



National Border Patrol Council

**Testimony of Art Del Cueto
On behalf of the
National Border Patrol Council
In front of the Subcommittee on Border and Maritime Security
May 9, 2016**

Chairman McSally and Ranking Member Vela, thank you for providing me the opportunity to testify on behalf of the National Border Patrol Council (NBPC).

The NBPC represents the interests of 16,500 line Agents at the Border Patrol and my name is Art Del Cueto. I am a native of Douglas, Arizona and have been with the Border Patrol since 2003.

Current Situation at the Border

One of the many areas in which the Border Patrol excels is keeping statistics. Border Patrol can tell you in detail how many Agents we have, the number of overtime hours worked, the number of apprehensions, or hours of air support delivered by CBP Air and Marine Operations. It's really quite impressive. If I was a Member of Congress from a non-border State and I sat through a CBP briefing about how the border was secure I would be inclined to believe them.

The primary statistic that Commissioner Kerlikowske talks about today, in support of his assertion that the border is secure, is the number of apprehensions, which is down. At the height of illegal immigration in 2000, Border Patrol apprehended 1.6 million people. In the Tucson sector alone that year, we arrested 616,000 illegal immigrants. To put this in perspective, the entire population of Tucson in 2000 was 486,000. That was how massive the influx was.

Back in 2000, we were facing a wave Mexican economic migrants in search of employment. There was little organization and most illegal immigrants simply loaded up a backpack of supplies, jumped the border and headed north. This lack of organization frankly made them relatively easy to catch if you could deploy Border Patrol manpower.

Fast forward to 2016 and the entire border is controlled by Mexican drug cartels. The drug cartels control the border in the same way that most prisons are controlled by the inmates. Nothing moves along this border without their permission and illegal aliens and narcotics are simply two lines of business within the same organization.

Here in Arizona, we have the Sinaloa cartel. The 63,000 individuals we arrested last year in this sector paid the cartel a considerable amount of money to cross. Only based on the individuals we arrested in this sector, the Sinaloa cartel made millions from illegal alien smuggling.

If there is one point that I want to make in this entire testimony it is that the money that the cartels earn from illegal alien smuggling underwrites the same organizations that are flooding our streets with narcotics. Money is flowing back to the same organizations that are responsible for the violence in Mexico which has murdered over 150,000 people. It is going back to the same organizations that threaten the very viability of Mexico as a sovereign democracy. This is the nature of the threat we are facing.

Failure to Admit There is a Problem

The last time we had comprehensive immigration reform in this country was 1986 with the passage of the Immigration Reform and Control Act. This legislation gave amnesty to any illegal immigrant who had arrived before 1982 and is responsible for the tidal wave of illegal immigrants we saw in the 1990s.

When the Senate was considering immigration reform three years ago, many warned about what happened after 1986. The Administration, in particular, former Arizona Governor Janet Napolitano who was then Secretary of Homeland Security, promised the American people that it would be different this time because the border was secure. If a wave of illegal immigrants came Border Patrol would handle it. It was a terrific talking point. Too bad it was completely untrue and ignored the emergence of the Mexican drug cartels.

Although immigration reform is a distant memory, the Administration is painted into a corner. If the border is secure, how do you ask Congress for more manpower? If the border is secure, how do you ask for money for additional air support, technology and fencing?

For the Administration, the answer is that you don't. You do not talk about the Mexican drug cartels. You talk about how apprehensions are down and how well things are going. If we are going to get serious and solve this problem we first have to have the honesty to admit that a problem exists.

Solutions

If you are serious about confronting the Mexican drug cartels there are some concrete steps that can be taken:

- More manpower-** The NBPC believes the Border Patrol is at least 5,000 Agents below where we need to be to effectively control the border.
- More Agents in the field-** Border Patrol is an extremely top heavy organization with multiple layers of management that are completely removed from the field. If the Border Patrol has the same supervisory staffing ratio that Sheriff Dannels' department has, we could return another 2,000 line Agents to the field.
- More effective deployment-** Currently almost all of our resources are clustered too close to the border. We are effectively playing goal line defense every single day and if an illegal immigrant or drug smuggler gets more than 10 miles north of the border they will likely not be caught. We need to have a defense in depth with multiple layers in order to be effective. We also need to make rational decisions on the use of Forward

Operating Bases (FOB). FOBs had a time and place years ago but are an incredibly inefficient use of resources today.

- **End our catch and release policy-** One of the main drivers of illegal immigration is our own immigration policy. For example, under current policy, if a Border Patrol Agent does not physically see an illegal immigrant cross the border and the illegal immigrant claims they have been here since 2014, we have been ordered to process them and let them go. In many instances, we will let them go without even issuing a Notice to Appear. This is policy is senseless and is literally driving illegal immigration to our front door.

I want to thank you for giving me the opportunity to testify and I am happy to answer any questions that you might have.