OPEN EXECUTIVE SESSION TO CONSIDER FAVORABLY REPORTING
THE NOMINATION OF CHRIS MAGNUS TO BE COMMISSIONER,
CUSTOMS AND BORDER PROTECTION, DEPARTMENT OF HOMELAND
SECURITY
WEDNESDAY, NOVEMBER 3, 2021
U.S. Senate,
Committee on Finance,
Washington, DC.

The hearing was convened, pursuant to notice, at
9:37 a.m., in the Dirksen Senate Office Building, Hon.
Ron Wyden (chairman of the committee) presiding.
Present: Senator Crapo.
Also present: Democratic staff: Michael Evans,
Deputy Staff Director and Chief Counsel; Ian Nicholson,
Investigator and Nominations Advisor; and Joshua
Sheinkman, Staff Director. Republican staff: Lincoln
Foran, Policy Advisor; Mayur Patel, Chief International
Trade Counsel; and Gregg Richard, Staff Director.
OPENING STATEMENT OF HON. RON WYDEN, A U.S. SENATOR FROM OREGON, CHAIRMAN, COMMITTEE ON FINANCE

The Chairman. The Finance Committee will come to order. The Finance Committee meets today to consider the nomination of Chris Magnus to be Commissioner of U.S. Customs and Border Protection.

Senator Crapo and I have been talking in considerable detail about how to proceed this morning because so many of our colleagues have hearings and business. Many committees are conducting business. So after consultation with the ranking member, my friend Senator Crapo, we have agreed on how we are going to proceed.

We are going to use the time to make statements about the nomination. I will make a short statement. Senator Crapo will make a short statement. There may be other colleagues who wish to make statements as well.

At that point, the Finance Committee will recess until 11:30 when the committee will reconvene in the President's Room off the Senate Floor to have the vote. So I will offer a statement now with respect to Mr. Magnus, and then my friend Senator Crapo will offer his statement.

As noted, we are going to vote today on the
nomination of Chief Chris Magnus to lead Customs and Border Protection. I believe it is clear that Chief Magnus is highly qualified for what I think all sides -- we can have some differences of opinion around here -- but I think all sides can say this is a difficult job.

Chief Magnus is a highly respected law enforcement leader, the Chief of Police in Tucson, AZ, a major population center near our southern border. So, he has valuable hands-on first-hand experience dealing with the immigration challenges that are central to this job. And it is clear to me that he is committed to strong enforcement of our country's immigration laws.

Second, Chief Magnus has also committed to us that the Customs and trade aspect of the agency, the work that is so important there, is not going to get short shrift on his watch. This has been an issue that has plagued Customs and Border Patrol in the past, so it is important to get the Customs mission done right. And because the pandemic has thrown supply chains into disarray and caused major headaches for businesses and consumers, this is a matter that Senators hear about day in and day out, because it is urgent business for the people we have the honor to represent.

Chief Magnus told us he will ensure that the ports have the Customs staffing that they need, and the chief
wants to improve their efficiency in a way that maintains safety as well. The chief has also committed to enforcing the United States ban on products that are made with forced labor, to help ensure the products are stopped at the border and never enter the U.S. market.

This is certainly a big challenge, but modern-day slavery is an affront to American values and is, in my view, the worst kind of unfair trade practice. Chief Magnus understands that this is an area where the United States cannot budge. The United States cannot compromise. These are priorities for this committee, and I particularly want to commend our colleague from Ohio, Senator Brown, who has been such a leader on these forced labor issues, and I would be glad to partner with him.

Finally, it is clear to me that Chief Magnus is going to handle this job with hard work and bring a real sense of decency to this task. He shares that he has been enforcing our immigration laws and treating people humanely, but with two priorities that are not mutually exclusive. We can do both, and I believe Chief Magnus will do that.

He has a record of bringing people together. He is pragmatic. He is committed to transparency, and he is stepping up to take the job, as he told us. He wants to
make a difference. He is the right choice, and he
deserves strong support.

Certainly, we have members who have strong views on
that. We are going to be here, should any members wish
to come in. I intend to support Chief Magnus's
nomination, and I hope that members of the committee
will do the same.

Senator Crapo?
OPENING STATEMENT OF HON. MIKE CRAPO, A U.S. SENATOR
FROM IDAHO

Senator Crapo. Thank you, Mr. Chairman. We are here, as you indicated, to vote on the nomination of Christopher Magnus to be Commissioner of the U.S. Customs and Border Protection.

I intend to oppose this nomination. As I said during the nominee's hearing, CBP's responsibilities are staggering under the best of circumstances. But the present is not the best of circumstances, not while CBP faces an unprecedented border crisis.

This fiscal year ended with 1.7 million apprehensions on the southern border, the highest on record. Tragically, but not surprisingly, it also led to another record -- the highest annual number of migrant deaths, 557 dead trying to cross our borders.

