

1 OPEN EXECUTIVE SESSION TO CONSIDER FAVORABLY REPORTING  
2 THE NOMINATION OF CHRIS MAGNUS TO BE COMMISSIONER,  
3 CUSTOMS AND BORDER PROTECTION, DEPARTMENT OF HOMELAND  
4 SECURITY

5 WEDNESDAY, NOVEMBER 3, 2021

6 U.S. Senate,  
7 Committee on Finance,  
8 Washington, DC.

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10 The hearing was convened, pursuant to notice, at  
11 9:37 a.m., in the Dirksen Senate Office Building, Hon.  
12 Ron Wyden (chairman of the committee) presiding.

13 Present: Senator Crapo.

14 Also present: Democratic staff: Michael Evans,  
15 Deputy Staff Director and Chief Counsel; Ian Nicholson,  
16 Investigator and Nominations Advisor; and Joshua  
17 Sheinkman, Staff Director. Republican staff: Lincoln  
18 Foran, Policy Advisor; Mayur Patel, Chief International  
19 Trade Counsel; and Gregg Richard, Staff Director.

1           OPENING STATEMENT OF HON. RON WYDEN, A U.S. SENATOR FROM  
2           OREGON, CHAIRMAN, COMMITTEE ON FINANCE

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

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

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

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

25          As noted, we are going to vote today on the

1 nomination of Chief Chris Magnus to lead Customs and  
2 Border Protection. I believe it is clear that Chief  
3 Magnus is highly qualified for what I think all sides --  
4 we can have some differences of opinion around here --  
5 but I think all sides can say this is a difficult job.

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

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

24 Chief Magnus told us he will ensure that the ports  
25 have the Customs staffing that they need, and the chief

1 wants to improve their efficiency in a way that  
2 maintains safety as well. The chief has also committed  
3 to enforcing the United States ban on products that are  
4 made with forced labor, to help ensure the products are  
5 stopped at the border and never enter the U.S. market.

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

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

23 He has a record of bringing people together. He is  
24 pragmatic. He is committed to transparency, and he is  
25 stepping up to take the job, as he told us. He wants to

1       make a difference. He is the right choice, and he  
2       deserves strong support.

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

8               Senator Crapo?

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1       OPENING STATEMENT OF HON. MIKE CRAPO, A U.S. SENATOR  
2       FROM IDAHO

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

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

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

18            While our brave men and women of the Border Patrol  
19      do everything they can to address this tragedy, criminal  
20      cartels are using the opportunity to move more drugs  
21      than ever across the southern border.  This year alone,  
22      the Border Patrol seized over 390 kilograms of fentanyl.  
23      Consider that number next to this one: one kilogram of  
24      fentanyl has the potential to kill 500,000 people.  
25      Plainly put, communities around the country, including

1 those in Idaho that are far from the southern border,  
2 are suffering because of the ongoing crisis unfolding at  
3 our southern border.

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

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

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

19 The Chairman. Thank you, Senator Crapo, and we will  
20 continue to work together on these issues. And, as we  
21 talked about yesterday, we have a whole host of areas of  
22 bipartisan opportunity, and I think we have already seen  
23 the members on both sides of the aisle be very  
24 interested in some of the issues like mental health,  
25 savings, and the like. So, we are going to be working

1 together on a variety of issues.

2 And given that, I do not see any additional  
3 colleagues on either the Democratic or the Republican  
4 side. The Finance Committee is going to recess until  
5 11:30 a.m. and reconvene at that time in S-216. With  
6 that, the committee is adjourned.

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

9  
10 The open executive session was reconvened, pursuant  
11 to notice, on Wednesday, November 3, 2021, at 11:30  
12 a.m., in Room S-216, The President's Room, U.S. Capitol,  
13 Hon. Ron Wyden (chairman of the committee) presiding.

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

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

19 Senator Stabenow. So moved.

20 The Chairman. The clerk will call the roll.

21 The Clerk. Ms. Stabenow?

22 Senator Stabenow. Aye.

23 The Clerk. Ms. Cantwell?



1 Senator Wyden. Aye by proxy.

2 The Clerk. Mr. Menendez?

3 Senator Menendez. Aye.

4 The Clerk. Mr. Carper?

5 Senator Carper. Aye.

6 The Clerk. Mr. Cardin?

7 Senator Cardin. Aye.

8 The Clerk. Mr. Brown?

9 Senator Brown. Aye.

10 The Clerk. Mr. Bennet?

11 Senator Bennet. Aye.

12 The Clerk. Mr. Casey?

13 Senator Casey. Aye.

14 The Clerk. Mr. Warner?

15 Senator Warner. Aye.

16 The Clerk. Mr. Whitehouse?

17 Senator Whitehouse. Aye.

18 The Clerk. Ms. Hassan?

19 Senator Hassan. Aye.

20 The Clerk. Ms. Cortez Masto?

21 Senator Cortez Masto. Aye.

22 The Clerk. Ms. Warren?

1 Senator Warren. Aye.

2 The Clerk. Mr. Crapo?

3 Senator Crapo. No.

4 The Clerk. Mr. Grassley?

5 Senator Crapo. No by proxy.

6 The Clerk. Mr. Cornyn?

7 Senator Cornyn. No.

8 The Clerk. Mr. Thune?

9 Senator Thune. No.

10 The Clerk. Mr. Burr?

11 Senator Burr. No.

12 The Clerk. Mr. Portman?

13 Senator Portman. No.

14 The Clerk. Mr. Toomey?

15 Senator Toomey. No.

16 The Clerk. Mr. Scott?

17 Senator Crapo. No by proxy.

18 The Clerk. Mr. Cassidy?

19 Senator Cassidy. Aye.

20 The Clerk. Mr. Lankford?

21 Senator Lankford. No.

22 The Clerk. Mr. Daines?

1 Senator Crapo. No by proxy.

2 The Clerk. Mr. Young?

3 Senator Young. No.

4 The Clerk. Mr. Sasse?

5 Senator Crapo. No by proxy.

6 The Clerk. Mr. Barrasso?

7 Senator Crapo. No by proxy.

8 The Clerk. Mr. Chairman?

9 The Chairman. Aye.

10 The clerk will announce the vote.

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

13 The Chairman. The "ayes" have it. The  
14 nomination is ordered favorably reported. The committee  
15 is adjourned.

16 [Whereupon, at 12:04 p.m., the meeting was  
17 concluded.]



	STATEMENT OF:	PAGE
1		
2	Hon. Ron Wyden,	2
3	a U.S. Senator from Oregon,	
4	chairman, Committee on Finance	
5		
6	Hon. Mike Crapo,	6
7	a U.S. Senator from Idaho	