

Written Testimony-Chris T. Clem 9/21/24

House Committee

Good afternoon, Chairman and members of the committee. My name is Chris Clem and I am a retired Chief Patrol Agent of the US Border Patrol. I began my career in 1995 in Lordsburg, NM as a GS-5 Border Patrol Trainee and retired 21 months ago as the Senior Executive Service Chief Patrol Agent in Yuma, AZ. Therefore, my responses to your questions will be based on my best recollection of my experiences and observations over the last 28 plus years.

I spent most of my career along the Southwest Border, where I was a canine handler, collateral duty intelligence officer, firearms instructor, and I spent a few years in Washington, DC and New Orleans, LA. I was career government employee who served under five Presidential Administrations starting under Clinton and ending under Biden. I was not a political appointee. I promoted through the ranks through the competitive process and commanded four border patrol stations across New Mexico, Texas, and Arizona. I served as the Deputy Chief Patrol Agent in New Orleans Sector and in El Paso Sector, and the Acting Chief in Big Bend, Texas Sector before being promoted to the Chief Patrol Agent of the Yuma, AZ Sector for two years until retirement. I spent time as an agent in remote locations as well as urban environments, and I can tell you if you have been to one station you have been to one station, if you have been to one sector you have been to one sector. Each location is different with its own set of unique circumstances from terrain to infrastructure, to communities and to threats. However, the one thing that is consistent across the spectrum, without border security, our agents, our community, the migrants, and our country are vulnerable. While immigration and border security are closely related, they are not mutually exclusive. However, without proper border security, in the form of physical security, border patrol agents, strong policies and consequences, the integrity of the immigration system is compromised and the founding principles surrounding the rule of law suffer. My statement and testimony today will be focused on Border Security to which I would be considered a subject matter expert, immigration as mentioned is related but can only be effective and efficient when the border is secured.

It is also my testimony that each administration that I served under made efforts to secure our border based on requirements of the border patrol agents, except the Biden Administration. Under President Clinton a hiring push began for more agents, I was one of them. Under President Bush and as a result of the tragedy of September 11, 2001, infrastructure plans and one of the first National Border Patrol Strategies were implemented. Even under President Obama, there were hundreds of miles of border wall constructed, especially early in his terms. We also know that "build a wall" was a fixture of the Candidate Trump campaign but became a reality under President Trump. Let me be clear, President Trump implemented requirements which were a culmination of decades of experience from border patrol agents, the wall was much more than a wall, it was a system to include wall, technology, access roads and even strong policies to close loopholes. I will state that the system in place in 2020 was one of the best we could have asked for as a country even with party politics and funding making things difficult. This ended and came to a screeching halt under Biden. This committee and Congress have access to all the available data, and the staunch difference between the previous administration and the current is gut wrenching and jaw

dropping. I understand not every threat to our great nation will come directly across the border, but why would we be willing to even risk it? We know there are countless gaps and vulnerabilities created along the border, specifically the southern border. We are on the heels of several recent testimonies from FBI Director Wray that indicate the threats are real. With hot spots around the world that have happened under President Biden's Administration, there are more than enough reasons to secure our border and put back in the place the plan as intended to include infrastructure, technology, and policies. We need the wall installed and completed where it makes sense, we need the technology installed as intended and we need to increase the number of border patrol agents and border security personnel as requested by senior field leaders.

It is also my opinion that a border security bill should be submitted as a stand-alone bill. This bill should be based on the needs of Border Patrol Field Chiefs as required by their agents to complete their security mission. In addition to the physical needs to secure our border, our agents' fleet is in dire need with upwards of 50% needing replacement. Our agents, when fully operational, spend more than half of their time in their vehicles doing their job. We need focused funding on fleet and facilities for our agents, intelligence and administrative staff, not just migrant processing. We must give our agents back their purpose of mission and use funding appropriately to support them over inadmissible aliens. Immigration and Customs Enforcement investigations and detention agencies should also be included in this package. It is when this bill is signed into law then and only then should a separate immigration system overhaul begin. This will allow border security solutions to stand on the principle of American security and minimize the trade-offs over outside interests for immigration reforms. A standalone border security bill, that addresses the obligation of the government to protect its borders and people, will not only make us safer, but it will also give a much-needed boost to the border patrol agents who have had to be put in the middle of this nightmare with little support and advocacy from the White House. HR 2 was on the path to what is needed to focus and finish the plan on border security.

