

**BIDEN'S BORDER CRISIS:
EXAMINING THE IMPACTS OF
INTERNATIONAL CARTELS
TARGETING INDIAN COUNTRY**

OVERSIGHT HEARING

BEFORE THE

SUBCOMMITTEE ON OVERSIGHT AND
INVESTIGATIONS

OF THE

COMMITTEE ON NATURAL RESOURCES

U.S. HOUSE OF REPRESENTATIVES

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**OVERSIGHT HEARING ON BIDEN'S BORDER
CRISIS: EXAMINING THE IMPACTS OF
INTERNATIONAL CARTELS TARGETING
INDIAN COUNTRY**

**Wednesday, April 10, 2024
U.S. House of Representatives
Subcommittee on Oversight and Investigations
Committee on Natural Resources
Washington, DC**

The Subcommittee met, pursuant to notice, at 10:19 a.m. in Room 1324, Longworth House Office Building, Hon. Paul Gosar [Chairman of the Subcommittee] presiding.

Present: Representatives Gosar, Rosendale, Collins, Westerman; and Stansbury.

Also present: Representatives Wittman, Carl, Hageman, Crane, Zinke; García, and Ramirez.

Dr. GOSAR. The Subcommittee on Oversight and Investigations will come to order.

Without objection, the Chair is authorized to declare a recess of the Subcommittee at any time.

The Subcommittee is meeting today to hear testimony on Biden's border crisis, examining the impacts of international cartels targeting Indian Country.

Under Committee Rule 4(f), any oral opening statements at the hearing are limited to the Chairman and the Ranking Minority Member. I therefore ask unanimous consent that all other Members' statements be made part of the hearing record if they are submitted in accordance with the Committee Rule 3(o).

Without objection, so ordered.

I ask unanimous consent that the following Members be allowed to sit and participate in today's hearing: the gentleman from Alabama, Mr. Carl; the gentlewoman from Wyoming, Ms. Hageman; the gentleman from Arizona, Mr. Crane; the gentleman from Illinois, Mr. García; the gentlewoman from Illinois, Mrs. Ramirez; and the gentleman from Montana, Mr. Zinke.

Without objection, so ordered.

I now recognize myself for an opening statement.

**STATEMENT OF THE HON. PAUL GOSAR, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF ARIZONA**

Dr. GOSAR. Good morning, everyone. I would like to take a moment to give a special thanks to our witnesses for coming before the Committee today. The topic, "Biden's Border Crisis: Examining the Impacts of International Cartels Targeting Indian Country," is not an easy one, and we know that the ramifications of discussing this issue publicly can be difficult. So, again, thank you for being here.

In addition, I would also like to take a moment to reflect on someone who cannot be here with us today who would be, given the gravity of this topic. I know that the Full Committee Ranking Member Grijalva would want to be here. However, given his recent diagnosis, he needs to be at home to receive treatments and recover. We welcome the witnesses from his district, and wish him all the best for a speedy recovery.

It is no secret that the international criminal cartels have taken advantage of President Biden's open border policies to traffic massive amounts of drugs and humans into the United States. It was just a matter of time before they turned their sights to Indian Country, which is now experiencing the impacts of the cartel's illicit drug trade through increased crime, overdosing, deaths, and more.

President Biden has repeatedly failed to address the influx of illegal immigration since taking office, and undermined numerous efforts to strengthen our border. He immediately issued directives and Executive Orders ending the policies of the Trump administration which had been successful in curtailing illegal immigration. Because of these actions and more, illegal immigration into the United States has reached an all-time high, embroiling the nation into an unprecedented crisis.

Customs and Border Patrol Protection reports more than 9.4 million encounters with illegal immigrants since President Biden took office, including more than 7.7 million illegal crossings along the Southern border. The Biden border policies have allowed criminal cartels to reap massive profits from their human trafficking and drug trade, amounting to tens of billions of dollars of revenue.

Despite what my friends across the aisle may say, Republicans have been working to address the crisis at the border since we were given the Majority. We passed H.R. 2, the Secure the Border Act, back in 2023, and have been waiting for the Democratic Senate to finally act on this legislation.

This Administration's carelessness at the Southern border has enabled dangerous criminal cartels to establish extensive distribution networks for the trafficking of dangerous and illegal substances into rural Indian communities, many located thousands of miles from the Southern border. This has led to an increase in violence, crime, and drug overdoses that have been ravaging communities across Indian Country.

These cartels actively target rural communities in Indian Country due to the vast expanses of the often-unpatrolled lands, ongoing jurisdictional complications with law enforcement, and higher prices illegal drugs in rural areas can command, particularly those located far from our Southern border in Indian Country. They exploit this situation to become entrenched in Indian communities, particularly those out West.

Unfortunately, law enforcement is not well equipped on most Indian reservations to deal with the threat of the cartels. The Northern Cheyenne Tribe in Montana rely on only two federally funded Bureau of Indian Affairs tribal police officers per shift to patrol more than 440,000 acres of land, home to roughly 6,000 residents. Similarly, the Crow Reservation has only two police officers patrolling 2.5 million acres at any time.

The tribes in the region are suffering. The Fort Peck Reservation in Montana has dealt with these devastating effects of the cartel activity in their region for years, including fentanyl addiction and associated crimes and violence. Tragically, their youth are most exposed to the dangers presented by the cartels, and unless something is done quickly an entire generation could be lost to fentanyl addiction.

In Wyoming, the Northern Arapaho and Eastern Shoshone Tribes on the Wind River Reservation have repeatedly struggled with incursions from the cartels. At first, meth was thrust upon the Wind River Tribe, but now fentanyl has taken over. With minimal resources to stop the cartels and to solve the drug crisis, the cartels continue to plague the Wind River Reservation. That is my home area.

It is unacceptable that anyone is forced to live under the threat of these dangerous criminal cartels right in the heart of America. With this hearing, I hope to raise the alarm to Congress on the cartels' invasion into Indian Country and the terrible impacts on Indian communities.

Despite the policy differences we may have from time to time, I know that everyone here in this room recognizes the severity and the urgency of this issue. I appreciate my Democratic colleagues' engagement today, and I hope we can all build upon this hearing in order to protect Indian communities and the cartels' presence on the Indian lands, and to stem the flow of drug and human trafficking across our Southern border.

I now recognize the Ranking Member, Ms. Stansbury, for her opening statement.

**STATEMENT OF THE HON. MELANIE A. STANSBURY, A
REPRESENTATIVE IN CONGRESS FROM THE STATE OF
NEW MEXICO**

Ms. STANSBURY. Good morning. I want to first start, Mr. Chairman, by welcoming our witnesses.

Thank you for traveling many, many miles to come here today and to share what is happening in your communities and to share about these difficult issues.

For me, this is a very personal issue. The fentanyl crisis is not a partisan issue. Opioid addiction, the ways in which it is touching down in our communities, does not know any political party. In 2019, my life was personally changed forever when one of my oldest friends died of a fentanyl overdose. And I was serving in the State Legislature at the time, and I will never forget the morning that I got the call.

For a lot of people who haven't experienced it personally, they don't know what it looks like. The crisis began, we know, in this country with general drug addiction. It increased dramatically with over-prescription of opioid drugs in our communities. And now, with the vast numbers of opioids and fentanyl coming into our communities, it means that fathers, grandfathers, mothers, aunties, and dear friends are dying every single day in our communities. And nowhere is this more apparent than in New Mexico, where the fentanyl crisis is literally ravaging our communities.

I know these are difficult issues to talk about, and I deeply appreciate our tribal leaders who came here today to share those stories.

And I implore my colleagues across the aisle to not turn this hearing into a partisan hearing. This is not about partisan politics. This is about the lives of our people. It is part of why, as this hearing was announced, we actually reached out to staff on the Majority to say, please, let's do this in a bipartisan way. This is not a time for showmanship.

We have proposed real solutions. President Biden has put together a task force and various asks. He has transmitted them to Congress. The Senate has already worked in good faith to negotiate a bipartisan solution to increase border security funding, to bring more technology to the border, to try to help address interdiction issues.

In New Mexico alone, we have had 574 deaths just over the last couple of years from the fentanyl crisis, and those are just the ones that are reported. When I am home, every single day I hear stories from our law enforcement, our first responders, our tribal leaders, our mayors, and our health care providers who are seeing the first-hand effects of these issues every single day on the ground.

We know that these issues are affecting our tribal communities disproportionately, whether it is the lack of health care infrastructure or the lack of funding that has been provided through BIA law enforcement and other tribal services. We know that Congress has to act, and I implore my colleagues to help address this issue.

But I also think it is important that we talk factually about how fentanyl is coming into the United States and how we are actually seeing this surge happen. We know the facts are very clear on this, that 90 percent of fentanyl is coming into the United States across legal ports of entry. It is being trafficked by the cartels, but it is mostly American citizens who are being recruited to transport those drugs. We know that once it comes into our communities, it is being distributed largely through existing drug networks, and we know that many of our family members are ending up in dire consequences as a result of that.

We know the solutions. The solutions require that we do address the flow of drugs and raw materials coming into this country. That means more border patrol, more support to catch fentanyl at our ports of entry. It means interdiction in our communities, partnerships with our tribal, Federal, local law enforcement to actually get drugs and those who are trafficking them off the streets. And the third is recovery, because our communities are struggling, especially in our lowest-income communities. And if we do not have the behavioral health infrastructure to help people who are struggling with addiction, they will die because we see it every single day.

We have been working across the aisle to try to create a fentanyl prevention caucus, to try to pass legislation, to try to get funding into the budget to do that. And one of the things I would love to ask the Chairman and my friends across the aisle is to join me in asking Speaker Johnson to put forward emergency funding for Border Patrol to help address the flow of drugs into the United States. It is something that we have tried through the emergency

supplemental that is still stalled out on the House Floor. I implore my colleagues to help address this question.

