

# [***Fox Team Witnesses Bronx Raid By ICE Officers; Florida Demands End To Parole And Release Program; U.S. Claims Exclusive Jurisdiction Over Immigration; Joe Biden Focus From Border To Health Care; EPA Didn't Declare A Public Health Emergency After Fiery Ohio Train Derailment In East Palestine; Trump Classified Documents Probe Prosecutors Blast Order; Convoy Attack Sparks Outrage; State Department To Appoint New Chief Diversity And Inclusion Officer; Video Released Of Raid Of Rapper Sean Combs Los Angeles Mansion; Chinese Vaping Products Not Approved By FDA May Be Dangerous For U.S. Users; U.S. Producing Ammunition Shells For Ukrainian Military; Donald Trump Criticizes Biden Administration On Immigration Policy; Family Of Woman Slain By Illegal Immigration Says Donald Trump Did Not Speak With Family Despite Claims From Trump That He Did***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6BPV-PKW1-JCS1-60KV-00000-00&context=1516831)

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**Guests:** Stef Kight

**Body**

GREG GUTFELD, FOX NEWS CHANNEL HOST: Tonight I have Matt Whitaker, Jamie Lissow, Kat Timpf and Tyrus. That's tonight at 10:00 p.m. Watch it.

JEANINE PIRRO, FOX NEWS CHANNEL LEGAL ANALYST: That's it?

GUTFELD: That's it?

PIRRO: OK. That's it for us, everybody. I hope you enjoyed this show. We have another six seconds. Do you want to say anything, Greg?

GUTFELD: Yes.

PIRRO: That's it for us tonight. Have a great night.

BRET BAIER, FOX NEWS CHANNEL HOST: That was good, Judge. Just cut it off. That's good. All right, have a good night.

Good evening, welcome to Washington. I'm Bret Baier.

Breaking tonight, the border blame game. We have dramatic new video tonight and a major development on the story we first brought you last night. Fox was there, several suspected criminals were arrested for squatting in a house in the Bronx. While six of the eight were previously released without bail, three of them are now back in custody tonight. We'll take you there.

Florida Governor Ron DeSantis is demanding answers from the Biden administration about what he says is the covert transportation of illegal immigrants into his state. And the Biden administration goes after another southern state accused of interfering with its enforcement of immigration law.

We have Fox team coverage tonight on immigration. David Spunt in New Orleans, where a federal court heard arguments concerning the Texas law allowing state officials to arrest border crossers. Matt Finn in El Paso, Texas on a little known federal immigration policy, allowing the government to ship migrants wherever it wants.

But we begin with Bryan Llenas in the Bronx in that new arrest video. Good evening, Bryan.

BRYAN LLENAS, FOX NEWS CHANNEL CORRESPONDENT: Bret, good evening. Fox was on the scene as federal ICE agents arrested three presumed migrant squatters from this home in the Bronx after they were released without bail by New York City judges.

(BEGIN VIDEOTAPE)

LLENAS (voice over): In a Fox News exclusive, our cameras capturing the moment a dozen ICE enforcement and removal officers arrested two men and a woman presumably migrant squatters living inside of Bronx basement apartment. The targeted ICE arrest this morning coming after six migrant squatters living at the same address were allowed to walk free without bail despite facing multiple gun and drug charges. ICE appearing to step in rearresting three of those migrant squatters without help from authorities in New York, a sanctuary city.

JOHN CHELL, NYPD CHIEF OF PATROL: No partnerships, no coordination with federal agencies. We're not allowed by law.

UNIDENTIFIED FEMALE: Are you staying here? LLENAS (voice over): Federal agents arriving two hours after we caught up with 24-year-old Hector Desousa Villata, an alleged migrant squatter who was only at the basement apartment for about two minutes. He pulled up to the property in a tinted SUV, a child inside and a woman urging him to come back into the vehicle. We asked if he was still living at the property.

HECTOR DESOUSA VILLATA, ALLEGED MIGRANT SQUATTER (through translator): No, I am moving out, man. I am moving out. I was tricked into living here.

LLENAS (voice over): The NYPD says this all started last week when Desousa Villata was chased by police down an alleyway with a loaded gun that led to the basement apartment with seven other suspected migrant squatters inside, including a second armed man at one point, one of the men reaches for his gun.

UNIDENTIFIED MALE: And that sergeant takes him down and the gun falls on the floor.

LLENAS (voice over): Inside, police also found a 7-year-old girl in a cramped apartment with four guns, extended magazines, two bags of drugs, ketamine and cocaine.

The NYPD chief of patrol says he's frustrated because at least two of the migrant squatters had prior indictments and should not have been free.

UNIDENTIFIED MALE: We should not have been there to do this dangerous work.

(END VIDEOTAPE)

LLENAS (on camera): Neighbors say the squatters were living here illegally for about a year to a year and a half. They complained about the noise and the scooters.