While our brave men and women of the Border Patrol do everything they can to address this tragedy, criminal cartels are using the opportunity to move more drugs than ever across the southern border. This year alone, the Border Patrol seized over 390 kilograms of fentanyl. Consider that number next to this one: one kilogram of fentanyl has the potential to kill 500,000 people.

Plainly put, communities around the country, including
those in Idaho that are far from the southern border, are suffering because of the ongoing crisis unfolding at our southern border.

I cannot understand why the administration refuses to call this the crisis that it is, other than to avoid taking responsibility and committing the requisite resources to address it.

The nominee was asked by members of this committee multiple times to acknowledge that we face a crisis. He declined to do so. Although I will not be voting in favor of Mr. Magnus's nomination today, I believe we do share common concerns, including combating the importation of goods made with forced labor and enforcing our trade remedy laws. If confirmed, I will work with Mr. Magnus to address these and other issues in a bipartisan manner.

Mr. Chairman, thank you for holding this markup today.

The Chairman. Thank you, Senator Crapo, and we will continue to work together on these issues. And, as we talked about yesterday, we have a whole host of areas of bipartisan opportunity, and I think we have already seen the members on both sides of the aisle be very interested in some of the issues like mental health, savings, and the like. So, we are going to be working
together on a variety of issues. And given that, I do not see any additional colleagues on either the Democratic or the Republican side. The Finance Committee is going to recess until 11:30 a.m. and reconvene at that time in S-216. With that, the committee is adjourned.

[Whereupon, at 9:44 a.m., the committee was recessed, to reconvene at 11:30 a.m.]

The open executive session was reconvened, pursuant to notice, on Wednesday, November 3, 2021, at 11:30 a.m., in Room S-216, The President’s Room, U.S. Capitol, Hon. Ron Wyden (chairman of the committee) presiding.

The Chairman. Today we continue the open executive session from this morning to consider the nomination of Christopher Magnus.

I would entertain a motion to favorably report the nomination of Mr. Magnus.

Senator Stabenow. So moved.

The Chairman. The clerk will call the roll.

The Clerk. Ms. Stabenow?

Senator Stabenow. Aye.

The Clerk. Ms. Cantwell?
Senator Wyden. Aye by proxy.

The Clerk. Mr. Menendez?

Senator Menendez. Aye.

The Clerk. Mr. Carper?


The Clerk. Mr. Cardin?

Senator Cardin. Aye.

The Clerk. Mr. Brown?


The Clerk. Mr. Bennet?

Senator Bennet. Aye.

The Clerk. Mr. Casey?

Senator Casey. Aye.

The Clerk. Mr. Warner?


The Clerk. Mr. Whitehouse?


The Clerk. Ms. Hassan?

Senator Hassan. Aye.

The Clerk. Ms. Cortez Masto?

Senator Cortez Masto. Aye.

The Clerk. Ms. Warren?

The Clerk.   Mr. Crapo?

Senator Crapo.   No.

The Clerk.   Mr. Grassley?

Senator Crapo.   No by proxy.

The Clerk.   Mr. Cornyn?

Senator Cornyn.   No.

The Clerk.   Mr. Thune?

Senator Thune.   No.

The Clerk.   Mr. Burr?

Senator Burr.   No.

The Clerk.   Mr. Portman?

Senator Portman.   No.

The Clerk.   Mr. Toomey?

Senator Toomey.   No.

The Clerk.   Mr. Scott?

Senator Crapo.   No by proxy.

The Clerk.   Mr. Cassidy?

Senator Cassidy.   Aye.

The Clerk.   Mr. Lankford?

Senator Lankford.   No.

The Clerk.   Mr. Daines?
Senator Crapo. No by proxy.

The Clerk. Mr. Young?

Senator Young. No.

The Clerk. Mr. Sasse?

Senator Crapo. No by proxy.

The Clerk. Mr. Barrasso?

Senator Crapo. No by proxy.

The Clerk. Mr. Chairman?

The Chairman. Aye.

The clerk will announce the vote.

The Clerk. Mr. Chairman, the final tally is 15 ayes, 13 nays.

The Chairman. The “ayes” have it. The nomination is ordered favorably reported. The committee is adjourned.

[Whereupon, at 12:04 p.m., the meeting was concluded.]
<table>
<thead>
<tr>
<th></th>
<th>STATEMENT OF:</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Hon. Ron Wyden,</td>
<td>2</td>
</tr>
<tr>
<td>2</td>
<td>a U.S. Senator from Oregon,</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>chairman, Committee on Finance</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td></td>
<td>6</td>
</tr>
<tr>
<td>5</td>
<td>Hon. Mike Crapo,</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>a U.S. Senator from Idaho</td>
<td></td>
</tr>
</tbody>
</table>