



HOUSE COMMITTEE ON  
**NATURAL RESOURCES**  
CHAIRMAN BRUCE WESTERMAN

**To:** House Committee on Natural Resources Republican Members  
**From:** Subcommittee on Federal Lands; Aniela Butler, Taylor Wiseman, and Jason Blore – [Aniela@mail.house.gov](mailto:Aniela@mail.house.gov), [Taylor.Wiseman@mail.house.gov](mailto:Taylor.Wiseman@mail.house.gov), [Jason.Blore@mail.house.gov](mailto:Jason.Blore@mail.house.gov)  
**Date:** Thursday, February 8, 2024  
**Subject:** Field Oversight Hearing on “*Biden’s Border Crisis: The Consequences of Failing to Secure Federal Border Lands*”

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The Subcommittee on Federal Lands will hold a field oversight hearing on “*Biden’s Border Crisis: The Consequences of Failing to Secure Federal Border Lands*” on **Thursday, February 8, 2024, at 1:30 p.m. MST** at **Cochise College, Sierra Vista, Arizona**.

Member offices are requested to notify Colen Morrow ([Colen.Morrow@mail.house.gov](mailto:Colen.Morrow@mail.house.gov)) by 4:30 p.m. on Tuesday, February 6, if their Member intends to participate in the hearing.

## **I. KEY MESSAGES**

- The Biden administration’s ongoing failure to secure our nation’s southern border has created a confluence of security, environmental, and humanitarian crises as record numbers of migrants cross illegally into the country.
- Approximately 35 percent of the United States’ southern border is managed by federal land management agencies. Federal lands along the border are often targeted by criminals, drug smugglers, and human traffickers because they are remote, uninhabited, and less frequently patrolled.
- Criminals are exploiting the vulnerabilities of our federal lands to inundate our country with deadly drugs like fentanyl and support illicit activities, such as illegal marijuana grow sites.
- Without a secure southern border, we do not have a safe country. Republican members of the House Committee on Natural Resources are committed to commonsense solutions that would secure our federal border lands, enhance law enforcement operations on federal lands, and address the environmental damage caused by illegal immigration.

## **II. WITNESSES**

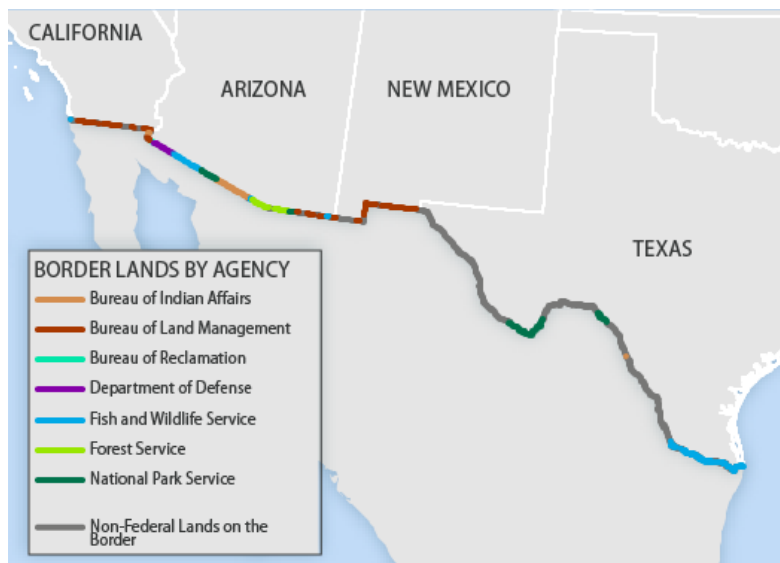
- **The Honorable Clea McCaa**, Mayor, Sierra Vista, Arizona
- **The Honorable Mark Dannels**, Sheriff, Cochise County, Arizona
- **Mr. Art Del Cueto**, Vice President, National Border Patrol Council, Tucson, Arizona
- **Mr. James Chilton**, Rancher, Arivaca, Arizona
- **Mr. John Boelts**, Vice President, Arizona Farm Bureau, Yuma, Arizona

### III. BACKGROUND

#### **The Border Crisis Pushes Arizona and Federal Border Lands to the Brink**

Under the Biden administration, illegal immigration into the United States has reached an all-time high, embroiling the nation in an unprecedented crisis. U.S. Customs and Border Protection (CBP) reports there have been approximately 8 million encounters with illegal immigrants since President Biden took office, including more than 6.7 million illegal crossings along the southern border.<sup>1</sup> Despite this staggering total, CBP data shows the migrant crisis is only worsening with each passing year. Specifically, the agency reported a record-shattering 2.48 million southern border crossings in FY 2023, a 43 percent increase compared to just two years prior.<sup>2</sup> Early data from FY 2024 suggests the nation is on pace to experience record-breaking levels of illegal crossings once again.<sup>3</sup>