In fact, one neighbor told the New York Post she saw a migrant squatter beating a man with a pipe. The bottom line is one neighbor, Bret, said they were most angry about the fact that this all happened across the street from an elementary school, Bret.

BAIER: Bryan Llenas in the Bronx. Bryan, thanks.

Florida's Governor Ron DeSantis extremely upset tonight over what he says is a secret Biden administration program to bring illegal immigrants into his state.

Correspondent Matt Finn is in El Paso, Texas tonight to tell us about where those migrants are coming from and where they may be going. Good evening, Matt.

MATT FINN, FOX NEWS CHANNEL CORRESPONDENT: Bret, the El Paso sector is frequently the country's busiest for illegal migrant apprehensions. Over the past couple of days, we have talked to migrants inside the international airport here who tell us they have plans to fly to all different states.

And at the same time, we now know that migrants are being flown into the United States.

(BEGIN VIDEOTAPE)

GOV. RON DESANTIS (R-FL): First of all, it's an illegal program. They're bringing people in who don't have a right to be in this country.

FINN (voice over): Florida Governor Ron DeSantis. Today demanding the Biden administration and its CHNV parole program. CHNV stands for Cuba, Haiti, Nicaragua and Venezuela. The program lets migrants from those countries bypass the traditional immigration process and get temporary entry into the U.S.

Official CBP numbers show that overall in fiscal year 2023, 184,000 migrants from those countries flew into Miami alone, a dramatic increase from just 1,500 migrants in fiscal year 2020. Thousands more reportedly flew to other states like Texas and California.

DeSantis says the Biden administration quietly brings in the migrants, making it nearly impossible to track them.

DESANTIS: If they throw six people on a commercial flight coming from a foreign country, there's no acknowledgement at all.

FINN (voice over): In a statement to Fox News today, the White House denies DeSantis's claim of secrecy, writing, this is a lawful process that cuts out smugglers seeking to take advantage of vulnerable individuals considering migrating and that has successfully decreased irregular migration from these countries. To say this program is a secret is laughably false.

The program's public website details that applicants face a list of background checks, they must have a U.S. citizen sponsor them who is willing to pay their expenses, including the cost of an airline ticket, paroled migrants can apply to work here. And after two years, the Biden administration says there's a full range of existing lawful immigration pathways.

(END VIDEOTAPE)

FINN (on camera): And Florida is fighting this program in court right now and a group of House Republicans have signed a letter demanding President Biden terminated, Bret.

BAIER: Matt Finn in El Paso. Matt, thanks.

Fox News has confirmed a report that a Texas National Guard soldier has been arrested after allegedly trying to smuggle an illegal immigrant across the border. Police officials say the soldier used a government vehicle during Sunday's attempt. We've just obtained dashcam video as you see here showing the guardsmen being pulled from the vehicle and arrested.

The question of just who is allowed to enforce immigration law was up for discussion at a federal court in Louisiana today. The Biden administration insists it is a federal responsibility. The State of Texas has a law that contradicts this. They're fighting it in court.

Correspondent David Spunt is in New Orleans tonight outside the courthouse. Good evening, David.

DAVID SPUNT, FOX NEWS CHANNEL CORRESPONDENT: Bret, good evening to you. Two of the three judges on the federal appeals court panel behind me seems skeptical of the federal government Department of Justice arguments may side with Texas. Texas officials say that Border Patrol is understaffed and overwhelmed. They protest outside here of the federal courthouse in New Orleans, lasted for about an hour. During those arguments, it's about this controversial state law that would allow law enforcement officer in Texas to arrest people for illegally crossing the border and possibly have them removed. The government argues, immigration is a purely federal matter and pointedly rejected Texas's offer to help manage the border.

(BEGIN VIDEOTAPE)

PRISCILLA RICHMAN, JUDGE OF THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT: If the answer is just we don't have the resources, why hasn't the federal government taken Texas up on its generous office -- offer to say hey, here are resources, we'll do it for you? They're saying no.

AARON NIELSON, TEXAS SOLICITOR GENERAL: Not just saying no. Respectfully, they're destroying our Texas property, they're suing us.

SPUNT (voice over): Today, lawyers for the Justice Department argued Texas has no right to patrol the border.

DANIEL TENNY, JUSTICE DEPARTMENT ATTORNEY: They have not cited a single case in which the government has endeavored to bring an action of this kind and the court has refused to allow it, not one from any court.

(END VIDEOTAPE)

SPUNT (on camera): A ruling is expected, Bret, in a matter of weeks. We expect the losing side to go to the Supreme Court for the final word in an election year, of course, Bret.

BAIER: David, thanks.

The campaign has begun. Our White House Correspondent Peter Doocy asked the president's press secretary about that story on the Bronx squatters today. This comes as the president is trying to shift talk away from the border and immigration and about poor polling on those issues to focus on his efforts to lower health care costs. Peter has that story from the North Lawn at the White House.

