, have thwarted numerous border crossers for 20 years as I documented in my book "America's Covert Border War."

The sole illegal entrant who has carried out an attack since 9/11 was a Somali who sympathized with ISIS and crossed illegally at San Ysidro and was released and went on later to strike Edmonton, Alberta, and Canada in 2017. The ongoing border crisis has rendered those counterterrorism programs unviable now. One of the most impactful of those systems directed Border Patrol agents to tag migrants as special interest aliens if they hailed from listed countries where terrorist groups operated. ICE would detain special interest aliens until Federal agents could interview and debrief them as part of enhanced security investigations. Derogatory results led to many deportations which kept Americans safe.

A recent CNN report, however, revealed just the latest evidence that this interview program has broken down. DHS went into red alert after discovering a human smuggler tied to ISIS had brought at least a dozen Uzbekistani special interest aliens over the border. They were all quickly freed into the interior like most other illegal immigrants of late without being interviewed. We know this be-

cause *CNN* also reported that U.S. authorities mounted a nationwide manhunt for the Uzbekistanis so that they now could conduct the interviews.

This episode is only the latest revealing failures in our border screening systems. If you won't believe me, review the July report of DHS's Office of Inspector General which detailed how Yuma Sector Border Patrol agents accidentally freed a Colombian national on the terror watch list. Authorities found the man in Tampa two long weeks after he was accidentally released. Why did this happen? The IG blamed the mass migration chaos for the alien's release. Yuma agents let him go because they, and I quote:

We're busy processing an increased flow of migrants. Because the increase in Yuma apprehensions had created pressures to quickly process migrants and decrease the time available to review each file.

Expect those screening programs to be degraded indefinitely because vast numbers of special interest aliens are currently pouring through the Darién Gap between Colombia and Panama. Usually, 10,000 migrants or less pass through the Gap. In 2023, however, 300,000 plus have gone through the Gap, and whereas only 3,000 or 4,000 special interest aliens among them reached our Southern border annually, *The Daily Caller* just reported that 75,000 came in just the last nine months.

DHS cannot possibly vet or even interview a fraction of these numbers, raising the terrorism risk. Whereas about 20 aliens on the Terror Watch List were caught at the Southwest border in prior years, since this crisis began in 2021 through the end of July, Border Patrol apprehended an almost implausibly large number of them, 258 as of now. Those Watch List at 258 are just the ones Border Patrol managed to catch. Border Patrol failed to apprehend a record-breaking 1.8 million migrants who slipped into the interior.

Mass migration related system failure is indicated in Mexico, too. In July 2021, Mexico released a Watch List of Yemeni to clear their overcrowded detention centers and that set off another manhunt. I don't know if he was ever found.

The case of a Lebanese Venezuelan who cross from Matamoros to Brownsville in December 2021, who was flagged on the FBI Watch List, is another one. Against FBI recommendations to hold the Venezuelan, ICE ordered his release on grounds that he might catch COVID. Last I heard, he was in Detroit pursuing an asylum claim. These incidents above and others described in my written testimony reveal the system is blinking red, so fingers crossed.

[The prepared statement of Mr. Bensman follows:]

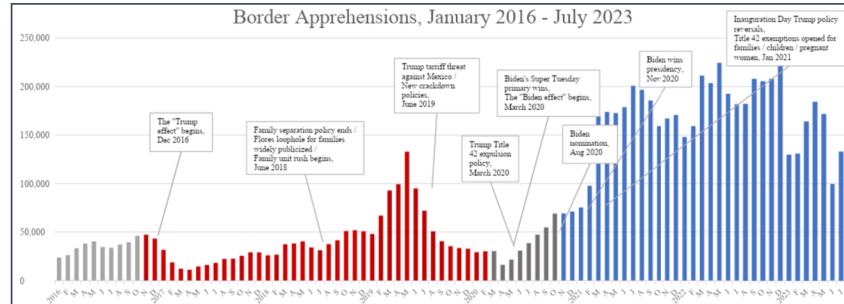
Testimony of Todd Bensman
Senior Fellow, Center for Immigration Studies; Former Manager, Counterterrorism Intelligence
Texas Department of Public Safety Intelligence and Counterterrorism Division
To the Subcommittee on Immigration Integrity, Security, and Enforcement
United States House of Representatives
Committee on the Judiciary

For a Hearing Regarding
“Terrorist Entry Through the Southwest Border”
September 14, 2023
10 a.m.
Rayburn House Office Building
Washington, DC 20515

Chairman McClintock and Ranking Member Jayapal, and members of the subcommittee, thank you for the opportunity to testify and for holding a hearing about this underreported national security consequence of the worst mass migration crisis ever to have stricken the American southern border.

By every recordable government metric, the American Southwest Border is the scene of the illegal worst mass migration in American history, now well into its third year. At least 4.3 million foreign nationals have entered the United States in 30 months over the border, as of this hearing date, with millions more coming and a Border Patrol debilitated by the overwhelming workload. Border policies that emphasize catch-and-release that began in January 2021 unleashed a seemingly unbounded human wave over the southern border that has not relented 30 months later and has broken every illegal immigration record in the nation’s contemporary history.¹

In a recent opinion on border policy litigation brought by the State of Florida against the administration of President Joe Biden, US District Judge Thomas Kent Wetherell concluded the administration caused the mass migration that began in early 2021 “by establishing policies and practices that all-but-guaranteed the vast majority of aliens arriving at the Southwest Border ... would not be detained and would instead be quickly released into the country where they would be allowed to stay...”²



Center for Immigration Studies

Among the many serious consequences that this mass migration crisis has created – unfunded burdens in U.S. cities on housing, social welfare systems, health care, crime, and public education – is one that should transcend partisanship and rally all Americans in bipartisan spirit, which hopefully this hearing will facilitate.

This crisis has elevated and exacerbated the homeland security threat of terrorist border infiltration to discomfiting levels when, by my estimation, the national security enterprise had reasonably contained and managed this threat for nearly two decades.³

This mass migration crisis has clearly broken down and degraded a set of counter-terrorism programs first stood up in 2004 at the land borders, which thus far has largely prevented the most serious outcomes from US-designated terrorists who would cross the southern border and attack inside the United States.

None have attacked to date from this direction (although an ISIS operative who crossed from Mexico into California did later attack in Edmonton, Canada on September 30, 2017).⁴

The threat of such a tragedy happening is much elevated now, however, because border counterterrorism programs to be described below are no longer protecting Americans as well as they have for 20 years, if at all. This is especially demonstrated, in small part, by the crossings of more immigrants on the FBI's Terrorist Screening Database watch list than ever before recorded – more than 260 since Inauguration Day, when fewer than 20 per year were caught in prior years (zero in 2019) on both sides of the border.

That these hundreds of foreign nationals on US terrorism watch lists were caught has sometimes been cast as good news, of a system that is working. But these captures are neutralized by four counts of decidedly bad news, which are that:

- Illegal aliens on national security watch lists are coming in *monthly* numbers that dwarf the numbers caught during many (if not all) past *full* years.

- They come while historic numbers of “got-aways” (approaching two million) who evaded detection as Border Patrol agents were busy processing in the “give-ups,” heightening the probability that watch-listed individuals were among the got-aways and now are among *us*.
- As border counterterrorism programs crumble, opportunities to catch and deport others pass unexploited.
- Terrorist actors abroad are by now well aware that the US southern border poses far less of an impediment or deterrent to illegal entry than in years past.

Government report faults overwork for release of terror suspect and system failure

A particularly emblematic case-in-point illustrating how the mass migration crisis has damaged border counterterrorism capabilities comes to us by way of the Department of Homeland Security’s Office of Inspector General. On June 28, 2023, the office issued investigative findings from the accidental April 2022 release of a Colombian who crossed the border in the Yuma, Arizona Border Patrol Sector despite being flagged on the terrorism watch list.⁵

The report, titled “*CBP Released a Migrant on a Terrorist Watch List, and ICE Faced Information Sharing Challenges Planning and Conducting the Arrest*,” explains that Border Patrol agents struggling to process into the country overwhelming numbers of give-ups inside a central processing center released the suspect two days after his crossing even though he initially flagged in a database check as a suspected terrorist.

The OIG report lays out established government processes for handling illegal border-crossers who appear on the US watchlist. Cases involving aliens flagged on the watchlist are forwarded for general reporting purposes (or confirmation) to the FBI’s Terrorist Screening Center in Virginia. Analysts at the center work the case, signaling to FBI or other agents that the person of interest is in custody at the border, and contacting other nations or information, such as a Mexican intelligence group known as Grupo Conjunto de Inteligencia Fronteriza, which works closely with the American agencies on these cross-border travel cases. The most valuable backstop is the practice of dispatching federal agents, including the FBI, but also the Border Patrol’s “Tactical Terrorism Response Teams” (TTRTs), who conduct face-to-face interviews with terrorism suspects to suss out their intentions and to collect intelligence information.

But instead of triggering TTRT interviews for this Colombian national, the agents handled the suspect like most other border-crossers. They handed him personal recognizance parole papers and released him with a GPS tracking device on a promise that he would voluntarily report in later to an ICE office in the city he chose to settle in.

Why was a Colombian on the terror watch list released like anyone else? The report describes a cavalcade of multi-agency communication mishaps, all attributable to distractions by the record 28,681 aliens who crossed that April of 2022 in that sector (compared to 298 the same month in 2020) through an unfinished, “paused” section of the border wall.

The oversight occurred because Border Patrol agents and others in the system “were busy processing an increased flow of migrants,” didn’t send or open critical email about the watch list

hit because they “were busy processing an increased flow of migrants,” and let the migrant go because “the increase in Yuma apprehensions had created pressure to quickly process migrants and decreased the time available to review each file,” the DHS-OIG report states.

He would remain free to do as he pleased in Florida for the two weeks it took for an urgent manhunt operation to regain custody of the terror suspect. But even that took at least eight days longer than necessary because Border Patrol was too busy to send ICE officers in Florida a critical paper file. That’s because Border Patrol’s Yuma Sector operation was too busy to sort, box, and ship any more than a thousand files “once or twice a week,” to ICE offices across the country, the OIG report found. They were tens of thousands behind.

Border counterterrorism programs implemented in 2004 for ‘special interest aliens’

“A known or suspected terrorist — KST is the acronym that we use — individuals who match that profile have tried to cross the border, the land border, have tried to travel by air into the United States, not only this year but last year, the year prior and so on and so forth. And it is because of our multi-layered security apparatus, the architecture that we have built, since the commencement of the Department of Homeland Security, that we are in fact able to identify and apprehend them and ensure they do not remain in the United States. And so we actually deny them entry based on our intelligence and based on our vetting procedures, which have only grown in sophistication throughout the years.”

--U.S. Department of Homeland Security Secretary Alejandro Mayorkas, March 17, 2021 hearing before the House Homeland Security Committee.

America is at greater risk of attack from aliens who have crossed the southern border because these all-important interviews with aliens of national security interest are no longer being conducted to the extent they would have when fewer migrants were crossing.

Aliens who are on a watch list, in normal times, would rank as a five-alarm national security fire triggering face-to-face interviews with well-trained American law enforcement agents. But the counterterrorism regimen also requires interviews with far more aliens of special interest who are not on any watch list (and may never be) and who are, instead, from designated countries of special security interest. These often show up with no identification or verifiable back stories.

OBP 50/8b-P

NOV 01 2004

U.S. Department of Homeland Security
Washington, DC 20129

U.S. Customs and Border Protection

MEMORANDUM FOR: ALL SECTOR CHIEF PATROL AGENTS

FROM: David V. Aguilar
Chief
U.S. Border Patrol

SUBJECT: Arrests of Aliens From Special Interest Countries

The following 35 countries and the territories of the West Bank and the Gaza Strip have been designated as special interest countries:

Afghanistan	Kuwait	Somalia
Algeria	Lebanon	Sudan
Bahrain	Libya	Syria
Bangladesh	Malaysia	Tajikistan
Djibouti	Mauritania	Thailand
Egypt	Morocco	Tunisia
Eritrea	North Korea	Turkey
Indonesia	Oman	Turkmenistan
Iran	Pakistan	United Arab Emirates
Iraq	Philippines	Uzbekistan
Jordan	Catar	Yemen
Kazakhstan	Saudi Arabia	Territories of Gaza and West Bank

For any person taken into Border Patrol custody from one of above countries or territories, at a minimum, the following actions will be taken:

This important counterterrorism program was established in November 2004, when then-Chief Border Patrol Agent David Aguilar issued a memorandum requiring agents to follow strict protocol whenever an alien from one of about 35 “special interest countries” he listed showed up at the border.⁶ Anyone from these countries would be tagged as a “special interest alien,” requiring agents to take the following steps:

1. Filing a “Significant Incident Report to the CBP Situation Room within one hour to flag any SIA at least 14 years old.
2. Contacting sector communications for records checks.
3. Contacting the National Targeting

Center for additional records checks.

4. Contacting the local FBI Joint Terrorism Task Force for “follow-on” interviews.
5. Copying pocket litter for possible additional intelligence.
6. Completing and forwarding a G-392 Intelligence Report through Border Patrol intelligence channels.
7. Enrolling all SIAs 14 years old or older into various biometric identification systems.

The national security enterprise has kept to the foundations of that original 2004 document using the FBI, CBP’s TTRT groups, ICE intelligence officers, Defense Intelligence Agency officers, and Texas Department of Public Safety intelligence analysts under my authority through at least 2018.

But that was in the years before the Biden border crisis overwhelmed the American frontier, during a period when the number of border-arriving special interest aliens ranged from some 3,000 to 4,000 in a year. Even then, not all special interest aliens could be put through the enhanced interview and security paces before they were released into the country.

If adhering strictly to the regimen was difficult with lower pre-crisis numbers, doing so would become all but impossible once special interest aliens began arriving by the anomalously large tens of thousands after 2021. The Biden administration has taken steps to obscure the numbers of special interest aliens from the US public, ending routine reporting of these “apprehensions by nationality” at the last year, 2019.⁷

Some of those numbers have recently leaked out, revealing unprecedented growth in special interest alien traffic since. Between just October 2022 and August 2023, for instance, Border

Patrol encountered nearly 75,000 special interest aliens, according to a report by The Daily Caller Foundation's Jennie Taer.⁸

A question that must be raised is why CBP's public-facing website of monthly apprehension statistics, which tracks migrants by 21 country citizenships, includes only one identified special interest Muslim-majority nation in the Middle East vicinity – Turkey.⁹ Citizens of Turkey who crossed the border exceeded 30,000 between 2021 and the end of July 2023. The answer is begged as I personally meet and interview migrants during my reporting on routes south of the border from Uzbekistan, Dagestan, Kyrgyzstan, Tajikistan, Mauritania, Sudan, Senegal, Indonesia, Iran, Bangladesh, Pakistan, Syria, Jordan, Egypt, Iraq, and Lebanon, all designated countries.

Key indicator points to elevated risk longevity

This exploding number of special interest alien and confirmed suspected terrorist traffic come to the US border very often via a jungle route that connects South America to Central America called the Darien Gap. At extraordinary, historic scale, migrants from 150+ countries as of now are still making their way into South America and then northward through the Darien Gap passage. Colombia and Panama to facilitate that flow out of national self-interest, since neither country is an ultimate destination or wants to care for these transiting migrants.

Local Panamanian and Costa Rican authorities have on occasion arrested suspected terrorist travelers from countries like Somalia and Pakistan who crossed amidst the Darien Gap flows, and made them available to US intelligence and law enforcement officers stationed in the region before deporting them.¹⁰

But the higher the human tide through the Darien Gap rises, the higher the flows of those on US terror watch lists, which helps explain the nearly 260 of those on the watch lists apprehended at the border as of July 2022.

Current trend lines indicate longevity to the current higher risk, which becomes more dangerous as probabilities increase with time. Consider that, in any normal year, migrant flows through the gap averaged less than 10,000. FY 2021 was the last time the numbers came in so low.¹¹

But the numbers of foreign nationals from 150+ countries, attracted by Biden's quick release policies, ballooned to a previously unimaginable 250,000 for the first time during 2022 and then past 300,000 through August 2023.¹²

This voluminous traffic stands as a warning that an already elevated infiltration threat will be prolonged as migrants from special interest countries move through and are replaced by high volumes of new travelers coming in behind them. The high volumes from so many parts of the world will place ever more pressure – for longer periods – on border-related counterterrorism and security programs.

Decreasing ability to conduct counterterrorism work

Another recent terrorism scare episode exposed system failure yet again. In late August 2023, CNN reported that a human smuggler operating in Mexico with “ties” to the terrorist group ISIS moved at least a dozen special interest alien Uzbekistanis over the southern border.¹³ Uzbekistan has been on former Chief Aguilar’s special interest nation list since he issued his 2004 memorandum.



Uzbek migrants in Tapachula, Mexico after crossing from Guatemala on their way to the US southern border. January 2022 photo by witness Todd Bensman

The episode so alarmed the Biden administration that “an urgent classified intelligence report was circulated to top Cabinet officials in the morning briefing book” and a nationwide manhunt for the Uzbeks was ordered to get them interviewed and eliminated as terror suspects. At American behest, Turkish authorities even arrested the smuggler, who was said to be cooperating.

Administration officials boasted of success about their quick decision to mount a nationwide manhunt for the smuggled Uzbeks. But rather than reflecting success, this operation actually was evidence of failure in the system Chief Aguilar established because, in past years, federal agents would have interviewed most or all Uzbekistanis *before* their releases into the United States, never *after* their releases.

Uzbeks are special interest aliens for good reasons. Among them is the Halloween night attack in 2017 by 29-year-old Uzbek immigrant Sayfullo Habibullaevic Saipov. He plowed a truck into a crowd of bicyclists and pedestrians in lower Manhattan, crushing eight to death and terribly disfiguring many others, just blocks from the World Trade Center in the name of the ISIS. A judge sentenced Saipov to life in prison in March 2023.

That Saipov attack occurred just four days after a judge issued a 15-year prison sentence to Abdurasul Hasanovich Juraboev, another Uzbek immigrant found guilty of terrorism charges for

supporting ISIS. Authorities said Juraboev posted an online threat to kill then-U.S. President Barack Obama for ISIS and spoke of planting a bomb on Coney Island if the group ordered it. The FBI arrested him in February 2015 after Jurboev bought a plane ticket to Istanbul, Turkey, on his way to join Islamic State in Syria.

Neither of these Uzbeks entered illegally across the southern border. They flew into the United States with visas. But the fact that they entered that way only underscores the elevated threat of infiltration by border in the new crisis circumstances. Had they tried to enter illegally even two years ago, these Uzbekistani nationals would have faced deep interrogation as tagged special interest aliens about their lives and personal histories at the hands of trained homeland security officials, plus a national security investigation. Today, those two might well have recalibrated their odds and chosen the border as posing the lessor possibility of discovery.

Breakdowns in counterterrorism border interviews, security vetting and perimeter vigilance is clearly not only happening on the US side of the border since the mass migration also has afflicted Mexico. There is evidence of breakdown on the Mexican side now too.

Breakdown of counterterrorism systems in Mexico

Nothing illustrates what counterterrorism program degradation looks like quite like the April 2021 capture by Mexican immigration officials of a US watch-listed Yemeni national named Ahmed Mohammed Ahmed just as he was about to cross into Del Rio, Texas.¹⁴ In 20 years of normal flow times, U.S.-Mexico collaboration on terrorist travel issues ran deep.

Indeed, it can be argued that collaborative successes in Mexico have kept Americans safer; between 2014 and 2019, for instance, Mexico deported 19 suspected migrant terrorists, no doubt in collaboration with the FBI and other US agencies stationed in-country.¹⁵ A recent *Milenio* newspaper investigation based on leaked classified Mexican Ministry of National Defense documents revealed a number of cases where Mexican and US intelligence agencies, working together, discovered Islamic terrorists inside Mexico in 2015, 2016, and 2017.¹⁶

But not so much during the ongoing mass migration crisis. Mexico ended up deporting Ahmed, but he returned in July 2021, the busiest month in the history of both nations up to that time.¹⁷ When he returned, there was a breakdown in the bilateral collaboration. Rather than deporting Ahmed a second time, the Mexican government released him, likely to clear overcrowded detention facilities. In a hint that this news alarmed and surprised US authorities, CBP issued a "Be On the Lookout" bulletin for Ahmed to law enforcement throughout Texas.¹⁸ An urgent manhunt for him ensued, but it's unclear whether anyone ever found the Yemeni.

