

Statement of Art Del Cueto
On Behalf of the National Border Patrol Council
Before the U.S. House of Representatives Committee on Natural Resources
Subcommittee on Oversight and Investigations
Hearing Entitled: “*The Opioid Crisis in Tribal Communities*”
April 5, 2022

Chair Porter, Ranking Member Moore, and distinguished Members of the Subcommittee, I would like to thank you for inviting me to testify before you today. I hope that my testimony will assist the Subcommittee in better understanding 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, including vulnerable tribal communities.

My name is Art Del Cueto and I currently serve as Vice President, Western Region, of the National Border Patrol Council (NBPC), where I represent Border Patrol field agents and support staff. I was born on the border, grew up on the border and have more than 18 years of experience as a Border Patrol Agent, as well as a thorough understanding of the policies affecting border security and illegal narcotics trafficking. Throughout my career in the Border Patrol, I have served in the Tucson, Arizona Sector and have personally engaged in narcotics enforcement activities in and around tribal communities in Southern Arizona.

Since he took office in January of last year, the policies enacted by President Biden and his Department of Homeland Security (DHS) have directly resulted in the least secure border I’ve ever observed in my 18-year career. Due to the Biden Administration’s border and immigration policies, we have seen historically high numbers of individuals, families and children illegally crossing the border over the past year, which has forced the Border Patrol to dedicate more than 50% of its resources to activities other than patrolling the border, creating gaps along our border.

Criminal cartels have consistently exploited these gaps over the past year and have been able to easily cross their high-value products such as illegal aliens from special interest countries, weapons and narcotics in massive quantities. 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 seized 1,045 pounds of fentanyl nationwide from February 2021 – the first full month of President Biden’s open border policies – to February 2022.¹ The Tucson Sector accounted for 40.86% of that figure which amounted to 427 pounds of fentanyl seized by Tucson Agents during that same time period.² To give some perspective to that figure, 427 pounds of fentanyl converts to over 193 million milligrams, enough to potentially kill over 96 million people.

¹ U.S. Dep’t of Homeland Security, U.S. Customs and Border Protection, *Drug Seizure Statistics*, (Data current as of Mar. 3, 2022), <https://www.cbp.gov/newsroom/stats/drug-seizure-statistics>.

² *Id.*

With our Agents forced to process huge numbers of illegal aliens and unable to patrol the border, and criminal cartels consistently exploiting the situation, these circumstances have led to a huge increase in the flow of hard narcotics making their way into the U.S. and wreaked havoc on communities as drug overdose deaths soar to over 100,000 annually.³

In September of last year, eight months after President Biden's open borders policies went into effect, the 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

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)

As illicit fentanyl streams into the country at a horrifying rate, sadly, tribal communities are not immune to this crisis. Where I work in the Tucson Sector, there is a long history of illicit narcotics trafficking on the Tohono O'odham Nation lands that shares their border with Mexico.⁸ According to information shared publicly by the Tohono O'odham Department of Public Safety in 2017, "*From 2002 to 2016 the Tohono O'odham Police Dept. and U.S. Border Patrol working together have seized on average over 313,000 pounds of illegal drugs per year.*"⁹

³ Press Release, Centers for Disease Control and Prevention, *Drug Overdose Deaths in the U.S. Top 100,000 Annually*, (Nov. 17, 2021), https://www.cdc.gov/nchs/pressroom/nchs_press_releases/2021/20211117.htm.

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.*

⁷ U.S. Dep't of Justice, Drug Enforcement Administration, *Facts about Fentanyl*, <https://www.dea.gov/resources/facts-about-fentanyl>

⁸ Press Release, U.S. Dep't of Homeland Security, U.S. Immigration and Customs Enforcement, *Ring leader, 20 others sentenced for drug smuggling on Tohono O'odham Nation*, (August 19, 2012),

<https://www.ice.gov/news/releases/ring-leader-20-others-sentenced-drug-smuggling-tohono-oodham-nation>;

Press Release, U.S. Dep't of Homeland Security, U.S. Immigration and Customs Enforcement, *NATIVE Task Force shuts down smuggling ring operating on Arizona tribal land*, (Feb. 20, 2014),

<https://www.ice.gov/news/releases/native-task-force-shuts-down-smuggling-ring-operating-arizona-tribal-land>;

Press Release, U.S. Dep't of the Interior, *Trump Administration Taskforce Completes Successful Opioid Bust in Arizona*, (May 31, 2018),

<https://www.doi.gov/pressreleases/trump-administration-taskforce-completes-successful-opioid-bust-arizona>.

⁹ Tohono O'odham Nation, *THE TOHONO O'ODHAM NATION OPPOSES A "BORDER WALL"*, (Feb. 19, 2017), <https://www.youtube.com/watch?v=QChXZVXVLKo>.

In 2019, ABC News made public a year-long investigation on smuggling activities on Tohono O’odham Nation lands and called the tribe’s land, “*One of the busiest smuggling corridors in North America.*”¹⁰ A tribal elder, David Garcia, is quoted in the report as saying, “*We’re killing our own people... We have to do something. And if we don’t do anything, then we’re just as much the problem as well.*” Mr. Garcia went on to add, “*It’s no secret,*” Garcia said, “*that a lot of our tribal members are involved in the smuggling of migrants and drugs.*”¹¹

I’ve personally worked in and around the area of responsibility (AOR) that includes the Tohono O’odham Nation and Mr. Garcia is absolutely correct – illicit narcotics like fentanyl are constantly coming to and through the Tohono O’odham Nation. And just like communities all over the country, when narcotics come in, the outcomes are devastating for tribal members. As one example of fentanyl being seized on Tohono O’odham Nation lands, in 2019, a Bureau of Indian Affairs task force seized roughly 30,000 fentanyl pills as part of an “investigation into fentanyl pills being trafficked onto tribal lands.”¹²

The Subcommittee and the Congress do not need to enact new legislation or appropriate new money to address these issues. Thankfully, we already have the laws on the books that we need to stop this growing public health, humanitarian and national security crisis. And we have more than enough funding appropriated to DHS each year to do what we need to operationally to address these issues. We simply need a change in policy. It starts with policy, and President Biden's policies have made our borders the least secure in our nation's history.

I want to thank the Subcommittee for your time this morning and I look forward to answering any questions you may have.

¹⁰ ABC News, *On tribal land along US-Mexico border, drug and human smuggling corrupts an ancient culture*, (May 16, 2019), <https://abcnews.go.com/US/tribal-land-us-mexico-border-drug-human-smuggling/story?id=63064992>.

¹¹ *Id.*

¹² ABC News, *30,000 fentanyl pills seized in Arizona drug bust*, (March 15, 2019), <https://abcnews.go.com/Politics/30000-fentanyl-pills-seized-arizona-drug-bust/story?id=61714688>.