Finally, I want to hear from our guests who are here today about what you think that we need to be doing here in Congress to address this issue. We know it is serious. We take the lives of your communities very seriously, and we deeply appreciate you being here today to testify.

With that, I yield back.

Dr. GOSAR. I thank the gentlewoman. We also have to have accountability, and that is part of the thing that we never see aspect, is that if you are part of this process and you actually endanger your fellow man, that you have to face the responsibilities of that. And until we get to that point, I think everything else is moot.

Now, I am going to introduce our witnesses. First of all, we have Mr. Bryce Kirk, Tribal Executive Board Member, Fort Peck Tribes, Poplar, Montana; Ms. Jessica Vaughan, Director of Policy Studies, Center for Immigration Studies, Washington, DC; Mr. Verlon Jose, Chairman, Tohono O'odham Nation, Sell, Arizona; and Mr. Jeffrey Stiffarm, President, Fort Belknap Indian Community, Harlem, Montana.

Let me remind the witnesses that under the Committee Rules, you must limit your oral statements to 5 minutes, but your entire statement will be placed into the record.

To begin your testimony, please press the "on" button so we can all hear you, and you will see that the timing light turns green. When you see yellow, try to summarize it, and when it hits red, you need to start to stop.

I would like to now recognize Mr. Kirk for 5 minutes.

**STATEMENT OF BRYCE KIRK, TRIBAL EXECUTIVE BOARD
MEMBER, FORT PECK TRIBES, POPLAR, MONTANA**

Mr. KIRK. Thank you so much. I am Bryce Kirk, Councilman for the Assiniboine and Sioux Tribes on the Fort Peck Indian Reservation. As you have my testimony, I would like to put it into record.

I will kind of go off script. I guess I am good at that.

One of the biggest things that we are dealing with in the past month, in the mail we have 5 pounds of meth and, just last week, 5,000 fentanyl pills. If those fentanyl pills would have hit the streets, that is a half-million dollars in Indian Country just alone in Fort Peck.

The biggest thing that it is, it costs \$0.30, the farther you go south to \$0.10 to get a fentanyl pill, \$0.70 in Washington. So, you think about the issues that we are having because there are only two postal inspectors in the state of Montana for everything that we have to cover. So, you think about the ones that are getting away. You think about the things that are happening.

My biggest stance, and I testified in public safety and justice, is right now this issue is an everyone issue, it is hitting everybody.

Over and over again in Indian Country, we see these billion-dollar packages trying to get sent overseas. My biggest fight is why don't we start right here? When are we going to start worrying about Indian Country? We have treaties. We have obligations to tribes to start fighting for us.

Mr. Rosendale, Mr. Zinke, you guys are from Montana. You understand that, too. The biggest thing that we need is everybody to come together. Are we always going to get along? No, we are not. But the biggest thing, it is hurting the United States of America. It is hurting Indian Country.

And the biggest thing is, once we work together for the betterment of the people, and once we start making headway when it comes to that, we can truly make a difference.

I myself was addicted for about 14 years, clean and sober now 12 years. But the biggest thing is that we can come out. We are stronger together. We can make a difference when it comes to that.

Talking to our people as I was flying here yesterday, the biggest thing that we are having is 14-year-old girls getting trafficked to Williston, North Dakota. Thinking that it is OK that I am going to go there and make money and do these things because of how bad it is on the reservations, the lack of cops, the lack of services, the lack of juvenile detention centers, our own adult correctional facility, and everything that is up in arms right now, we do need help.

With this, I hope it is not just to check a box off to say, hey, we worked with Indian Country, because we get that a lot.

And we will continue to come. And like I shared, we will continue to make a difference in our communities with the scraps that we are given. We will continue to fight to save our people. We will continue to fight to do what we need to do what is right for our people because we have always been resilient when it came to that. We always know how to stand with each other. We always know how to stand and back each other and help each other up.

But we need your help, your help for more funding when it comes to BIA, more funding when it comes to IHS, more funding when it comes to these things that help Indian Country. That is what we need, those services to help mental health facilities. We have already lost a generation when it came to that.

But one thing is that you can help us now. The past is the past. We can't live on the past, but if we move forward in a better way to be able to help our people when it comes to that, we are able to make a difference. We are all elected. We are all here to make a difference. And that is the biggest thing.

Truly, if you want to make a difference, give direct funding to tribes. Let us, as tribes, finally sit there and do our own stuff, help our own people, give our own people the services and everything that they deserve, not having a middleman like the BIA and the IHS dictate with all the bureaucratic red tape to tell us how it is going to be done.

We need to work together. We need your help. We are here, and we will continue to come here and testify, if that is what it takes to sit there and share our stories. But people shouldn't be trafficked. Fentanyl shouldn't reach up in northeastern Montana 50 miles away from the Northern border. It shouldn't reach those places. But with your help and working together, we can truly make a difference and make America what it once was. Thank you.

[The prepared statement of Mr. Kirk follows:]

PREPARED STATEMENT OF BRYCE KIRK, COUNCILMAN, ASSINIBOINE AND SIOUX
TRIBES OF THE FORT PECK RESERVATION

I am Bryce Kirk, Councilman for the Assiniboine and Sioux Tribes of the Fort Peck Reservation. I would like to thank the Subcommittee for the invitation to testify before you today.

The Fort Peck Reservation is in northeast Montana, forty miles west of the North Dakota border, and fifty miles south of the Canadian border, with the Missouri River defining its southern border. The Reservation encompasses over two million acres of land. We have approximately 12,000 enrolled tribal members, with approximately 7,000 tribal members living on the Reservation. We have a total Reservation population of approximately 11,000 people.

As I will discuss in greater detail, there is no greater crisis we must address on the Fort Peck Reservation than the trade and trafficking of drugs, in particular fentanyl, on the Reservation. I think the Fort Peck Tribes are as capable a Tribe as any in the country to combat this crisis, but we need the support of our federal partners. We stand ready to work with our partners from law enforcement, social service agencies and health care agencies to do this necessary work.

At Fort Peck, we have long believed that a strong tribal government is the way to best keep our community safe. So, we have taken action to maximize our authorities to protect everyone living within our boundaries. In this regard, the Fort Peck Tribes have provided law enforcement and correction services on our Reservation since 1996 under an Indian Self-Determination and Education Assistance Act contract. We were also one of the first Indian tribes in the nation to enter into a cross-deputization agreement with state, county and city law enforcement agencies. Under this agreement, first ratified more than twenty years ago, tribal officers are deputized to enforce state and local law on the Reservation and state and local officers are authorized to enforce tribal law.

For more than fifty years, the Fort Peck Tribes have had an independent judicial system, including an appellate court. It is through this system that we provide justice to our victims and our defendants. Currently, our judicial system includes law-trained judges, law-trained prosecutors, law-trained public defenders, probation officers, a published tribal code, and experienced court clerks and court reporters. Our court's opinions are published and available to the public. Notwithstanding a strong Tribal government and strong governmental institutions, we still are facing a crisis of fentanyl use in our community that threatens every aspect of our Reservation.

This drug has infested every corner of our community, from the young to the old and without regard to gender or any other demographic. What we as tribal leaders are the most worried about is our youth. We fear this drug is robbing us of an entire generation: our very future.

This crisis happened almost overnight. According to the Montana Attorney General's Office, since 2019, fentanyl seizures in the state have risen 11,000 percent. *See*, <https://www.kfyrtv.com/2023/02/24/ag-reports-skyrocketing-fentanyl-crisis-montana>. In 2022, the State Task Force agencies seized 206,955 dosage units of fentanyl, triple the amount recorded in 2021. *Id.* Throughout the entire state of Montana, the fentanyl-related overdose deaths increased by 167 percent from 2016 to 2020. *See*, https://leg.mt.gov/content/publications/fiscal/2023-Interim/IBC-D/MT_Fentanyl_Trends_2021.pdf. The largest percentage of these deaths is adults between the ages of 24 and 44. *Id.*

These are the people who should be the most productive in our communities. These people are our future leaders. Instead, they are dying. The Montana Department of Justice Division of Criminal Investigation reports that 10 percent of all high school students in Montana had taken a prescription drug without a prescription. *Id.* These children are not taking Lipitor. They are taking painkillers—opioids. Tragically for the Tribes in Montana, the opioid overdose death rate for Indian people is twice that of non-Indians. *See*, <https://www.npr.org/sections/health-shots/2022/06/01/1101799174/tribal-leaders-sound-the-alarm-after-fentanyl-overdoses-spike-at-blackfeet-nation>.

On the Fort Peck Reservation, what our law enforcement officers report is that an average opioid user's daily dosage is between 10–20 pills. In an urban area, the average cost per pill is \$1. On the Fort Peck Reservation, the average cost per pill is \$120. So how does a user support this habit? He deals. According to our law enforcement, the average user is selling at least 50 pills a day to pay for his 20-pill habit.

To put these numbers in context, a single illicit fentanyl pill can contain a potentially lethal dose. *See*, Facts about Fentanyl (dea.gov). In fact, DEA analysis of counterfeit pills found that 42% of pills tested for fentanyl contained a potentially lethal

dose. *Id.* This means that many in our community—and especially many of our young people—are gambling their lives 10 or 20 times a day.

There is no doubt that the Mexican drug cartels are playing a major role in this crisis. They have found their way to the Fort Peck Indian Reservation and embedded themselves in our communities and our families. In February of this year, NBC News did an investigative story on the drug cartels in Montana and their targeting of the Reservations in Montana. I would ask that the printed story be included in the record of this hearing. In this story, America learned about Ricardo Ramos Medina, a former Mexican police officer who became a Sinaloa cartel associate.

Mr. Medina was stopped on the Fort Peck Reservation. In the story, we learn that Mr. Medina was a key part of expanding the cartel's presence in Montana as he had a valid U.S. visa and was former law enforcement. So, he could travel freely in the United States. After he was arrested, he said he traveled to the Fort Peck Reservation to expand the drug cartel's operations on the Reservation.