Indifference to a special interest alien shelter in Tijuana

So many special interest aliens are arriving at the southern border and gaining quick release that a Muslims-only migrant shelter opened in Tijuana in June 2022 to cater to the new high demand – and to provide waystation support on their border crossings within eyesight of the border wall. In November 2022, I visited the Albergue Assabil/Mesquijta Taybah shelter and interviewed its visitors and shelter management. There, I met Chechens, Uzbeks, Tajikistanis, and Syrians, the latter three special interest aliens.¹⁹

In no other single shelter would special interest alien immigrants planning border crossings be drawn to congregate as they had in this one, or invite immediate US and Mexican intelligence and law enforcement interest.



“I would be all over this place,” James G. Conway, a former FBI supervisory special agent who created and led special interest alien programs in Mexico after 9/11, told me.

“The fact that terrorist organizations are based in some of those countries and want to bring harm to the United States, and that this shelter that specifically caters to citizens from special interest countries two blocks from the U.S. border is helping to funnel them into the United States should certainly be a concern to law enforcement and the intelligence community,” Conway told me. “I’m sure 99 percent of those who are being helped are fine but it’s that small element that could be related to a terrorist organization that is the concern.”

Yet the shelter’s director, a Mexican-American convert to Islam named Sonia Garcia, told me that no American or Mexican intelligence agency had reached out to collect information in all of its

seven months’ existence up to that time, which included internal records she kept on all guests and was willing to hand over if any agency asked.²⁰

“If somebody’s on the list and they want to find out if they came from the shelter, well they’re welcome to come to the shelter and ask us,” Garcia told me. “We have no problem in giving the information or interest in hiding the information, no. If he is on the watch list and he came into the shelter, well it’s very good because we’ll give them [the Americans] the information. We’re not hiding the information.”

I asked an active-duty DHS intelligence officer who worked on transnational human smuggling crime in a US duty station on the border if their agency was interested in the shelter.

“No. We are not,” the individual answered. Interest in special interest aliens preparing to cross the southern border waned when President Biden took office. Asked why, the DHS officer responded that the shelter’s work was regarded as humanitarian and therefore protected from U.S. law enforcement interest.

“That is no longer within the scope of our criminal investigations. Because they are doing humanitarian work, they get to operate basically with impunity,” the individual told me.

Other inexplicable migrant terrorist suspects mishandlings reinforce system breakdown

Less explicable foul-ups involving migrant-terrorists have also occurred during the Biden border crisis.

In early December 2021, a Lebanese-Venezuelan migrant swam the Rio Grande from Matamoros to Brownsville, Texas, and was flagged on the FBI terror watch list, according to a report by former *New York Times* Pulitzer Prize winner Charlie LeDuff.²¹ Amid the border chaos

that month, the FBI recommended ICE keep him locked up until deportation due to "substantive high side derogatory intelligence," labeling him a "high risk" and a "flight risk."

Instead, ICE headquarters overrode FBI recommendations and ordered the man released for fear that, due to his weight, he might be susceptible to Covid-19, the leaked records showed. To this day, there is no explanation or known government inquiry as when the Venezuelan was accidentally freed in the crush of migration.

On February 16, 2022, Republican members of Congress asked House Democrats for permission to hold a hearing about a decision to release this suspected terrorist from Venezuela. Rep. Andy Biggs (R-Ariz.), ranking member of this subcommittee penned the request to subcommittee Chair Sheila Jackson Lee (D-Texas), in part on grounds that, "There is no known case in which a foreign national who pinged on a terror watch list was simply released on his own recognizance."²²

"The facts in the case strongly suggest that the Biden Administration failed to follow appropriate protocols with respect to suspected terrorists."

Eight GOP lawmakers on the subcommittee signed the letter.

But the request went unfulfilled. I am happy to bring this matter to at least some attention now in this hearing.

Foreign terrorist awareness of faltering border defenses

A recently concluded federal prosecution in Ohio indicates probable broader terrorist actor interest in using the southern border to illegally cross into the country and attack the homeland.

The FBI's Ohio field office arrested a local Iraqi asylum seeker and former al Qaeda fighter Shihab Ahmed Shihab in May 2022 for orchestrating a credible international plot to assassinate former President George Bush in Texas using a remarkable tactic that would have exploited the mass migration crisis.²³ Shihab pled guilty to planning to smuggle at least four Iraqi terrorists over the southern border for the Bush assassination.²⁴

A former al Qaeda fighter who killed many US soldiers during the early phases of the Iraq War, Shihab himself somehow managed to fly into an American airport with a tourist visa under intelligence radars in September 2020, before this mass-migration crisis began.

He overstayed his tourist visa, lodged an asylum claim forestalling deportation, and began contemplating the border, an arrest-warrant affidavit shows. The plot unfolded as border defenses were collapsing. Shihab must have realized that crossing terrorist operatives among the millions of migrants had become less risky than the tourist-visa-overstay method he'd used. He claimed to undercover FBI informants that he'd successfully smuggled in two Hezbollah operatives over it, the records allege, without elaboration, then turned to replicating that ostensible success for the Bush assassination.

Shihab reached out to his former terrorist comrades with whom he'd killed Americans in Iraq, a unit once known as "Thunder" in Arabic, and began working with a new unit leader in Qatar.

Fortunately, the FBI introduced informants into Shihab's circle.

His plans called for at least four of eight Thunder terrorists to pay \$40,000 each for travel into Brazil on fraudulently obtained visas, who would then go up through the Darien Gap jungle-smuggling passage between Colombia and Panama.

From Central America, Shihab's terrorists would meld unnoticed with the multinational masses moving north to the US-Mexico border, then cross, possibly wearing faux Border Patrol uniforms, the informants reported. As the plot progressed, Shihab actually flew to Texas and conducted surveillance of Bush's homes in Dallas and at a central Texas ranch. He was also assessing how to provide the arriving operatives with the weapons they would need to stalk and kill Bush.

Shihab's May 2022 arrest certainly foiled the plot but sounded an important alarm that must be heard as the historic multinational mass migration continues into its third year at record heights.

What this case demonstrates, beyond the fact these particular malefactors saw the border as more vulnerable to entry than before, is that appropriate homeland security thinking now must assume the rest of the jihadist universe also sees the US-Mexico line as unusually penetrable.

Who they are

In addition to withholding disclosures of special interest alien numbers, CBP under Biden also does not disclose the nationalities of immigrants who were a match for the terror watchlist, nor even general information about their group affiliations.

The Center for Immigration Studies is seeking nationality and group affiliation information through the Freedom of Information Act in an effort to bring the public more clarity about the nature of those attempting to gain entry into the United States at its land borders.

What limited information about those apprehended during the Biden border crisis has become public through leaks or in some court filings, however, does not bode well for effective national security.

They are a mix of Islamic jihadists and, as if that were not disturbing enough, members of the blood-drenched Revolutionary Armed Forces of Colombia, or "FARC," a Marxist-Leninist guerilla group that waged war on Colombia's government from 1964 until agreeing to a peace deal in August 2016.²⁵

Among the first suspected terrorists apprehended during the Biden administration were three from Yemen and one from Serbia, DHS Secretary Alejandro Mayorkas testified in March 2021.²⁶ A separate disclosure in a CBP press release the following month had it that two Yemenis on the watch list crossed near Calexico, California. One crossed in January 2021 and a second crossed at the same spot in March 2021. That CBP press release was quickly removed but never disavowed.²⁷ A variety of violent extremist groups operate in Yemen's civil war, including al-Qaeda.

Both Yemenis, the press release said, also were on the FBI's rarified No Fly list, normally reserved for individuals that U.S. intelligence deem so dangerous that their ability to travel must be curtailed.

One of the Yemenis had secreted a cell phone sim card in his shoe insole, the release said without elaboration.

In the Shihab case discussed earlier, he told undercover informants that he had successfully transported two Hezbollah operatives into the country. Hezbollah is a Lebanese Shia group designated as a Foreign Terrorist Organization.

Separately, in December 2021, Yuma Sector Chief Border Patrol Agent Chris Clem announced on Twitter the apprehension of a “potential terrorist” from Saudi Arabia caught entering illegally near Yuma. He was wearing a New York County ambulance jacket.²⁸

“The 21-year-old migrant from Saudi Arabia is linked to several Yemeni subjects of interest,” Chief Clem wrote in his Tweet, which was quickly deleted. No further details were available on this case, although the Saudi embassy later denied the man was not a citizen of that country.

Especially disturbing were public disclosures by the *Washington Examiner*²⁹ that dozens of watch-listed immigrants caught at the border were members of FARC.

Colombia's FARC groups

In November 2021, the Biden administration de-listed FARC as a Foreign Terrorist Organization (FTO) following a peace agreement with the Colombian government and demobilization. But many of its members are still considered dangerous and so remain on the watch list.

Other Colombians crossing may well belong to two FARC splinter groups that remain designated FTOs: the Revolutionary Armed Forces of Colombia – People's Army (FARC-EP) and a rival of FARC-EP, the Segunda Marquetalia.³⁰ It's unclear which suspected terrorists who are crossing belong to which of the three groups but what is clear is that all must be considered a significant threat to US national security, national interest, and public safety as they seek to join the Colombian diaspora inside the country.

Naturally, any former operative of the main delisted FARC group or its remaining still-listed splinter groups would remain on US terror watchlists given the violent lifestyles and organized criminal violence in which so many engaged for years. While it is true that some former FARC members are fleeing targeted violence against them, the idea that former FARC members or current members of the remaining two foreign terrorist groups are entering the United States at the border should give no American peace of mind.

FARC-EP's 2,000 operatives conduct armed assaults, assassinations, extortion operations, and hostage-takings. The group also focuses most of its attacks on Colombian government and military targets, but also on US military personnel in the country, according to the Director of National Intelligence. The 2,500 members of the Segunda Marquetalia FARC dissident group conduct bombings, violence against civilians, kidnappings, attacks on utilities infrastructure and against military and police facilities, according to the US State Department.³¹

Joseph Humire, Executive Director of the Center for a Secure Free Society and expert on Latin American security matters, explained to me recently that current and former FARC members pose a particular threat to Colombian immigrant communities inside the United States.

“Those illegally coming now from nefarious groups are going to embed themselves in their communities and control them like a mafia. It will be social control through intimidation,”

Humire told me. “In those communities, you’ll see practices foreign to the US but native to homelands. The FARC has their own code of conduct. It has a lot of nasty ***t. Vigilante justice, so yeah, they’ll probably try to impose their justice here. A lot of Colombian families still have relatives back home and the FARC can still reach out and touch those relatives.”

Furthermore, Humire told me, Iran, Cuba and Venezuela could use FARC operatives inside the United States “as a cut-out to be able to do attacks on US infrastructure with a level of deniability.

“They don’t have that vitriolic anti-US hate. They’re not going to be screaming Allah Akbar while they’re trying to kill Americans. But for money, they’ll do it. That’s the FARC, man.”

Conclusion

Skeptics of the border infiltration threat like to point out that the FBI’s terrorism database includes a mix of family members or associates of actual terrorists who may not themselves be directly implicated in killing and so question why Americans should concern themselves about listed individuals attempting to cross.³²

But it is important to remember that no one other than those intimately familiar with investigative case files is in a position to judge or dismiss watch-listed migrants as appropriately worrisome on grounds that one might merely be an “associate” or “family member,” since much-improved nomination-to-approval processes are more analytically rigorous, based on evidence and intelligence information.

Short of direct examination of government case files, pundits and members of the public with no special access swing beyond their qualification to advocate that watch-listed migrants crossing the border pose no serious threat. History proves that the more obviously prudent choice is to always presume the opposite, that all are potentially dangerous and that high flows of human traffic over the border should be reduced so as not to aid and abet their unwanted entries.

Furthermore, many if not most special interest aliens may remain unknown to intelligence agencies as terrorists and are therefore not be present on any watch list, when in fact they *are* involved. Therefore, the prudent default position for those without access to case files and intelligence is to presume that any watch-listed migrant or special interest alien poses a distinctly higher national security risk than those crossing who fit neither category. Casually dismissing watch-listed migrants and special interest aliens as a more unique threat problem comes at unnecessary national peril.

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² Opinion and Order in State of Florida versus United States of America, US District Judge Thomas Kent Wetherell, 8 March 2023, https://storage.courtlistener.com/recap/gov.uscourts.flnd.405819/gov.uscourts.flnd.405819.157.0_1.pdf

³ Todd Bensman, “America’s Covert Border War: The Untold Story of the Nation’s Battle to Prevent Jihadist Infiltration,” Bombardier Books, 23 February 2021, https://www.amazon.com/Americas-Covert-Border-War-Infiltration/dp/1642937258/ref=sr_1_2?crid=W727GAGMU79B&keywords=Todd+Bensman&qid=1694308237&s=books&sprefix=todd+bensman%2Cstripbooks%2C245&sr=1-2

⁴ Jonny Wakefield, "Everything we know about the man charged in Edmonton's truck attack from the woman who knows him best," The Edmonton Journal, 28 September 2018, <https://edmontonjournal.com/news/crime/who-is-abdulah-hasan-sharif-one-year-later-everything-we-know-about-the-alleged-edmonton-attacker>

⁵ CBP Released a Migrant on a Terrorist Watchlist, and ICE Faced Information Sharing Challenges Planning and Conducting the Arrest (REDACTED), DHS Office of Inspector General Report OIG-23-31, 28 June 2023, <https://cis.org/sites/default/files/2023-07/OIG-23-31-Jun23-Redacted.pdf>

⁶ The November 2004 Aguilar memorandum listed the following 35 countries and the territories of the West Bank and the Gaza Strip have been designated as Special Interest Countries: Afghanistan, Kuwait, Somalia, Algeria, Lebanon, Sudan, Bahrain, Libya, Syria, Bangladesh, Malaysia, Tajikistan, Djibouti, Mauritania, Thailand, Egypt, Morocco, Tunisia, Eritrea, North Korea, Turkey, Indonesia, Oman, Turkmenistan, Iran, Pakistan, United Arab Emirates, Iraq, Philippines, Uzbekistan, Jordan, Qatar, Yemen, Kazakhstan, Saudi Arabia, Territories of Gaza, and West Bank; "Myth/Fact: Known Suspected Terrorists and Special Interest Aliens, Department of Homeland Security, January 2019, <https://www.dhs.gov/news/2019/01/07/mythfact-known-and-suspected-terrorists-special-interest-aliens>

⁷ US Border Patrol Nationwide Apprehensions by Citizenship and Sector FY2007-FY2019, https://www.cbp.gov/sites/default/files/assets/documents/2020-Jan/U.S.%20Border%20Patrol%20Nationwide%20Apprehensions%20by%20Citizenship%20and%20Sector%20%20FY2007%20-%20FY%202019%20_1.pdf

⁸ Jennie Taer, "Feds Flagged Nearly 75,000 Illegal Migrants as Potential National Security Risks," The Daily Caller Foundation, 1 September 2023, <https://dailycaller.com/2023/09/01/illegal-migrants-national-security-risk/>

⁹ CBP Nationwide Encounters website, <https://www.cbp.gov/newsroom/stats/nationwide-encounters#>

¹⁰ Todd Bensman, Video Report: How America Filters for Terrorists in Distant Lands, Center for Immigration Studies, 12 December 2018, <https://cis.org/Bensman/VIDEO-CIS-Panama-and-Costa-Rica-How-America-Filters-Potential-Terrorists-Distant-Lands>; Todd Bensman, Video Report: A US Counterterrorism Strategy in Costa Rica, 17 December 2018, <https://youtu.be/Oldjt8jA6k>

¹¹ Todd Bensman, Congressmen and Journalists Report on Historic Surge of 'Extra-Continental' Migrants Now Pouring Through Panama to US Border," Center for Immigration Studies, 2 June 2021, <https://cis.org/Bensman/Congressman-and-Journalists-Report-Historic-Surge-ExtraContinental-Migrants-Now-Pouring>

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¹³ Katie Bo Lillis, Evan Perez, Priscilla Alvarez and Natasha Bertrand, "Exclusive: Smuggler with ties to ISIS Helped Migrants Enter US From Mexico, Raising Alarm Bells Across Government," CNN, 30 August 2023, <https://www.cnn.com/2023/08/29/politics/migrants-us-southern-border-smuggler-isis-ties/index.html>

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¹⁵ "Se identificaron a 19 extranjeros vinculados con terrorismo: INM," 3 November 2019, <https://www.elsoldemexico.com.mx/mexico/sociedad/informe-2014-2018-19-extranjeros-migrantes-vinculados-terrorismo-inm-4405229.html>

¹⁶ Ruben Mosso, "They document six Contacts of the Islamic State with Mexicans," Milenio Newspaper, 20 October 2022, <https://www.milenio.com/internacional/terroristas-intentaron-reclutar-personas-mexico-informe-sedena>

¹⁷ Todd Bensman, "Mexico Freed a Suspected Yemeni Terrorist Migrant – and Left Americans to Find Him," Center for Immigration Studies, 28 December 2021, <https://cis.org/Bensman/Mexico-Freed-Suspected-Yemeni-Terrorist-Migrant-and-Left-Americans-Find-Him>

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Mr. McCLINTOCK. Thank you for your testimony.
We will next hear from Mr. Marino.

STATEMENT OF CHARLES MARINO

Mr. MARINO. Thank you, Chair McClintock, Ranking Member Jayapal, and Members of the Committee. Thank you for the opportunity to appear today to testify about this important topic.

On the heels of the 22nd Anniversary of the horrific attacks against this country on September 11, 2001, we are all reminded of the sacred responsibility that the U.S. Government has to safeguard the homeland by creating and implementing effective policies to prevent another such act of terrorism. It is in this spirit that I served within the Department of Homeland Security to help protect this country for two decades under both parties and continue my work in national security today as an Adjunct Professor at the University of South Carolina where I teach future generations the important process of developing comprehensive national security strategies.

While the current volume of threats against the United States are undoubtedly robust in number, they are also more diverse and originate from more places than at any time in our history. While the threat environment is constantly evolving, what must remain consistent is the indisputable need for both border security and immigration enforcement as essential strategic elements necessary to prevent bad actors from entering the country in the effort to best secure the homeland and ensure the sovereignty of the United States. This is most certainly not happening now.

So, it is disappointing that I appear before you today to State the obvious. The border and immigration policies of the Biden Administration have made the country less safe since 9/11 by directly undercutting the very purpose for creating the Department of Homeland Security under the 2002 Homeland Security Act and by further subverting the statutory responsibilities of the Border Patrol, ICE, and practically every other agency has with protecting the homeland.

After the U.S. Government was criticized for a failure of imagination by the 9/11 Commission, our government promised all Americans that never again, never again would the country fall victim to future terrorist attacks on its soil. Despite that promise, it is blatantly obvious that the Biden Administration is suffering from the same failure of imagination that took place then and foolishly under estimating how easily our adversaries, including terrorist groups, can and will exploit our open borders with the help of the Mexican cartels to kill innocent Americans. We must do something before it is too late.

We are all aware of the catastrophic amount of fentanyl entering our country killing approximately 70,000 Americans per year and the unprecedented level of human trafficking, modern-day slavery, as well as the unsustainable influx of undocumented migrants that fleece Americans of their resources without paying back into the system. We must also start paying attention to the imminent terrorist threat that the cartels and others pose to the country. After all, if the cartels will work with China to kill thousands of Americans via fentanyl, shouldn't we assume that they would also work

with other adversaries and terrorists for the right price to facilitate illegal entry into the country? If anyone is not thinking this way, let me respectfully suggest they start immediately.

With almost 200 migrants on the Terror Watch List which have been apprehended while trying to sneak across the border, the natural question is so how many on that list have made it in?

Recently, more than a dozen Uzbekistan nationals smuggled in by a suspect with connections to ISIS were released into the United States with some missing, just as many of those from the Afghanistan withdrawal debacle who were ushered on to our soil without thorough vetting. While I was in my role at DHS, these types of situations were always on top of our minds and would have been cause for alarm. It is time to allow law enforcement to do their jobs and reestablish deterrence through enforcement. Thank you.