While you have full access to both the House and Senate Bills, I will merely point out a few observations on the stark differences between them. I think the House Bill was the closest to a stand-alone bill that would solve many of today's issues.

First and most importantly, it secured the border by resuming Border Wall Construction, because I can tell you walls work, it also mandated detention and or fully implementing the Migrant Protection Protocol (AKA Remain in Mexico) to prevent economic migrants from exploiting our asylum system and being released into American cities, as well establishing an authority similar to Title-42 to create a quicker, expedient process of return at the border. This would significantly reduce the flow arriving at our border and free up our agents to do their most important law enforcement work.

In addition to tangible requirements and probable results, it also would help mitigate human trafficking into the United States by making people who passed through multiple countries without seeking relief ineligible for asylum initially in the U.S. It would also raise the Credible Fear Standard to avoid frivolous claims that overwhelm the system. Migrant Families would be kept together during removal proceedings which would lead to ending the practice of traffickers "recycling" migrants through fake family units. Since the Cartels are commodity neutral, by implementing the above and similar policies we could deliver a significant blow to their operations.

While much has been made about the Senate Bill, it failed to address the border security requirements still needed by the US Border Patrol. While it claimed to be a policy of detention and deportation by increasing detention space, albeit to nearly the level they inherited, a review of the legislative text reveals that the bill, if enacted, would codify a mandatory nationwide catch-and-release scheme for all populations. Anytime there is limited consequences of detention or removal, even returning to Mexico, it incentivizes more people to make the dangerous journey and exposes them to the exploitive nature of the cartels. While I agree with funding for community Non-Government Organizations, this was merely addressing a symptom by reimbursement, and not addressing the cause.

For years while still working for the US Government as a US Border Patrol agent, and even more so today, I have said, Border Security is National Security and Public Safety. There have been far too many impacts to Americans and American cities by the border crisis to mention. I accept that immigration is emotional to so many, but we cannot conflate immigration with border security. If we took a strong focus on securing our border with real, proven solutions like personnel, infrastructure, technology and policy, we could make our country stronger and safer while reducing risks as well as impacts throughout the country, and then we can address the immigration needs of our country. We should always strive to remain the beacon of hope for those being persecuted and tortured but beyond that we should not put our country at risk. We can secure our border with common sense and compassion that keeps our country safe.

It is also important to address the relationship between the Department of Homeland Security and our Sheriff's Departments around the nation. Under the current conditions, every state is a border state, and every town has become a border town. I have learned throughout my career that the Sheriff's Department is the backbone to all area law enforcement. It is important to ensure they are heard and valued as part of the overall approach to regaining and maintaining security in and around the border region. Earlier this year the National Sheriffs' Association announced its opposition to the Senate Border Bill most notably "This legislation would simplify the process of entry at the expense of border security." A few days ago, The American Sheriff Alliance, National Sheriffs Association, Western States Sheriffs Association, Southwest Border Sheriffs Coalition and the Texas Border Sheriffs Coalition have recently released their own Immigration and Border Security Priorities and Position document. Direct from that document it states "The president, the Senate, and the House of Representatives must work together cooperatively, in good faith, to complete the border wall, end blanket asylum cooperation agreements, cease widespread apprehension and release practices, and expand the number of CBP and DEA personnel assigned to border security and drug interdiction. Furthermore, Sheriff's Offices and other local law enforcement agencies across our nation need more federal support to hire more deputies and officers, and to obtain the technology that will better equip us to keep our communities safe." We must have a robust, open and consistent dialogue with these Sheriff Associations.

Lastly, I want to thank you for this opportunity to speak today. While much of my testimony is similar to one from earlier this year, the fact is the fundamental needs of border security have still not been met. I look forward to your questions.