Between 2019 and 2022 the federal drug agencies have seized more than 2,000 fentanyl laced pills, 3 pounds of heroin, and 65 pounds of methamphetamine that these cartels had slated to go to Montana Indian Reservations. As the NBC story documents, the drug cartels know Montana is large and law enforcement is almost non-existent. They also know that the profit margin for the sale of these drugs is high. Thus, the reward is high and there is almost no risk for targeting and expanding their markets to the Reservations.

What we have learned is that the cartels will target people in treatment facilities, including one in Arizona where our tribal members have been targeted while seeking treatment. Too often, we have tribal members, in particular vulnerable women, who return to the Reservation after seeking treatment still addicted to drugs, and now engaged with cartel associate members. This is how these people become imbedded in our communities and begin to take hold of entire families.

The toll that this amount of drug trafficking is having on our community is devastating. I lost two men I considered my brothers this last year. Now their children will grow up without a father. We have children as young as middle school taking fentanyl. Suicide remains extremely high on our Reservation. Unfortunately, suicide remains a leading cause of death across all the Reservations in Montana. The crimes against our children—our babies—are unspeakable.

This drug affects all families from all walks of life on the Reservation, including fathers, mothers, grandmothers, and grandfathers. I battled with addiction myself. But for a man who mentored me and is still very much like a father to me, I would not be here today. My children would not have a dad. I never would have been elected to serve my people. I am thankful every day for my life that I have now.

In March 2023, we had to close our Tribal Court because someone chose to smoke fentanyl in one of the bathrooms. An officer was poisoned simply by entering the bathroom in question. The cleaning of the Court facility and its air systems took time and was costly.

Another indicator of the fentanyl crisis is the increased crime rate on the Reservation. In September, the Tribal Executive Board issued a state of emergency due to the severe increase in juvenile crime. The increase in crime is across all sectors of crime from property crimes to violent crimes, including sexual assaults, kidnapping and murders. Men, women and juveniles are the perpetrators. And virtually every crime can be attributed to fentanyl: Either a person was high when they perpetrated the crime, or they committed the crime to secure money to buy drugs, or they committed an act of violence in retaliation for something related to fentanyl use or distribution.

While this crisis is daunting, it is not hopeless, and we must continue to take action to combat it. This is why I appreciate the Subcommittee's attention to this issue. There is no single solution. We must look at this problem from every angle. It is a law enforcement problem, a mental health problem, a social services problem, an economic development problem and a community development problem. Thus, we must craft solutions in all these areas so that we are responding to the cause of the whole sickness and not just the individual symptoms.

In the area of law enforcement, we need the Department of Justice and Drug Enforcement Agency to remain strong partners in the investigation and prosecution of drug crimes on the Reservation. I want to commend our U.S. Attorney's Office for the hard work they do. One area where we would like more attention is the level at which a U.S. Attorney is prosecuting a drug trafficking case. It is our understanding that a person must be in possession of more than fifty pills to be prosecuted for possession with the intent to distribute. As I stated above, many people are possessing 50 to 100 pills simply to fund their own drug habit—and this is true especially of the young people. We must stop these transactions before these people become much larger dealers.

In this regard, we need our federal partners to be true partners. In one instance, the DEA knew there was a known high level drug dealer traveling through Fort Belknap, Rocky Boys and Fort Peck and at no time did DEA share this information with the Tribal law enforcement agencies. It seems like to us there is a turf battle related to who is going to bust who, and no one cares about the ultimate victims of these crimes. They just care about who is going to get the major bust.

One area of concern that I have recently become familiar with is the lack of accurate data collection and reporting by the relevant federal agencies. We know on our Reservation there is a rise in crime. We know it from the reports of our law enforcement agencies, and we know it by what our tribal members tell us they are experiencing. But if you ask the Bureau of Indian Affairs, they will report that crime rates are down across Indian country. This may be true if you take all of the numbers in the aggregate on a national level, but it is not true at Fort Peck and I am certain it not true across Montana and Wyoming. This impacts the ability of federal agencies to justify providing the resources that we need to combat this crisis. I would ask this Committee to request from GAO a study on the crime rates on Reservations in Montana and Wyoming.

In this regard, our law enforcement officers need greater support. Like every law enforcement agency in the country, we are having difficulty recruiting and retaining officers. There are several reasons this problem is exacerbated in Indian country. These jobs are dangerous. They frequently involve dealing with the heaviest—even traumatic—situations and events, which would be difficult to witness for anyone but may be especially so for officers who are from our community. Yet, these officers do not have access to adequate benefits and resources to manage the stress of the job. They must, at the very least, receive the same benefits—in particular pensions—as other federal officers. Thus, we would ask that Congress take up the Tribal Law Enforcement Parity Act, H.R. 4524, which would ensure that Tribal Officers operating pursuant to a Self-Determination Act contract, like ours at Fort Peck, would have access to the federal pension program as they would if they were BIA officers.

We also support expanding the recognition for Tribal law enforcement agencies to arrest and prosecute non-Indians who choose to come on to our Reservation with the intention of selling and distributing these illegal drugs. This way the drug dealers will begin to understand that it is not a free pass when you enter a Reservation. We will arrest and prosecute these offenders.

Another area of greater support is the need for additional K-9 Units in Indian country. We had one K-9 unit from Northern Cheyenne for a week and it shut down drug trafficking on the Reservation for that week. We need greater support for the technology that can assist in this work, whether it is additional cameras and monitoring equipment or drones. We have too few officers and they cannot be everywhere they need to be. These tools will help our officers see what is happening on the Reservation.

In the area of mental health: We need more mental health and substance abuse treatment services. We remain thankful that Montana adopted Medicaid expansion as this has allowed for greater access to mental health services. We are thankful for the Veterans Administration and its work to provide mental health and treatment services to Native Veterans. As I said, when people go off the Reservation and seek treatment they are targeted by the cartels. We need treatment on our Reservation. Right now, we only have an outpatient treatment facility on our Reservation. While I acknowledge this is more than many Reservations have, it is not enough—we do not have the capacity to provide services to all who need it, and many people on our Reservation need inpatient treatment. Thus, we need additional facilities to provide inpatient treatment to people within our communities.

In the area of economic development: We need jobs and job training for our people. A job gives a person the means to support their family; it also gives them a sense of purpose and fulfillment, which helps their mental health, as well as the physical and mental health of those in their household. My wife operates a coffee shop on the Reservation. She has made it her mission to provide hope through employment for our youth and now adults are coming to her asking for the opportunity to work. She is making a difference for our people and is an important asset in battling this crisis on the Reservation. Thus, supporting more job training and workforce development programs and entrepreneurs like my wife is critical to this effort. The Department of Labor's Indian Employment and Training Program must be better funded and streamlined to provide better services throughout Indian country.

Thank you for the opportunity to testify on the vitally important issue of addressing this crisis that is facing our communities. I would be pleased to answer any questions and to provide any additional information that may assist the Committee.

Dr. GOSAR. Thank you very much, Mr. Kirk. I now recognize Ms. Vaughan for her 5 minutes.

STATEMENT OF JESSICA VAUGHAN, DIRECTOR OF POLICY STUDIES, CENTER FOR IMMIGRATION STUDIES, ST. HELENA ISLAND, SOUTH CAROLINA

Ms. VAUGHAN. Thank you so much for the opportunity to testify. Even as the Biden administration's irresponsible border policies have caused an incalculable cost to American communities, including those in Indian Country, there are those who have profited enormously from them. Yes, the employers of illegal workers, the huge network of NGOs and government contractors, but most notably the foreign criminal cartels who have monetized the border policies and this situation to almost unfathomable gain, not just Mexican cartels, but also Chinese drug cartels, Central and South American gangs, and others.

As a result, Americans have been exposed to new national security and public safety threats, not least the trafficking and distribution of illicit drugs. American communities, including and especially those in Indian Country, have experienced a huge spike in deaths, overdoses, and poisonings from dangerous drugs distributed by the foreign cartels and their accomplices. These transnational criminal enterprises now represent a profound threat to civil society and the rule of law throughout the Western Hemisphere.

Specifically, the policies most responsible are the cessation of barrier construction that allows not only the drugs, but the cartel operatives to enter the United States; the catch-and-release policies where 85 percent of the people who are arriving at the border illegally are allowed into the country without meaningful vetting; and through the improper use of the parole authority. So far, there have been at least 3.3 million people who crossed the border illegally who have been allowed to enter this way. And that is not counting nearly 2 million gotaways who are able to evade the Border Patrol because the Border Patrol has to prioritize the processing of people through parole.

There is also the lack of enforcement in the interior. ICE is removing half of the criminal aliens that it once was removing in prior times, and we have seen specifically the erosion of partnerships with local law enforcement agencies and especially diminished detention capacity that have hampered ICE. And now they are stretched to respond to the burgeoning gang and cartel problems created by the insecure border.

So, the cartels are earning about \$30 million a day, or nearly \$1 billion a month. They are using this revenue to expand their operations within the United States. This problem is going to be difficult to eradicate from this point on, and it is going to persist years into the future.

The answer is a lot of improvements could be made. A lot of this could be addressed through executive action using the President's bona fide authorities to control the border. But Congress also needs to get into the act to address the threat from the cartels. And the longer we wait, the harder they are going to be to dismantle.

Yes, there are good provisions in H.R. 2, the House border security bill, that would help. But in addition, Congress needs to create a new type of designation for the cartels, similar to how law enforcement is able to approach international terrorist group threats. This would enable, among other things, ICE to target the financial assets of the cartels using their immigration and customs authorities.

We need to look at interrupting the vast flow of remittances out of the United States. That is not just migrants sending money home to their families, but it also includes direct payments to smugglers of drugs and people, and huge sums of money that are being laundered by the cartels and disguised as remittances. So, we need to enact better know-your-customer laws to get a handle on the huge flow of remittances that is enriching the cartels.