[The prepared statement of Mr. Marino follows:]

Charles Marino Testimony on “Terrorist Entry Through the Southwest Border”

Chairman McClintock, Ranking Member Jayapal, and Members of the Committee.

Thank you for the opportunity to appear today to testify.

On the heels of the 22-year anniversary of the horrific attacks against this country on 9/11/2001, we are all reminded of the sacred responsibility that the U.S. government must safeguard the homeland by creating and implementing effective policies to prevent another such act of terrorism. It is in this spirit that I served within the Department of Homeland Security to help protect this country for two decades under both parties and continue my work in national security today as an Adjunct Professor at the University of South Carolina, teaching future generations the important process of developing comprehensive national security strategy.

The Threat Environment

While the current volume of threats against the United States are undoubtedly robust in number, they are also more diverse, and originate from more places than at any other time in our history.

But while the threat environment is constantly evolving, what should remain consistent is the indisputable need for both border security and immigration enforcement as essential strategic elements necessary to prevent bad actors from entering the country to best secure the homeland and ensure the sovereignty of the United States. This is most certainly not happening now!

So it is disappointing that I appear before you today to state the obvious: The border and immigration policies of the Biden Administration have made the country less safe since 9/11 by directly undercutting the very purpose for creating the Department of Homeland Security under the 2002 Homeland Security Act, and by subverting the statutory responsibilities of the Border Patrol, ICE, and practically every other agency tasked with protecting the homeland.

After the U.S. government was criticized for a “failure of imagination” by the 9/11 Commission, our government promised all Americans that “Never Again”---“Never Again”---would the country fall victim to future terrorist attacks on its soil. Despite this promise, it is blatantly obvious that the Biden Administration is suffering from the same “failure of imagination” and foolishly underestimating how easily our adversaries, including terrorist groups, can and will

exploit our open borders with the help of the Mexican cartels to kill innocent Americans. We must do something before it's too late.

We are all aware of the catastrophic amount of fentanyl entering our country, killing approximately 70,000 Americans per year; the unprecedented level of human trafficking—modern day slavery—as well as the unsustainable influx of undocumented immigrants that fleece Americans of their resources without paying back into the system. But we must also start paying attention to the imminent terrorist threat that the cartels pose to the country. After all, if they will work with China to kill thousands of Americans via fentanyl, shouldn't we assume that they will work with other adversaries and terrorists for the right price to facilitate illegal entry into the country and other ways to possibly kill even more? If anyone is not thinking this way I suggest they start, immediately!

According to the U.S. Border Patrol's monthly reports, it nabbed 98 people on the Terrorist Screening Database (TSDB) at the southern border in 2022, an increase from 15 arrested in 2021. And it's only getting worse. So far in 2023, almost 200 on the watchlist have been apprehended while trying to sneak across the border.

Recently more than a dozen Uzbekistan nationals, smuggled in by a suspect with connections to ISIS, were released into the United States. Some are now missing, just as are many of those from the Afghanistan withdrawal debacle who were ushered onto our soil without thorough vetting. While I was in my role at DHS, these types of situations were always top of mind and would have been cause for alarm. However, thanks to more effective policies and programs, like Secure Communities, these instances were lower because we also maintained a semblance of order by allowing law enforcement to do their jobs! Thereby establishing Deterrence through Enforcement!! Under this administration, we have lost all elements of deterrence, a primary causation of this crisis.

In fact, according to a recent DHS OIG report entitled “DHS Does Not Have Assurance That All Migrants Can be Located Once Released into the United States” “... of 981,671 migrant records documented by USBP from March 2021 through August 2022, addresses for more than 177,000 migrant records were either missing, invalid for delivery, or not legitimate residential locations.” So now not only do we not know the full backgrounds of many migrants, but we also don’t know where they ARE! All because vetting is only as good as the systems we are vetting against. This is a recipe for disaster.

Since the Biden Administration's tenure in office, approximately 8 million immigrants have been encountered on the border with a mind-boggling deportation rate of only 15% overall; what is most concerning are the estimated 2 million "got aways" who have crossed into America without being detained. And then there are the "never seen" - the illegal aliens who *haven't* been detected at all while crossing the border, and who are currently hiding within our communities, doing God knows what. What we do know is *how* the most nefarious of them—from adversarial countries including China, Russia, and Iran—are buying passage into the United States. They're going through Mexico's powerful cartels, whose businesses are booming!

The Administration's inept policies, combined with the growing power of the cartels, Mexico's poverty and corruption, and the ability of terrorist cells to infiltrate our weak borders have culminated to create a perfect storm; If we don't take drastic action now, our nation's days of prosperity—the very reason people by the millions risk their lives to come here—will come to an end.

The Origin of a Crisis

Let's remember how this all began:

“We are not saying, ‘Don’t come.’ We are saying, ‘Don’t come *now*”

With these calculated words from DHS Secretary Alejandro Mayorkas during an official White House Press Corps address on March 1, 2021, the message was sent to the world that America’s Southwest border would soon be wide open to anyone wishing to enter.

Just think about the global messaging for a moment: First immigrants heard Biden would be tearing down the border wall; then they heard “we *should* come.” To most anyone, the message was tantamount to laying out a welcome mat.

There is no doubt that this crisis is by design and intentional, no matter how the administration attempts to “spin” it. The border is most definitely NOT secure. To say otherwise is an outright insult to the intellect of the American people. The real question isn’t, “is there an immigration crisis?” but rather, “Why would the Administration say there is not a crisis?”

Sadly, ladies and gentlemen of Congress, we don’t have time to explore the motive for this administration’s outright dereliction of its duty to secure the border. Rather, we must take steps to fix it immediately.

The good news is the solution isn’t really all that complicated ... if the goal is narrowly focused on protecting Americans. What we cannot be lured into doing, however, is to install policies that prioritize any other group over the safety and security of American citizens.

Solutions

First and foremost, we must gain the will of Congress to use every asset, resource, capability, technology, and diplomatic strategy to secure our southern border. If this means bringing in the military to stand shoulder to shoulder, so be it. After all, our troops' first priority is to protect America's homeland.

We must reinstate the dismantled Remain in Mexico Policy as potential immigrants are vetted. To allow everyone into the United States while they wait years for immigration hearings—all based on the honor system to show up—is flat out dangerous.

We must also remember that “asylum,” as the U.S. immigration law currently defines it, doesn't mean “an escape from poverty.” Sadly, there are billions of innocent people around the globe suffering from abject poverty, and we simply don't have the capability to save them all. Rather, “asylum” means to provide special safe haven for those people who are fleeing dire government persecution due to race, religion or other political reasons. America is a nation of laws, and our leaders' policies must follow the law, even if they do not personally agree with them.

Second, we must combat the cartels, even if Mexico won't help us. For years the cartels have officially been classified as Transnational Criminal Organizations, or TCOs. But considering glaring evidence transpiring daily on our unsecured borders, it is evident that the cartels have greatly increased their overall capabilities and tactics. While reclassifying them as Foreign Terrorist Organizations, or FTOs is not entirely necessary, we do need to change our strategy and go after them as such. This will give us more options for mitigating the national security dangers they clearly present. We should use law enforcement, intelligence, and the military if we must and take the fight to the cartels; we should consider placing both economic and diplomatic pressure on Mexico if it chooses not to help us diminish the cartels. Either Mexico's government is with us or against us; it can no longer play both sides of the fence.

Third, we must prosecute those found guilty of breaking our laws, from those who attempt to cross the border illegally to those importing deadly fentanyl and those on the terror watch list. We must end sanctuary cities that encourage illegal immigration; meanwhile the American people must elect judges, DAs and officials who put criminals behind bars.

Finally, a country cannot be considered sovereign or safe without secure borders; and immigration reform is certainly not possible without secure borders, first. That's why the Senate should immediately pass HR 2, the Secure the Border Act of 2023. This commonsense approach of restoring border security and immigration enforcement through a layered approach of physical barriers, technology, and overall enforcement of the law will restore order and security to our country through deterrence and accountability.

I'd hope we can all agree on this so that we may implement effective policies and security measures moving forward. For if we fail, history is destined to repeat itself, even after Americans were promised "Never Again."

Mr. McCLINTOCK. Thank you for your testimony.
Next, we will hear from Mr. Nowrasteh.

STATEMENT OF ALEX NOWRASTEH

Mr. NOWRASTEH. Chair McClintock, Ranking Member Jayapal, and distinguished Members of the Subcommittee, thank you for the opportunity to testify.

Over many decades, the Cato Institute has produced original research on immigration and sober evaluations of the realistic threat of foreign-born terrorism. Terrorism is a serious topic, so serious that we should focus laser-like on data and facts. We cannot let ourselves be distracted by fiction or speculation. This focus on data and facts requires looking at the past, which is the source, of course, of all data about terrorism.

The title of this hearing is “Terrorist Entry Through the Southwest Border.” When I first heard that was the title, my reaction was, what terrorist entry through the Southwest border?

Zero people have been murdered in attacks committed by terrorists who entered as illegal immigrants. Zero people have been murdered—injured in attacks committed by terrorists who entered illegally. Zero attacks have been carried out by immigrants who entered illegally.

Now, nine terrorists have entered the United States illegally since 1975. Five of them illegally crossed the U.S.-Canada border; one was a stowaway on a ship, and three of them, Dritan Duka, Eljvir Duka, and Shain Duka, entered illegally through the U.S.-Mexico border in 1984. At the time of entry, Dritan Duka was five years old; Eljvir Duka was three years old, and Shain Duka was one year old. In 2007, they were convicted as part of the Fort Dix plot, which was broken up by law enforcement during the planning stage.

Zero asylum seekers who became terrorists entered through the U.S.-Mexico border. Thirteen terrorists have entered as asylum seekers and they are responsible for nine murders and about 669 injuries and attacks on U.S. soil since 1975, but none of them crossed the Southwest border.

There have been zero attacks by illegal border crossers who were flagged by the Terrorism Screening Data base, also called the Watchlist. Federal prosecutors have not filed charges related to a terrorist plot on U.S. soil against anyone who entered between a port of entry and who was flagged by the Watchlist.

Almost all individuals listed in the Watchlist are not terrorists. Data released by the *Washington Examiner* showed that 25 out of the 27 Watchlist hits encountered by Border Patrol in the first months of 2022 were citizens of Colombia. If they were even members of a foreign terrorist organization, they are likely members or former members of the Revolutionary Armed Forces of Colombia (FARC), FARC offshoots, or other insurgents in Colombia. There has never been a terrorist attack committed on U.S. soil by these Colombian foreign terrorist organizations. There is no publicly available evidence that they have ever intended to target the U.S. homeland in a terrorist attack, and no foreign-born person from Colombia has ever committed, planned, attempted, or been convicted of attempting to commit terrorism on U.S. soil.

Special Interest Aliens, or SIAs, are a supposed terrorism concern along the U.S.-Mexico border. DHS has a fancy definition of SIA, but the reality is that the SIA designation is a label for illegal immigrants from a country that could have terrorists, and nothing more. SIA is not a meaningful metric to understand the threat of terrorism along the border or anywhere else.

Although terrorists who cross the U.S.-Mexico border have never murdered or injured anyone in a terrorist attack on U.S. soil, there is, of course, a chance that a foreign-born terrorist could cross the U.S.-Mexico border and commit an attack at some point in the future. It's got to be above zero.

A way to reduce that threat is to vastly expand the legal immigration to diminish the numbers of illegal immigrants down to very low levels. Such a liberalization and deregulation of immigration would allow Border Patrol Agents to focus their efforts more fully on deterring security threats, instead of trying to centrally plan international labor markets.

Thank you.

[The prepared statement of Mr. Nowrasteh follows:]



Statement

of

Alex Nowrasteh

**Vice President for Economic and Social Policy
Cato Institute**

before the

**Subcommittee on Immigration Integrity, Security, and Enforcement
Committee on the Judiciary
United States House of Representatives**

September 14, 2023

“Terrorist Entry Through the Southwest Border”

Chairman McClintock, Ranking Member Jayapal, and distinguished members of the subcommittee, thank you for the opportunity to testify. My name is Alex Nowrasteh, and I am the Vice President for Economic and Social Policy Studies at the Cato Institute, a nonpartisan public policy research organization in Washington, D.C. It is an honor to be invited to speak with you today about “Terrorist Entry Through the Southwest Border.”

Over many decades, the Cato Institute has produced original research on the benefits of immigration to Americans, the problems of illegal immigration and chaos along the southwest border caused by the restrictive legal U.S. immigration system, and sober evaluations of the realistic hazard of foreign-born terrorism. In my research, I use a broad definition of terrorism: the threatened or actual use of illegal force and violence by non-state actors to attain a political, economic, religious, or social goal through fear, coercion, or intimidation.¹ Drug cartels and other criminal organizations are not terrorists even though those other criminals engage in heinous crimes, commit far more murders, destroy much more property, and injure more innocent people. Terrorism is not synonymous with “bad crimes.” It is a specific type of crime based on the motivations of the criminal.

Foreign-born terrorists seeking to commit attacks on U.S. soil pose a hazard to the life, liberty, and private property of Americans and the lawful operation of the U.S. government. Reducing the risk of foreign-born terrorism is a legitimate function of the U.S. government. Nonetheless, terrorism committed by foreign-born attackers is a manageable hazard. The threat of terrorist entry through the southwest border is minuscule even when compared to the overall manageable hazard posed by foreign-born terrorism.

Illegal Immigrants, Asylum Seekers, and Foreign-Born Terrorism on U.S. Soil

In my research, I have identified 219 foreign-born terrorists who committed attacks on U.S. soil, intended to commit attacks on U.S. soil, threatened attacks here, or tried to fund domestic terrorism.² Those 219 foreign-born terrorists were responsible for 3,046 murders and 17,077 injuries in attacks on U.S. soil from 1975 through the end of 2022.³ The annual chance of being murdered in a terrorist attack committed by a foreign-born terrorist from 1975-2022 is about 1 in 4.3 million per year.⁴ The annual chance of being injured in such an attack is about 1 in 774,000 per year. By comparison, the annual chance of being murdered in a criminal non-terrorist homicide in the United States was about 1 in 20,134 during the 1975-2022 period. The chance of being murdered in a normal homicide is about 316 times greater than being killed in an attack committed by a foreign-born terrorist.⁵ During that time, 97.8 percent (2,979) of all those murdered in terrorist attacks were murdered on 9/11, and 86.9 percent (14,842) percent of all people injured in foreign-born terrorist attacks were injured on 9/11.

During that time, the number of people murdered in attacks on U.S. soil committed by a foreign-born terrorist who entered illegally was zero. The number of people injured in an attack committed by a foreign-born terrorist who entered illegally was zero. Suffice to say, the number of people killed or injured by an illegal immigrant who entered illegally across the U.S.-Mexico border is also zero.

However, nine foreign-born terrorists entered the United States illegally during the 1975-2022 period. Three of the nine convicted illegal immigrant terrorists entered illegally by crossing the U.S.-Mexico border. They are Dritan Duka, Eljvir Duka, and Shain Duka, and they entered illegally

in 1984 when they were aged 5, 3, and 1, respectively. They were arrested almost 23 years later, in 2007, while plotting to attack Fort Dix, New Jersey. Of the other illegal immigrant terrorists, five illegally crossed the U.S.-Canada border (Kabbani, Thurston, Mezer, Ressam, and Abdi) and one was a stowaway on a ship (Meskini).

The Duka brothers were "got aways," which is defined as an unlawful border crosser who (1) is directly or indirectly observed making an unlawful entry into the United States; (2) is not apprehended; and (3) is not a turn back.⁶ There have been many got aways in recent years, likely over 1.2 million in total.⁷ There is little evidence that a larger population of illegal immigrants in the United States, a population augmented by more got aways, poses an increased risk of terrorism. The Department of Homeland Security (DHS) should be vigilant to the possibility, and the situation could always change, but there is little reason to worry more than usual.

Thirteen terrorists were allowed to enter as asylum applicants, and they are responsible for 9 murders and about 669 injuries in attacks on U.S. soil during the 1975-2022 period. The annual chance of being murdered by a foreign-born terrorist who entered as an asylum applicant or who was granted asylum shortly after entering is about 1 in 1.5 billion per year. The annual chance of being injured in an attack committed by a foreign-born terrorist who was present as an asylum seeker is about 1 in 20 million per year. None of the asylum seekers who became terrorists entered by crossing the U.S.-Mexico border. Only one was from the Western Hemisphere; Eduardo Arocena from Cuba, and he committed his last attack in 1980.⁸

Table 1

Name of Terrorist	Year	Fatalities	Injuries	Immigration Status Upon Entry	Country of Birth	Ideology
Kabbani, Walid	1987	0.00	0.00	Illegal Immigrant	Lebanon	Foreign Nationalism
Thurston, Darren	1996	0.00	0.00	Illegal Immigrant	Canada	Left
Mezer, Gazi Ibrahim Abu	1997	0.00	0.00	Illegal Immigrant	Palestine	Islamism
Meskini, Abdelghani	1999	0.00	0.00	Illegal Immigrant	Algeria	Islamism
Ressam, Ahmed	1999	0.00	0.00	Illegal Immigrant	Algeria	Islamism
Abdi, Nuradin M.	2003	0.00	0.00	Illegal Immigrant	Somalia	Islamism
Duka, Dritan	2007	0.00	0.00	Illegal Immigrant	Macedonia	Islamism
Duka, Eljvir	2007	0.00	0.00	Illegal Immigrant	Macedonia	Islamism
Duka, Shain	2007	0.00	0.00	Illegal Immigrant	Macedonia	Islamism
Arocena, Eduardo	1980	2.00	0.00	Asylum	Cuba	Right
Berberian, Dikran Sarkis	1982	0.00	0.00	Asylum	Lebanon	Foreign Nationalism

Yousef, Ramzi	1993	1.00	173.67	Asylum	Pakistan	Islamism
Ajaj, Ahmed	1993	1.00	173.67	Asylum	Palestine	Islamism
Khan, Majid Shoukat	2003	0.00	0.00	Asylum	Pakistan	Islamism
Siraj, Shahawar Matin	2004	0.00	0.00	Asylum	Pakistan	Islamism
Ferhani, Ahmed	2011	0.00	0.00	Asylum	Algeria	Islamism
Tsarnaev, Dzhokhar	2013	2.50	140.00	Asylum	Kyrgyzstan	Islamism
Tsarnaev, Tamerlan	2013	2.50	140.00	Asylum	Kyrgyzstan	Islamism
Fathi, El Mehdi Semlali	2014	0.00	0.00	Asylum	Morocco	Islamism
Rahimi, Ahmad Khan	2016	0.0	29.0	Asylum	Afghanistan	Islamism
Artan, Abdul Razak Ali	2016	0.0	13.0	Asylum	Somalia	Islamism
Shihab, Shihab Ahmed Shihab	2022	0.0	0.0	Asylum	Iraq	Islamism

Source: Alex Nowrasteh, *Terrorism and Immigration A Risk Analysis, 1975–2022*, Cato Institute, 2023.

Abdulahi Hasan Sharif is the closest example of a possible asylum seeker or illegal immigrant having crossed the U.S.-Mexico border and then committing an attack. He entered along the U.S.-Mexico border in 2011 and was immediately apprehended by Border Patrol. He may have possibly applied for asylum, but an immigration judge ordered him to be removed and Sharif never appealed that decision. Instead, he went to Canada and wounded five people years later in a vehicle attack in Edmonton in 2017.⁹

Terrorism Screening Database Encounters on the Southwest Border

Customs and Border Protection (CBP) publishes statistics on the number of encounters of non-U.S. citizens encountered by Border Patrol between ports of entry (POE).¹⁰ People encountered by Border Patrol are screened through the Terrorism Screening Database (TSDB). CBP updates the number of positive hits frequently as part of its data releases. Although the published data only go back to 2017, there is a long-term increase in the number of non-U.S. citizens encountered by Border Patrol who produce positive hits in the TSDB, rising from 2 in 2017 to 146 through the end of July 2023 (Table 2).

Table 2
Terrorism Screening Database Encounters on the Southwest Border, 2017-2023YTD

Fiscal Year	Southwest Border (SWB)	Northern Border	Total	Border Patrol Encounters, SWB
2017	2	0	2	303,916
2018	6	0	6	396,579
2019	0	3	3	851,508
2020	3	0	3	458,088
2021	15	1	16	1,734,686
2022	98	0	98	2,378,944
2023YTD	146	3	149	1,973,092

Source: Customs and Border Protection.