Some of the most dangerous areas along the U.S.-Mexico border are the estimated 693 miles of federal land, representing approximately 35 percent of the total 1,965 miles of the southern border.<sup>4</sup> Federal land management agencies including the Bureau of Land Management (BLM), National Park Service (NPS), U.S. Fish and Wildlife Service (FWS), Bureau of Reclamation (BOR), and the U.S. Forest Service (USFS) all manage lands along the southern border.<sup>5</sup> Many of these federal lands have restrictive land designations, including national parks, national monuments, wilderness areas, and national wildlife refuges. In fact, 1.1 million acres of land along the southern border is designated as wilderness.<sup>6</sup> Although the federal government seeks to protect the ecological and recreational value of these lands, such areas are often targeted by criminals, drug smugglers, and human traffickers because they are remote, thinly populated, and less frequently patrolled.<sup>7</sup>



Source: Congressional Research Service. 2018.

<sup>1</sup> Nationwide Encounters, U.S. Customs and Border Protection, accessed January 9, 2023, <https://www.cbp.gov/newsroom/stats/nationwide-encounters>. Southwest Land Border Encounters, U.S. Customs and Border Protection, accessed January 9, 2023, <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters>.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> Note: This estimate ranges from 632 miles to 820 miles. Federal and Indian Lands on the U.S.-Mexico Border, Congressional Research Service, February 21, 2018, <https://www.crs.gov/Reports/IF10832>.

<sup>5</sup> Jurisdiction, House Committee on Natural Resources, <https://naturalresources.house.gov/about/jurisdiction.htm>.

<sup>6</sup> Data provided to the House Committee on Natural Resources by Congressional Research Service, September 18, 2023.

<sup>7</sup> Statement of Brandon Judd on behalf of the National Border Patrol Council, Subcommittee on Oversight & Investigations Republican Forum: “The Biden Border Crisis: Environmental and Humanitarian Consequences”, May 27, 2021, [https://naturalresources.house.gov/uploadedfiles/brandon\\_judd\\_testimony\\_biden\\_border\\_crisis\\_forum.pdf](https://naturalresources.house.gov/uploadedfiles/brandon_judd_testimony_biden_border_crisis_forum.pdf).

This is particularly true in Arizona, where 80 percent of southern border land is federally owned.<sup>8</sup> The large federal estate makes additional enforcement by Arizona law enforcement more difficult. CBP encounters with migrants in the state's Tucson sector are already up 140 percent in FY 2024.<sup>9</sup> The recent migrant waves even “defied historical seasonal trends,” with CBP reporting roughly 10,000 apprehensions per day in early December—a significant upswing from the already unacceptable 6,000 apprehensions per day reported in October.<sup>10</sup> In fact, the flow of migrants into Arizona increased so dramatically that CBP closed the Lukeville Port of Entry for an entire month, from December 4, 2023, to January 4, 2024, as the border agents stationed there were completely overwhelmed.<sup>11</sup> With official ports of entry overrun, migrants

have been pouring into Arizona's more remote and less easily guarded territories, namely, federal lands.<sup>12</sup> Smugglers and social media users have been actively directing migrants towards Arizona's sparsely populated public land border areas as a means of entering the U.S. without detection.<sup>13</sup> This leads to increased foot traffic through fragile Arizona landscapes, such as the Organ



Illegal immigrant apprehensions near Lukeville, Arizona.  
Source: 13 News Arizona, December 6, 2023.

<sup>8</sup> Federal and Indian Lands on the U.S.-Mexico Border, Congressional Research Service, February 21, 2018, <https://www.crs.gov/Reports/IF10832>.

Arizona-Mexico Border Length, Pima County Public Library, accessed January 31, 2024, <https://www.library.pima.gov/content/arizona-mexico-border-length/>.

<sup>9</sup> Danielle Miller, “Migrant surge: Worries over domino effect after Lukeville Port of Entry closure,” Fox 10 Phoenix, December 5, 2023,

<https://www.fox10phoenix.com/news/migrant-surge-worries-over-domino-effect-after-lukeville-port-of-entry-closure>.

<sup>10</sup> Camilo Montoya-Galvez, “Migrants from around the world converge on remote Arizona desert, fueling humanitarian crisis at the border,” CBS News, December 8, 2023, <https://www.cbsnews.com/news/immigration-arizona-migrants-us-mexico-border/>.

