

**Testimony before the House Natural Resources Committee Filed Hearing
Cochise County, Arizona
February 8, 2024**

I want to thank everyone for being here today. My name is Art Del Cueto, and I am on the Executive Board of the National Border Patrol Council, which represents the interests of the front-line Border Patrol Agents. I am here because what we are doing on the border is not working. Let me provide a few statistics and put these numbers into perspective.

Since President Biden took office through Fiscal Year 2023, we apprehended 6.2 million people along the southwest border. For context, the entire population of the State of Arizona is a little over 7 million. Last fiscal year alone, we apprehended almost two-and-a-half million people illegally entering our country. Of last year's group, over 35,000 had prior criminal convictions or outstanding warrants for their arrest in the United States. Approximately 170 of them were on the terrorist watch list.

The number of gotaways is just as shocking. Since President Biden took office, we have observed 1.7 million people walk right into this country without being arrested. That is more people than live in Phoenix, Philadelphia, San Antonio, or Dallas. They walked into this country without being arrested because agents were not available to arrest them.

All of this is to say, in the last three years of the Biden Administration, we have lost operational control of our border. The drug cartels who control both narcotics and illegal alien smuggling are in control of our border.

I want to be clear: this crisis is not just about illegal immigration. The cartels that illegally smuggle immigrants into this country are the same ones smuggling drugs. Those drugs impact every community nationwide—over 100,000 Americans died of overdoses last year. We will have another 100,000 deaths in 2024 and every year moving forward until we secure our border.

And it is not just about the overdose deaths. The murders, muggings, and carjackings we see on the evening news are largely a byproduct of narcotics trafficking and drug addiction. This violence will not stop until we secure our border.

The question is, are we prepared to do something about it? Winston Churchill once said Americans always do the right thing – but only after we have exhausted every other option. When it comes to border security, we have exhausted every other option.

I know this hearing is about federal lands and how the Biden Administration failed to secure the border. Believe me, I could talk about that all day. However, I want to use the remaining time to discuss the border security supplemental that the Senate is scheduled to vote on this week. I know that it has been reported that the compromise deal is imploding. As many of you know, the NBPC supported this legislation, and I would like to explain why.

As long as we continue to catch and release tens of thousands of illegal immigrants into this country every month, this crisis will not stop. As long as we allow illegal immigrants to game our asylum system, this will not stop. As long as we do not provide Border Patrol, ICE, and USCIS with the resources and legal authorities we need to do our jobs, this will not stop.

The single biggest challenge we face right now is that just about every illegal immigrant we arrest claims asylum. They are doing this not because they have a valid claim but because they know we do not have the detention capacity to hold them. And, that our immigration court system is overwhelmed. They know that we will release them and give them a court date upwards of 10 years from now. Our broken asylum laws are driving illegal immigration and the chaos at the border.

The Senate legislation requires asylum officers to screen immigrants for credible fear under a significantly higher standard. This standard was actually piloted under the Trump Administration in 2019 and 2020 that led to about 80 percent of the illegal immigrants failing their credible fear interviews. It also precludes illegal immigrants caught at the border from having access to immigration courts. We will no longer be releasing illegal immigrants with a court date ten years from now. Asylum officers will quickly decide their status, and we will deport those who fail.

Equally important, the legislation provides a mandatory trigger for closing the border. If the weekly average of arrests exceeds 5,000, the border is automatically closed. Everyone is sent back to Mexico. If any single-day arrest level exceeds 8,500, the border is closed. Everyone is sent back to Mexico. Gone will be the days of the cartels flooding the zone and overwhelming the system.

No bill is perfect. Are there things that I wish were included in this package and were not – yes. Are there things in the package such as allowing the Administration to continue to parole migrants through the ports of entry that I don't like – yes. However, the cost of inaction by Congress on this issue is enormous. Earlier this week we arrested over 6,600 illegal immigrants. Over 6,300 of them were released into this country within 48 hours. Tonight, we will apprehend a similar number and do the same this. We need Congress to act now and give us the tools we need to secure the border.