There are several reasons why these data do not indicate a threat of increased terrorist attacks on U.S. soil. First, the data quality is suspect and includes many false positives. For instance, the Texas Department of Public Safety (DPS) arrested a 29-year-old Iranian national named Alireza Heidari at a traffic stop in Val Verde County, Texas, in late 2022 or early 2023 as he was being smuggled with other illegal immigrants.¹¹ DPS handed Heidari over to Border Patrol, who then initially identified Heidari as a match for somebody on the TSDB, which the media reported as such.¹² After further data analysis, DHS announced that Heidari was not a match and was a false positive.¹³ It is unclear whether Heidari's false positive was reported in CBP's published statistics on TSDB hits. Errors such as "[f]alse positives are an inevitable consequence of any screening program," and have been known to exist in the TSDB, although there is not much recent research on this issue.¹⁴ Most government investigations of errors in the TSDB are primarily concerned with reducing false negatives and they pay less attention to reducing false positives.¹⁵

Second, almost everyone in the TSDB is not a terrorist. TSDB includes known and suspected terrorists (KSTs, which is a group of people less dangerous than it sounds. According to the FBI, a known terrorist is "an individual whom the U.S. Government knows is engaged, has been engaged, or who intends to engage in terrorism and/or terrorist activity, including an individual (a) who has been charged, arrested, indicted, or convicted for a crime related to terrorism by U.S. Government or foreign government authorities; or (b) identified as a terrorist or member of a designated foreign terrorist organization pursuant to statute, Executive Order or international legal obligation pursuant to a United Nations Security Council Resolution."¹⁶ A suspected terrorist is "an individual who *is reasonably suspected* to be, or has been, engaged in conduct constituting, in preparation for, in aid of, or *related* to terrorism and/or terrorist activities based on an articulable and *reasonable suspicion* [emphasis added]."¹⁷

The inclusion of individuals in the TSDB who have undertaken actions that are "related to terrorism and/or terrorist activities" leads to more people being added to the TSDB than is warranted. After all, "related to" is open ended and causes vague talk of "ties" or "links" between people being mistaken for actual evidence of terrorism. Even worse, the process of adding an individual to the TSDB inflates the numbers. Originators at federal agencies nominate individuals for inclusion as KSTs in the TSDB. Next, analysts at the National Counter Terrorism Center (NCTC) or the FBI vet the nominees. NCTC has access to another database known as the Terrorist Identities Datamart Environment (TIDE) which is the government's "central repository of information on international terrorist identities."¹⁸ Not all identities in TIDE are included in the

TSDB. To make it into the TSDB, a nomination vetted by the NCTC or FBI must 1) meet the “reasonable suspicion watchlisting standard” and 2) have sufficient identifiers to distinguish between individuals. Those sufficient identifiers must include at least one piece of biographic information like a first name or birthdate.¹⁹ The Terrorism Screening Center (TSC) verifies whether the person should be included under some circumstances.

The reasonable suspicion standard and its exceptions are well summed up by the Congressional Research Service:

Articulate facts form the building blocks of the reasonable suspicion standard undergirding the nomination of suspected terrorists. Sometimes the facts involved in identifying an individual as a possible terrorist are not enough on their own to develop a solid foundation for a nomination. In such cases, investigators and intelligence analysts make rational inferences regarding potential nominees. The TSC vets all nominations, and when it concludes that the facts, bound with rational inferences, hold together to form a reasonable determination that the person is suspected of having ties to terrorist activity, the person is included in the TSDB. In the nomination process, guesses or hunches alone are not supposed to lead to reasonable suspicion. Likewise, one is not supposed to be designated a known or suspected terrorist based solely on activity protected by the First Amendment or race, ethnicity, national origin, and religious affiliation.

Christopher Piehota, the former director of the TSC, testified that individuals can be included in the TSDB without a reasonable suspicion. He said, “There are limited exceptions to the reasonable suspicion requirement, which exist to support immigration and border screening by the Department of State and Department of Homeland Security.”²⁰ In other words, the TSDB includes individuals who did not meet even this flimsy reasonable suspicion standard. Of the 1,558,710 nominations to the TSDB from FY2009-FY2013, 14,183 (0.9 percent) were rejected.²¹ As of February 2017, TIDE contained about 1.6 million people and 99 percent were neither U.S. citizens nor permanent residents.²² From 2011 to 2017, NCTC deleted about 228,000 people from TIDE.²³

Third, many individuals who are in the TSDB are not affiliated with foreign terrorist organizations (FTOs) that pose a threat to the U.S. homeland. CBP does not disclose the nationalities of immigrants who were a match for the terror watchlist. However, data released to the *Washington Examiner* showed that 25 of the 27 KSTs arrested by Border Patrol in the first six months of 2022 were citizens of Colombia and likely members or former members of FARC (the Revolutionary Armed Forces of Colombia, which was delisted as an FTO in 2021), Segunda Marquetalia, the United Self Defense Forces of Colombia (delisted as an FTO in 2021), or the National Liberation Army.²⁴ For instance, Border Patrol apprehended Isnardo Garcia-Amado in Arizona in early 2022 and released him into the country on April 18, 2022.²⁵ Three days later, Garcia-Amado was flagged by the TSC as a positive hit on the TSDB. Immigration and Customs Enforcement (ICE) arrested him on May 6, 2022.²⁶ There is no indication that he intended or was involved in any terrorism.

There has never been a terrorist attack committed on U.S. soil by these groups, there is no evidence that they have ever intended to target the U.S. homeland, and no foreign-born person from Colombia has ever committed, planned, attempted, or been convicted of attempting to commit terrorism on U.S. soil.

Fourth, prosecutors have not filed terrorism charges against anyone who entered between a POE and who was flagged by the TSDB. There have been no attacks committed or thwarted by an individual who was flagged by the TSDB and entered between a POE.

Special Interest Aliens

DHS defines special interest aliens (SIA) as:

[A] non-U.S. person who, based on an analysis of travel patterns, potentially poses a national security risk to the United States or its interests. Often such individuals or groups are employing travel patterns known or evaluated to possibly have a nexus to terrorism. DHS analysis includes an examination of travel patterns, points of origin, and/or travel segments that are tied to current assessments of national and international threat environments.²⁷

According to a recent *Daily Caller News Foundation* article, Border Patrol agents encountered 25,627 SIAs in FY2022, with 60 percent of them coming from Turkey.²⁸ Every Turk encountered by Border Patrol in FY2022 was counted as an SIA if the *Daily Caller* report is to be believed—all 15,356 encountered along the U.S.-Mexico border or all 15,360 of them encountered nationwide. It is likely that every illegal border crosser from Uzbekistan, Bangladesh, Syria, Iraq, and perhaps other countries was counted as an SIA.²⁹

Another *Daily Caller* article claimed that CBP flagged 74,904 illegal migrants nationwide for potentially posing risks to national security between October 2022 and August.³⁰ That is almost the same number of illegal immigrants who are from specifically listed countries outside of the Western Hemisphere who were encountered nationwide by Border Patrol (75,549).³¹ The difference is likely a result of a rounding error by *Daily Caller's* source or the reporter. In practice, the SIA definition corresponds to illegal immigrants from specific countries of origin.³² In other words, the SIA designation is a fancy label for “illegal immigration from a country that could have terrorists” and nothing more. The SIA designation is not the result of serious analysis, an understanding of individual behavior being correlated with terrorist activity, or anything deeper. As a result, SIA is not a metric that should seriously be considered when analyzing terrorist threats along the border.

As DHS makes clear:

This does not mean that all SIAs are “terrorists,” but rather that the travel and behavior of such individuals indicates a possible nexus to nefarious activity (including terrorism) and, at a minimum, provides indicators that necessitate heightened screening and further investigation. The term SIA does not indicate any specific derogatory information about the individual – and DHS has never indicated that the SIA designation means more than that.³³

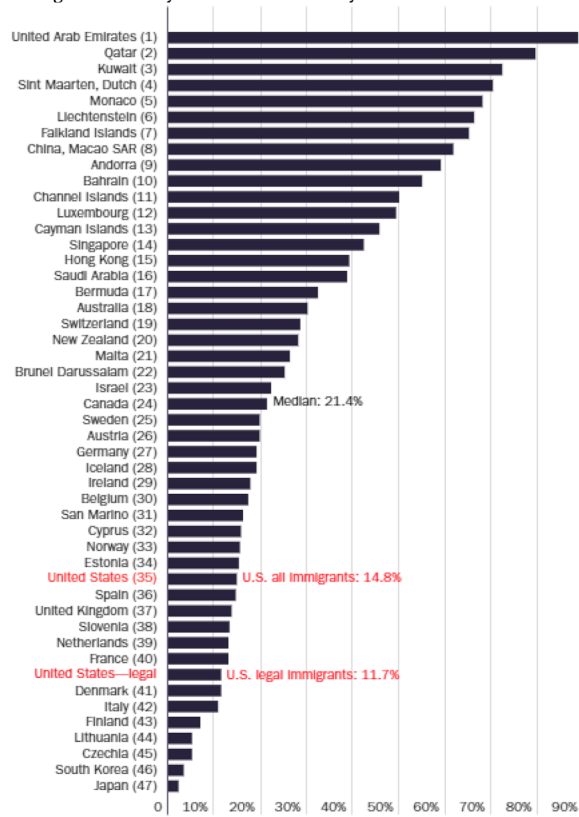
No SIA apprehended by Border Patrol has committed an attack on U.S. soil, which means that nobody has been killed or wounded by an SIA terrorist.

Reducing Illegal Immigration and Border Chaos

The chaos caused by illegal immigration is still a problem along the U.S.-Mexico border. The solution is to expand legal immigration for workers at every skill level, families, refugees, lawful permanent residents, temporary migrants, and other categories. The United States has a very restrictive legal immigration system.³⁴ Compared to other developed countries, the foreign-born share of the U.S. population is 35th out of 47 (Table 3). Only counting legal immigrants, the United States is in 40th place. The median foreign-born share of the population in rich countries is over 21 percent, but just below 15 percent here. By increasing lawful immigration, the U.S. government would drive would-be illegal immigrants into the legal market. A shrunken black market would allow Border Patrol and other law enforcement agencies to focus on actual problems rather than trying to interrupt market forces. Furthermore, more legal immigration would allow the government to regulate and control the flow of immigrants to the United States. Congress can't regulate an illegal market; it can only regulate a legal one.

We know expanding legal immigration works because of recent experiences with parole. The parole program Uniting for Ukraine, which was implemented in May 2022, reduced the total number of Ukrainians coming to the U.S.-Mexico border by 99.9 percent from April 2022 to July 2023. Almost the entirety of that collapse occurred in May 2022, the first month of the program. Similar parole programs for migrants fleeing Venezuela, Cuba, Nicaragua, and Haiti also reduced illegal entries. Venezuelan illegal entries fell 66 percent from September 2022 to July 2023. From December 2022 to July 2023, illegal entries from Haitians fell 77 percent, 98 percent from Cubans, and 99 percent from Nicaraguans.³⁵ Parole is a great short-term stop-gap measure. Immigration liberalization is the only sustainable long-term fix to border chaos and illegal immigration.

Table 3
Immigrant Stock by Destination Country



Sources: "International Migrant Stock 2019," Population Division, Department of Economic and Social Affairs, United Nations, August 2019; "World Population Prospects 2019: Highlights (New York: Department of Economic and Social Affairs, United Nations, 2019); "Per Capita GDP at Current Prices – US Dollars," UNData, United Nations Statistics Division, February 26, 2023; "GDP per Capita (Current US\$)," World Bank, 2020; and "Real GDP per Capita," Central Intelligence Agency, updated 2022.

Note: Countries include semi-autonomous regions with independent immigration policies. The UN data include foreign-born people who received citizenship at birth through their parents to allow for cross-country comparisons with different citizenship rules. Also included are people born in the overseas territories of Denmark, the United Kingdom, France, the Netherlands, New Zealand, and the United States (e.g., Puerto Rico). These people were excluded in this analysis because they are not considered "born abroad" for purposes of the home country. These overseas territories were also not treated as separate countries except in cases where immigrants from the parent country are not considered citizens of the overseas territory, such as in the Netherlands' territories.

Conclusion

Terrorism poses a risk to Americans' lives, liberty, and private property. However, there is very little evidence that foreign-born terrorists have crossed or are crossing the U.S.-Mexico border. The evidence that terrorists are crossing the border is of such low quality that we can safely discount much of it. This fact could always change, and the future is unknowable, but available information indicates that foreign-born terrorists seeking to cross the U.S.-Mexico border is *at most* a very small and manageable threat. The scale of this small threat becomes especially obvious when compared to the myriad threats that face the United States internationally and domestically, or even the threat of normal homicide. The chaos along the U.S.-Mexico border is a travesty, but it will only be solved by expanding legal permanent immigration and temporary migration opportunities for families, humanitarian immigrants, and workers of every skill level. Only then will the flow of illegal border crossers diminish and allow Border Patrol to get control over the border, which will further reduce the already small chance of terrorists trying to cross the U.S.-Mexico border.

Appendix

Those 219 foreign-born terrorists include those who committed attacks on U.S. soil, those who planned or conspired to commit attacks and were thwarted by law enforcement before carrying out their attacks, those who committed violent crimes domestically to fund terrorism even if they never committed the actual terrorist attack or planned to do so, and threatened attacks if they made an actual effort to commit an attack, had bombmaking experience, or if they made it appear as if they committed the attack through a hoax.³⁶ Their immigration status is determined by their initial immigration status when they first arrived on U.S. soil, a choice necessary because immigrants and migrants often adjust their statuses multiple times after arrival. I made this methodological choice because their initial immigration status is the first and most important point of potential security failure that could expose Americans to harm. For example, Faisal Shahzad is counted in my data as on a student visa because he initially entered on that visa and then obtained an H-1B visa before his unsuccessful attempt at setting off a car bomb in Times Square in 2010.

The only exception to my methodological rule is for those seeking asylum in the United States—they are counted under the asylum visa if they applied for asylum shortly after entering the United States. That exception is important because those individuals usually make their asylum claim at the U.S. border or after they have entered on another visa, often with the intention of applying for asylum.

The number of murders and injuries committed by foreign-born terrorists includes those murdered or injured in the attacks, those who died afterward because of their injuries, and those accidentally killed or injured by police or security forces responding directly to the terrorist attack. The terrorists who died or who were injured in the attacks are *not* included as victims. If a foreign-born terrorist commits an attack with the aid of a native-born American, the foreign-born terrorist is credited with all the deaths and injuries committed in the attack. If multiple foreign-born terrorists commit an attack, I divide all the deaths and injuries equally among the foreign-born terrorists. Data on the identities of those terrorists, their visa status upon entry, countries or origin, ideology, the number of their victims, and other information comes from many different data sources.³⁷

¹ Definition from the Global Terrorism Database: <http://www.start-dev.umd.edu/gtd/using-gtd/>; the narrower legal definition: 18 U.S. Code § 2331.

² See Appendix for how these numbers are calculated.

³ Alex Nowrasteh, “[Terrorism and Immigration: A Risk Analysis, 1975–2022](#),” Cato Institute Policy Analysis no. 958, August 22, 2023.

⁴ Alex Nowrasteh, “[Terrorism and Immigration: A Risk Analysis, 1975–2022](#),” Cato Institute Policy Analysis no. 958, August 22, 2023.

⁵ Alex Nowrasteh, “[Terrorism and Immigration: A Risk Analysis, 1975–2022](#),” Cato Institute Policy Analysis no. 958, August 22, 2023.

⁶ 6 U.S. Code § 223.

⁷ “Department of Homeland Security Border Security Metrics Report: 2022,” DHS Office of Immigration Statistics, July 3, 2023. https://www.dhs.gov/sites/default/files/2023-07/2023_0703_plcy_fiscal_year_2022_border_security_metrics_report_2021_data.pdf

⁸ Alex Nowrasteh, “[Terrorism and Immigration: A Risk Analysis, 1975–2022](#),” Cato Institute Policy Analysis no. 958, August 22, 2023.

⁹ “Man charged in Edmonton attacks crossed into U.S. from Mexico, records show,” *CBC News*, October 4, 2017. <https://www.cbc.ca/news/canada/edmonton/edmonton-attacks-abdulah-sharif-hasan-attempted-murder-border-crossing-united-states-1.4330527>.

¹⁰ “CBP Enforcement Statistics Fiscal Year 2023,” U.S. Customs and Border Protection, August 18, 2023.

<https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics>.

¹¹ Luke Gentile, “Iranian immigrant on terror watchlist detained near southern border: Report,” *Washington Examiner*, February 1, 2023. <https://www.washingtonexaminer.com/news/iranian-migrant-on-terror-watch-list-detained-near-southern-border-report>.

¹² Luke Gentile, “Iranian immigrant on terror watchlist detained near southern border: Report,” *Washington Examiner*, February 1, 2023. <https://www.washingtonexaminer.com/news/iranian-migrant-on-terror-watch-list-detained-near-southern-border-report>.

¹³ Bill Melugin and Adam Shaw, “Iranian illegal immigrant caught at border not on terror watchlist after further vetting: DHS official,” *Fox News*, February 1, 2023. <https://www.foxnews.com/politics/iranian-illegal-immigrant-terror-watch-list-caught-southern-border-sources>

¹⁴ Paul Rosenzweig, *The Use of Commercial Data to Reduce False Positives in Screening Programs*. Washington, DC: Department of Homeland Security, 2005.

<https://www.dhs.gov/sites/default/files/publications/DPIAC%20Recommendations%20Paper%202005-01.pdf>

¹⁵ “Review of the Terrorist Screening Center,” U.S. Department of Justice Office of the Inspector General, June 2005. <https://oig.justice.gov/reports/FBI/a0527/final.pdf>; “Follow-Up Audit of the Terrorist Screening Center,” U.S. Department of Justice Office of the Inspector General, September 2007.

<https://oig.justice.gov/reports/FBI/a0741/final.pdf>; “Audit of the Federal Bureau of Investigation’s Management of Terrorist Watchlist Nominations,” U.S. Department of Justice Office of the Inspector General, March 2014. <https://oig.justice.gov/reports/2014/a1416.pdf>.

¹⁶ “Terrorist Screening Center: Frequently Asked Questions,” U.S. Department of Justice, April 11, 2016.

<https://ucr.fbi.gov/nsb/tsc/terrorist-screening-center-frequently-asked-questions-032416.pdf>

¹⁷ “Terrorist Screening Center: Frequently Asked Questions,” U.S. Department of Justice, April 11, 2016.

<https://ucr.fbi.gov/nsb/tsc/terrorist-screening-center-frequently-asked-questions-032416.pdf>

¹⁸ See page 4: Jerome P. Bjelopera, Bart Elias, and Alison Siskin, “The Terrorist Screening Database and Preventing Terrorist Travel,” *Congressional Research Service*, November 7, 2016. <https://sgp.fas.org/crs/terror/R44678.pdf>.

¹⁹ See page 6: Jerome P. Bjelopera, Bart Elias, and Alison Siskin, “The Terrorist Screening Database and Preventing Terrorist Travel,” *Congressional Research Service*, November 7, 2016. <https://sgp.fas.org/crs/terror/R44678.pdf>.

²⁰ Christopher M. Piehota, *Safeguarding Privacy and Civil Liberties While Keeping Our Skies Safe: Hearings before the Committee on Homeland Security*, 113th Cong., 2nd sess., September 1, 2014.

<https://www.justice.gov/d9/testimonies/witnesses/attachments/2015/06/01/09-18-14-fbi-piehot-testimony-re-safeguarding-privacy-and-civil-liberties-while-keeping-our-skies-safe.pdf>.

²¹ See page 7: Jerome P. Bjelopera, Bart Elias, and Alison Siskin, “The Terrorist Screening Database and Preventing Terrorist Travel,” *Congressional Research Service*, November 7, 2016. <https://sgp.fas.org/crs/terror/R44678.pdf>.

²² “Terrorist Identities Datamart Environment (TIDE),” National Counterterrorism Center, 2017,

https://www.dni.gov/files/NCTC/documents/features_documents/TIDEfactsheet10FEB2017.pdf.