(BEGIN VIDEOTAPE)

JOE BIDEN, PRESIDENT OF THE UNITED STATES: We beat Big Pharma, finally.

PETER DOOCY, FOX NEWS CHANNEL CORRESPONDENT (voice over): The President Biden is being beaten by Donald Trump in six out of seven battleground states polled by The Wall Street Journal.

UNIDENTIFIED MALE: He's losing all the battleground states.

JILL BIDEN, FIRST LADY OF THE UNITED STATES: No, he's not losing in all the battle ground states.

DOOCY (voice over): That's true. This poll has President Biden leading Trump in Wisconsin.

JILL BIDEN: I feel that Joe will be reelected.

DOOCY (voice over): But problems with key constituencies are growing. Last night in what is believed to be President Biden's first meeting with an aid worker who has been in Gaza since the war started, a doctor walked out of a meeting with the president.

DR. THAER AHMAD, MEDGLOBAL: You know, there wasn't a lot of response. He actually said that he understood and I walked away.

DOOCY (voice over): The next day, no hard feelings.

KARINE JEAN-PIERRE, WHITE HOUSE PRESS SECRETARY: He understands that this is a painful moment for many Americans.

DOOCY (voice over): The president's position on immigration also cloudier today because his campaign manager tells the Washington Post, the president doesn't talk about shutting down the border but he does.

JOE BIDEN: If that bill were the law today, I'd shut down the border right now and fix it quickly.

DOOCY (voice over): And now bad headlines about border crossers accused of committing crimes getting worse.

Eight person crew of border crossers found with drugs and guns. Six of them now are out on bail. Does President Biden think policies like that are making the country safer?

JEAN-PIERRE: So, I want to be really careful. That's an active case. If a person poses a danger to a community, they should be detained pretrial.

(END VIDEOTAPE)

DOOCY (on camera): And a big update on the Strategic Petroleum Reserve tonight. Folks here made major withdrawals a few years ago to counter what they called the Putin price hike. They said they're going to fill it back up, but today canceled a plan to put three million barrels back in. The Energy Department is saying oil is just too expensive right now. But this could also be a nod to climate minded voters weary of a second Biden term, Bret.

BAIER: Peter Doocy live in the North Lawn. Peter, thanks.

Breaking tonight, an explanation from the president's Environmental Protection Agency about why that agency did not declare a public health emergency after last year's train derailment involving toxic chemicals in East Palestine, Ohio.

Here's Chief Washington correspondent Mike Emanuel.

(BEGIN VIDEOTAPE)

MIKE EMANUEL, FOX NEWS CHANNEL CHIEF CONGRESSIONAL CORRESPONDENT (voice over): The Environmental Protection Agency never declared the massive derailment in East Palestine, Ohio in February 2023 a public health emergency even though the derailment forced about half of the community to evacuate.

The story was first reported by The Associated Press. Internal EPA e-mails revealed there were concerns about the consequences. After chemicals spilled and burned, "There could very well be dioxin concentrations in the area due to the low flame temperature combustion occurring at the train cars."

Dioxin is a highly toxic chemical compound but EPA stopped short of a formal declaration, "The issue of declaring a public health emergency is a difficult one. We have the authority but have only used it once."

Watchdog group the Government Accountability Project obtained the e-mails after making a public records request. Its conclusion, "Taken as a whole, these documents reveal EPA is dereliction of duty to protect the public and the environment."

President Biden visited East Palestine a year after the disaster.

JOE BIDEN: Working with the state, we've tested the air, the water, the soil quality, deployed teams of health experts.

EMANUEL (voice over): Ohio Republican senator J.D. Vance has blasted the EPA's handling of the crisis.

SEN. J.D. VANCE (R-OH): What the federal EPA has made hard to do is to actually get the toxic dirt out of East Palestine in the first place. I hate to say it, but I think that this is all about ***politics***.

EMANUEL (voice over): Local residents say they don't think they'll ever be able to go home.

AMY DETTMAR, OHIO RESIDENT: It's horrific. All of our items that were special to us are all stuck in our house. And we can't go back because it's filled with toxins.

(END VIDEOTAPE)

EMANUEL (on camera): The EPA says it was open about the dangers when it told Norfolk Southern it was responsible for the damage, arguing the conditions there may constitute an imminent and substantial endangerment to health. It insists a public health emergency wasn't needed because it had the necessary legal authority, Bret.

BAIER: So, the question is with this disclosure, whether Congress takes this ball and holds hearings?

EMANUEL: One would think they would. You heard how fired up Senator Vance was on your program. And so, it would seem to be something that people in Ohio, Pennsylvania and elsewhere would be greatly concerned about and would be under Congress's jurisdiction.

BAIER: All right, Mike, thanks.

EMANUEL: You bet.

BAIER: Up next, Brit Hume on the Israeli attack that killed several charity workers a the fallout from it.