<sup>11</sup> Statement from CBP on Operations in Lukeville, AZ, U.S. Customs and Border Protection, December 1, 2023,

<https://www.cbp.gov/newsroom/speeches-and-statements/statement-cbp-operations-lukeville-az>. José Ignacio, et al., “Lukeville Port of Entry to reopen: Here's what to know,” The Arizona Republic, January 2, 2024,

<https://www.azcentral.com/story/news/politics/border-issues/2024/01/02/lukeville-border-port-of-entry-is-reopening/72089789007/>.

<sup>12</sup> *Id.*

<sup>13</sup> Anita Snow, “Smugglers are steering migrants into the hot Arizona desert, posing new Border Patrol challenges,” PBS, September 1, 2023,

<https://www.pbs.org/newshour/politics/smugglers-are-steering-migrants-into-the-hot-arizona-desert-posing-new-border-patrol-challenges>.

Pipe Cactus National Monument, and additional challenges for law enforcement in apprehending illegal immigrants.<sup>14</sup>

The Biden administration’s ongoing failure to secure our nation’s southern border has created a confluence of security, environmental, and humanitarian crises as record numbers of migrants cross illegally into the country. As a direct response to these problems, the House Committee on Natural Resources will hold a field hearing in Sierra Vista, Arizona, near the border. The hearing will highlight how federal lands are particularly vulnerable to exploitation by dangerous criminals, human and drug smugglers, and terrorists looking to illegally enter our country. The Committee will also examine the environmental strain illegal border crossings have on our most sensitive landscapes.

### **The Consequences of President Biden’s Failure to Secure Southern Federal Border Lands**

#### *Law Enforcement Challenges on Federal Border Lands Exacerbate National Security Threats*

Large federal footprints in states like Arizona present unique challenges for federal, state, and local law enforcement officials trying to secure our southern border. CBP officials have publicly stated these vast areas of federal land “provide transnational criminal organizations significant opportunities to cross their products” and are most often crossed by those who “have a criminal record, are smuggling illegal narcotics or weapons or are aliens from special interest countries.”<sup>15</sup> CBP agents also face difficulties patrolling federal borderlands due to the patchwork of “environmental laws, regulations and memos drafted by supervisors and managers sitting behind desks” that undermine CBP’s “ability to effectively and efficiently secure our borders and put the lives of [CBP’s] agents and the public at greater risk.”<sup>16</sup> For example, in wilderness areas, officers may have to wait for the arrival of horses to apprehend smuggling vehicles, since mechanized and motorized vehicles are prohibited within wilderness.<sup>17</sup> Even the Obama administration acknowledged these restrictions “can be detrimental to the most effective accomplishment of the [mission]” of securing the border.<sup>18</sup> CBP officers also lack accessible roads on federal lands to patrol the border. For example, in the Coronado National Forest in Arizona, “the inability to build proper access roads along and near the line, including secondary roads, diminished agent mobility while patrolling and ultimately prevented agents from being as effective as they could otherwise be.”<sup>19</sup> Accessible roads, paired with physical barriers such as fencing or a wall in strategic locations, have been identified as “pivotal” in securing our southern border.<sup>20</sup>

From the outset, the Biden administration reversed policies that were designed to help CBP overcome the challenges that federal border lands pose to effective enforcement. In early 2017, the Trump administration removed some of the legal barriers produced by the diverse mix of

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<sup>14</sup> *Id.*

<sup>15</sup> Statement of Brandon Judd on behalf of the National Border Patrol Council, Subcommittee on Oversight & Investigations Republican Forum: “The Biden Border Crisis: Environmental and Humanitarian Consequences”, May 27, 2021, [https://naturalresources.house.gov/uploadedfiles/brandon\\_judd\\_testimony\\_biden\\_border\\_crisis\\_forum.pdf](https://naturalresources.house.gov/uploadedfiles/brandon_judd_testimony_biden_border_crisis_forum.pdf).