²³ “Terrorist Identities Datamart Environment (TIDE),” National Counterterrorism Center, 2017,

https://www.dni.gov/files/NCTC/documents/features_documents/TIDEfactsheet10FEB2017.pdf.

²⁴ “Foreign Terrorist Organizations,” U.S. Department of State Bureau of Counterterrorism.

<https://www.state.gov/foreign-terrorist-organizations/>.

²⁵ Bill Melugin and Adam Sabes, “Border Patrol released suspected terrorist who crossed into U.S. illegally, ICE took weeks to rearrest him,” *Fox News*, May 23, 2023. <https://www.foxnews.com/us/border-patrol-released-suspected-terrorist-ice-rearrest-weeks>; Anders Hagstrom and Bill Melugin, “Border agents confirm 1.2 million ‘gotaway’ migrants under Biden administration,” *Fox News*, January 22, 2023. <https://www.foxnews.com/us/border-agents-confirm-1-2-million-gotaway-migrants-biden-administration>.

²⁶ “CBP Released a Migrant on a Terrorist Watchlist, and ICE Faced Information Sharing Challenges Planning and Conducting the Arrest (REDACTED),” Department of Homeland Security Office of the Inspector General, June 28, 2023. <https://cis.org/sites/default/files/2023-07/OIG-23-31-Jun23-Redacted.pdf>

²⁷ “MYTH/FACT: Known and Suspected Terrorists/Special Interest Aliens,” Department of Homeland Security, released January 7, 2019. <https://www.dhs.gov/news/2019/01/07/mythfact-known-and-suspected-terroristsspecial-interest-aliens>

²⁸ Jennie Taer, “EXCLUSIVE: ‘A Nexus To Terrorism’: Illegals Flagged As Potential National Security Risks Soared Nearly 600% In Last Year,” *Daily Caller*, October 3, 2022. <https://dailycaller.com/2022/10/03/migrants-immigration-border/>

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³¹ “Nationwide Encounters,” U.S. Customs and Border Protection, 2023.

<https://www.cbp.gov/document/stats/nationwide-encounters>.

³² Alex Nowrasteh, “Terrorists Are Not Crossing the Mexican Border,” *Cato at Liberty* (blog), March 18, 2021.

<https://www.cato.org/blog/terrorists-are-not-crossing-mexican-border>; Jennie Taer, “EXCLUSIVE: ‘A Nexus To Terrorism’: Illegals Flagged As Potential National Security Risks Soared Nearly 600% In Last Year,” *Daily Caller*, October 3, 2022. <https://dailycaller.com/2022/10/03/migrants-immigration-border/>

³³ “MYTH/FACT: Known and Suspected Terrorists/Special Interest Aliens,” Department of Homeland Security, released January 7, 2019. <https://www.dhs.gov/news/2019/01/07/mythfact-known-and-suspected-terroristsspecial-interest-aliens>

³⁴ David J. Bier, “Why Legal Immigration is Nearly Impossible,” Cato Institute Policy Analysis no. 950, June 13, 2023.

<https://www.cato.org/policy-analysis/why-legal-immigration-nearly-impossible>.

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³⁶ Alex Nowrasteh, “[Terrorism and Immigration: A Risk Analysis, 1975–2022](https://www.cato.org/policy-analysis/terrorism-immigration#counting-terrorists-their-victims),” Cato Institute Policy Analysis no. 958, August 22, 2023. <https://www.cato.org/policy-analysis/terrorism-immigration#counting-terrorists-their-victims>

³⁷ Alex Nowrasteh, “[Terrorism and Immigration: A Risk Analysis, 1975–2022](https://www.cato.org/policy-analysis/terrorism-immigration#sources),” Cato Institute Policy Analysis no. 958, August 22, 2023. <https://www.cato.org/policy-analysis/terrorism-immigration#sources>.

Mr. McCLINTOCK. Thank you for your testimony.
Finally, we hear from Chief Rodney Scott. Chief Scott?

STATEMENT OF CHIEF RODNEY SCOTT

Chief SCOTT. Chair, Ranking Member, Members of the Subcommittee, good morning.

I would like to share with you three critical facts that I learned while serving as a Border Patrol Agent.

The most critical fact is that border security is national security. It's not a political talking point. It's a fact.

Over my career, I was honored to participate in the transition from an uncontrolled, chaotic Southwest border to a border that was, arguably, more secure than ever. Unfortunately, I also witnessed the rapid and systematic destruction of decades of improving border security in just the first few weeks of the Biden Administration. To be blunt, the systematic destruction of border security and the predictable consequences scare the hell out of me, and they should scare you, too.

As a young, frontline agent, I routinely observed smugglers coordinate distractions to get illegal aliens past the Border Patrol. A common distraction was as simple as a couple of very fast, teen-aged males making a highly visible illegal entry, and as agents shifted to chase that bait, the real group of illegal aliens would rush across the border through the gap that was created.

This same tactic was used by drug smugglers. Agents would respond to a group of illegal aliens or a vehicle illegally entering, and as soon as they responded, a more significant load of narcotics would come through just out of their reach.

Mexican drug cartels over my career have increasingly asserted control over all crossings between the ports of entry. Their sophisticated tactics and techniques continually improve, but the basic concept remains the same: Create a distraction too good for agents to ignore, and then, exploit the gap that it has created.

Any alien with something to hide will routinely pay to evade law enforcement, to be in that second wave. That's the second critical fact, that the most serious threats to America are more commonly in that second wave.

People don't understand that U.S. law enforcement records checks/searches U.S. data bases. Crimes committed by a foreign national outside the U.S. rarely appear in these data bases. That's the third critical fact, that records checks are just a tool to support a meaningful interview.

Earlier this week, America paused to remember 9/11 terrorist attacks. The 9/11 attack had a profound impact on my understanding of border security. In the years following, I was honored to represent Customs and Border Protection on several interagency teams, and we were tasked with improving America's antiterrorism capabilities.

Then, we knew that terrorist organizations were going to increasingly seek to use operatives that were unknown. We could not rely solely on records checks.

CBP improved situational awareness through intelligence and expanded capabilities of officers and agents, so that they could solicit information and determine intent through effective interviews.

Additionally, Border Patrol improved surveillance and doubled down on deterring illegal immigration, and it was working.

Fewer illegal entries and an expanding smart wall system bought agents more time. With more time to invest in interviews, the benefits cascaded quickly. The agents were able to identify imposters, fraudulent families, gang members, various criminals, and even potential terrorist ties that records checks had not revealed.

In contrast, every single border security and immigration action that the Biden Administration has taken has resulted in an increase in illegal immigration, overwhelming CBP capabilities, and surrendering control of our Southwest border to the cartels. Every illegal alien released into the United States is free advertisement for the cartel and ensures an endless wave of customers to overwhelm agents.

Of great concern is the increasing number of Border Patrol encounters with illegal aliens on the National Watchlist. From 2017–2020, Border Patrol encountered 14 illegal aliens on that Watchlist. From 2021–2023, that number jumped to 263—with 149 of these being in just this year alone. This is a serious national security threat, but it only represents the known. What threats were in the 1.7 million known got-aways? What about the unknown got-aways?

Compounding this threat, overwhelmed officers and agents no longer have time to conduct meaningful interviews. The Border Patrol is overwhelmed with illegal aliens from several countries that are known to be affiliated with terrorism, but those agents cannot get timely language translation support to conduct the most basic processing, let alone a meaningful interview.

This continues even after the discovery of the ISIS-associated smuggler that helped the Uzbekistanis enter the U.S. illegally. The release of those Uzbekistanis demonstrates the vulnerability of overlying on data systems for our national security.

The key to effective law enforcement and border security will always be face-to-face interviews. The ongoing mass of illegal immigration is a threat to our national security. Didn't we all promise after the 9/11 to never forget?

I look forward to your questions.

[The prepared statement of Chief Scott follows:]

Written Statement

of

Rodney S. Scott

Senior Distinguished Fellow, Border Security and Immigration

Texas Public Policy Foundation

Retired Chief, US Border Patrol

before the

Subcommittee on Immigration Integrity, Security, and Enforcement
Committee on the Judiciary United States House of Representatives

September 14, 2023

Hearing Titled

“Terrorist Entry Through the Southwest Border”

Texas Public Policy Foundation, 901 Congress Ave., Austin, Texas 78701

www.texaspolicy.com

Chairman McClintock, Ranking Member Jayapal, Members of the Subcommittee, good morning and thank you for inviting me to testify before you.

I am currently a Distinguished Senior Fellow for Border Security and Immigration at the Texas Public Policy Foundation (TPPF). However, more people know me from the time I served as Chief of the US Border Patrol (USBP).

While I am proud of both positions, I am here today to talk to you about my firsthand experiences as a U.S. Border Patrol agent for over 29 years. That firsthand experience taught me that border security is national security. That is not a catch phrase or a political talking point, that is just a commonsense fact.

Earlier this week, people across this nation paused to remember the thousands of innocent souls that were murdered, and the lives that were forever changed on September 11, 2001, by a group of foreign nationals, driven by their shared hate for America. While the names of foreign terrorist organizations and their leaders continue to change, the hate and ideologies that drive them to kill and destroy anything they don't agree with, especially America, isn't going away in our lifetime. There are thousands, if not millions, of foreigners around the globe today that are conspiring about how to get inside America's borders and kill and destroy as much as they can.

Please understand, I am not asserting that every threat to America comes from outside our borders. Today, as we will likely observe during this hearing, our nation is increasingly divided and fractured. In this body that divide manifests as arguments, insults and inaction. Outside the walls of Congress, that divide is increasingly resulting in acts of violence by one American against another. I argue that while this is unfortunate, we have existing laws, regulations, processes and entire agencies that are tasked to manage and mitigate these internal issues as they become public safety threats or individual criminal acts.

However, I also argue that it is exponentially more difficult and complicated to manage and mitigate internal conflicts when you allow an unabated influx of external influences, conflicting cultures and countless different languages to overwhelm our communities. Since the founding of this great nation, various Legislatures have acknowledged this reality and established immigration laws and agencies to enforce those laws to ensure that new immigrants are welcomed and assimilated into American culture.

Consistent with the intent of this hearing and my professional expertise, my testimony is focused on the role that border enforcement plays to keep Americans safe from the external threats. I beg each of you to please put your party affiliation aside for a minute to listen and consider my firsthand experiences. My intent is to help you understand why I adamantly believe that border security is national security and what that really means. I hope to help you understand the severity of the threats we are facing and how the current border security and immigration policies have dramatically increased the vulnerabilities at the border. Thus putting every American and immigrant at increased risk. If you have the slightest doubt about any of the information I provide to you, I highly encourage you to seek out any experienced border patrol agent and ask them if they agree with my assessments and assertions.

My firsthand experiences taught me that border security and immigration policy are two distinctly different, yet interrelated issues. Border security is simply knowing and controlling who and what enters our homeland. Immigration and customs laws set the legal entrance criteria. However, these laws are completely irrelevant if the US government cannot or chooses not to control the initial entry.

To claim any meaningful level of border security the United States government must take every reasonable action to control who and what enters our homeland. Every decision to allow a foreign national or a foreign product to enter our home must be an informed and intentional decision. If either of these criteria are missing, then we cannot honestly assert that our borders are secure. Many would argue that it is malfeasance, or at a minimum nonfeasance, for authorities to knowingly and willfully ignore threats and vulnerabilities. Unfortunately, this is exactly what is occurring.

My firsthand border experience began in 1984 when I moved to a small border town in southern Arizona. This was well before I joined the US Border Patrol in 1992 as a GS-05 Border Patrol agent trainee. I competitively progressed through the Border Patrol ranks and was ultimately promoted to Chief in February 2020. I chose to retire in August 2021. Over my non-partisan career, I was honored to participate in the transition from an uncontrolled chaotic SW border to a border that was increasingly secure. Unfortunately, I also witnessed the rapid and systematic destruction of decades of progressive border security in just the first few weeks of the Biden administration. To be a bit blunt, this systematic destruction of border security and the very predictable consequences scare the hell out of me. And, if you are willing to put emotions aside for just a few minutes to evaluate the entire situation on our borders from a holistic perspective, I assure you that the emotion that will emerge is fear. Hopefully, there is also a sense of urgency to fix this before more people, Americans, or migrants, die.

As a frontline Border Patrol agent in San Diego, CA from 1992 through 1998, I routinely spent 10 hours a day, five days a week directly patrolling the US/Mexico border between the Pacific Ocean and base of Otay Mountain. Nearly every day I observed experienced smugglers, low level uneducated foot guides and even average illegal aliens, coordinate distractions to create opportunities for other illegal aliens to get past Border Patrol and into the US. A common distraction would be a couple very fast individuals, normally gang affiliated teenage males, who would make a very visible illegal entry serving as bait to entice agents to chase them. If agents didn't initially take the bait, they would increase the likelihood of a chase by assaulting agents with rocks, sling shots or other debris. Once an agent took the bait, the individuals would routinely run a short distance north then angle east or west to remain within safe retreating distance to the actual border. As agents shifted to chase the bait, the real group of illegal aliens would "banzai" rush into the US through any enforcement gap they identified. Sometimes this second group would be 5-10 illegal aliens and sometimes it would be more than a hundred at a time. If the agents were quick enough to catch the bait it was of little consequence as the US Attorney would not prosecute minors so they would be repatriated to Mexico and the cycle would continue.

This same tactic was used by drug smugglers with significant success. Routinely agents would respond to a large group of illegal aliens crossing the border or even a single vehicle drive

through smuggling illegal aliens only to realize that as soon as they responded, several vehicles drove across the border in another area. In one such case, early in my career we were prepared for the distraction. We made it look like we were taking the bait, but other agents covertly held back and interdicted three pick-up trucks shortly after they illegally entered the US through what appeared to them to be an enforcement gap. Each truck was loaded with approximately 1500 lbs. of narcotics. This success came at a cost. To make that enforcement action work we had pulled agents from another area and accepted increased risk there instead. In those days we had less than 5000 agents nationwide and did not have any meaningful border barriers or technology to improve the agent effectiveness, so we have no idea what that operation actually cost in terms of goaways in the area we chose not to patrol that day.

Over my career, the Mexican drug cartels increasingly asserted control over any border crossings between ports. The sophistication of their tactics and techniques continued to improve while the basic concept remained the same: create a distraction too good for law enforcement to ignore, then exploit the gap in border security that is created. After transferring to Arizona in 1998 I observed the local drug cartels leveraging this tactic to new extremes. Within the city limits of Nogales, in addition to sending over the traditional distractions, the local drug smugglers would routinely stage massive rock assaults on agents near the border. In more rural areas they would resort to what we commonly referred to as “give-a-way” loads. The “give-a-way” would be a small load of narcotics or groups of illegal aliens. In an extreme example, a local cartel faction sent a thirteen-vehicle caravan across the border in broad daylight, each vehicle was severely overloaded with illegal aliens. If my memory is correct, one full size Ford van held over 25 illegal aliens. As it turned out the thirteen-vehicle caravan was designed to simply be a distraction to conceal a fourteenth vehicle that was loaded with narcotics and illegally entered a few minutes later. The tactic would have likely worked if it had not been for a couple of alert plain clothes taskforce agents that responded from outside the area to help the overwhelmed Border Patrol and observed the narcotics laden vehicle entering a highway.

To fully comprehend this strategy, one must recognize that in the smuggling business model, most humans are seen by the smugglers as recyclable. When an illegal alien without a known criminal history is arrested by US law enforcement, one of two things routinely happens. The alien is processed, removed from the US, likely to be used again by the cartels/smugglers or the alien is set up for an immigration hearing and then routinely released into the US. They then effectively serve as a human advertisement to entice other would-be illegal aliens to use their smuggling services. Either is a win for the cartel’s business.

There are several important exceptions to the above. This can include any alien with a known significant criminal history, active arrest warrants, an Interpol notice or if the alien is on the National Watchlist. Historically, criminal aliens have been held in custody, prosecuted, jailed for an appropriate time and then formally deported. Even the Biden administration still does this occasionally for extremely significant criminals. Any interdicted narcotics or contraband are seized and eventually destroyed so the cartels limit their losses in this area to the maximum extent possible.

Most aliens, and most Americans for that matter, do not understand what criminal history and other information US law enforcement can access. Even more important for this discussion is

the fact that most people do not seem to understand what US law enforcement can NOT access. When law enforcement officers at any level in the US use a person's biographical and biometric information to run records checks, that freshly collected information is being compared to existing records in specific US agency databases. It is extremely rare for any information about criminal acts committed by a foreign national outside the US to be documented within these US criminal history databases. When Secretary Mayorkas or any US official asserts that aliens are properly vetted, they are really telling you that they checked US databases to see if the alien had any known criminal history inside the US or if the alien had been identified and placed in the Terrorist Screening Database or Data Set.

To ensure there is no confusion here, running records checks on any alien that has not been arrested by US law enforcement in the past or is not currently known by US intelligence is like looking for something on an empty hard drive. There is simply no data to compare it with. The alien could be a saint, or he/she could be serial killer. There are a few ways to find out more about who the alien really is. One way is to request information from officials in the alien's home nation. At best, that is extremely time-consuming and requires US State Dept. support. In many cases this is not even an option due to a lack of diplomatic relations or a lack of capabilities in the other nation. Another way to solicit more information is for a skilled interviewer to conduct an in-depth face-to-face interview in the alien's native language.

Many illegal aliens assume that the US knows more about them than we do. Any alien with something to hide will routinely pay more to ensure that they can evade law enforcement. That means they pay extra to be in the second wave which increases the probability of successfully getting past US Border Patrol. Today, instead of fast teenagers taunting agents, the cartels simply use large groups of illegal aliens that have been coached to seek out Border Patrol and claim asylum. In my experience, the second wave of illegal entries is more likely to contain the most significant threats to the safety and security of America regardless of what the records checks do, or do not reveal.

Now let's address the aftermath of the terrorist attacks that took place on September 11, 2001. The 9/11 terrorist attacks had a profound impact on my understanding of border security. From 1992 to September 11, 2001, terrorism was not part of the US Border Patrol's daily considerations, planning or even dialogue. That changed as the Nation realized that foreign terrorists had exploited vulnerabilities in our border security and hit us hard on our own soil.

Congress responded in part by creating the Department of Homeland Security. I responded by accepting an opportunity to help build the CBP Office of Anti-Terrorism. I quickly found myself immersed in classified intelligence briefings and interagency planning to mitigate immediate terrorist threats and improve our capabilities to detect and prevent future threats. I was honored to be part of several interagency and interdisciplinary teams that analyzed government wide capabilities, modified processes, integrated information and drafted operational and investment plans to improve Americas border security. The terrorists that perpetrated 9/11 entered the country through ports of entry. As such, improving inspections at ports was initially our top priority. But we acknowledged that as we mitigated vulnerabilities at ports, terrorists, and other threats would predicably shift to entering illegally in between the ports. We also had reason to believe that terrorist organizations would increasingly seek to use operatives that were unknown

to US law enforcement or intelligence agencies. We could not rely solely on records checks. Building a solid foundation of CBP Officers and Border Patrol Agents with specialized interview skills was critical. Investments were made in assignments to the FBI Joint Terrorism Taskforces across the country, specialized intelligence training, security clearance upgrades and specialized interview and observation techniques training. This enhanced agents' and officers' ability to illicit a response and detect deception. CBP also invested in upgraded data systems to store and analyze these vast amounts of information.

The Border Patrol strategy evolved with an increased focus on situational awareness through intelligence and physical surveillance. To sustain and improve our border security gains without significant increases in personnel, we needed to buy more time. However, deterring illegal immigration through a certainty of arrest and application of consequences remained a fundamental pillar.

When I was selected as Chief, the capabilities of the Border Patrol to detect and interdict illegal entries were better than ever and rapidly improving. As a result, illegal entries were dropping. Fewer illegal entries combined with the construction of the new border wall system was making every agent more efficient. In simple terms, that bought us more time. One agent was increasingly able to maintain security over more border area than ever before. This allowed agents to not only expand patrol areas but to spend more time interviewing anyone that was arrested. The security benefits began to cascade quickly. Agents had a better opportunity to verify every alien's identity, as well as their intent. Agents identified fraudulent families, gang members, various criminals, and even potential terrorist ties that routine records checks had not revealed. Intelligence on transnational criminal network's operations, tactics and techniques was increased. USBP enhanced data systems to better track and analyze operational and criminal activity. Increasingly that information was used to further enhance operational effectiveness and to support the investigations of various agencies targeting human traffickers, narcotics smugglers, and terrorism.