First, here's what some of our Fox affiliates around this country are covering tonight. Fox 45 in Baltimore as the second temporary channel is opened near the site of that cargo ship disaster that brought down the Francis Scott Key Bridge. The new channel is 14 feet deep -- in-depth as the cleanup continues.

WSVN in Miami as authorities block off roads in Miami after a man posing as a worker climbs onto a cell tower. Video as you see here captures him going up to the tower like a jungle gym.

At one point, he was seen unhooking clamps that connect power to that cell tower. He was eventually brought down by police.

This is a live look at Chicago from Fox 32 our affiliate there. One of the big stories there tonight. Organizers say an open water swim in the Chicago River will be held in September. The U.S. Coast Guard has approved the event which has been in the planning stage for a dozen years. Believe it or not, this would be the first such swim in that river in more than 100 years.

That's tonight's live look outside the Beltway from SPECIAL REPORT. We'll be right back.

(COMMERCIAL BREAK)

BAIER: Federal prosecutors are criticizing the judge presiding over former President Donald Trump's classified documents case in Florida. They are warning her potential jury instructions rests on what they call a fundamentally flawed legal premise.

Judge Aileen Cannon had as prosecutors and defense lawyers to respond to competing interpretations of the law. Appearing to accept the former president's argument, he is entitled to retain the sensitive documents he is charged with possessing.

Now, the judge overseeing former President Trump's New York criminal trial has rejected his bid for a delay, until the U.S. Supreme Court rules on his presidential immunity claims in another case.

The judge deemed the former president's request untimely, ruling, his lawyers had plenty of opportunities to raise the immunity issue before they finally did so. In a March 7th court filing, it is moving forward that case April 15th.

(BEGIN VIDEO CLIP)

JOSE ANDRES, FOUNDER, WORLD CENTRAL KITCHEN: We were targeted deliberately, non-stop, until everybody was dead in this convoy. That cannot be -- that cannot be the role of an army. That cannot be the role of an army that has hundreds of drones above Gaza in any single moment.

(END VIDEO CLIP)

BAIER: Celebrity chef, Jose Andres, speaking out for the first time after seven foreign aid workers with his World Central Kitchen, nonprofit were killed in an Israeli airstrike.

The attack has renewed criticism of Israel's conduct in the near six-month- old war with Hamas. The White House has expressed outrage.

(BEGIN VIDEO CLIP)

LT. GEN. HERZI HALEVI, CHIEF OF THE GENERAL STAFF, ISRAEL DEFENSE FORCES: The strike was not carried out with the intention of harming WCK aid workers. It was a mistake that followed a misidentification at night, during a war in a very complex condition.

KARINE JEAN-PIERRE, WHITE HOUSE PRESS SECRETARY: We leave it to, obviously, the Israeli government to do that investigation. But we want to make sure that it's swift, it's comprehensive, that it's made public.

(END VIDEO CLIP)

BAIER: Let's bring in Fox News Chief Political Analyst Brit Hume to talk about this and the status of the war. Brit, good evening.

The outrage was mentioned numerous times over the past day and a half. Your thoughts on the fallout from this and where it goes from here?

BRIT HUME, FOX NEWS CHANNEL SENIOR POLITICAL ANALYST: Well, the administration joining the pile on, on what was this hideous mistake by the Israeli military, which Israel, to its credit has acknowledged, is investigating, and has apologized for.

That sets it quite apart from the kinds of things its enemy in this case does. And I don't think there's much credible evidence, Mr. Andres, to the contrary, that this was a deliberate attempt to attack him, or at least his organization and its people.

But the administration seems to have set itself on a -- on a contradictory course here. On the one hand, it is continuing to send weapons to Israel to fight its battle against Hamas. At the same time, it is increasingly critical of that effort, and is indeed, and it has said that if Israel goes and attacks the Hamas in Rafah, that, that would be crossing a red line, and it took civilian casualty damage would be unacceptable, and all the rest of it.

The truth of the matter is that war is hell. And this isn't -- this what happened, it was an example of that. And that -- it's a further example would be what happens if they go into rasa (PH), and there are serious civilian casualties as their inevitably will probably will be.

So, what do you need to say about it, it seems to me is that has Israel done what it can? I mean, they are real leading world authorities on civilian casualties in warfare that say that Israel is doing more than they've ever almost ever seen a country do to try to minimize them.

So, the administration at the one-on-one hand, is criticizing what Israel is doing, and saying that the next step, the inevitable step that would get this war over with, which would that's what would really reduce the civilian casualties would cross a red line. It is quite a remarkable policy, considering it is at war with itself.

BAIER: And quickly, Brit, you know, we've talked about this a lot. There is a lot of concern about the civilian casualties and how the war is being implemented. However, the onus does not appear to be on Hamas, to get rid of hostages, to surrender, to let people out of Gaza.

HUME: Yes, it is. If Hamas, which has shown itself to be capable of the most hideous atrocities, one could imagine, is somehow immune to criticism or does not have stand should -- does not stand before the world in the same way Israel does.