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

federal lands and land designations along the southern border.<sup>21</sup> In signing Executive Order 13767, President Trump directed the U.S. Department of Homeland Security (DHS), U.S. Department of the Interior (DOI), and U.S. Department of Agriculture (USDA) to “take all appropriate action” to allow CBP agents to access federal lands for border enforcement purposes.<sup>22</sup> President Biden, however, revoked EO 13767 in 2021, undoing past progress made by the Trump administration and resurrecting needless enforcement barriers.<sup>23</sup> Similarly, President Biden halted the construction of physical infrastructure along the border, meaning that law enforcement officials often find themselves without crucial access roads or physical barriers in large portions of federal borderlands.<sup>24</sup> Combined with President Biden’s other 94 executive actions on immigration, which include scaling back existing immigration enforcement efforts and ending most of the Trump administration’s travel and visa restrictions, President Biden has instituted policies that expose CBP agents to unnecessary risks and prevent them from apprehending dangerous border crossers.<sup>25</sup>

With federal border lands left insufficiently protected, it is unsurprising that CBP data reveals growing numbers of dangerous individuals are regularly seeking to cross the border. Highly populated points of entry deter bad actors and shift their routes to sparsely patrolled federal land. Since 2021, 312 individuals whose names appear in the Terrorist Screening Dataset (Terrorist Watchlist) were stopped from crossing the southern border.<sup>26</sup> Notably, 169 of those individuals attempted to cross in FY 2023 alone, setting an annual record.<sup>27</sup> These trends are likely to further accelerate, as data from the first two months of FY 2024 demonstrate the current year is on pace to top FY 2023’s concerning figures.<sup>28</sup> In FY 2023, CBP arrested over 36,000 aliens with criminal convictions or outstanding warrants.<sup>29</sup> This included 598 known gang members, 178 of whom were identified as members of the notoriously violent gang, MS-13.<sup>30</sup> It should be noted that the number of apprehensions does not include any potentially dangerous individuals who may have been part of the 1.7 million “gotaways” who have entered the United States undetected during President Biden’s term.<sup>31</sup> In comparison, this is nearly four times the number of estimated “gotaways” who escaped law enforcement custody recorded during the last three years of the Trump administration.<sup>32</sup> Further, even successful apprehensions of illegal border crossers have come to mean very little under President Biden’s term. For example, the proportion of

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<sup>21</sup> Statement of Brandon Judd on behalf of the National Border Patrol Council, Subcommittee on Oversight & Investigations Republican Forum: “The Biden Border Crisis: Environmental and Humanitarian Consequences”, May 27, 2021, [https://naturalresources.house.gov/uploadedfiles/brandon\\_judd\\_testimony\\_biden\\_border\\_crisis\\_forum.pdf](https://naturalresources.house.gov/uploadedfiles/brandon_judd_testimony_biden_border_crisis_forum.pdf).

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> *Id.* Muzaffar Chishti & Jessica Bolter, “Border Challenges Dominate, But Biden’s First 100 Days Mark Notable Under-the-Radar Immigration Accomplishments,” Migration Policy Institute, April 26, 2021, <https://www.migrationpolicy.org/article/biden-100-days-immigration>.

<sup>26</sup> CBP Enforcement Statistics, U.S. Customs and Border Protection, accessed January 9, 2024, <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics>.

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

<sup>29</sup> CBP Enforcement Statistics, U.S. Customs and Border Protection, accessed January 11, 2024, <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics>.

<sup>30</sup> *Id.*

<sup>31</sup> Casey Harper, “Border crisis creates national security threat for U.S., observers say,” The Center Square, August 5, 2023, [https://www.thecentersquare.com/national/article\\_37491ca0-32ff-11ee-945b-7f09d39f7aa0.html](https://www.thecentersquare.com/national/article_37491ca0-32ff-11ee-945b-7f09d39f7aa0.html).

<sup>32</sup> Patrick Hauf, “1.5 million ‘gotaways’ at the border under the Biden administration: report,” Fox News, May 16, 2023, <https://www.foxnews.com/politics/million-gotaways-border-biden-administration-report>.

apprehended persons that DHS sent back across the border declined from 32 percent in April 2023 to a mere 14 percent in July of that year.<sup>33</sup> This means higher volumes of apprehended immigrants roaming free in the U.S.

### *Illegal Immigration Causes Significant Environmental Damage*



Trash accumulation along the border in Texas as a result of illegal immigration.

**Source:** Fox News, 2022.

The chaos along the southern border has inflicted considerable damage upon local landscapes, specifically federal lands. When first journeying across the border, migrants discard huge quantities of trash and cut heavily travelled paths through sensitive landscapes.<sup>34</sup> Once inside the U.S., many illegal

immigrants build camps in protected areas, while some even become caught up in illicit drug production activities—which, apart from creating profound human suffering, finance more cartel-fueled immigration and create severe environmental problems of their own.<sup>35</sup> Sensitive sites, such as the Sonoran Desert National Monument and Ironwood Forest National Monument, recently required intensive habitat restoration after drug cartels and other organizations used them as illegal smuggling corridors.<sup>36</sup> Illegal border crossers also caused significant destruction within the Organ Pipe Cactus National Monument, carved illegal trails throughout the Buenos Aires National Wildlife Refuge, ignited campfires that burned hundreds of acres of the Cleveland

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<sup>33</sup> Julia Ainsley, “The Biden administration is turning a lower percentage of border-crossing migrants back into Mexico”, NBC News, August 23, 2023,

<https://www.nbcnews.com/politics/immigration/biden-lower-percentage-border-crossing-migrants-mexico-rcna100966>.