Finally, because of the policing issues that are unique to Indian Country, Congress also should facilitate the creation of partnerships between Federal immigration authorities and tribal authorities, such as an expansion of task forces and 287(g) programs that would be especially helpful in places with significant cartel activity.

Thank you.

[The prepared statement of Ms. Vaughan follows:]

PREPARED STATEMENT OF JESSICA M. VAUGHAN, CENTER FOR IMMIGRATION STUDIES

Thank you, Chairman Gosar, for the opportunity to testify today. The mass migration crisis instigated by the Biden administration's irresponsible immigration policies has caused incalculable harm to American communities, including those in Indian Country, even those far from the border. The mass catch and release policies have led to the release of more than three million illegal migrants, damaged the integrity of our immigration system, and exposed Americans to new national security and public safety threats—especially threats related to the trafficking and distribution of illicit drugs. Further, the huge influx of migrants taking advantage of the opportunity to be released into the United States has so overwhelmed the Border Patrol and its local partners that it can no longer control vast stretches of the border, enabling the illegal crossers who want to avoid apprehension to violate the border with impunity. These policies have facilitated the entry of illegal drugs and also the cartel operatives who distribute them. The result has been a huge spike in deaths, overdoses, and poisonings from dangerous drugs distributed by the cartels and their accomplices. In addition, the Biden policies have enriched certain transnational criminal organizations, including Mexican and Chinese cartels and Central and South American gangs, to the point where these organizations represent a threat to civil society and the rule of law throughout the Western Hemisphere.

Biden Policies Set Off Flood of Illegal Migrants, Overwhelming Federal Agencies, Border Communities, and NGOs. When President Biden took office, he inherited the most secure land borders in U.S. history, with expanded and improved barriers, updated technology, and more personnel, all of which was backed up by policies that deterred migrants from crossing illegally and discouraged illegal aliens from remaining. As smuggling organizations and migrants became aware of the new policies, and as the processing and transportation networks were established within the country, the southern border was transformed into a chaotic, dangerous, and seemingly lawless frontier. It remains so today, except in the parts of Texas that have been secured by state authorities.

From the first day of his presidency, Joe Biden and his appointees began dismantling a laundry list of policies that had succeeded in controlling the years-long wave of illegal migrants hoping to take advantage of our dysfunctional asylum system and

court rulings that require minors and those arriving with minors to be released into the country. He ended construction of the border wall system; terminated the Migrant Protection Protocols that sent tens of thousands of alleged asylum seekers to wait in Mexico; canceled agreements with transit nations to offer safe haven to migrants and enforce their borders; relaxed application of Title 42 pandemic controls so that minors and families could enter; began awarding immigration parole to tens of thousands of illegal crossers, in defiance of the intent of Congress; extended Temporary Protected Status (TPS) to citizens of more nations and more recent arrivals; established strict limitations on interior enforcement to suppress deportations of all but the most egregious criminals; and launched plans for a new asylum system designed to expedite the legalization of illegal border crossers.

Not surprisingly, the number of illegal border crossers has exploded, in response to what the migrants call Biden's "invitacion." It was well understood around the globe that a large share of migrants who crossed the border illegally, especially those from certain countries, minors, and those bringing minors, would be apprehended by the Border Patrol, and would soon be released and transported to their destination in the United States, despite low expectations that they will comply with immigration proceedings or ever qualify to remain legally.

According to the latest CBP data, the Border Patrol apprehended 176,294 illegal migrants in January 2024 and more than 140,000 more in February—more than the prior January and February, but significantly less than the number caught in December 2023 (302,034), which had been the highest number ever apprehended in one month. So far this fiscal year (since October 1, 2023), 962,000 illegal migrants have been apprehended.

While apprehensions are a good metric for assessing the number of migrants who have attempted to enter illegally, the more important statistic is the number of migrants who were released into the country. According to DHS Secretary Mayorkas, more than 85 percent of these illegal migrants have been allowed to enter country—in defiance of federal laws stating that, with few exceptions, they should be held in custody for expedited due process and removal (<https://www.foxnews.com/politics/mayorkas-tells-border-patrol-agents-illegal-immigrants-released-into-us-sources>).

The House Judiciary Committee has estimated that at least 3.3 million illegal aliens have been released into the country since President Biden took office. Only about 10,000 of those released have completed their immigration proceedings and been removed. (<https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/2024-01-18-new-data-reveal-worsening-magnitude-of-the-biden-border-crisis-and-lack-of-interior-immigration-enforcement.pdf>).

In addition, it is estimated that nearly two million aliens have entered without apprehension. FACTSHEET: Record-Breaking Border Encounters Underscore Secretary Mayorkas' Refusal to Comply With the Law, Breach of Public Trust—Committee on Homeland Security (house.gov).

Catch and Release Policies Undermine Public Safety. Besides the enormous fiscal costs of providing transportation, shelter, medical care, schooling, and other services to the illegal migrants, the Biden catch and release policies at the border also have created new public safety problems, with a human cost that is incalculable. Proponents of mass immigration often claim (without evidence) that illegal immigrants are less likely to commit crimes than Americans, and therefore concerns about crimes committed by illegal immigrants are exaggerated, misplaced, or motivated by racial animus. These assertions are unproven, usually based on faulty interpretations of crime or Census data, and defy common sense and experience. They are profoundly demeaning to the victims of crimes committed by released illegal migrants who by law should have been detained and removed to their home country after apprehension. These are victimizations that are directly attributable to the Biden border catch and release policies.

Millions have seen the video of a shocking attack on police officers in Times Square by a group of migrants in New York City, most of whom have thus far escaped authorities (<https://www.foxnews.com/us/migrants-stomped-kicked-nypd-officers-vicious-times-square-attack-yet-arrested>). In another disturbing case, New York City authorities recently arrested eight members of a ring of Venezuelan illegal migrants who were living in the city's shelters, and who are accused of stealing scooters to cruise through city streets and snatch phones and handbags, sometimes violently. The phones were then hacked to gain access to financial information, and the victim's bank accounts were drained. (<https://www.foxnews.com/us/illegal-masterminds-nyc-robbery-ring-hacked-bank-apps-resold-stolen-phones-overseas>).

Reportedly, the suspects are associated with the violent Venezuelan gang Tren de Aragua. Gang members and hundreds of other criminals are believed to have escaped through tunnels from a Venezuela prison last year, and dozens have been arrested after illegally crossing our southern border. There is no way to know how many may have been caught and released, because immigration agents have no way to access records in Venezuela, and no diplomatic or law enforcement relationships to assist in the vetting of these migrants (<https://www.ktsm.com/news/fbi-agent-others-warn-of-venezuelan-gang-entering-into-us/>).

Migrants arriving at the border now receive only the most cursory screening before they are released into the country, which includes a fingerprint check of U.S. security, criminal justice, and immigration databases, a brief interview, and little other screening. Border officials generally cannot access criminal records in other countries, or do extensive background checks. Even worse, since the number of illegal crossings has reached crisis levels, border officials have sometimes been too overwhelmed to read and act on the results of security checks that indicate that an alien they have apprehended might be a threat. In at least three cases that we know of, a Lebanese-born Venezuelan citizen, a Colombian, and a Pakistani, border patrol agents released men who were watchlisted as known or suspected terrorists (<https://cis.org/Bensman/Report-ICE-Releases-BorderCrossing-Terrorist-Suspect-Venezuela-Despite-FBI-Recommendation>, <https://www.oig.dhs.gov/sites/default/files/assets/2023-07/OIG-23-31-Jun23-Redacted.pdf>, EXCLUSIVE: Pakistani Illegal Immigrant On Terror Watchlist Given Free Day Of Release In US/The Daily Caller).

Cartels Are Thriving and Expanding Into the United States. Thanks to unprecedented opportunities to move people and drugs across our border, the Mexican cartels and other transnational criminal organizations are reaping unprecedented profits, to the tune of \$30 million a day, or nearly \$1 Billion a month, according to a House Budget Committee report. They use the funds to acquire more sophisticated weapons and technology to solidify control over their territories in Mexico and beyond. More worrisome for the long term, however, is the way the cartels are using this cash cow to underwrite an expansion of their operations *within* the United States. This expansion presents profound implications for public safety that will persist for years into the future.

According to Border Patrol testimony to Congress, the smuggling fee is currently about \$8,000 for passage to America. Many migrants make only a down payment up front of about \$500, and agree to work off the rest when they get to their destination. The remainder is typically paid through debt bondage accomplished by wage garnishment, fees for housing and food, and other forms of exploitation and outright threats and extortion. Long-haul migrants from other continents pay more, sometimes up to \$50,000. It is Biden's catch and release policy that entices these migrants to put themselves into the hands of a criminal organization, risking their own safety to journey here, and then being subject to exploitation, abuse and trafficking for labor and other purposes.

The migrant-moving business is lucrative enough, but it also helps further another critical illicit cartel activity—drug smuggling. The cartels routinely send large groups of migrants over the border in certain areas to bog down the Border Patrol while they move drug loads through the other unguarded areas, along with high-value clients, such as criminals and watch-listed individuals, who don't want to be caught by the Border Patrol.

In the last three years, the amount of illicit drugs flowing into American communities has exploded, with deadly, tragic consequences, and the cartels are behind nearly all of it, according to a recent exhaustive report by the House Homeland Security Committee. It's happening not just in southwest border states, not just in cities, but also in rural areas, including Montana, Kansas, Kentucky, and many others.

With the profits from cross-border trafficking so enormous, the stakes for control of the plazas, or spheres of control along the border, have risen as well, increasing instances of deadly violence. For example, one night in mid-December, a shoot-out broke out among rival cartels for control of several areas along the Arizona border with large gaps in the border fencing giving easy access. Responding to the melee, Border Patrol agents arrested one man on a private ranch on the U.S. side who was carrying an AK-47, two AK magazines, a handgun, and ammunition. Mexican authorities found 10 improvised explosive devices (IEDs) on the other side of the line. Obviously, the cartels are not humanitarian actors seeking only to help asylum seekers; nor are they young, impetuous gang-bangers. They behave like terrorists, and they have a plan, which they hire well-trained and well-armed violent thugs to carry out. Given the porous border, moving their operatives into this country to manage the business has not been difficult lately.