Well, that's true to some extent. On the other hand, to be perfectly clear about this, none of this would be happening if Hamas, outgun, outman, and really overwhelmed would simply surrender. That would save lives of its fighters, and it would save countless civilian lives.

But no one seems to be talking about that possibility. No one seems to be holding Hamas responsible. And let us not forget this, Bret. It is often said that the people who are living under Hamas's rule in Gaza are innocent. And no doubt, many of them are.

But let's not forget, it was those people -- those people in Gaza, who elected and put power -- and put Hamas into power in the first place. And if you look at such polling as arrows on this issue, they overwhelmingly support what Hamas has done toward the Israelis, including the attacks of October 7th.

So, it seems to me that's worth keeping in mind as we think about the moral equities here.

BAIER: It's quite something to watch and cover. Brit, as always, thank you.

Up next, the cultural war over diversity, equity, and inclusion policies, the Biden administration makes a move.

(COMMERCIAL BREAK)

BAIER: FOX Weather alert now. Several communities cleaning up tonight after severe weather. Additional storms are expected along the east coast from the mid-Atlantic to Florida. About 32 million people could be affected. Yesterday there were hundreds of reports of damaging winds, large hale, and tornadoes. The hardest hit areas appeared to be along the Ohio river. At least one person was injured. More than a quarter million electrical outages were reported.

The chairman of the Federal Reserve says he needs additional evidence that inflation is subsiding before cutting interest rates. Chairman Jerome Powell making that statement at Stanford University.

Stocks mixed after those comments and a choppy trading session today. The Dow lost 43. The S&P 500 finished ahead six. The Nasdaq gained 17.

Disney shareholders are rallying behind longtime CEO Robert Iger. They rejected bids by activist investor Nelson Peltz and former chief financial officer James Rasulo for spots on the company's board. Disney reportedly lost $1 billion last year with theatrical flops including the new "Ant Man" and "Indiana Jones" sequels.

Many private businesses and other organizations are pushing back against diversity, equity, and inclusion policies, commonly referred to as DEI. But the Biden administration is actually going the other direction. State Department correspondent Gillian Turner shows us tonight from state.

(BEGIN VIDEO TAPE)

MATTHEW MILLER, STATE DEPARTMENT SPOKESMAN: The emphasis that the secretary has put on this job has not wavered and has put on this issue has not wavered.

GILLIAN TURNER, FOX NEWS CORRESPONDENT: Secretary of State Antony Blinken is appointing a new chief diversity and inclusion officer, filling a senior level position that's been vacant for nearly a year. Blinken says when it comes to DEI, quote, "We will continue to pursue this mission aggressively."

MILLER: The secretary believes that having a workforce that reflects America in all of its diversity makes us stronger and improves our national security.

TURNER: But just last month State Department officials appeared eager to put distance between the secretary and a leaked cable on gender pronouns he signed off on. In it Blinken orders the diplomatic core to avoid terms like "manpower," "mother/father", and even "ladies and gentlemen."

MILLER: I do not have any problem with the term "ladies and gentlemen", and I feel fully confident saying the secretary does not either.

TURNER: Now a major funding fight with Capitol Hill is brewing. The State Department requested $83 million to promote diversity and equity in fiscal year 2024, prompting withering criticism from House Foreign Affairs Chairman Mike McCaul, quote, "Ideological overemphasis on DEIA has come to penetrate every bureau and embassy under the Biden administration. Now, foreign and civil service officers must pledge allegiance or else risk not being promoted."

(END VIDEO TAPE)

TURNER (on camera): McCaul's office tells us the real price tag of the State Department's DEI program is likely tens of millions of dollars higher than what it has disclosed to Congress. They say he is now fighting to get every last line item of taxpayer dollars disclosed publicly. Bret?

BAIER: Gillian Turner live at the State Department. Gillian, thank you.

There are accusations tonight against Homeland Security personnel involved in last week's raid of the Los Angeles mansion belonging to rap mogul Sean "Diddy" Combs. The mother of one of Combs's sons is releasing new video from inside the home during that raid. She also says there was an effort to humiliate and terrorize people. Chief correspondent Jonathan Hunt has details tonight from southern California.

(BEGIN VIDEO TAPE)

JONATHAN HUNT, FOX NEWS CORRESPONDENT: This is the first time we have seen what happened inside Sean Combs L.A. mansion last week when heavily armed federal agents raided the property as part of what we're told is a sex trafficking investigation. In this edited security camera video agents are seen moving along a hallway, apparently guided in part by a drone, detaining but not arresting two of Combs adult sons, Christian on the right here in a doorway, Justin walking along the hallway, approaching the Homeland Security agents who have their rifles pointed at him.