<sup>34</sup> Southern Arizona Project 2016 Border Report, U.S. Department of the Interior, Bureau of Land Management, April 20, 2017, <https://www.blm.gov/sites/default/files/documents/files/SAP%202016%20%28508%20Final%29.pdf>.

<sup>35</sup> Rep. Bruce Westerman & Rep. Paul Gosar, “The Environmental Costs of the Border Crisis,” Washington Examiner, March 22, 2021,

<https://westerman.house.gov/media-center/in-the-news/environmental-cost-border-crisis>. Beth Warren, “Blood Cannabis: Cartel-backed pot grows links to human trafficking, inhumane working conditions,” USA Today Network, accessed October 5, 2023, <https://www.usatoday.com/in-depth/news/nation/2023/06/18/cartel-backed-pot-grows-linked-to-california-oregon-human-trafficking/70329795007/>.

<sup>36</sup> Southern Arizona Project 2016 Border Report, U.S. Department of the Interior, Bureau of Land Management, April 20, 2017, <https://www.blm.gov/sites/default/files/documents/files/SAP%202016%20%28508%20Final%29.pdf>.

National Forest, and otherwise disturbed the more than 200 threatened, endangered, and vulnerable species in the Coronado National Forest.<sup>37</sup>

Illegal immigrants leave behind trash, including human waste, medical products, abandoned vehicles, and plastic. From 2003 to 2016, BLM conducted the Southern Arizona Project, in which the agency published detailed annual reports covering the millions of pounds of trash migrants and drug smugglers left along Arizona’s border with Mexico.<sup>38</sup> The Southern Arizona Project repeatedly found that, during their cross-border journeys, migrants left behind “tons of garbage, including discarded personal items, bicycles, tires and abandoned vehicles.”<sup>39</sup> BLM reported trash accumulations “impacted Wilderness areas, riparian habitat, and other back-country natural resources.”<sup>40</sup> The Arizona Department of Environmental Quality (ADEQ) also recently noted the adverse environmental effects of illegal migration are only escalating, as the ensuing trash pileups and habitat destruction have spread from border checkpoints and are “increasingly found in more remote and fragile areas.”<sup>41</sup> This worrisome trend is confirmed by recent reports of large amounts of garbage accumulating at the Organ Pipe Cactus National Monument and the Coronado National Memorial.<sup>42</sup> For example, an NPS employee at Coronado National Memorial reported piles of trash so large in remote locations in the park that the piles are “used as a resting spot” for illegal immigrants who then have “to be airlifted out.”<sup>43</sup>

This trash puts an incredible strain on federal, state, Tribal, local, and private land managers and owners. In FY 2021, during a limited number of trash pick-up events, BLM collected nearly 10,000 pounds of garbage left along Arizona’s border with Mexico.<sup>44</sup> In FY 2022 and FY 2023, BLM’s reported totals rose to 17,220 pounds and 28,255 pounds of Arizona border trash, respectively.<sup>45</sup> While this data presents a severe underestimation of the total quantities of trash piled along the border, it still reveals a clear upward trend. ADEQ estimates each illegal border crosser leaves “approximately six to eight pounds of trash in the desert during their journey.”<sup>46</sup> Since CBP recorded more than 2.4 million illegal crossings along the southern border in FY 2023, applying ADEQ’s per-migrant estimates would indicate that between roughly 14.4 and

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<sup>37</sup> Rep. Bruce Westerman & Rep. Paul Gosar, “The Environmental Costs of the Border Crisis,” Washington Examiner, March 22, 2021, <https://westerman.house.gov/media-center/in-the-news/environmental-cost-border-crisis>.

<sup>38</sup> Southern Arizona Project 2016 Border Report, U.S. Department of the Interior, Bureau of Land Management, April 20, 2017, <https://www.blm.gov/sites/default/files/documents/files/SAP%202016%20%28508%20Final%29.pdf>.

<sup>39</sup> *Id.*

<sup>40</sup> *Id.*

<sup>41</sup> Arizona Border Trash, Arizona Department of Environmental Quality, <https://legacy.azdeq.gov/obep/waste.html>.