In contrast, starting on January 21, 2021, I watched the border security gains that were made over three decades vanish and the safety of border communities spiral backwards. With each border security and immigration related executive action that the Biden Administration took, the volume of illegal immigration rapidly increased, overwhelmed Border Patrol and effectively transferred control of our southwest border to the Mexican drug cartels.

The publicly available numbers are readily available at [www.CBP.gov/newsroom/stats/nationwide-encounters](https://www.cbp.gov/newsroom/stats/nationwide-encounters) so I won't waste time reciting all of them here. However, the published numbers only tell part of the story. While the Biden administration and mainstream media try to tell America that what they are seeing on TV is simply families from Mexico and Latin America seeking a better life, they ignore the fact that since the Biden administration took office, there have been well over one million illegal aliens encountered by CBP from outside the Western Hemisphere. The vast majority of those being single adults. While CBP routinely encounters illegal aliens from over 150 nations each year, they only publish the actual number of aliens encountered from 21 select nations. CBP lumps all other nationalities into the general category of "other". Per the CBP website, under the Biden

administration over 400,000 illegal aliens have been encountered from counties lumped into the “Other”. For perspective, in Fiscal year 2021 that number was only 28,252.

Of great concern, is the increasing number of encounters in between the ports of entry with illegal aliens on the Terrorist Screening Data Set (TSDS), commonly known as the National Watchlist. From fiscal year 2017 through fiscal year 2020 only 14 illegal aliens on this watchlist were encountered by US Border Patrol. From fiscal year 2021 through July 31, 2023, 263 illegal aliens on this watchlist were encountered by US Border Patrol. 149 of these encounters were in fiscal year 2023 alone.

What all those numbers fail to adequately show is what America has lost and what the cartels, terrorists and even nations hostile toward American have gained. Policy makers must understand that this is not simply an immigration issue. This is a serious national security threat. Today the cartels have mastered the tactic of using the endless flow of illegal aliens to overwhelm law enforcement to create controllable gaps in border security. In many areas they simply coordinate a massive illegal entry. At other times they force aliens to cross the border in extremely remote dangerous areas. In the Rio Grande River and other maritime environments, it is not uncommon for the cartels to throw an alien into the dangerous waters. These tactics are all designed to elicit the desired law enforcement response and to create a controllable gap in border security. These gaps are then exploited to smuggle anything they want into the US. To think that well-resourced terrorist networks and hostile nations are not exploiting this vulnerability is naive.

This well-known and effective tactic is getting easier for the cartels to pull off and harder for law enforcement to mitigate every day. Each policy decision that results in an illegal alien being released into the US is free advertisement for the cartel. This ensures that they will have an endless wave of humans eager to pay them and be used as distractions as long as they have a chance of getting into America.

If the sheer numbers were not bad enough, the current administration has directed border patrol to prioritize immigration processing over enforcement. This means that many agents never leave the station and those that are deployed at the beginning of the shift are directed to prioritize transporting surrendering aliens to processing centers. Agents are spread so thin that they often lack the capability to make an interdiction even after an illegal entry is detected. These events are reported as known gotaways. Unfortunately, CBP refuses to post this number on their web site. Court documents and local sector reports indicate that there have been nearly 1.7 million known gotaways under the Biden Administration. This does not include the unknown gotaways along the hundreds of miles of border that lack persistent surveillance and go unpatrolled for days and even weeks. In my professional assessment, U.S. Border Patrol has lost the ability to know who and what is entering our homeland. The Mexican drug cartels now get to pick and choose who, and what gets to enter America.

But I am not done. It gets worse. Due to the massive numbers of illegal aliens overwhelming CBP, in-depth face to face interviews are all but nonexistent. CBP is experiencing stations overcrowded with illegal aliens from several countries that are known to sponsor and support terrorism. Even so, they cannot get any language translation support to conduct even the most basic processing, let alone a meaningful interview. This continued even after it was discovered

that a smuggler associated with ISIS had helped at least fifteen illegal aliens from Uzbekistan enter the US. Public reporting also indicates that these fifteen were released into the US and remain at large. Please remember that the border is simply a transit point to every town, city, and State throughout the United States.

As the incident with the Uzbekistanis demonstrates, we cannot rely on biographic or even biometric records checks alone to decide what foreign nationals are allowed to roam freely around the US. These tools are great resources that were developed and intended to assist our law enforcement officers. However, there is simply too much information that these systems will never contain.

The key to effective border security has always been the trained officers and agents interacting face-to-face to conduct meaningful evaluations. The massive illegal immigration that was invited and encouraged by the policies of the Biden administration has effectively removed the officers and agents from this role. We are relying solely on severely limited data systems for our national security. But it does not need to be this way.

I look forward to answering your questions.

Rodney Scott
Retired – Chief U.S. Border Patrol
Senior Distinguished Fellow for Border Security and Immigration
Texas Public Policy Foundation

Mr. McCLINTOCK. I want to thank you and all the witnesses for their testimony.

We will now proceed under the five-minute rule with questions, and we will begin with Mr. Biggs.

Mr. BIGGS. Thanks, Mr. Chair.

It is good to see that we are having this hearing.

So, this notion that being concerned about terrorists entering through the Southwest border, which is absolutely open, that somehow is "fiction or speculation" is probably one of the most asinine pieces of testimony I have heard in Congress. It's astounding. I found myself saying, have you never been to the border? Have you seen what's going on at the border? Do you know what's going on at the border?

I go down often, really often, and I look at data constantly. The biggest piece of data that you have ignored is the 1.7 million known got-aways. Those are known got-aways. The unknown got-aways probably match it one-for-one minimum.

Have you ever stood in a group of individuals, as I have, and you say, "Where are you from?" "Russia." "Oh, really?" There's 40 of you. You're all about 25 years old. Then, we bring a translator in, and all of a sudden, they don't speak Russian. They say they're from Georgia. We bring a different translator in. They say, "Oh, well, yes, we really are Russian."

The number of people coming across that we can't even vet through the process when we encounter them, or through CBP One, where we're sending them to the ports of entry. I find it astounding that anybody would—this is the problem. This is the problem: We've got people that just say—they're the ones that are engaged in "fiction and speculation." Actually, it's not "fiction and speculation." It's a great big dream, and it's a hope and a wish, because it's going to be people like you who get to say, "Yes, we were wrong," when a terrorist does engage in activity in the homeland.

I'm astounded, flabbergasted by that testimony. I've heard a lot of weird testimony in here since I've been here.

Chief Scott, tell us a little bit about this notion—so, we were also told that, if somebody's on the Terrorist Watchlist, it's no big deal. Right, it's really no big deal because they haven't committed an act of terrorism. Why do we have a Terrorism Watchlist and why is that important and relevant?

Chief SCOTT. It's important and relevant because our intelligence agencies and law enforcement are always looking to put Border Patrol, to put law enforcement in general, in a better position to keep America safe. So, any kind of derogatory information, links to terrorism—and obviously, there's other agencies that could testify to this more—are looked at. People that meet certain criteria, there's reasonable suspicion to believe that they're tied to these threats to America, are put on that list. By the way, that's only, again, the knowns.

Mr. BIGGS. Right. So, we get to this point: Are there Nations in the world that we have no information whatsoever about? We can't get any background on these people, even if we do encounter them, and actually have a chance—which we don't really have very often—to interview them.

Chief SCOTT. That would be the vast majority of the globe.

Mr. BIGGS. Yes.

Chief SCOTT. We have very little information. We act on what we have. When you think about the total population of the world, we have very, very minuscule data on anyone.

Mr. BIGGS. How about with Mauritania?

Chief SCOTT. I'm sorry?

Mr. BIGGS. How about with the country of Mauritania?

Chief SCOTT. No.

Mr. BIGGS. Yes. So, the reason I say that is because we're now starting to see groups of Mauritians come in through Arizona.

I got a call from a CBP agent last week. I said, "What's going on?" and he said, "A group of 250 Mauritanians." I said, "Well, how are we doing there? Do we have any way to vet them?" He replied, "No, no way to vet them."

Mr. Bensman, you get down to the border often; I know that. Tell us about the Darién Gap. Is any vetting going on there before they move on from the Darién Gap up through the Northern Triangle states on up to the U.S.?

Mr. BENSMAN. In the Darién Gap right now, there must be, you know, 50,000 pouring through. Michael Yon and some other reporters are there right now sending us video. It's unbelievable what's happening, the numbers coming through.

In normal times, when it's 10,000 or less, American and Panamanian officials have a biometric program where they try to fingerprint and photograph, and take some collection on almost everybody that crosses through there. Impossible to do that right now—impossible. The numbers are just flabbergasting, huge. We can't collect a bit.

Mr. BIGGS. So, as we go here and I close here, Cato's position is for an open border. It supports an open border. This is what an open border looks like.

I yield back.

Mr. MCCLINTOCK. Ms. Jayapal?

Ms. JAYAPAL. Thank you, Mr. Chair.

As I said earlier, I and everyone on this panel want to keep Americans safe from real security threats. That's why I'm disappointed that we didn't wait just the two-weeks that we know we have, so that we can get an actual classified briefing from the Department of Homeland Security and the FBI.

Having a hearing where the Republican majority tries to scare the public and demonize immigrants is not how we're going to make America safer. It's only going to serve to further divide us and prevent us from working together to find common-sense, bipartisan solutions that improve our national security.

One way to do that is to expand legal pathways for people who come to the United States lawfully. Unfortunately, the Trump Administration decimated our refugee and legal immigration systems, increasing migration from all over the world to the Southern border.

The Biden Administration has worked hard to rebuild the refugee program and has tried to expand legal pathways using parolee, but only Congress can provide permanent solutions.

So, Mr. Nowrasteh, let me turn to you. Congress has not expanded the number of legal immigrants that we accept in over 30

years. You mentioned in your testimony that the expansion of legal pathways would help improve our national security. Can you describe how that is so?

Mr. NOWRASTEY. Yes. Expanding legal pathways will vastly improve security. Being able to vet immigrants before they arrive would absolutely increase domestic security and further discourage terrorists or other bad actors from even trying to come to the United States in the first place.

Many people who come here unlawfully today would love to come through a legal system, where they can work lawfully. By expanding legal opportunities, it will drive the vast majority of them into the legal system, and then, that will allow Border Patrol and these other agencies to focus on a small number who remain.

Ms. JAYAPAL. You mentioned in your written statement some examples of how the Biden Administration has used parole to expand lawful pathways. Can you discuss some of those examples here in more detail and how they actually contributed to decreased numbers at the Southern border?

Mr. NOWRASTEY. Yes. We know for a fact that expanding legal immigration works because of recent experiences with parole. Specifically, parole allows Americans to sponsor, at least in these cases, to sponsor foreigners from specific countries that come to the U.S. to work and live for a period of time. There's the Uniting for Ukraine example, which was implemented in May 2022. It reduced the total number of Ukrainians showing up at the U.S.-Mexico border by 99.9 percent from April 2022–July 2023.

Then, there are similar parole programs that the administration put in effect for people fleeing Venezuela, Cuba, Nicaragua, and Haiti, that also reduced illegal entries. So, for example, Venezuelan illegal entries fell 66 percent from September 2022, the month before the program was put into effect, to July 2023. Then, from December 2022–July 2023, illegal entries from Haiti fell 77 percent; 98 percent from Cuba, and 99 percent from Nicaragua.

Parole is a great, short-term, stop-gap measure. It has proven, empirically, once and for all, that increasing legal pathways reduces illegal immigration, increases border security. Immigration liberalization, though, is the only sustainable, long-term fix to border chaos.

Ms. JAYAPAL. Thank you.

One of the other places that the President can act unilaterally is by increasing the number of refugees that the administration accepts. I'm happy to see that the Biden Administration is on pace to welcome the highest number of refugees since 2016.

Very briefly—because I have one other question for you that I want to get to—what are some additional ways that the Biden Administration can expand and grow the refugee program?

Mr. NOWRASTEY. Yes. So, the Welcome Corps is a great opportunity for Americans to sponsor folks, modeled on the Canadian system. We worked on that at Cato.

I think the easiest, No. 1 way to do is for him to expand parole to other countries—for Guatemalans, Hondurans, Salvadorans, Colombians, and others fleeing dangerous, despotic, socialist, poor, or cruel regimes, and to allow Americans to sponsor folks and to increase the cap for the Cubans, Haitians, Nicaraguans, and Ven-

ezuelans (CHNV) countries. I think they should be numerically uncapped. They should only be capped by the generosity and willingness of Americans to sponsor people.

Ms. JAYAPAL. Thank you.

Last, I know you've studied the nexus of tourism and immigration quite extensively, and your testimony is very different from some of the people that are sitting right next to you. Why do you have such different perspectives?

Mr. NOWRASTEH. I think it comes from our different approaches to studying topics in general. I like to look at the data. I like to zoom out to take a look at the big picture, to take a look at the actual risk; to use normal analysis, risk analysis, used by the government in other areas, by insurance companies, by others, to look at that; to read through some of this other research out there. A lot of it is anecdote-driven. We need to be data-driven. Terrorism is too important to ignore the data.

Ms. JAYAPAL. Data-driven. Thank you so much.

I yield back.

Mr. MCCLINTOCK. The gentlelady's time has expired.

The Chair recognizes Mr. Tiffany for five minutes.

Mr. TIFFANY. Thank you, Mr. Chair.

Mr. N—if I may address you that way—do you believe in the rule of law?

Mr. NOWRASTEH. Yes.

Mr. TIFFANY. OK. So, parole is a very specific concept in the law here in the United States of America that is supposed to be done on a case-by-case basis. That has been wiped out by fiat without passing a law to change the law that enabled parole back in 1954. They have been breaking the law.

Eighty thousand Afghans came in, all waived in via—virtually all waived in via parole. So, in other words, the reason illegal entries, as you've been saying, have been going down; it's because they've ignored the law. So, you want us to be a lawless country, is what we're hearing from you.

By the way, from the other side, that fearmongering conservative who has been talking about this regularly is Mayor Adams from New York City; that "his city is being destroyed"—his quote, not mine.

The Ranking Member talks about no government witness that we've heard from. Oh, yes, we have. We heard from Mayorkas back in July. We heard from the FBI two weeks prior to that, from Mr. Wray. We heard from Sheriff Mark Dannels from Arizona. Let's share a couple of quotes.

FBI Director Wray, "We are seeing all sorts of very serious threats that come from across the border." He closed by saying, "It is becoming more and more of a priority for us."

Sheriff Mark Dannels, in regard to fentanyl, "The border's not effectively managed right now, and until it is, the cartels, they are the winner in this."

I asked Secretary Mayorkas about that. "Who's telling the truth, FBI Director Wray or you?" He wouldn't answer the question.

I asked him, "Who's telling the truth, Sheriff Mark Dannels, who is seeing the fentanyl flowing in since January 20, 2021 in numbers that have skyrocketed?" Secretary Mayorkas says, "Nah,

there's not a problem here." I asked, "Who's telling the truth?" He wouldn't answer the question.

It's this whole approach that we're hearing—there's nothing to see. For those of you of a certain age like me, you'll recognize it as the Sergeant Schultz approach: "I see nothing."

For those of you that are a little bit younger than I, you'll recognize it as the Harry Potter story with the Ministry of Magic.

Mr. Marino, it is said that we have done nothing here. The House of Representatives passed H.R. 2. "We have not proposed solutions." Is H.R. 2 a solution to the border crisis that we have?

Mr. MARINO. Yes, it is. It restores a layered approach overall to border security and immigration enforcement. It restores law and order.

As I previously said, the major causation of this crisis has been the Biden Administration's abandonment of law and order, and we are seeing this perfect storm of poor policies at the Federal level to the local level—poor policies, abandoning law and order at the Federal level, and then, it's exploiting the poor policies of abandoning law and order in sanctuary cities. It's leading to chaos.

The one thing that the Biden Administration has proven to us is that, when you remove all structure through law and order, it results in chaos.

Mr. TIFFANY. Mr. Chair, I want to highlight here for the American public that may be watching at this point, this body has passed legislation to secure the border, to bring a solution forward.

Mr. Bensman, I really appreciate that Representative Biggs brought up the Darién Gap. I was there a little over two years ago. There were lots of people coming through there at that point. The people in Bajo Chiquito, a little Indian village right on the edge of the Darién Gap, we're talking about being destabilized. I have a text from the last couple of days from someone who is down there, "The scene is truly apocalyptic. Bajo Chiquito was completely overrun—thousands." They had about 500 when I was there that had rolled through that date, and they viewed it as destabilizing. Thousands now. Possibly more arriving every second.

Is this destabilizing the country of Panama?

Mr. BENSMAN. Actually, Panama has a policy in place called "controlled flow." So, they are moving all those migrants through into Costa Rica as fast as possible by bus, so that they do not destabilize the country. They've always done that. Costa Rica does the same thing.

They, essentially, the governments are the smugglers in that case. They are moving them through rather quickly. However, the numbers that are passing through right now, I don't know and I don't think we've seen anything like this particular number right now that's happening—that's going through. It will certainly overwhelm the Panamanian and Costa Rican capacity to move them through like normal.

Mr. TIFFANY. So, they send them here?

Mr. BENSMAN. They're all coming here.

Mr. TIFFANY. I yield.

Mr. BENSMAN. Everyone's coming here.

Mr. MCCLINTOCK. Thank you. The gentleman's time has expired.

Mr. Nadler?

Mr. NADLER. Thank you, Mr. Speaker—Mr. Chair, rather.

Since the mayor of my city was invoked, let me say that he is incorrect in saying that this is destroying the city. He is trying to get Federal aid because it's properly a Federal, not a city, expense. The fact is, the \$12 billion figure he mentions is over four years, a \$3 billion annual expense, which is three percent of the city's budget, which we can absorb—with difficulty—although it's properly a Federal responsibility, which the mayor is pointing out.

Mr. NOWRASTEH, I want to discuss some of the terms that are being thrown around by the witnesses and my colleagues. We've heard a lot about migrants who are encountered who are on the Terrorist Screening Dataset, or the TSDS. Can you discuss this dataset in more detail? Who's on this list? Does it only include known or suspected terrorists?

Mr. NOWRASTEH. It does not only include known and suspected terrorists. There's a reasonable suspicion standard for being included in these, but there is an exception to this, based on a rational inference, which, as far as we can tell, is just when somebody says they should be on there, and they put them on there.

This is true because 99 percent of people nominated to be on this list by other agencies, by other people in the government, are included there. There is no rigorous test or screening to put people on this list.

Mr. NADLER. Thank you.

In your testimony, you mention that the TSDS includes many false positives. Can you explain what a false positive is and why they appear in the TSDS data base?

Mr. NOWRASTEH. So, it's, basically, an erroneous match, a mistaken identity. To be on this list, you have to have one biographical piece of information and that's it. So, a lot of people get caught up in this list, false flagged, because of that.

We had a recent case of this with Alireza Heidari, an Iranian national arrested along the border. He was flagged on the Watchlist. There are a lot of scary news stories about this that came out very rapidly about this Iranian national who was on the Terrorist Watchlist, and then, whoops, it was the wrong guy.

Mr. NADLER. Thank you.

During the Biden Administration, we've seen an increase in the number of people on the TSDS data base who have been apprehended along the Southwest border. While this is still less than one percent of all apprehensions, can you discuss some of the potential reasons for this increase over the last couple of years? For example, do migration patterns in the hemisphere, including increased migration from Colombia, have something to do with this increase of migrants on the TSDS apprehended on the Southwest border?

Mr. NOWRASTEH. Not only is it very small, but it is minuscule, 0.0—oh, let me count the zeroes—0.007 percent of people apprehended by Border Patrol in 2023 so far have been on this Watchlist. I think that you hit on it directly, sir. Colombians explain a lot of this.

I ran a regression analysis this morning about the number of Colombians coming to the border, and it's the best predictor of the number of hits on this Watchlist. The CBP does not release the nationalities of people who are on the Watchlist who come up as hits,

but a great *Washington Examiner* piece that has some leaked data. So, the 25 out of 27 of those folks in the first half of 2022 were from Colombia. As I said in my written remarks, “there’s never been a terrorist attack by a Colombian. They don’t target the U.S.”