The video was posted by 30-year-old Justin's mother Misa Hylton, who in an Instagram post called the raid overtly militarized and deplorable, and she said, quote, "If these were the sons of a nonblack celebrity, they would not have been handled with the same aggression. The attempt to humiliate and terrorize these innocent young black men is despicable."

We asked homeland security for a response to those comments. We have not heard back. But law enforcement experts say the agents' actions were standard practice for this kind of operation.

TIM LYNN, FORMER POLICE OFFICER: You have teams going in stacking, as they call it, where they line up with each other. They carry those types of weapons because they are trained to use them. The officer's gun is pointing up, his fingers are never on the trigger until ready to fire. So these guys practice this over and over and over every day, every week. This is their job.

HUNT: The raids follow the filing of several civil lawsuits accusing Combs of sexual assault.

(END VIDEO TAPE)

HUNT (on camera): Combs has denied all the allegations against him, and his attorneys have dismissed the Homeland Security investigation as, quote, "nothing more than a witch-hunt based on meritless accusations." Bret?

BAIER: Jonathan Hunt in L.A. Jonathan, thanks.

Some disturbing news tonight about a Chinese connection to potentially dangerous vaping materials here in the U.S. Researchers say there is no telling what's in the products. Here is correspondent Griff Jenkins.

(BEGIN VIDEO TAPE)

GRIFF JENKINS, FOX NEWS CORRESPONDENT: Everywhere you turn, Americans are puffing away on electronic cigarettes, commonly known as vaping. CDC data shows 10 percent of high schoolers and five percent of middle schoolers were using e-cigs last year. But it's the Chinese ones not approved by the FDA that worry doctors most.

DR. JANETTE NESHEIWAT, FOX NEWS MEDICAL CONTRIBUTOR: If it's not FDA approved, it's dangerous, it's a risk to your health, and I highly recommend to avoid it at all costs.

JENKINS: Researchers with an ongoing study discovered an alarming prevalence of illegal Chinese vapes rummaging through the trash and streets and 84 neighborhoods around D.C., collecting discarded packages.

DANIEL TOUATI, WSPM GROUP FOUNDER: For every pack we found that is approved by the FDA list, we found about 1,000, yes 1,000 products that are not approved by the FDA.

JENKINS: The group's founder says the real problem lies in the import distribution and sale of such products.

TOUATI: Most probably smuggled into the USA and distributed in illicit ways.

JENKINS: The former ATF deputy assistant director says this should raise red flags.

PETER FORCELLI, FORMER ATF DEPUTY ASSISTANT DIRECTOR: The fact that they are getting these products from China where they could be tainted with God knows what is concerning to me.

JENKINS: And there is bipartisan concern on Capitol Hill.

SEN. CHUCK SCHUMER, (D-NY) SENATE MAJORITY LEADER: There is some real smoke to clear up as it relates to a shady Chinese e-cigarette company.

JENKINS: Senator Marco Rubio sent a letter to the FDA claiming its approach to regulating e-cigs has, quote, "enabled this explosion of illicit Chinese vapes."

(END VIDEO TAPE)

JENKINS (on camera): And tonight, the FDA tells FOX News it is committed to stemming the flow of illegal e-cigs into the U.S. It lists 23 approved vaping products, most of them U.S. companies. And while not all Chinese vapes are illegal, a vast majority are. This one, Bret, says "Made in China" here on the side. It's not approved. Worth noting, too, China bans these e-cigs in their country to reduce young users while freely flooding our U.S. market with them. Bret?

BAIER: Good warning. Griff, thanks.

Up next, Ukraine is facing serious shortages of manpower and equipment. We'll take you to one American factory where vital ammunition is now being produced.

(COMMERCIAL BREAK)

BAIER: The head of Russia's national security council says the U.S. shares blame by attack gunman on a Moscow concert hall. And 145 people were killed there. The U.S. government warned Russia of a threat two weeks before that attack happened. A branch of the Islamic State group, ISIS, has claimed responsibility.

Ukraine is encountering serious shortages as it struggles to push back the Russian invasion. Tonight, we visit the Army ammunition plant that makes some of the most effective artillery shells the U.S. has been sending to Ukraine. Correspondent Steve Harrigan has the story.

(BEGIN VIDEO TAPE)

STEVE HARRIGAN, FOX NEWS CORRESPONDENT: The war in Ukraine may be won or lost on factory floors like this one in Scranton, Pennsylvania. They forge raw steel here at 2,000 degrees, as their parents and grandparents did before them, making the 155-millimeter artillery shell, the weapon responsible for 80 percent of the casualties in a war of attrition 5,000 miles away.

Numbers could decide that war. The U.S. has given Ukraine more than 2 million shells since 2022. For a time, the two sides were evenly matched. Today, Russia fires 10,000 shells at Ukraine each day, five times more than Ukraine can fire back.

JENS STOLTENBERG, NATO SECRETARY GENERAL: The Ukrainians are not running out of courage. They are running out of ammunition.