<sup>42</sup> Adam Klepp, “Trash is piling up at the border wall in Organ Pipe Cactus National Monument,” KGUN 9 Tucson, September 8, 2023, <https://www.kgun9.com/border-watch/trash-is-piling-up-at-the-border-wall-in-organ-pipe-cactus-national-monument>. Margaret Grebowicz, “What Litter Tells Us About the Border Crisis,” Slate, June 4, 2021, <https://slate.com/technology/2021/06/mexico-us-border-crisis-environmental-humanitarian-litter.html>.

<sup>43</sup> Margaret Grebowicz, “What Litter Tells Us About the Border Crisis,” Slate, June 4, 2021, <https://slate.com/technology/2021/06/mexico-us-border-crisis-environmental-humanitarian-litter.html>.

<sup>44</sup> Data provided by Bureau of Land Management to Committee Staff, February 6, 2023.

<sup>45</sup> Data provided by Bureau of Land Management to Committee Staff, January 19, 2024.

<sup>46</sup> Rep. Bruce Westerman & Rep. Paul Gosar, “The Environmental Costs of the Border Crisis,” Washington Examiner, March 22, 2021, <https://westerman.house.gov/media-center/in-the-news/environmental-cost-border-crisis>. Arizona Border Trash, Arizona Department of Environmental Quality, <https://www.azbordertrash.gov/about.html>.

19.2 million pounds of trash have been discarded by migrants along the southern border in 2023 alone.<sup>47</sup>

Although the environmental damage caused by illegal immigration along the southern border is both serious and extensive, it is often exacerbated by the shortsighted overenforcement of various environmental laws on federal lands. CBP and other enforcement agencies have long recognized the effectiveness of using tactical barriers, such as fencing, to prevent illegal entries and help secure the border.<sup>48</sup> Unfortunately, the use such commonsense tools is often hindered by environmental laws. In Arizona’s San Pedro National Conservation Area, for example, CBP began building a simple fence in response to increased illegal immigration through the area.<sup>49</sup> Yet this construction was delayed until “the required permitting and the environmental impact studies were complete.”<sup>50</sup> According to Brandon Judd (a witness at this hearing), during this lengthy delay, “the massive hole left in [the] fencing allowed criminal enterprises to drive their vehicles up the riparian area along and near the riverbed, with absolutely no regard for this environmentally sensitive area.”<sup>51</sup> Further, the environmental laws ensured that the barriers that were ultimately constructed in the San Pedro National Conservation Area “are a far cry from what’s needed and are easily defeated,” meaning that illegal migrants and criminal enterprises can still “spoil this riparian area.”<sup>52</sup>



Debris left at an illegal marijuana grow site in California’s Shasta-Trinity National Forest. **Source:** U.S. Forest Service, 2017.

*The Border Crisis Facilitates Illegal Drug Production and Trafficking on Federal Lands*

Aided by the porous southern border, a destructive illegal drug trade flourishes across the U.S. Given the wide swaths of federal land along the border, this area is targeted heavily by drug smugglers.<sup>53</sup> The U.S. Drug Enforcement Administration (DEA) reported more than 90 percent of the fentanyl

<sup>47</sup> “Factsheet: Final FY23 Numbers Show Worst Year at America’s Border,” U.S. House Committee on Homeland Security, October 26, 2023,

<https://homeland.house.gov/2023/10/26/factsheet-final-fy23-numbers-show-worst-year-at-americas-borders-ever/#:~:text=In%20FY23%2C%20CBP%20recorded%20more,than%203.2%20million%20encounters%20nationwide>.

<sup>48</sup> Statement of Brandon Judd on behalf of the National Border Patrol Council, Subcommittee on Oversight & Investigations Republican Forum: “The Biden Border Crisis: Environmental and Humanitarian Consequences”, May 27, 2021,

[https://naturalresources.house.gov/uploadedfiles/brandon\\_judd\\_testimony\\_biden\\_border\\_crisis\\_forum.pdf](https://naturalresources.house.gov/uploadedfiles/brandon_judd_testimony_biden_border_crisis_forum.pdf).

<sup>49</sup> *Id.*

<sup>50</sup> *Id.*

<sup>51</sup> *Id.*

<sup>52</sup> *Id.*

<sup>53</sup> *Id.*



circulated in the U.S. arrives by crossing the border from Mexico.<sup>54</sup> The amount of fentanyl seized by CBP from October 2022 through May 2023 was nearly triple the amount seized a year earlier.<sup>55</sup> Nearly half of all the synthetic opioid seizures along the southern border occur in Arizona.<sup>56</sup> Drug seizing efforts also place Arizona law enforcement in frequent contact with notorious gangs and cartels. For example, on February 23, 2023, the DEA, Arizona Attorney General's Office, and Tempe Police Department concluded an investigation into the Sinaloa Drug Cartel, which resulted in 150 individuals charged and the seizure of "over 4.5 million fentanyl-laced fake prescription pills, 66 kilograms of fentanyl powder, 138 kilograms of cocaine, 3100 pounds of methamphetamine, 35 kilograms of heroin, 49 firearms and over \$2 million."<sup>57</sup> Fentanyl overdoses kill roughly 70,000 Americans annually and the amount of fentanyl seized at the border often contains enough lethal doses to kill millions more.<sup>58</sup>