There’s also a wrinkle in this data, which is, when you take a look at Border Patrol apprehensions that lead to these hits and those through Customs, the number has actually gone down since 2019.

Mr. NADLER. OK. Thank you.

I have a number of questions which I would like to answer quickly because we only have a minute.

We’ve also recently heard the term “Special Interest Aliens.” Can you describe what a Special Interest Alien is?

Mr. NOWRASTE. Yes. DHS defines it as a non-U.S. person, based on analysis of their travel patterns—and, well, it’s a long definition. A lot of other things are put on this list. A lot of words. In practice, an SIA is just somebody from a country that could have a lot of terrorists in it. It’s not a meaningful metric.

Mr. NADLER. Are Special Interest Aliens terrorists? Are they even suspected of terrorism?

Mr. NOWRASTE. No, in fact. As DHS—

Mr. NADLER. Thank you.

According to one source—

Mr. NOWRASTE. Yes?

Mr. NADLER. —Border Patrol Agents encountered 25,000 Special Interest Aliens in the Fiscal Year 2022. That’s a lot of people. Has an SIA apprehended by the Border Patrol ever committed an attack on U.S. soil?

Mr. NOWRASTE. No, and DHS explicitly says being an SIA does not mean that you are a terrorist.

Mr. NADLER. Thank you.

My last question: Is it possible that the number of SIAs have increased in recent years because the decimation of our legal immigration and refugee systems have led people around the world to believe that the only way to immigrate to the United States is via the Southwest border?

Mr. NOWRASTE. Not only is it possible, I think it is extremely likely and the best explanation for why there has been an increase in illegal immigration and border crossers from around the world and from Central and South America.

The U.S. immigration system is extremely restrictive. It is very difficult to come here. The idea that we have an open border is ludicrous. It is totally contrary to all the facts and to what’s happening.

If we have an open border, why are people paying \$5–\$20 thousand to be smuggled here? In the U.S., Virginia and Maryland have an open border. I don’t have to pay \$20,000 to go from my home in Virginia to Maryland. Where is this open border that we keep hearing so much about?

Mr. MCCLINTOCK. The gentleman’s time—

Mr. NADLER. Thank you very much. My time has expired. I yield back.

Mr. MCCLINTOCK. Mr. Roy?

Mr. ROY. Mr. Nowrasteh, prior to September 11, 2001, how many individuals had flown airplanes into the World Trade Center and killed 3,000 people?

Mr. NOWRASTEH. Zero.

Mr. ROY. Thank you.

Mr. Scott, how many got-aways have there been?

Chief SCOTT. There is 1.7 million known. That means there's evidence, video, whatever, but I can't give you an estimate on how many we don't know in the hundreds of miles of border that are not being patrolled.

Mr. ROY. Mr. Nowrasteh, where are those 1.6 million got-aways?

Mr. NOWRASTEH. They are most likely at different places in the United States working and living.

Mr. ROY. Who are they, who are they?

Mr. NOWRASTEH. Well, there are probably people from different countries around the world, sir.

Mr. ROY. Probably, probably. People from all over the world.

Mr. NOWRASTEH. Well, they are from different countries around the world, yes, sir.

Mr. ROY. Right, yes. How many different countries?

Mr. NOWRASTEH. Well, if the data that we have about those who are apprehended is any indication, a large number of countries. Probably about 150—

Mr. ROY. A 162 of them from all over the world.

Mr. NOWRASTEH. Probably, yes, sir.

Mr. ROY. Right. You are willing to bet your family's life, my family's life on the safety in our country, irrespective of who these individuals are when you don't even know who they are?

Mr. NOWRASTEH. Yes, sir. The chance of dying from a foreign-born terrorist attack since 1975 is—

Mr. ROY. I am sure, Mr. Nowrasteh—

Mr. NOWRASTEH. —one in 4.4 million per year.

Mr. ROY. Mr. Nowrasteh, I am sure that is great comfort to the families of the people from 9/11. Because when you sit here and testify that zero people have committed a terrorist attack from crossing our border, I am sure that is comfort to the people who had terrorist attacks committed by people who came here and overstayed their visas.

Mr. NOWRASTEH. It is no comfort—

Mr. ROY. The fact of the matter is when you talk about having an open border and you minimize the open border by saying that people have to pay \$5,000 to come here in that open border, you're ignoring the fact of what that does to human beings. When it is in fact so open that that is exactly what is happening.

I am sure that your position is great comfort to the man in Baltimore who was being held up for ransom for \$23,000 so that his little girl wouldn't be raped in a stash house in Fort Worth. Have you talked to that little girl or that father?

Mr. NOWRASTEH. Was he a terrorism suspect?

Mr. ROY. Have you talked to that father, Mr. Nowrasteh?

Mr. NOWRASTEH. No, I am not aware of that terrorism case. What was his name?

Mr. ROY. Have you talked to that father whose little girl was being raped in a stash house?

Mr. NOWRASTEH. No, I haven't. Is this a terrorism-related issue?

Mr. ROY. Right, and so do you know—I am answering the questions, and this is the subject matter I want to talk about in this hearing, Mr. Nowrasteh. Because you are the one sitting here trying to tell the American people that our border is perfectly fine.

That it is perfectly OK. That it is, oh, not open because people are paying five or ten thousand dollars to get here. So, it is very much relevant that a little girl is getting raped in a stash house because of the policies of you and radical leftists who don't give a damn about it.

Because it is more politically expedient for you to saddle up to the libertarian Cato Institute or a bunch of radical leftists and talk about, oh, how important it is for people to free flow across borders.

Mr. NOWRASTEH. I have talked about the chaos repeatedly, sir—

Mr. ROY. That is the truth.

Mr. NOWRASTEH. The way to reduce the chaos is through legalization and liberalization—

Mr. ROY. Right.

Mr. NOWRASTEH. Not cracking down more—

Mr. ROY. Right. Which will—

Mr. NOWRASTEH. If you cared about the border chaos, that is the way to do it.

Mr. ROY. Which will perpetuate the lawlessness, and you know it.

Mr. Bensman.

Mr. NOWRASTEH. The exact opposite.

Mr. ROY. Mr. Bensman, can you please expand on your testimony about dozens of terror watch list foreign nationals apprehended at the Southern border being members of the Revolutionary Armed Forces of Colombia (FARC), and how dangerous that is to this country?

Mr. BENSMAN. Right. One of the most disturbing aspects of the border crisis has been the recent development of FARC-related terror watchlisted suspects crossing that border. Those are people who have spent years and years involved in murder, kidnaping, drug trafficking, extortion, and bombings. They are experts in weaponry.

These are people who the United States absolutely would never countenance coming across the border and never provide a visa for certainly. The fact that FARC members, former of the delisted faction, but also there are two FARC factions that are still listed, that those people would cross our border and come into this United States is anathema to all our homeland security values. A terrible development that we should pay a lot of attention to, because a lot of Colombians are coming across.

It is true that so far, we haven't seen an attack. This is a relatively new thing for FARC. One thing that we have to worry about is that when FARC members cross into the United States successfully, they will embed themselves in Colombian emigre communities. Very probably begin intimidation tactics, vigilante justice.

This is a terrible thing for Colombian communities inside the United States in general. Plus, these people are professional drug traffickers their whole lives, so we are going to be hearing a lot about FARC people over the next decade.

Mr. McCLINTOCK. The gentleman's time—

Mr. ROY. Yield back, thank you.

Mr. BENSMAN. This is not a reason—

Mr. McCLINTOCK. The gentleman's time has expired.

Mr. ROY. Thank you, Mr. Bensman.

Mr. McCLINTOCK. Next is Ms. Escobar.

Ms. ESCOBAR. I would like to thank Mr. Correa for yielding to me, switching with me. I want to thank our witnesses.

This is actually an important opportunity for us as Congressmembers to look at facts versus fiction for us to truly solve the issue at hand.

I am the only a Member of this Subcommittee and the larger Committee on Judiciary who was born, raised, and lives on the border. I raised my two children on the border. I am a very proud border resident.

There is nobody in the country who wants a safe, secure border more than those of us who have invested our lives living there, creating community there and wanting to make sure our kids can come back to living there.

It is so important for us to realize and acknowledge this is not an issue related to President Biden. Honestly, every time I hear that, it undermines the credibility of the person telling me, because I live on the border, and I know for a fact because I went to facilities during President Trump's Administration that were overcrowded, and I saw the daily numbers at our shelters.

The only time the numbers dropped was immediately after COVID and only for a few months. They went right back up in May 2020, long before the November 2020 election, long before President Biden was elected, even longer before he was sworn in. So, we really, we do ourselves and the issue an injustice by politicizing it and blaming the President.

Frankly, if there's anyone to blame for the challenges at our border, it is the U.S. Congress. The U.S. Congress has failed to reform immigration law for 37 years. I will tell you, it is absolutely ridiculous for either side to think that 1 day, if we just wait long enough, we will get everything we want.

That is not going to happen. The only solution is bipartisan compromise.

I want to inform my colleagues on the other side of the aisle and on my side of the aisle, we have a bipartisan, comprehensive immigration reform compromise right now. It is a bill that I worked on a filed with my colleague Representative Maria Salazar, a Republican from Miami.

It certainly is not a perfect bill. It is not everything I as a Democrat want. It is not everything Republicans want. It is the first bipartisan, comprehensive immigration reform bill that has been filed in the House of Representatives in a decade.

Where I will agree with critics of the status quo, this is unsustainable. In fact, I get daily reports about how many people are in our shelters in El Paso, how many people have been apprehended. I am consistently speaking with migrants, with law enforcement, and with NGO's.

Congress has to do something. I would invite everyone to begin focusing on what we should be doing within the realm of what is

real and achievable in Congress in this political environment, so that we can create not just safety and security for all, but those key legal pathways that are critical not just to better managing our border, but critical to us as a country.

What is so distressing about hearings like this is that immigrants are intended to be demonized. Immigrants made this country great. Immigrants have built this country. We need immigrants to ensure that we have a sustainable economy. We should be embracing immigrants and fixing broken systems to help achieve real solutions.

Thank you, Mr. Correa, and thank you, Mr. Chair. I yield back.
Mr. MCCLINTOCK. The gentlelady yields back. Ms. Spartz.

Ms. SPARTZ. Thank you, Mr. Chair.

Mr. Nowrasteh, do you believe we should have unlimited immigration to our country?

Mr. NOWRASTEH. Unlimited, no.

Ms. SPARTZ. So, you believe that we need to limit number of immigrants.

Mr. NOWRASTEH. Yes, I especially believe security threats, people convicted or responsible for crime—

Ms. SPARTZ. So, we should have some limits. Do you believe we should look at our immigration, how we can better serve our national interest?

Mr. NOWRASTEH. Oh, yes, absolutely. Immigration to the U.S., legal immigration, absolutely does that.

Ms. SPARTZ. So, we agree with you, in some issues. Do you believe that our system is overwhelmed right now, and it is extremely difficult to immigrate to this country legally?

Mr. NOWRASTEH. It is extremely difficult and restricted—

Ms. SPARTZ. So, we have some agreement.

Mr. NOWRASTEH. It is like a Soviet-style system.

Ms. SPARTZ. Good, that is we have some agreement. Do you believe that what is happening in the border and how overwhelmed the border, it exposes national security risks?

Mr. NOWRASTEH. There are absolutely risks that are posed by it. They are—

Ms. SPARTZ. We have a problem over there. Do you believe the border needs to be secured?

Mr. NOWRASTEH. Yes, absolutely. The way to do that is by expanding I think legal immigration.

Ms. SPARTZ. Well, that is part of it because we need to have a better look at that. Do we also need to make sure that we have proper border security, the proper mechanism to deal with border security, whichever tools we can do that? Do you believe it needs to be secure, a border?

Mr. NOWRASTEH. Oh, yes, absolutely, we do need a secure border. We should have a secure border. We just have—there are different perspectives of how to get there.

In the same way that Al Capone and a lot of organized crime was crushed by legalizing alcohol, I think that we can crush a lot of cartels and border crime and the chaos in the border, which is a travesty, the chaos is a travesty, do that by increasing legal immigration to the United States to reduce the black market.

Ms. SPARTZ. We have to look, it might have some effects, it depends how it is. Ultimately, we are not right now created perverse incentive to human traffic, drug traffic, and child labor, what's happening right now in places like Darién Gap? Is that correct, what we are doing is bad?

Mr. NOWRASTEH. I would say that the immigration restrictions we have are an enormous subsidy to cartels and criminal organizations.

Ms. SPARTZ. So, we don't have disagreement on that. Let's talk a little bit about; I have an agreement this problem being really pondered for many years and not just one President.

Do you believe the President is not putting emphasis to help Border Patrol dealing with situation and not dealing right now where we have to overwhelm Border Patrol right now? It has magnified opportunities for cartels to take advantage of the situation.

Mr. NOWRASTEH. I think it is a perfect storm of many events. You have a very low unemployment in the United States attracting large numbers of people coming in. I think that you have a restrictive system that makes it difficult for a lot of people to come in.

I think you have other security issues that have resulted in a lot of the overwhelming of the Border Patrol. There is a lot of chaos. Nobody disagrees about that.

Ms. SPARTZ. Do you believe what my Democrat colleagues talking about comprehensive reform, it has to have a really significant conversation also over border security and how we can improve border security and be more innovative and make sure that we mitigate some of the risk and support our Border Patrol? Does that need to be part of it?

Mr. NOWRASTEH. Yes, absolutely. I think the way, the best way to do that, the best way for Border Patrol and for the U.S. Government to regulate the flow of people into the United States is to legalize it. Because you can't regulate a black market.

Ms. SPARTZ. We can have a debate about legal immigration, but we also should have a debate on how we can secure our border better, correct?

Mr. NOWRASTEH. I agree, but I think they are linked. I don't think you can do one without the other.

Ms. SPARTZ. They are linked, and we should link. Unfortunately, we are kind of having this chicken-and-egg situation where one side says we need to—because it is not, it needs to be a comprehensive solution. Because this is not a joke situation of that border. It is a national security issue.

It is a national security issue not just for border State, it is for all the States, whether New York or Indiana, and now we allow also, cartels in China to really becoming very material, drug trafficking and then fentanyl, and what is happening in the country. It is going to be a big problem.

So, I hope you encourage your colleagues to look at the situation too and look at not just—because we never have that conversation. We do it in politicking. We have a very dangerous situation in the border. We have to acknowledge it as a country.

I came here as a legal immigrant. This is country created by immigrants, but we need to have an orderly process. We cannot have anarchy; we are the country of law. Otherwise, we will become like

third-world country with cartels running the country, and we cannot let it happen.

So, I hope you will help me to talk to your colleagues. I yield back.

Mr. MCCLINTOCK. The gentlelady yields back, and Mr. Correa.

Mr. CORREA. Thank you, sir, for holding this hearing today.

I am also a Member of Homeland Security. I am the Ranking Member of the Border Security Subcommittee. In Homeland we have probably had at least half a dozen hearings on this issue, Mr. Chair, and I welcome one in the Immigration Subcommittee. This is an important issue. National security is important for America. Democrats and Republicans for America.

We should be talking immigration, but let's talk border security. I want to remind everybody that the most deadliest attack in American soil, 9/11, we just had that commemoration across the country to remember, was carried out by folks with visas. One came on a student visa and the rest came on tourist and business visas.

I have visited the border a number of times, numerous times, and I have talked to the men and women in uniform. I have asked them, what is it that makes your job better? What can make you more successful? The answer is intel, working with good intelligence. Working with allies across the globe, Brazil, Mexico, the Middle East, that's what's helped you identify terrorists.

In fact, if folks are interested in working with us, Chair Clay Higgins and I have a bill, H.R. 4575, that will enable us to work much closer with our allies across the globe to make sure we have better intel.

When you talk about undocumented terrorism, I am going to make some—OK, let's talk about terrorism and undocumented. I can have this poster behind me. This is an undocumented soldier, an undocumented Marine. Does he look like a terrorist?

Mr. Bensman, does that look like a terrorist to you? Mr. Nowrasteh, Mr. Marino, and Mr. Scott, is that a terrorist behind us?

He made the ultimate sacrifice right after 9/11, and there's a lot more Dreamers in American uniform who will probably be undocumented after the Supreme Court rules on the status of Dreamers in the United States. I just want to make sure people understand terrorism versus immigration versus undocumented workers.

Now, gentlemen, if I can, I want to ask each and every one of you, do you favor deporting ten million taxpaying undocumented workers from the U.S. right now?

Mr. Scott, yes or no?

Chief SCOTT. I believe in the rule of law—

Mr. CORREA. Do you—

Chief SCOTT. If you oppose the law, you should be held accountable.

Mr. CORREA. Would you deport them right now? It is a yes-or-no—

Chief SCOTT. If a judge ordered they should be deported, I would deport them.

Mr. CORREA. Mr. Marino?

Mr. MARINO. It is impossible to do—

Mr. CORREA. Yes or no, would you deport them right now?

Mr. MARINO. Yes.

Mr. CORREA. Mr. Nowrasteh?

Mr. NOWRASTEH. No, and I would try to legalize—

Mr. CORREA. Mr. Bensman?

Mr. BENSMAN. Yes, yes.

Mr. CORREA. OK, would you support an amendment to H.R. 2, the immigration reform bill just passed by the majority, that would essentially exempt farmworkers from mandatory eVerify, would you support that amendment?

Mr. Scott?

Chief SCOTT. No, I believe eVerify is a—

Mr. CORREA. Mr. Marino?

Mr. MARINO. No.

Mr. CORREA. Mr. Bensman?

Mr. BENSMAN. eVerify has to happen.

Mr. CORREA. That was a Chair's amendment to H.R. 2.

Let's come back to terrorism, let's talk about Colombia, OK. FARC was essentially decertified as a terrorist organization in 2020, is that correct? In 2021, is that correct, yes or no?

Mr. NOWRASTEH. Yes.

Mr. CORREA. Yes, so yet we continue to talk about members of FARC, a civil war that happened 20 years ago, as terrorists. Is this refugee movement something unique to the United States, or is this something that is worldwide?

Mr. Scott, worldwide or U.S.?

Chief SCOTT. I believe there is struggle—

Mr. CORREA. Mr. Marino? I got less than a minute guys, come on.

Mr. MARINO. I couldn't hear the question, sir.

Mr. CORREA. Is the refugee movement something unique to the United States or is this a worldwide phenomenon?

Mr. MARINO. No, it is not unique.

Mr. CORREA. It is worldwide.

Mr. MARINO. Yes, sir.

Mr. CORREA. Colombia right now is holding three million—hosting three million Venezuelan refugees, and we just talked about Colombia as being a source of the problem. In my 20 seconds left, in the trips I have taken to Latin America recently, I think we have to think about the border challenge on a worldwide scale, OK.

We have a lot of allies South of the border that are holding, that are hosting refugees, are working with us. For us to sit here and talk about what is going on at that border, I think as policymakers is very wrong.

Thank you, Mr. Chair, and I yield.

Mr. MCCLINTOCK. The gentleman yields back. Mr. Van Drew.

Mr. VAN DREW. Thank you, Mr. Chair.

I am going to deviate from what I was going to say. I almost don't know where to start but other than to say Mr. Nowrasteh, I disagree and sometimes agree and partially agree with people. I disagree with you so totally.

You are sitting in your safe office looking at facts that you believe are accurate, which they are not, and not talking to the peo-

ple who live at the border, the people who work at the border, the people that are suffering, whether it is in Arizona, California, and Texas. Now, of course, the entire United States of America.

Let me say one thing, anybody that believes this problem is only a problem for the Southern border is wrong. This is a problem for the United States of America. Just to give you a little example, a little different route, didn't come over the border.

Did you ever hear of a man by the name of Danelo Cavalcante? He's the escaped; quite a sensational thing that went on. A German shepherd got him, thank God. This is a man that murdered his friend in Brazil, illegally, because he is a murderer.

Got into Puerto Rico, and then from Puerto Rico got to Florida and then came up to Pennsylvania. Had an argument with his girlfriend. He stabbed her with a butter knife 38 times; 38 times.

Nobody is demonizing immigration. We are almost all of us either sons and daughters or immigrants ourselves. Immigration is a good thing, legal immigration. What happened to the idea of the rule of law?