HARRIGAN: Russia's war economy produces 250,000 shells a month, three times that of the U.S. and Europe combined. The U.S. Army is spending $400 million to multiply production fivefold here as human hands, checking dimensions, and robotic arms work side by side.

RICHARD HANSEN, SCRANTON ARMY AMMUNITION PLANT: They know that the work that they are doing is important to the protection of our government, to the protection of our war fighter.

HARRIGAN: The U.S. goal, to produce 1.2 million shells next year will depend on the passage of a $60 billion aid package for Ukraine currently stalled in Congress.

JOHN KIRBY, NATIONAL SECURITY COUNCIL COORDINATOR FOR STRATEGIC COMMUNICATIONS: Every single day the House delays is another day that the Ukrainians have to pay for it with their own blood.

HARRIGAN (on camera): A single shell can cost $3,000 dollars. A guided shell able to hit a target from 25 miles away, can cost up to $100,000.

In Scranton, Pennsylvania, Steve Harrigan, FOX News.

(END VIDEO TAPE)

BAIER: Up next, the panel on the border blame game.

But first, Beyond our Borders tonight. Clean-up underway after the strongest earthquake in a quarter century rocks Taiwan. Authorities there say at least nine people were killed, more than 1,000 injured. Dozens of workers were stranded at quarries.

The Biden administration is telling NASA to come up with a new way to tell time on the moon. It wants the U.S. agency to work with international partners on that project. Because there is less gravity on the moon, time moves slightly quicker there compared to here. The actual number is 58.7 microseconds each day.

And this is a live look at Seoul. One of the big stories there tonight, thousands of people gathering at a rain-soaked amusement park in South Korea to bid farewell to a beloved giant panda before her departure to China. Fu Bao has been a major attraction at the Everland theme park near Seoul since she was born there in 2020.

Just some of the other stories Beyond our Borders tonight. We'll be right back.

(COMMERCIAL BREAK)

(BEGIN VIDEO CLIP)

DONALD TRUMP, FORMER U.S. PRESIDENT: With your vote, I will seal the border, I will stop the invasion, I will end the carnage, bloodshed, and killing, and we will crush the human traffickers.

KARINE JEAN-PIERRE, WHITE HOUSE PRESS SECRETARY: We welcome local law enforcement support in cooperation in apprehending and removing individuals in this country who pose a risk to our national security or also our public safety.

THADDEUS CLEVELAND, TERRELL COUNTY, TEXAS, SHERIFF: I don't think I can get any more concerned. When we see the millions of people crossing our border unchecked, I'm still shocked at what's going on.

(END VIDEO CLIP)

BAIER: Clearly, immigration still a major story, what's happening. We started the show with three different stories involving that. But the question is, how does it play politically? "The Washington Examiner" asks the questions, "Are voters buying Trump's or Biden's border blame game?" If you look at the migrant encounters under President Biden versus President Trump, you can see in the southwest border the numbers, differences right there. And the question is, how does that play politically as you get closer and closer to the general election?

Let's bring in our panel, Mollie Hemingway, editor in chief of "The Federalist," "Axios" political reporter Stef Kight, and Charles Hurt, opinion editor for "The Washington Times."

All right, Charlie, how is this playing? Obviously, Democrats are still pointing back to that bill that never got through that really was never voted on, as a bipartisan shutdown that they blame on former President Trump.

CHARLES HURT, FOX NEWS CHANNEL CONTRIBUTOR: And, of course, Republicans can point to bills that they have offered that Democrats never moved on. So it's sort of, to me that's kind of awash.

And in terms of the blame game, you do have two administrations, two performances, and they happened to be back-to-back in which can you compare. And you had those numbers on the screen a minute ago that showed the difference between the illegals that got into the country under Joe Biden versus the illegals that got into the border under Donald Trump. And if you compress it down to the last couple of months or the last year of Donald Trump's administration, and compare that to the entire Biden administration, the numbers are even more shocking.

But I also think that people are sitting here, they are watching the footage of these people streaming across the border. And where is the Biden administration? The Biden administration is in federal court suing the state of Texas, telling them that not only are they not going to protect the border, but Texas is not allowed to protect the border. It's a little - - I was trying to think of an analogy about it today. It's a little bit like 911, you call 911, and 911 says not only are we not going to send police to your house for your emergency, but we are going to arrest you if you take it unto yourself to protect your house.

BAIER: Stef, back at the end of January President Biden was saying he needed this legislation to be able to shut down the border. Take a listen.

(BEGIN VIDEO CLIP)

JOE BIDEN, (D) PRESIDENT OF THE UNITED STATES: If that bill were the law today, I'd shut down the border right now and fix it quickly.

(APPLAUSE)

BIDEN: A bipartisan bill would be good for America and help fix our broken immigration system and allow speedy access for those who deserve to be here.