In addition to drugs flowing across southern borderlands, drug cartels often target federal lands to cultivate illegal narcotics to fund their illicit activities. USFS reported that 5,801 illegal cannabis cultivation sites were detected on National Forest System lands over the 2011-2022 period.<sup>59</sup> While data is limited, USFS estimated that they have removed 381,510 pounds of trash, 479 miles of plastic irrigation lines, and 228 containers of banned and illegal pesticides from these illegal cultivation sites over a roughly 20-year period.<sup>60</sup> This illegal cultivation also sparked wildfires, which burned over 265,000 acres.<sup>61</sup> Illegal marijuana growing operations on U.S. public lands harm the environment and endanger Americans who seek to access these areas.<sup>62</sup> Extreme violence, human trafficking, poor labor conditions, and environmental damage are linked to these illegal grow sites.<sup>63</sup> Further, the environmental hazards attributed to outdoor marijuana cultivation include chemical contamination of nearby waters and harm to native vegetation and wildlife.

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<sup>54</sup> Leo W. Banks, "Arizona's Border Crisis Threatens Public Safety and Health," Wall Street Journal, September 10, 2021, <https://www.wsj.com/articles/arizona-border-crisis-public-safety-health-crossings-illegal-alien-immigrant-covid-terrorist-11631304060>.

<sup>55</sup> CBP Releases May 2023 Monthly Operational Update, U.S. Customs and Border Protection, June 20, 2023, <https://www.cbp.gov/newsroom/national-media-release/cbp-releases-may-2023-monthly-operational-update>.

<sup>56</sup> Quinn Owen, et al., "It's very challenging": Inside the fentanyl fight at the border," ABC News, November 7, 2023, <https://abcnews.go.com/Politics/fighting-fentanyl-border-agents-working-thwart-narcotics-smuggling/story?id=104689211>.

<sup>57</sup> Cheri Oz, "DEA, Arizona Attorney General & Tempe Police Announce 150+ Subjects Charged & Massive Quantities of Narcotics Seized," Drug Enforcement Administration, U.S. Department of Justice, February 23, 2023, <https://www.dea.gov/press-releases/2023/02/23/dea-arizona-attorney-general-tempe-police-announce-150-subjects-charged>.

<sup>58</sup> Eric Tucker & Fatima Hussein "US announces sweeping action against Chinese fentanyl supply chain producers," The Associated Press, October 3, 2023,

<https://apnews.com/article/fentanyl-us-china-mexico-sanctions-drugs-c9ee14f171f1fcb4db3452cd0bd1d90>. "DEA Administrator on Record Fentanyl Overdose Deaths," Get Smart About Drugs, U.S. Drug Enforcement Agency, <https://www.getsmartaboutdrugs.gov/media/dea-administrator-record-fentanyl-overdose-deaths>. Cheri Oz, "DEA, Arizona Attorney General & Tempe Police Announce 150+ Subjects Charged & Massive Quantities of Narcotics Seized," Drug Enforcement Administration, U.S. Department of Justice, February 23, 2023,

<https://www.dea.gov/press-releases/2023/02/23/dea-arizona-attorney-general-tempe-police-announce-150-subjects-charged>.

<sup>59</sup> Response to questions for the record submitted by Chairman Westerman. On file with the Committee.

<sup>60</sup> *Id.*

<sup>61</sup> *Id.*

<sup>62</sup> Nick Johnson, "Marijuana on Public Lands: A Short History," Colorado State University, accessed October 5, 2023,

<https://pehc.colostate.edu/public-lands-book-series/marijuana-public-lands-short-history-2/>.

<sup>63</sup> Beth Warren, "Blood Cannabis: Cartel-backed pot grows links to human trafficking, inhumane working conditions," USA Today Network, accessed October 5, 2023,

<https://www.usatoday.com/in-depth/news/nation/2023/06/18/cartel-backed-pot-grows-linked-to-california-oregon-human-trafficking/70329795007/>.