The cartels are not humanitarian actors seeking to help asylum seekers; nor are they young, impetuous gang-bangers. They behave like terrorists, and they have a plan, for which they hire well-trained and well-armed violent thugs to carry out. The porous border and catch and release policies have made it easy to move their operatives into this country as well.

Many American observers, including some in law enforcement, have been in denial of the threat that the drug cartels pose to America, insisting that the narco-bosses are too afraid of U.S. law enforcement agencies to try to replicate their violent tactics here. That theory has always been naïve, and has been discredited by events. Among the acts of violence attributed to the cartels was an incident in January 2023 described by authorities as an “early morning massacre,” where six people, including a recently bailed-out Surenos member, but also a baby and his teenage mother, were executed in a quiet residential street in Goshen, Calif. Reportedly, the surviving family members afterwards refused all offers of help from local authorities [California sheriff rips border crisis as details emerge on massacre of 6 (nypost.com)].

In 2022 federal authorities alone made more than 300 arrests for Mexican cartel-related crimes, according to one analysis [Map: Tracking drug cartel arrests across the United States (newsnationnow.com)]. The cartels are sophisticated business people, and nimble at adapting to emerging opportunities. They have evolved horizontally to branch out into new ventures, for example human trafficking as well as drug trafficking, in fentanyl trafficking as well as heroin and marijuana trafficking, and stealing oil as well as automobiles. Noticing the trend in some jurisdictions away from imposing stiff consequences for shoplifting and burglary, some cartels have branched out into the \$70 billion organized retail theft industry, creating squads of operatives to steal goods on a major scale, even roping in recent illegal migrants as a way to pay off their smuggling debt, according to Immigration and Customs Enforcement investigators [HSI, ACAMS take aim at organized retail crime/ICE].

The Sinaloa and Cartel Jalisco Nueva Generacion (CJNG) cartels have capitalized on the legalization of marijuana in some states, opening tens of thousands of illegal weed, or “blood cannabis” grows in northern California, Oregon and other states, where they undercut lawful growers and use trafficked labor, managed violently. [‘Narco slaves’: Migrant workers face abuse on Oregon’s cartel-run, illegal pot farms—ABC News and Cartel-backed pot grows linked to California, Oregon human trafficking (usatoday.com)]. Local sheriffs lament that they are woefully out-manned and out-gunned, and can’t keep up with the body count. “We’re a very short amount of time away from having heads in the square like they do down in Mexico,” said Mendocino County Sheriff Matt Kendall in December 2021.

Expanded cartel operations in the United States is good for their local criminal partners, too, who help distribute and sell the illicit products. This is how they have infiltrated Indian Country crime networks. The cartels have relationships with different partners in different locales, working everyone from MS-13, to the Bloods, Crips, Latin Kings, and Aryan Brotherhood. In eastern Massachusetts, for example, they work mostly with distributors from the Dominican Republic, who dominate the local drug trade. In December, a 42-year old Dominican woman living in Massachusetts was sentenced to 11 years in prison for receiving huge amounts of fentanyl and laundered cash for the Sinaloa Cartel. She hid some of the product in her young daughter’s bedroom closet. The Dominican drug traffickers in particular are known to use the stolen identities of U.S. citizens from Puerto Rico to conceal their illegal presence from authorities and fraudulently obtain driver’s licenses and welfare benefits.

Not all of the cartels operating here are from Latin America. According to a federal law enforcement memo leaked to the Daily Caller, Chinese transnational crime groups have established about 750 illegal marijuana grow operations in rural areas in the states of Maine and Washington, often in collaboration with Mexican cartels.

Chinese foreign nationals purchased and operated the grow houses with financing obtained from a handful of mortgage companies. According to Derek Maltz, a retired DEA agent, the Chinese groups “take the cash from the [Mexican] cartels in America, and they buy these properties and they do these investments with cash from the Mexican cartels in our own country. This is part of their laundering scheme.”

Reporters from the Maine Wire tracked down more than 100 of the unlicensed operations, located in unassuming houses with boarded-up windows and outfitted with commercial grade electrical systems, and a few low-profile workers lurking around, all very conspicuous to the neighbors. One such operation was located across the street from a daycare, where the children and workers, along with the

other neighbors, were regularly subjected to the unmistakable fumes polluting the air. Federal authorities believe that the operations generate profits of more than \$4.37 billion per year, much of which likely goes back to China.

This business model requires creating a “safe” environment in which to operate. The cartels often create their safe space through violence, extortion, and even corruption of public officials. In Texas, large swaths of two counties have been literally taken over with what may be the largest settlement of illegal migrants in the country (Texas Massacre Happened in America’s Largest Illegal Immigrant “Colonia”—and Major U.S. Media Won’t Say So (cis.org)), in Liberty County, a two-hour drive east of Austin, the state capital. The Gulf and Sinaloa cartels originally established enclaves in this area for stash houses for smuggled drugs and aliens. Now, with the help of unscrupulous real estate developers, political patrons, and the open border policies, this area is a massive and nearly unpolicable haven for the cartels, their employees, and their trafficked clients that has driven out most long-time American residents and spawned crime and violence on a Third World scale.

Congress Must Act Boldly To Address Cartel Threat: Secure the Border, Block the Money Flow, and Use Immigration Authorities to Remove Operatives. Catch and release of illegal migrants on the massive scale, together with the dismantling of interior enforcement under Biden policies has overwhelmed every part of our immigration system. Both the Border Patrol and legal ports of entry are inundated every day in nearly every sector, including the northern border, which has seen triple-digit increases in illegal entries. Releasing illegal migrants instead of promptly removing them has swamped ICE’s dockets and the already-dysfunctional immigration courts. As of the end of FY2023, there were 6.2 million cases on ICE’s non-detained docket, of whom more than 617,000 have criminal convictions or pending criminal charges. (<https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/2024-01-18-new-data-reveal-worsening-magnitude-of-the-biden-border-crisis-and-lack-of-interior-immigration-enforcement.pdf>).

This situation is not sustainable. Americans and legal immigrants are losing faith in our federal immigration agencies, and increasingly viewing immigration as a burden more than a benefit to our nation. Congress will have to act both to restore border security and immigration enforcement, and to address the profound consequences of the Biden policies that have enriched the cartels and brought their havoc into the United States. This will require lawmakers to make bold and substantial changes to our laws and give new authorities and tools to the law enforcement agencies that will have to confront and dismantle them.

Obviously, the best defense against the foreign cartel threat is a secure border, and lawmakers must start there, although it will take more than tweaks to the asylum system to shut down the cash cow of migrant smuggling. Tough new enforcement measures such as those in H.R. 2, the House border security bill are essential to this effort.

In addition, Congress should create a new type of “designation” for the cartels similar to the approach to international terrorist groups, which would enable authorities to target the financial assets of the cartels, to utilize other government resources, including the military and intelligence agencies, and to bar or deport foreign citizen operatives from our country.

Federal and state governments should act against the infrastructure that supports cartel-sponsored illegal immigration and trafficking, especially the money transmission networks. A grand jury investigation in Florida recently outlined how the vast flow of remittances of money from the United States to foreign countries includes within it a flow of money to the cartels. A significant share of this outflow of funds is not a transfer of funds from migrants to their families in their home countries, or even payments directly from the migrants to their smugglers, but actually huge sums of money that are being laundered by the cartels and disguised as remittances.

To help disrupt this flow of money, Congress should pass a new “know your customer” law that require money transmitters to collect secure identification from anyone sending funds abroad, in addition to levying a tax or fee on the funds that are sent.

Since so many of the cartel operatives are not U.S. citizens, immigration laws can effectively be used against them, as long as immigration officers and special agents are not limited to pursuing convicted criminal alien felons, as has been the case under Biden. ICE should be empowered to launch a new program focusing exclusively on using immigration and customs authorities to attack the cartels, their businesses, and their revenue, much as it did to address the MS-13 problem nearly 20 years ago. In addition, worksite enforcement must be expanded to uncover the

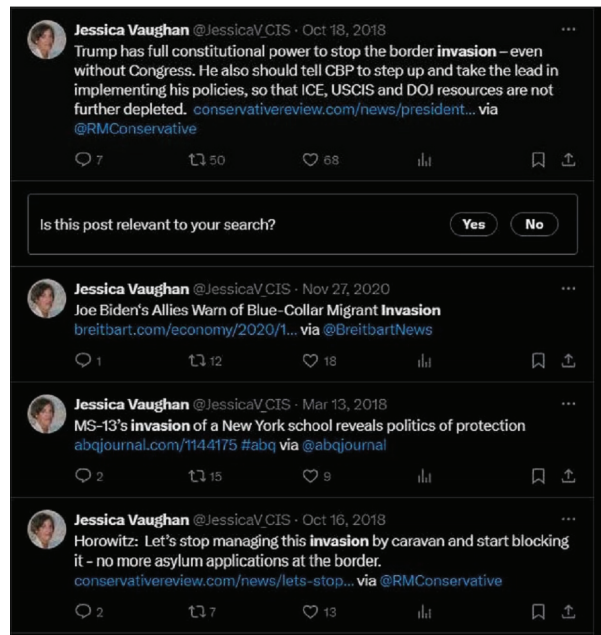
widespread debt bondage, forced labor, and exploitation that was enabled by the recent laissez-faire policies.

Finally, critical to the success of the cartel eradication program will be a concerted effort to rebuild the necessary partnerships between federal, state, and local agencies that have been eroded by the sanctuary city movement and the recent neglect of routine public safety-oriented immigration enforcement. Restoring the popular 287(g) delegation of authority programs—specifically, the investigative versions—in locations that have cartel activity and launching task forces to unite jurisdictions to counter this threat will help.