(END VIDEO CLIP)

BAIER: "The Washington Post" talked to the campaign manager for the Biden campaign, titled "Nervous about November? Imagine being Biden's campaign manager. On immigration, Biden recently pushed for legislation that would have given him greater power to, as he described it, shut down the southern border if necessary. But Chavez Rodriguez was adamant that, quote, "The president doesn't talk about shutting down the border and is not advocating for shutting down the border," saying instead what people want to see is order and humanity in our immigration system." There is a different message.

STEF KIGHT, POLITICAL REPORTER, "AXIOS": Yes, I think this is a great example of a division that we have seen within the Democratic Party and within Biden's own administration from day one on this issue. Democrats do not have a very clear solution to the border issue policy-wise. They also have struggled to find any kind of winning political message on this. And we are seeing that in the polls. We see voters overwhelmingly saying that they would trust former President Trump over Biden when it comes to dealing with the border, when it comes to dealing with immigration. And we have seen Biden continue to kind of change his message. He has embraced a tougher image on the border in recent months. We have seen that transition, even embracing some restrictions on asylum at the border, being willing to adopt a bipartisan border deal which would have had significant restrictions on the border as well.

But it doesn't seem to be really coming through when you look at the polls and how Americans view what is going on at the border. And I think the question is whether we see more drastic measures from the White House as we get closer to the election. I have reported that they are still considering some pretty significant executive actions, and whether they go through with that or not I think will be very telling as to how vulnerable they feel.

BAIER: It will also be telling how they explain why they didn't do it months ago when those numbers were still high, Mollie.

MOLLIE HEMINGWAY, FOX NEWS CONTRIBUTOR: Yes, well, I think they wouldn't be doing anything at all if we hadn't seen polling indicating throughout the primary season that the lack of a border really was something that bothered many Americans, even in states far away from the border. And when you saw that this was such a major issue for people, that's when the Biden White House started to say that they were taking it more seriously.

But it is this issue where the moment President Biden took office, and even before he took office, he said he was going to open things up. He was going to tear down all of the protections that the Trump administration had put into place. And also, as Charlie notes, they are suing to make it so states can't protect their borders. The idea that when this country was founded that states would not have had the right to protect their own borders when we've seen that throughout our history, it would have been laughable to the people who formed this country.

BAIER: President Trump is tapping into the emotion of immigration as well, a number of different incidents that obviously affect different communities. Here is him talking about it in Michigan.

(BEGIN VIDEO CLIP)

DONALD TRUMP, FORMER U.S. PRESIDENT: We threw them out of the country, and crooked Joe Biden took them back and let them back in and let them stay in. And they viciously killed Ruby. She had just this most contagious laughter, and when she walked into a room she lit up that room, and I have heard that from so many people. I spoke to some of her family.

(END VIDEO CLIP)

BAIER: "Politico" points out and others have noted that "Trump said he spoke with the slain woman's family. The sister says he didn't. According to Ruby Garcia's sister, he did not hear that from any member of Garcia's family. In fact, Mavi Garcia said Trump never spoke to the family at all. He did not speak with any of us, so it was kind of shocking to see that he had said that he spoke with us and misinforming people on live TV." These are the -- you could go through all kinds of campaign events, Charlie, and say who said what when. But these emotional things, obviously, those families are weighing in.

HURT: Yes, and then you have Democrats attacking Donald Trump for talking about it in a political campaign. What are you supposed to talk about in a political campaign except things that matter to people. And this is something that matters deeply to people. And, of course, we saw it in 2016, with the case of Kate Steinle who was murdered, was shot to death in California. And then we see it again now, going on now. And of course, Donald Trump is going to talk about it, and he should talk about it. That's why we elect people. That's why we have elections.

BAIER: But they are making a point of saying he didn't talk to the family.

HURT: Yes. But I don't -- but he does -- he is very well connected on these issues, and he cares about these issues. And his ability to connect with lots of families who go through these ordeals has been notable, and something, by the way, that Joe Biden has not done much of.

It's going to be interesting to see how this issue plays out. Panel, thanks so much.

Finally tonight, today's throwback.

(BEGIN VIDEO CLIP)

UNIDENTIFIED MALE: Here was someone who was brilliant and could have applied these incredible talents for good, to help humanity and, instead, he applied it to murder.

(END VIDEO CLIP)

BAIER: Twenty-eight years ago today in 1996, Ted Kaczynski, otherwise known as the Unabomber, was arrested in a remote Montana cabin after a 17-year chase. And guess what? The story is available today on FOX Nation. "Scandalous Unabomber" takes a new look at the hunt to capture the world's most notorious serial bomber.

Tomorrow on SPECIAL REPORT, our "Common Ground" segment on electric vehicles, efforts to curtail the Biden administration mandates on both sides of the aisle.

Remember, if you can't catch us live, set your DVR, 6:00 p.m. in the east, 3:00 p.m. on the west coast.

Thanks for inviting us into your home tonight. That's it for this SPECIAL REPORT, fair, balanced, and unafraid. Here's Laura.

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