## *Humanitarian Disasters Associated with Illegal Immigration*

An open border generates unacceptable levels of human suffering by incentivizing crime, facilitating abuse, and encouraging vulnerable populations to embark on treacherous journeys. The U.S.-Mexico Border is the deadliest land migration route in the world, with at least 686 deaths and disappearances recorded in the region in 2022.<sup>64</sup> Almost half of those deaths came from attempted crossings of the Sonoran and Chihuahuan Deserts,<sup>65</sup> both of which occupy large portions of northern Mexico and extend across large swaths of federal land in Arizona and New Mexico.<sup>66</sup> The countless migrants traveling through the U.S. by foot face considerable dangers, especially as they descend upon these remote desert landscapes on federal lands to avoid detection. In July 2023, for example, “the remains of 43 suspected border crossers were found in southern Arizona,” including two persons found in the Organ Pipe Cactus National Monument.<sup>67</sup> Federal border lands are also targeted by drug cartels and human smugglers. CBP’s Tucson sector in Arizona has become the second biggest sector in the nation for human smuggling.<sup>68</sup> Similarly, the U.S. Department of Justice recently listed Phoenix as one of the top human trafficking jurisdictions in the country.<sup>69</sup> Without stronger enforcement along federal border lands, this humanitarian crisis will only continue to grow.

### **Republican Solutions**

Realizing the scale and urgency of the border crisis, House Republicans are fully committed to advancing feasible, commonsense solutions that would provide immediate relief. In the first session of the 118<sup>th</sup> Congress, Republicans introduced innovative legislative solutions, which were referred to the House Committee on Natural Resources, including:

- **H.R. 6208 (Rep. Tiffany), “Trash Reduction And Suppressing Harm from Environmental Degradation at the Border (TRASHED Border) Act”**: Requires USDA and DOI to develop policies and protocols to reduce environmental damage caused by illegal immigrants on federal land along the southern border.<sup>70</sup> The TRASHED Border Act received a hearing on October 19, 2023, and was then introduced on November 2, 2023.
- **H.R. 5283 (Rep. Malliotakis), “Protecting our Communities from Failure to Secure the Border Act of 2023”**: Prohibits using any federal funds to provide housing, including a temporary or permanent encampment, to illegal immigrants on any land under the

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<sup>64</sup> “US-Mexico border, ‘world’s deadliest’ overland migration route: IOM,” UN News, September 12, 2023, <https://news.un.org/en/story/2023/09/1140622>.

<sup>65</sup> *Id.*

<sup>66</sup> Sonoran Desert National Monument, Bureau of Land Management, accessed January 31, 2024, <https://www.blm.gov/visit/sonoran-desert-national-monument>.

Chihuahuan Desert Ecoregion, National Park Service, accessed January 31, 2024, <https://www.nps.gov/im/chdn/ecoregion.htm#:~:text=The%20Chihuahuan%20desert%20differs%20from,cool%20to%20cold%20C%20dry%20winters>.

<sup>67</sup> *Id.*

<sup>68</sup> Southern Arizona Project 2016 Border Report, Bureau of Land Management, April 20, 2017, <https://www.blm.gov/sites/default/files/documents/files/SAP%202016%20%28508%20Final%29.pdf>.

<sup>69</sup> Human Trafficking: Arizona’s Not Buying It, Office of the Arizona Attorney General, [https://www.azag.gov/sites/default/files/publications/2018-06/Human\\_Trafficking\\_Not\\_Buying\\_It.pdf](https://www.azag.gov/sites/default/files/publications/2018-06/Human_Trafficking_Not_Buying_It.pdf).

<sup>70</sup> H.R. 6208, 118th, <https://www.congress.gov/bill/118th-congress/house-bill/6208?s=7&r=1>.

jurisdiction of federal land management agencies.<sup>71</sup> H.R. 5283 was introduced on August 25, 2023, and considered by the Committee in the fall of 2023. It passed out of Committee on October 26, 2023, and passed the House with a bipartisan vote of 224 – 203 on November 30, 2023.

- **H.R. \_\_\_\_ (Rep. Westerman), “Ensuring Border Access and Protection on Federal Land Act”**: Directs USDA and DOI, in consultation with DHS, to install navigable roads on federal border lands to gain operational control of the southern border.<sup>72</sup> The Ensuring Border Access and Protection on Federal Land Act received a hearing on October 19, 2023.

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<sup>71</sup> H.R. 5283, 118th, <https://www.congress.gov/bill/118th-congress/house-bill/5283>.

<sup>72</sup> H.R. \_\_\_\_, 118th, [https://naturalresources.house.gov/uploadedfiles/wester\\_053\\_xml.pdf](https://naturalresources.house.gov/uploadedfiles/wester_053_xml.pdf).