Frankly, Mr. Nowrasteh, I don't care what you think sitting in your safe office removed from everybody, playing with some numbers. Go and talk to people, people who have suffered.

Who is suffering too? A lot of the illegal immigrants, because they are being used, they are being used by these individuals that we know are dispensing drugs, are hurting children, are involved with human trafficking, and drug trafficking. We call them the drug cartel. Now, establishing business in the United States.

So, the answer is not to just go willy nilly and radically increase, radically increase the number of illegal immigrants. The answer is to have real borders. The answer is to have the rule of law. Once you establish that, then you look into what needs to be done in our immigration system.

We need to support our individuals who are trying to protect us at the border. I felt so bad for them because they are so much held back from doing their job.

Last week I learned of an administration proposal from the Biden Administration and, by the way, because of a New York City problem. What did we expect? It is a sanctuary city.

New Jersey where I live is a sanctuary State. You are saying to people we are going to fund you, we are going to take care of you, and we welcome you. We will give you legal defense.

We don't take care of our own people. Our veterans still don't get what they need. We have a mental health crisis in America. We have an educational crisis in America. We don't have the money and time for that. We have the money and time to take God knows who, some of them good people, but doing it the wrong way. Some of them not.

According to your figures, never has any one of them done anything bad. That is just not accurate, it is not. So, consider the national security implications if they want to do to my State. I live in Southern New Jersey, Atlantic City Airport.

We have the 177th Fighter Guard, you have the FAA Technical Center. Serious, serious facilities that need to be protected. The 177th protects the Washington to New York corridor. They wanted

up to 60,000 people they are talking about in a town of 50,000 people. That is going to really do well for the education system.

It is your—you want to open it up, so let's open it all up. Every country in the world, whether they are good, bad, or otherwise, just let them open it up. We can't absorb that, and you are not going to answer yet.

This is especially concerning given recent reports that we have that there are Isis sympathizers smuggling Russian and Eastern Europeans across the border, and terrorists have been apprehended who are real terrorists at our port of entry. I don't know where you get your stats from, but we also get stats that are good. So, the situation is out of control.

Chief Scott, in your written testimony, you mention how the terrorist attacks of September 11th were perpetrated by individuals who entered the country through ports of entry. Is the United States at an elevated risk of any type of terrorist attack, given the state of the Southwest border?

You are a chief, you have to only want to say what is the truth, tell us the truth.

Chief SCOTT. I believe we are. We forget that there would have been 20 attackers, but one was actually caught by the CBP officer that interviewed him. We are not doing those interviews at the Southwest border. The cartel's picking and choosing who enters our country right now instead of us, and that is a significant threat to this country.

Mr. VAN DREW. Mr. Nowrasteh, so you think—

Mr. MCCLINTOCK. The gentleman's time has expired.

Mr. VAN DREW. Oh, I am sorry. Thank you, Chair. Man, I'm fired up. I am sorry.

Mr. MCCLINTOCK. Mr. Moore.

Mr. MOORE. Thank you, Mr. Chair.

We have talked a lot, and I don't think any of us in here are against legal immigration. Immigration builds the Nation, but an invasion destroys a Nation.

What we have going on at the Southern border right now is an invasion. We have basically replaced the population of my entire State with people we really don't know who they are.

As Mr. Nowrasteh—is that how you say your name?

Mr. NOWRASTEH. Nowrasteh.

Mr. MOORE. Nowrasteh, the Remain in Mexico policy that the Trumps had in place, wouldn't that help vet people before they came here? Because I understand that the minute we did away with Remain in Mexico, people started pouring in here and then applying for asylum. So, we gave them a cellphone and sent them on their way in busses or whatever the case may be.

Don't you think in some ways that would have helped us vet the people coming across the border?

Mr. NOWRASTEH. I don't think it would do to much better than what is going on right now. The main problem is that you just have a large number of people who are coming up all the—asylum and nonasylum.

Mr. MOORE. Let me ask you this, then. Sheriff Dannels testified, four decades on the U.S. Southern border. He wasn't in the office.

He is actually on the border. He said the best he had ever seen the border was in 2018. He said the worst he has ever seen it, is today.

So, you mentioned the \$5,000–\$20,000. That seems to have become the going price now. How do those people, Mr. Marino, how do they pay that money back if, say, if you are wanting to come to the country and you are coming from Venezuela and it is \$8,000, what do those people—how do they pay that money back to the cartel?

Is it a cash-up-front deal, or do they make installment payments? Are they indentured servants, or are they just drug mules?

Mr. MARINO. They work it off while in the United States. It comes in all different forms in terms of how they pay that off. This is where we are extremely susceptible to terrorist organizations.

Because depending on who funds, in advance, the money to the migrants to make this journey, their families are going to be held to account back in the country of origin where they start. The migrant, once they enter the United States, is basically at the beck and call, it is an extension—

Mr. MOORE. So, you were saying they are either bond servants or slaves. Is that what our government is doing?

Mr. MARINO. That is exactly right. This is more pervasive than most people think. This is a huge problem. Most of these migrants don't have a way to pay in advance for these funds to be trafficked across the border.

So, the overwhelming majority are going to do the beck-and-call work of the cartels and whoever else the cartels are working with.

Mr. MOORE. So, they have to make the payments or else the cartel goes and finds a family or something horrible happens.

Mr. MARINO. It is a fact. I have studied this for decades and decades. This is a long-term payment plan. If they don't do what they are told, families die in the countries of origin and the person here.

Mr. MOORE. This is getting dramatically worse since January 2020.

Mr. MARINO. Dramatically.

Mr. MOORE. Mr. Scott, I heard that this is an option too, that if you didn't have the money, you could actually backpack heroin, cocaine, or fentanyl to pay your passage. So, instead of installment payments, you could actually backpack drugs, become a mule if you will, to the cartel and that pay passage.

Is that also the case? Have you heard that? I just happened to hear that when I was at the border.

Chief SCOTT. Yes, I agree with the prior witness, everything he said. That is also another way that you can pay is by trafficking drugs or doing any service for the cartel.

Mr. MOORE. Chief, you said that the CBP caught one of the 9/11, one of the 20, I guess. My understanding is the other 9/11 pilot, sir, terrorist, whatever we want to call them today, they actually overstayed their visas.

Chief SCOTT. I believe that is accurate. The one individual, and DHS didn't exist yet, so it was legacy Customs, but was doing a good interview and believed that something wasn't right with that individual and denied him entry. It is believed that would have been the 20th.

Mr. MOORE. The others—Mr. Bensman, any of you guys want to answer this—had we actually enforced the laws on the books and when the visa has expired, the visa expired, it would send them back. This could have been averted, could it have not? Any, it doesn't matter—

Chief SCOTT. I believe it could be. I really want to highlight too, though, we identified that threat, we worked on that threat for years within CBP and DHS. We never ignored no matter what you do to criminals and terrorists, they are going to try to do something else.

We knew they would go to the Southwest border, that was part of the planning, that was the second phase. We are seeing it now; the threat is real.

Mr. MOORE. So, Chief, you are warning us now that there is a problem.

Chief SCOTT. Yes, definitely.

Mr. MOORE. Go ahead, Mr. Marino.

Mr. MARINO. Yes, and we are certainly in an elevated risk environment. I oversaw the implementation of the National Terrorism Advisory System, and I would actually like to see it used the way we intended it to be used.

Instead of sending out bulletins on things like disinformation and No. 1 threats that are not the No. 1 threats, I have yet to see an NTAS bulletin issued about the crisis on the Southwest border and the threat level that it accurately represents.

It is not a system to be politicized, and it is obviously being politicized. There should no doubt be a National Terrorism Advisory System bulletin for an elevated threat environment for what is going on at our border currently.

Mr. MOORE. Thank you. With that, Mr. Chair, I yield back.

Mr. MCCLINTOCK. The gentleman yields back. Ms. Ross.

Ms. ROSS. Thank you, Mr. Chair, and thanks so much to the witnesses for being here.

I want to echo Ranking Member Nadler's comments about the timing of this hearing. It is three days after the anniversary of the worst terrorist attack the United States has ever seen. This week should be a time for all of us in Congress to reflect on the impact of terrorism and what we can do to make our country safer from attacks like the one that we saw on 9/11.

This hearing is not really respecting the legacy of 9/11. Rather, scheduling this hearing for this week, the majority is using the tragedy of September 11th to justify their immigration agenda that does not solve all the immigration issues that are before us, as my colleague Congresswoman Escobar laid out. It is painful to see the legacy of 9/11 twisted in this political manner.

As we have heard from Mr. Nowrasteh, there have been no murders or injuries committed by terrorists who have illegally entered the United States through the U.S.-Mexico border in the past 48 years. This hearing doesn't reflect that reality. Nor does it provide a forum for a genuine discussion about how to make our country safer from the terrorists who are most likely to come here.

If the other side wanted to do that, they would work with us to address homegrown terrorists, who have committed many of the more violent attacks in the United States, particularly recently.

If they wanted to make our country safer, they would work with us to provide security for schools, churches, movie theaters, and keep the guns out of the hands of violent individuals with extremist belief.

Mr. Nowrasteh, could you remind the Subcommittee, how did the 9/11 terrorists enter the United States?

Mr. NOWRASTEH. The 19 September 11th hijackers entered lawfully. Eighteen of them entered on tourist visas. One of them entered on a student visa. They were lawfully present at the time of the attacks.

Ms. ROSS. Is entry through the Southern border in any connected to terrorist activity in the United States?

Mr. NOWRASTEH. It has not been historically, and there is very little indication that it is currently.

Ms. ROSS. What is the likelihood that someone will be murdered by a foreign-born terrorist in the United States?

Mr. NOWRASTEH. Based on data from 1975 through the end of 2022, the annual chance of being murdered is about one in 4.4 million per year. By comparison, the chance of being murdered in a nonterrorist homicide is about one in 20,000 per year, or about 316 times greater.

Ms. ROSS. If Members of this Committee want to look at the way to improve national security and terrorist threats, what would you recommend we do?

Mr. NOWRASTEH. I think the No. 1 thing to do in this scenario is to increase lawful immigration so that we can control the border. I think the other witnesses up here actually made a fantastic case for doing that when talking about the smuggling and the human rights violations and how the cartel has got their fingers dug in deep into this black market.

If you don't like that, the one sure-fire way to get rid of it, to exclude the black market from this, is to legalize that flow so folks can come in legally.

If people can buy a plane ticket from their home country and come here lawfully after being vetted, they are not going to pay cartels \$10,000 to smuggle them across a jungle and then a desert where they are going to be—have a good chance of being raped or murdered, etc.

The way to control and to regulate this market is through legalization. We just cannot regulate; it is impossible to regulate a black market. We need to legalize it.

Ms. ROSS. Thank you, Mr. Chair, and I yield back.

Mr. MCCLINTOCK. The gentlelady yields back. The Chair recognizes Mr. Hunt for five minutes.

Mr. HUNT. Thank you, Mr. Chair.

When 9/11 happened, I was a sophomore at West Point. I was sitting in my barracks, Eisenhower Barracks, as I recall, on the third floor. I watched with terror 3,000 souls leave this earth.

At that moment as a sophomore at West Point I knew, and my classmates knew, West Point class of 2004—actually three of us are currently serving in the halls of Congress right now—we knew that we were all going to go to war.

We knew that there was a chance that we would not make it back alive, but by God, we were going to do whatever it took to pro-

tect our country and to prevent something like that from ever happening again. This is why protecting this country and protecting our Southern border means so much to me.

The open borders that we are seeing right now at our Southern border is a slap in the face of everyone who has sacrificed to keep anything like 9/11 from happening again in our great country. We lost a lot of blood, a lot of treasure, to keep our Nation safe, including many of my West Point classmates that are no longer with us.

We were told that if we fought terror abroad, we could keep it from coming in our own country. I still believe that to this day.

It is because of Joe Biden that we have now essentially turned our Southern border into a welcome mat for terrorists. Now, the Biden Administration would like you to believe that every person coming across our border is an asylum seeker simply looking for a better life. That is not only a lie, but also it is insulting to our intelligence.

This administration says illegal aliens are women and children wanting a better opportunity, and I have some numbers for you that would point out the contrary. Since October 2022, CBP flagged 75,000 illegal aliens in our country as national security risks.

Last year CBP announced that 98 illegal aliens on a terrorist watchlist on our Southern border, 98, that is nine times the number of people encountered on the terrorist watchlist during Trump's entire presidency.

Wait, there is more. Just last week, the Office Inspector General released their audit of DHS titled, "DHS Does Not Have Assurance That All Migrants Can Be Located Once Released Into the United States."

Quick recap of what is going on here. We have 75,000 illegal immigrants living among us who are national security risks currently. CBP is encountering illegal aliens on the terrorist watchlist at a record rate, and DHS is releasing illegal aliens that are a national security risk to the interior of our country, and you can't even tell us where they are.

Why do we have a terrorist watchlist? If people on our terrorist watchlist can simply walk into our open Southern border, then why do we have one at all?

How is it possible that the FBI has no problem hunting down January 6th protesters years later, but this administration has lost track of illegal aliens who pose a real threat to our national security?

We know this administration could track down anyone, anytime, anywhere, we have seen them do it. Why? It is my opinion that this administration views patriots, or as the Biden Administration calls them, "MAGA Republicans," as national security threats, while viewing illegal aliens on the terrorist watchlist as asylum seekers simply looking for a better life.

We live in an upside-down world today where Americans are vetted and surveilled more than illegal aliens that we know have a propensity to break the law. It is not an oversight. It is not a mistake. It is a choice.

We have billionaires right now that are putting patrons in space for sport, and you mean to tell me that we cannot stop illegal im-

migrants that clearly pose a threat to our national security from entering our country? I have a report that says it.

Now, many of my colleagues on the left, they want to say that well, if you have border security that is racist or that is wrong or you are xenophobic. I am not. I am pro-America. I am pro preserving the values of our country and having a sovereign border.

Six and a half million people entering our country illegally is ridiculous. Enough fentanyl has poured into this country to kill every American six times, it is ridiculous.

I am somebody that is willing to die for this country and to keep it safe. We cannot continue this. It is time for us to fix our Southern border. Thank you. I yield back the rest of my time.

Mr. MCCLINTOCK. The gentleman's time has expired. I will now recognize myself for five minutes.

Mr. Scott, you served as Chief of the Border Patrol through the end of the Trump Administration and the beginning of the Biden Administration. Ms. Escobar and others have assured us there really was no difference in policy between those two administrations. Was this your observation?

Chief SCOTT. It completely misses the mark. I will go beyond that. I was in the Border Patrol for 29 years, not just during the Trump Administration.

I was in San Diego when the Clinton administration said, "illegal immigration is a threat to this country, we need to do something about it." We came up with an operation and we started using things called fences, same as a wall. We started using consequences, and we addressed it.

Mr. MCCLINTOCK. What impact did the Biden policies have on the security of our Southern border?

Chief SCOTT. It reversed the entire like 29 years of my career. It reversed all the progress we made and completely decimated border security.

Mr. MCCLINTOCK. Would you say that these changes are responsible for the crisis we now see at that border?

Chief SCOTT. One hundred percent because it is catch and release.

Mr. MCCLINTOCK. Mr. Nadler assures us that well, don't worry, everybody who comes across is subject to, his words, "rigorous vetting procedure." Would you elucidate on that?

Chief SCOTT. The information they give the officer, their name, and even their fingerprints, are bounced off of a data base here in the United States that has minuscule information about foreigners in it. So, it is the equivalent of checking them in basically an empty hard drive.

Mr. MCCLINTOCK. So, you once described it as checking it against a blank sheet of paper.

Chief SCOTT. Correct.

Mr. MCCLINTOCK. Because we don't have that information, and then they are allowed in.

Chief SCOTT. It sounds really good. It is really doing nothing. It is the interviews where the agents—and they look at their tattoos, they look at their face, they figure out if they are telling you the truth. That is where you find things out, and that is not taking place today because of the massive flow.

Mr. MCCLINTOCK. Because of the massive flow. Yet, the Democrats say the solution to this is we need to increase that massive flow. We need to legalize all this so that everybody coming in has a chance to go through that very process. How thorough would that be?

Chief SCOTT. I like to actually use facts as well. The fact is every time, and this goes beyond immigration, every time there has been a consequence for a crime, a deterrent, and a consequence, that crime has gone down.

When we had consequences on the border and we held people until the judge adjudicated their case, the flow stopped, because the vast majority of the asylum seekers are frauds. That is the solution, just enforce the law.

Mr. MCCLINTOCK. OK, now the two numbers that I have been focused on are the 2.6 million illegal aliens that the administration has deliberately allowed into this country, despite the Federal law that says they should be detained, and, in addition, to that the 1.7 million known got-aways, people that the Border Patrol observed crossing the border, but simply couldn't intercept because they are completely overwhelmed.

As I said in my introductory remarks, this is a population larger than the combination of New Mexico and West Virginia put together. If we legalize that, we are going to get more of it, obviously. How thorough can the vetting process be under such circumstances?

Mr. MCCLINTOCK. There is no bandwidth for that. So, it is nice to talk about things. Theory is great, in reality, there is only a certain number of agents and officers.

It takes two hours for a CBP officer to process one of these asylum seekers at a port, about 1½ hours for a Border Patrol agent. Just do the math. There would be no enforcement.

Then back to New York. They can't handle 100,000? How many is too many? Seriously, we can't—this is unsustainable.

Mr. MCCLINTOCK. Mr. Nowrasteh, 5,000 terrorists released in Parwan. We know where one of them went. One of them, 10 days later, went to Abbey Gate and detonated the bomb that killed 13 U.S. servicemembers. Can you tell us where the other 5,000 are?

Mr. NOWRASTEH. I'm sorry, can you tell me the name of that individual? I missed the first part of that.

Mr. MCCLINTOCK. The terrorist who detonated the bomb came from Parwan. Where are the other 5,000 that were released that day?

Mr. NOWRASTEH. Which bomb?

Mr. MCCLINTOCK. The bomb that was detonated at the Kabul airport.

Mr. NOWRASTEH. Oh, Kabul.

Mr. MCCLINTOCK. Oh, don't play dumb. Come on.

Mr. NOWRASTEH. No, I am sorry, I couldn't hear you. You mean in Afghanistan? In Afghanistan.

Mr. MCCLINTOCK. If you want to play dumb, play dumb. I am done asking you questions.

Mr. NOWRASTEH. I am sorry, is this about the Southwest border?

Mr. MCCLINTOCK. I am not playing this game with—

Mr. NOWRASTEH. Is this about terrorism on the border?

Mr. MCCLINTOCK. The time I have left. Mr. Bensman, we talk about legalizing the process. Don't we already have a legal process availed by millions of people to enter this country legally who obey all our laws, who do everything our country has asked of them?

Isn't that system already in existence? Isn't the problem that we have millions of people now flouting that law?

Mr. BENSMAN. Yes. I think after 9/11 a lot was done to enhance the counter-terrorism kind of security screening measures for a lot of those, which I believe made it more difficult. They do still fail sometimes.

I believe that with this mass migration crisis, that the balance is shifting where people, bad guys across the world are well aware that our border now is a vulnerability and they can get through. There was just recently in July a case in Ohio, FBI case that just wrapped up that involved an Iraqi asylum seeker.

He is—pleaded guilty now, defendant, whose plot involved bringing four Iraqi terrorists over the border to kill President George Bush, former President George Bush. That was a legitimate counter-terrorism case, and what it shows us it that they are looking, the bad guys are looking at the border right now in a different way.

Mr. MCCLINTOCK. Well, and as I recall, he actually said that he was, "now bringing his accomplices in through the Southern border."

Mr. BENSMAN. That is right.

Mr. MCCLINTOCK. Because it is so much easier than abusing the visa process.

My time has expired. I want to thank all of you for joining us today. I want to thank all the Members who joined us for today's questioning. This will conclude the hearing.

I would like to thank the witnesses for appearing. Without objection, all Members will have five legislative days to submit additional written questions for the witnesses or additional materials for the record.

Without objection, the hearing is adjourned.

[Whereupon, at 11:51 a.m., the Subcommittee was adjourned.]

All materials submitted for the record by Members of the Subcommittee on Immigration Integrity, Security, and Enforcement can be found at the following links: <https://docs.house.gov/Committee/Calendar/ByEvent.aspx?EventID=116352>.