QUESTIONS SUBMITTED FOR THE RECORD TO JESSICA M. VAUGHAN, DIRECTOR,
CENTER FOR IMMIGRATION STUDIES

Questions Submitted by Representative Grijalva

Question 1. I was pleased to hear you say at the hearing that you do not subscribe to the Great Replacement Theory. The theory and the language that supports its promotion is dangerous, having been cited in the manifestos of mass murderers and used as justification to commit acts of violence. During the exchange between you and Representative Ramirez, you said that you do not use the word, “invasion,” which is a central theme of the Great Replacement Theory. However, I am aware of a number of times in which you have used the term. Some examples are included below. I also note that these examples are a few years old now. Is it fair to say that you no longer use the term, “invasion” in the context of a discussion about immigration?



Answer. Mr. Grijalva, I am afraid you are mistaken. The language that you are attributing to me is in fact the language of others. In each of the four examples you provided, the word “invasion” occurs within the headlines of articles that were written by various news media journalists, which I had re-posted on Twitter/X. Specifically, the authors of those quotes were from Conservative Review, Washington Post, and Breitbart. If you click on the links to those articles, you will see that what appears in my post is actually the exact language of the author or the headline writer of the news media outlet, not me.

Let me explain how this works: When a social media user shares an article that appears on a news media outlet's website, this is done by clicking on the logo of a particular social media platform such as Twitter/X or Facebook. A selection of sharing options/logos usually appears near the author's byline. If the reader clicks on the Twitter/X logo, as occurred in the examples you provided, then this automatically generates a post formatted specifically for Twitter/X. In the case of Twitter/X, this takes the form of a new window with text that is generated automatically. This text typically matches the headline of the article. It also includes a link to the article and photograph (which is in blue-colored text in the image you provided), and this is true in the case of the posts that you provided in your question. The name of the original source of the article also appears in the social media post that is shared.

Once again, I would like to express my disappointment that you and Ms. Ramirez have chosen to focus on trivia such as these social media posts rather than the important topic of the hearing, namely the disturbing spread of transnational criminal organization activity into tribal communities, and what can be done to help the leaders of these communities address this problem.

Dr. GOSAR. Thank you, Ms. Vaughan. I am now going to recognize Chairman Jose for 5 minutes.

**STATEMENT OF VERLON M. JOSE, CHAIRMAN, TOHONO
O'ODHAM NATION, SELL, ARIZONA**

Mr. JOSE. [Speaking Native language.] Good morning, Chairman Gosar, Ranking Member Stansbury, and distinguished members of the Subcommittee. I am Verlon Jose, Chairman of the Tohono O'odham Nation of Arizona. It is an honor to testify before you today on behalf of my Nation and our more than 36,000 enrolled members.

The O'odham have lived in what is now Arizona and northern Mexico since time immemorial. In 1854, the international boundary was drawn through the middle of our ancestral territory. Today, the Tohono O'odham Nation shares a 62-mile border with Mexico.

The Nation has long been at the forefront of border issues. Working in concert with the Customs and Border Protection and the FBI, the Tohono O'odham police department has combated drug traffickers for many years. In addition, since the 1970s, the Nation's Shadow Wolves have applied traditional tracking methods and apprehended countless smugglers and seized thousands of pounds of illegal drugs. The Shadow Wolves are the only Native American tracking unit in the country.

We also have supported CBP efforts on our reservation by authorizing a CBP checkpoint, forward operating bases, and integrated fixed towers to facilitate electronic surveillance efforts. The Nation spends an annual average of \$3 million of our own tribal funds to help meet the United States' border security responsibilities. Our police force spends about half its time on border issues, including the investigation of immigrant deaths, illegal drug seizures, and human smuggling.

While most illegal drugs are smuggled through legal ports of entry, criminal cartel activity has made the effect of drug and migrant smuggling on the Nation worse. Smugglers have held tribal families hostage, damaged and stolen property, and recruited tribal youth to engage in smuggling activity.

The Nation is not alone when it comes to Indian Country public safety concerns. Existing Federal funding is wholly inadequate to

meet the public safety and justice needs of Indian Country and to support tribal law enforcement generally. The Bureau of Indian Affairs has estimated that billions of dollars in funding are needed for tribal law enforcement and court services, but these funding goals have never been met.

Further, the epidemic of the drug trafficking facing the Nation and the rest of the country is just that, an epidemic, and one that requires a sustained public health response. Alongside the increase in drug trafficking over the past decade, the Nation has witnessed a steady rise in addiction and drug-related deaths. Unfortunately, this public health response has been subject to the same chronic underfunding as Indian Country public safety services.

Most notoriously, the Federal Government has repeatedly failed to adequately fund the Indian Health Service, including behavioral health, mental health, and substance abuse services. This has left our most vulnerable members without reliable access to care and treatment they need.

As has been documented, border wall construction came at great cost to the American taxpayer. Thanks to the no-bid contracts, diversions of drug interdiction, and defense resources we may never know the true cost. Despite the environmental cost of the border wall, studies have shown that it does not deter drug smuggling. In addition, the Nation and others have warned for years the border wall is particularly ineffective in remote geographic areas like our homelands, where it can easily be circumvented by climbing over, tunneling under, or sawing through it. CBP records prove that this is precisely what has taken place.

Rather than constructing ineffective barriers, the data clearly shows that Federal funds would be put to much better use supporting tribal and Federal law enforcement, border security services, and public health services.

The Nation genuinely appreciates this Subcommittee's interest in the impact of cartels in Indian Country. I am happy to answer any questions you may have.

[Speaking Native language.] Together, we are stronger. Thank you.

[The prepared statement of Mr. Jose follows:]

PREPARED STATEMENT OF HON. VERLON JOSE, CHAIRMAN, TOHONO O'ODHAM
NATION OF ARIZONA

Introduction & Historical Background

Good morning Chairman Gosar, Ranking Member Stansbury and distinguished Members of the Subcommittee. I am Verlon Jose, the Chairman of the Tohono O'odham Nation of Arizona. It is an honor to have the opportunity to testify before you today on behalf of my Nation and our more than 36,000 enrolled Tribal members.

The O'odham have lived in what is now Arizona and northern Mexico since time immemorial. In 1854, the international boundary between the United States and Mexico was drawn through the middle of our ancestral territory. As a result, today the Tohono O'odham Nation shares a 62-mile border with Mexico—the second-longest international border of any tribe in the United States, and the longest on the southern border. Seventeen O'odham communities with approximately 2,000 members are still located in our historical homelands in Mexico. O'odham on both sides of the border share the same language, culture, religion and history, and we continue to cross the border for sacred pilgrimages and ceremonies at important religious and cultural sites.

Map of Tohono O'odham Ancestral Territory



The Nation has long been at the forefront on border issues. Over the years we have developed a long-standing cooperative relationship with U.S. Customs and Border Protection (CBP), Immigration and Customs Enforcement (ICE) and other federal law enforcement agencies. Working in concert with CBP, our own Tohono O'odham law enforcement officers are regularly involved in drug interdiction and immigrant apprehension actions, which have been made more challenging due to international criminal cartel activity. Every year, the Tohono O'odham Nation spends its own funds to help meet the federal government's border security responsibilities. We have supported CBP efforts on our Reservation by providing lands for a checkpoint, forward operating bases, and integrated fixed towers to facilitate critical electronic surveillance efforts.

The Nation's Unique Border Security and Law Enforcement Challenges

The Nation faces major, unique law enforcement and public safety challenges due to its shared border with Mexico and the large size of its main Reservation. The Tohono O'odham Police Department (TOPD) must police a huge geographic area with limited resources, including remote and isolated areas and land along the border. The Nation also devotes significant resources to these efforts, spending an *annual* average of **\$3 million of its own tribal funds** on border security and enforcement to help meet the United States' border security obligations. The Tohono O'odham Police Department (TOPD) responded to over 100,000 incidents in 2023, some of which are of a general non-border criminal nature but many of which are related to drug seizures, illegal immigration, border-related criminal activity.

Further, the Nation is responsible for the recovery and disposition of immigrants who have perished on our Reservation. Since 2003, our Nation's law enforcement has spent nearly \$6 million dollars on over 1,500 *migrant death investigations and recoveries* without any federal financial assistance. The Nation's police force typically spends about half of its time on border issues, including the investigation of immigrant deaths, illegal drug seizures, and human smuggling.¹ In addition, the Nation has incurred hundreds of thousands of dollars and hundreds of hours of police investigative time to address the impacts of drug trafficking, including overdose investigations, criminal evidence analysis, and Narcan (Naloxone HCL) training. Criminal cartel activity has exacerbated the negative effect of drug and migrant smuggling on the Nation. As the Government Accountability Office has

¹ Government Accountability Office, GAO-24-106385, U.S. Immigration and Customs Enforcement: Improvements Needed to Workforce and Expansion Plans for Unit of Native American Law Enforcement Personnel 2 (January 30, 2024).

reported, smugglers have held tribal families hostage, damaged and stolen property, and recruited tribal youth to engage in smuggling activity.²

Despite strained resources, the Nation has initiated innovative law enforcement solutions to meet these challenges:

- **High Intensity Drug Trafficking (HIDTA) Task Force**

- Studies show that most illicit drug seizures occur at legal ports of entry (*i.e.*, outside the Nation's Reservation). Nevertheless, the Nation's is not immune from illicit drug activity and its location creates unique drug interdiction challenges. To address these challenges, in 2013, the Nation formed and now leads a multi-agency anti-drug smuggling task force staffed by Tohono O'odham Police Department detectives, ICE special agents, Border Patrol agents, and the FBI. This is the only tribally-led High Intensity Drug Trafficking (HIDTA) Task Force in the United States. In 2018, the Nation's Task Force Commander W. Rodney Irby received an award recognizing him as the National Outstanding HIDTA Task Force Commander.
- In 2020, the Nation's HIDTA Task Force partnered with two other task forces to conduct a year-long investigation into a major cell of the Sinaloa Cartel that was smuggling drugs through the Tohono O'odham Nation. That single investigation resulted in the seizure of 575,000 counterfeit Oxycodone pills, 140 pounds of heroin and 9 kilograms of pure fentanyl powder. The seized fentanyl powder had the capacity to kill every person in Arizona eight times over. As of the first quarter of this year, the Nation's HIDTA Task Force has seized or assisted in the seizure of 727.9 pounds of methamphetamine, 97.5 kilograms of heroin, 626,303 illicit Oxycodone pills, 10 kilograms of fentanyl powder, and nearly 2 million dose units of fentanyl.³

- **Shadow Wolves, an ICE tactical patrol unit**

- The Nation has officers that are part of the Shadow Wolves, a tactical patrol unit based on our Reservation that the Nation helped create in 1974. Thanks to recent bipartisan legislation championed by Congressman John Katko in the House and enacted in the 117th Congress, the Shadow Wolves are now reclassified as ICE Special Agents.
- The Shadow Wolves are the only Native American tracking unit in the country, and its officers are known for their ability to track and apprehend immigrants and drug smugglers using traditional tracking methods, including "cutting for sign," which involves identifying physical evidence left behind by smugglers, such as footprints, tire tracks, or clothing. The Shadow Wolves have apprehended countless smugglers and seized thousands of pounds of illegal drugs. To better combat cartel activity, the Shadow Wolves have increased investigative efforts in recent years, including plainclothes actions to blend in with the population.

In addition, the Nation has entered into several cooperative agreements with CBP and ICE, and pursuant to numerous Tohono O'odham Legislative Council resolutions has authorized a number of border security measures on its sovereign lands to assist CBP. Some examples include:

- **ICE office and CBP forward operating bases:** Since 1974, the Nation has authorized a long-term lease for an on-Reservation ICE office. The Nation also approved leases for two CBP forward operating bases that operate on the Nation's lands 24 hours, 7 days a week. One of these forward operating bases (at Papago Farms) was recently renovated and upgraded with state-of-the-art improvements and technology, including an expanded perimeter fence, helipad, and new officer living quarters and administrative facilities.
- **Vehicle barriers on our lands:** CBP has constructed extensive vehicle barriers that run the entire length of the Tribal border and a patrol road that runs parallel to the border.

²*Id.*

³Figures provided by the Tohono O'odham Department of Public Safety, 2015–2024.

- **CBP checkpoint on our lands:** The Nation has authorized a CBP checkpoint on the major highway that runs through the Nation.
- **Integrated Fixed Towers:** The Nation approved a lease of its lands to allow CBP to build an Integrated Fixed Tower (IFT) system that includes surveillance and sensor towers with associated access roads on the Nation's southern and eastern boundaries to detect and help interdict illegal entries.

Additional Federal Resources are Desperately Needed to Address These Challenges

While the Nation is unique in the nature of its law enforcement and border security needs, it is not alone when it comes to Indian Country public safety concerns. Existing federal funding is wholly inadequate to meet the public safety and justice needs of Indian Country and to support tribal law enforcement generally. In 2018, the Bureau of Indian Affairs provided a report to Congress that estimated that \$1 billion was needed for tribal law enforcement, with another \$1 billion needed for tribal courts,⁴ just to provide a minimum base level of service to all federally recognized tribes. The estimated need has only grown since that time as federal appropriations levels are nowhere near the amounts needed.⁵ This failure to fund tribal justice systems undermines public safety in Indian Country.

Drug Treatment Funding Deficits Exacerbate Public Safety Funding Deficits. The epidemic of drug trafficking facing the Nation and the rest of the country is just that—an epidemic, and one that requires a sustained public health response. Unfortunately, this public health response has been subject to the same chronic underfunding as Indian Country public safety services. Most notoriously, the federal government has repeatedly failed to adequately fund the Indian Health Service (IHS), including behavioral health, mental health, and substance abuse services. Alongside the increase in drug trafficking over the past decade, the Nation has witnessed a steady rise in addiction, and in drug-related deaths. Unfortunately, the same rural environment that imposes significant challenges for drug interdiction efforts also imposes barriers to tribal members seeking treatment. Due to a lack of funding, there is no dedicated facility to address addiction recovery on the Nation, and while the Nation contracts for these services off-Reservation, a lack of public transportation infrastructure means that Tribal members must drive several hours (sometimes 100 miles or more) to obtain these services. Moreover, as in any culture, Tribal members are most comfortable (a threshold behavioral health requirement for treatment) seeking recovery in their own communities, with access to traditional healing and other culturally appropriate methods.

At the same time, aging IHS infrastructure is inadequate to meet these needs. The Nation's 50-year-old hospital in Sells, Arizona is one of the oldest IHS facilities. Due to its age and lack of updated equipment and facilities, the Nation's Sells Hospital can only address minor medical issues and is entirely inadequate to serve the healthcare needs of the Nation's members. The Sells Replacement Hospital has been on the IHS facilities construction priority list for over thirty years, since 1993. Although the Nation, beginning in FY 2018, has begun to receive funding for the Sells Replacement Hospital, construction has not yet begun, and it will be several years before construction of the new facility will be complete (assuming it continues to receive the funding that is projected in the IHS budget).

Border Security Goals Are Better Met With Public Health And Safety Funding Than Border Barrier Construction. As we know, border wall construction came at great cost to the American taxpayer. Thanks to the no-bid contracts, diversion of badly needed drug interdiction and defense resources, and the massive environmental mitigation efforts required to address construction, we may never know the true cost. The Government Accountability Office found that by the end of 2020, the Army Corps of Engineers had obligated more than \$10 billion to border wall construction alone.⁶ Billions more have and will continue to be needed to mitigate the environmental and cultural harms caused by construction.

⁴ See Bureau of Indian Affairs, Office of Justice Services, Report to the Congress on Spending, Staffing, and Estimated Funding Costs for Public Safety and Justice Programs in Indian Country, 2018 at 1 (July 2020).

⁵ See National Congress of American Indians, U.S. Senate Committee on Indian Affairs, Oversight Hearing on the President's FY 2020 Budget Request at 4 (May 8, 2019).

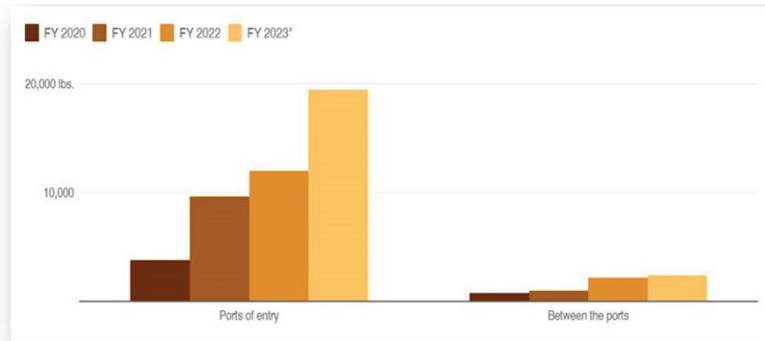
⁶ Government Accountability Office, Southwest Border: Award and Management of Border Barrier Construction Contracts, GAO-23-106893, at 6 (July 23, 2023).

As the Nation and others have warned for years, the border wall is particularly ineffective in remote geographic areas like our homelands, where it can easily be circumvented by climbing over, tunneling under, or sawing through it. And that is precisely what has taken place. As noted by the Cato Institute:

Immigrants used cheap ladders to climb over it, or they free climb it. They used cheap power tools to cut through it. They cut through small pieces and squeezed through, and they cut through big sections and drove through. In one small section in 2020, they sawed through at least 18 times that Border Patrol knew about in a month. They also made tunnels. Some tunnels were long, including the longest one ever discovered, but some were short enough just to get past the barrier.⁷

CBP records have revealed that the border wall is breached with staggering (but unsurprising) regularity—between more than 2,000 times and more than 4,000 times per year between 2017 and 2022.⁸ These breaches typically are performed with “inexpensive power tools widely available at retail hardware stores,”⁹ or with five dollar ladders.¹⁰

Unsurprisingly, the border wall does not effectively deter illegal immigration and drug trafficking. CBP data shows that most illegal drugs (including the vast majority—90%—of illegal fentanyl) are smuggled through ports of entry rather than in between them.¹¹ Moreover, the drug couriers (known as mules) who ferry these drugs through ports of entry are predominantly U.S. citizens, not migrants.¹²



Source: NPR analysis of U.S. Customs and Border Protection data, October 2022–June 2023.

Rather than constructing ineffective barriers, the data clearly shows that federal funds would be put to much better use supporting tribal and federal law enforcement and border security services and public health services.

⁷ Id.

⁸ David J. Bier, “Border Wall Was Breached 11 Times Per Day in 2022,” Cato Institute (December 30, 2022), available at <https://www.cato.org/blog/border-wall-was-breached-11-times-day-2022-2>.

⁹ Nick Miroff, “Trump’s border wall has been breached more than 3,000 times by smugglers, CBP records show,” The Washington Post (March 2, 2022), available at <https://www.washingtonpost.com/national-security/2022/03/02/trump-border-wall-breached/>.

¹⁰ Jenna Romaine, “Trump’s \$15 billion border wall is being easily defeated by \$5 ladders,” The Hill, April 22, 2021, available at <https://thehill.com/changing-america/resilience/refugees/549758-trumps-15-billion-border-wall-is-being-easily-defeated/>.

