

Statement of Brandon Judd
On Behalf of the National Border Patrol Council
Before the U.S. House of Representatives Committee on Energy and Commerce
Joint Subcommittees on Oversight and Investigations & Health
Hearing Entitled: “*President Biden’s Border Crisis is a Public Health Crisis*”
February 15, 2023

Chairmen Griffith and Guthrie, Ranking Members Castor and Eshoo, and distinguished Members of the Subcommittees, I would like to thank you for inviting me to testify before you today in order to communicate how the executive actions taken by President Biden and his Administration have directly resulted in an increase in illicit fentanyl coming across our Southern border with Mexico and into our communities in all 50 states.

My name is Brandon Judd and I currently serve as the President of the National Border Patrol Council, where I represent approximately 16,000 Border Patrol field agents and support staff. I have more than 25 years of experience as a Border Patrol Agent and a thorough understanding of the issues and policies affecting border security.

Since he took office in January of 2021, the policies enacted by President Biden and his Department of Homeland Security (DHS) have directly resulted in the least secure border in my 25-year career. Due to the Biden Administration’s border and immigration policies, we have seen historically high numbers of people crossing the border illegally forcing more than 50% of patrol resources to be dedicated to administrative duties such as but not limited to processing, transport, hospital watch, and detention security.

The dedication of such a high percentage of resources to duties other than actively patrolling the border, allows cartels to create gaps in our coverage facilitating the highest number of known “got-aways” in our history. A got-away is a person who crossed the border illegally, was detected, but evaded apprehension. In a short two years, there has been a minimum of 1.2 million got-aways. These got-aways are individuals doing everything in their power to avoid detection and apprehension. We do not know who they are, where they came from, what they’re transporting across our borders or what their intentions are in the U.S. These individuals pose a significant threat to public safety, public health and national security.

Couple that with the more than 3.1 million people who crossed the border illegally and were released into the U.S., and we’ve added more than 4.3 million illegal border crossers to our population just since President Biden has been in office. And at the current accelerated trajectory, we’ll add another more than 6 million illegal border crossers to our population over the next two years.

Each and every day along the entirety of our Southwest border, criminal cartels dictate when, where and how illegal border crossers enter our country. The cartels have figured out the loopholes in our laws and they know that when our Agents are forced to process huge numbers of illegal border crossers, we are unable to properly patrol the border. When Agents are unable to

patrol, huge gaps are created in our first line of defense and that's when the cartels can run the people and things they don't want us to catch because they know they will get away.

Under our current border security policies, criminal cartels have become incredibly successful at bringing their high-value products into our country illegally and these circumstances have contributed to a huge increase in the flow of hard narcotics making their way into the U.S., and wreaking havoc on our communities. According to a Washington Post report entitled, "Fentanyl's deadly surge, Overview: From Mexican labs to U.S. streets, a lethal pipeline," published in December 2022, more than 107,000 people died from a drug overdose in 2021 and, "fentanyl was responsible for two-thirds of those deaths."¹ The amount of illicit fentanyl, a synthetic opioid, pouring into our country across our Southern border is staggering and frankly terrifying knowing that just two milligrams is considered a lethal dose.

According to publicly available data from Customs and Border Protection (CBP), the Border Patrol alone – not the Office of Field Operations responsible for our ports of entry – seized 949 pounds of fentanyl along the Southwest border from February 2021 – the first full month of President Biden's open border policies – through January 2022.² CBP just recently released narcotics seizure data for President Biden's second full year in office – February 2022 through January 2023 – and the amount of illicit fentanyl seized by just the Border Patrol has more than doubled to 2,294 pounds.³ To give some perspective on those statistics – 2,294 pounds of fentanyl converts to over 1 billion milligrams, enough to kill over 500 million people.

In September of 2021, eight months after President Biden's open borders policies went into effect, President Biden's own Drug Enforcement Administration (DEA) issued a Public Safety Alert warning of the "Sharp Increase in Fake Prescription Pills Containing Fentanyl and Meth."⁴ President Biden's DEA Administrator appointee, Anne Milgram, stated in the Alert that, "*The United States is facing an unprecedented crisis of overdose deaths fueled by illegally manufactured fentanyl...DEA is focusing resources on taking down the violent drug traffickers causing the greatest harm...*"⁵ The Alert goes on to allude to the fact that fentanyl is being illegally trafficked across our Southern border with Mexico, stating, "*The vast majority of counterfeit pills brought into the United States are produced in Mexico, and China is supplying chemicals for the manufacturing of fentanyl in Mexico.*"⁶

¹ C. Kan, N. Miroff, S. Hingham, S. Rich, T. Rimmel, *CARTEL Rx, Fentanyl's deadly surge, Overview: From Mexican labs to U.S. streets, a lethal pipeline*, WASHINGTON POST (Dec. 15, 2022), https://www.washingtonpost.com/investigations/interactive/2022/fentanyl-crisis-mexico-cartel/?itid=sn_enhanced_cartel.

² U.S. Dep't of Homeland Security, U.S. Customs and Border Protection, *Drug Seizure Statistics*, (Data current as of Feb. 2, 2023), <https://www.cbp.gov/newsroom/stats/drug-seizure-statistics>.

³ *Id.*

⁴ Press Release, U.S. Dep't of Justice, Drug Enforcement Administration, *DEA Issues Public Safety Alert on Sharp Increase in Fake Prescription Pills Containing Fentanyl and Meth*, (Sept. 27, 2021), <https://www.dea.gov/press-releases/2021/09/27/dea-issues-public-safety-alert>.

⁵ *Id.*

⁶ *Id.*

While the Alert only implies that lethal doses of fentanyl are being illegally smuggled into the U.S. across our Southern border with Mexico and uses the word “brought,” the DEA’s own “Facts about Fentanyl” webpage makes the situation very clear, “*Illicit fentanyl, primarily manufactured in foreign clandestine labs and **smuggled into the United States through Mexico, is being distributed across the country and sold on the illegal drug market.***”⁷ (Emphasis added)

The reality is this: President Biden has made the securing of our borders impossible. Instead, his policies have allowed criminal cartels to advertise their services throughout the world with the promise that illegal border crossers will be allowed to remain in the United States without fear of deportation. Until we end catch and release, which would allow our Agents to actually do their jobs and patrol in the field, we will never come close to achieving a secure border. And without a secure border, illicit fentanyl will continue to flow into the U.S., devastating families in every single corner of our great nation.

We are and, in my opinion, should be the most compassionate country in the world. On average, we take in more refugees and allow more legal immigration than any developed country in the world. And while no one is arguing against legal immigration, what we’re dealing with is illegal immigration and it is anything but humane. Under President Biden, the cartels have generated a record profit while also allowing a record number of innocent men, women and children to die in the Rio Grande River, in our harsh deserts, and even trapped in suffocating tractor trailers. And while this is bad enough, the cartels are also dealing death throughout the U.S. with their drug trade, which between the ports of entry, all starts with illegal immigration and the overwhelming of Border Patrol resources.

I thank the Subcommittees for inviting me here today and I look forward to answering any questions you may have.

⁷ U.S. Dep’t of Justice, Drug Enforcement Administration, *Facts about Fentanyl*, (Accessed Feb. 13, 2023), <https://www.dea.gov/resources/facts-about-fentanyl>