¹¹ See, e.g., Joel Rose, “Who is sneaking fentanyl across the southern border? Hint: it’s not the migrants,” NPR (August 9, 2023), <https://www.npr.org/2023/08/09/1191638114/fentanyl-smuggling-migrants-mexico-border-drugs>; Christian Penichet-Paul, “Illicit Fentanyl and Drug Smuggling at the U.S.-Mexico Border: An Overview,” National Immigration Forum (October 25, 2023) <https://immigrationforum.org/article/illicit-fentanyl-and-drug-smuggling-at-the-u-s-mexico-border-an-overview/>.

¹² NPR, *supra* n.11.

Conclusion

The Nation genuinely appreciates the Subcommittee's interest in the impact of cartels in Indian Country. We welcome a continued dialogue with you on these issues.

QUESTIONS SUBMITTED FOR THE RECORD TO HON. VERLON JOSE, CHAIRMAN, TOHONO O'ODHAM NATION OF ARIZONA

Questions Submitted by Representative Gosar

Question 1. If the Tohono O'odham Nation did not have to divert so many resources and time to dealing with cartel activity, drug trafficking, and increased illegal immigration, how else could that funding be utilized by the Nation?

Answer. The Nation's efforts to help meet the United States' border security responsibilities have come at a significant cost, and have contributed to the resource strain on other basic government functions and programs. As detailed below, funding is critically needed for public safety (including law enforcement and infrastructure) and public health.

Public Safety

The Tohono O'odham Police Department (TOPD) polices a huge geographic area (2.8 million acres)—our Reservation is one of the largest in the United States, roughly the size of the State of Connecticut. In many isolated areas on the Nation's reservation, tribal law enforcement personnel are the first and only responders to criminal activity on tribal lands. Our tribal police already face a severe lack of resources and staffing; added border security responsibilities significantly exacerbate these deficits.

Funds currently dedicated to border security could be allocated to address, for example, critical infrastructure and technology needs of the Nation's police force and detention services. TOPD currently is housed in a converted 1950s-era Bureau of Indian Affairs (BIA) jail that is not equipped to handle modern law enforcement responsibilities. Further, the Nation's detention center is entirely inadequate to meet our public safety needs, forcing the Nation to house detainees in facilities out of state. Federal funds for correctional facilities are extremely limited—it takes years to advance on the BIA list of facilities scheduled to receive these funds. Making matters worse, TOPD has difficulty communicating effectively with other law enforcement because of a lack of interoperability throughout the Reservation. Upgraded information technology and equipment is desperately needed to improve collaboration among the Nation's emergency responders, and to facilitate coordinated provision of fire, law enforcement, and emergency response services.

Public Health

Because the Nation spends so much of its resources securing the border, we have been limited in our ability to address other pressing issues, including the epidemic of drug trafficking. As I noted in my testimony, the Nation has witnessed a steady rise in addiction and in drug-related deaths. Unfortunately, behavioral health, mental health, and substance abuse services through the Indian Health Service (IHS) are badly underfunded. Funding and resources currently dedicated to border security would be much better dedicated to the construction of a facility to address addiction recovery on the Nation. In addition, while there are three behavioral health outpatient operational sites on the Reservation that provide outpatient counseling/case management, psychiatry, and administration, the buildings are old and need to be updated and/or replaced to meet the needs of the clients and personnel. These buildings lack adequate space for client privacy, personnel, and storage.¹

¹See National Tribal Budget Formulation Workgroup's Request for the Indian Health Service Fiscal Year 2025 Budget at 206 (April 2023) <https://www.nihb.org/resources/FY2025%20IHS%20National%20Tribal%20Budget%20Formulation%20Workgroup%20Requests.pdf>.

Question 2. In your opinion, how can the federal government stem the flow of fentanyl coming across the Southern Border and into Indian communities across the U.S.?

Answer. As I noted in my testimony, Customs and Border Patrol (CBP) data shows that most illegal drugs (including the vast majority—90%—of illegal fentanyl) are seized through ports of entry—not along the border between them. It is also important to note that the fentanyl that ends up on the Nation is predominantly purchased elsewhere, such as in Phoenix and Tucson. To address this crisis, the federal government must increase border enforcement staffing at ports of entry and provide funding for the deployment of advanced technology to aid in drug interdiction.

Federal funding shortfalls have severely impacted not only the Nation's law enforcement efforts, but CBP as well. CBP officials continue to experience challenges in recruiting and retaining law enforcement personnel.² In his FY 2025 budget the President has requested funding to hire an additional 150 CBP Officers and 250 Border Patrol Agents.³ We support this request, as it would help address this shortfall. Additional funding for advanced technology systems, such as robust investment in Non-Intrusive Inspection (NII) technologies like large-scale x-ray and gamma-ray imaging systems, radiation detection equipment, small-scale baggage x-ray systems, and portable hand-held devices, would also support the detection and interdiction of fentanyl and other opioids. Officers may perform manual inspections of vehicles when NII technology is not available, but it can be less effective.⁴ The President's FY 2025 budget request also calls for additional funding to build out and maintain existing and new Forward Operating Laboratories, which are permanent onsite labs co-located at ports of entry and Border Patrol stations.⁵ The labs provide support for presumptive field testing, and were created to assist with conducting confirmatory testing during the opioid crisis.

Question 3. Given the Tohono O'odham Nation's location on both sides of the Southern Border, how have the cartels specifically targeted the Tohono O'odham Nation communities in Mexico?

3a) What has the impact been on these communities?

Answer. Unfortunately, on the Mexican side of the border there are few governmental entities advocating on behalf of the approximately 2,000 O'odham living there, leaving many of these communities vulnerable and without recourse when smugglers move into communities to use them as staging areas, or when armed conflict erupts between warring cartels. The response from local police authorities in Mexico has been limited and can take several days, with the only real relief coming from the military. When cartels move into these communities or when conflicts flare up, O'odham become casualties of these wars—victims of terrifying levels of violence that sometimes leave our members tortured and beaten. As a result, many O'odham flee their communities until the smuggling cycle is over (*i.e.* when shipments dry up).

This conflict also disrupts our traditional pilgrimages and hampers the ability of O'odham on both sides of the border to practice our shared culture with and among one another. This impacts all of our people, resulting in long-term and incalculable damage to our customs and traditions.

Question 4. Your written testimony referenced a number of methods that the Tohono O'odham Nation is currently working with USCBP, ICE, and others to patrol the border, including the use of towers, special agents, and a road built on your tribal land. Please explain how you are able to utilize these resources while also respecting the cultural and environmental sensitivities of the Nation.

Answer. The Nation has entered into several cooperative agreements with CBP and Immigration and Customs Enforcement (ICE), and has authorized numerous border security measures on its sovereign lands to assist CBP.⁶ The success of these

² See U.S. Government Accountability Office Report, GAO 21-356, Southwest Border Security: Actions Are Needed to Address the Cost and Readiness Implications of Continued DOD Support to U.S. Customs and Border Protection (Feb. 2021) at 41, <https://www.gao.gov/assets/d21356.pdf>.

³ U.S. Department of Homeland Security, FY 2025 Budget in Brief, at 30, https://www.dhs.gov/sites/default/files/2024-03/2024_0311_fy_2025_budget_in_brief.pdf.

⁴ See U.S. Government Accountability Office Report, GAO-19-534, Border Infrastructure: Actions Needed to Improve Information on Facilities and Capital Planning at Land Border Crossings (July 2019) at 25–26, <https://www.gao.gov/assets/gao-19-534.pdf>.

⁵ FY 2025 Budget in Brief, *supra* n.4, at 32.

⁶ See generally Tohono O'odham Legislative Council Resolution No. 04-095, Supporting Vehicle Barriers and All-weather Road Project Along the International Boundary Within the Tohono

border security measures is the result of extensive education about the need to conduct government-to-government consultation before decisions are made that will impact the Nation's cultural and environmental resources, the need to meaningfully consider information and recommendations provided by the Nation, and the need to recognize and consider the unique history and relationship that the Nation has with its sovereign lands.

Agency respect for tribal sovereignty allows for better coordination with our local districts and Tribal Historic Preservation Office, which in turn ensures that border security activities are carried out in a manner that minimizes impacts on sacred sites and other significant environmental and cultural resources. For example, after environmental study⁷ and extensive and meaningful engagement from CBP, the Nation consented to easements for rights-of-way over its lands to allow CBP to build an Integrated Fixed Tower (IFT) system that includes ten surveillance and sensor towers and associated roads on the Nation.⁸ The intent of utilizing the IFT system was to reduce the environmental footprint of CBP and the corresponding impact on the Nation's resources, while simultaneously enhancing CBP surveillance capabilities. The IFT system has been largely successful in detecting and identifying items of interest and so has enabled Border Patrol agents to respond more efficiently and effectively to border incursions.

The installation of the IFT system, in combination with dedicated funding for road maintenance, also has reduced the negative environmental, cultural, and public safety impacts that border security imposes on the Nation and its members. The Nation, like most of Indian Country, faces overwhelming road maintenance and safety issues. BIA's FY 2025 budget justification acknowledges that there is a "rising deferred maintenance backlog" and that only 13 percent of BIA roads are in acceptable condition.⁹ CBP uses about 350 miles of the Nation's roads for their border-related activities, which has added significantly to the level of wear and disrepair. As a result, many of our roads have sink holes, potholes, broken and cracked pavement, and washed-out bridges, making these roads dangerous for our members and for tribal and federal law enforcement and agency personnel, including CBP. During monsoon season, flooding completely washes out roads, stranding our members, including children on school buses, preventing access for emergency vehicles and isolating communities. Tribal members have been killed by flooding while traveling on these roads. With the deployment of IFTs, CBP is able to be more deliberate in its deployment of patrols and the use of tribal roads. In addition, after consultation, and by agreement with BIA (which has legal responsibility for road maintenance) and the Nation's Chukut Kuk District (the tribal district with the majority of our borderland), CBP has dedicated resources to provide road maintenance and repair on the Reservation.¹⁰ We have been appreciative of Congress' provision of crucial legislative language that made this financial cooperation between CBP and BIA possible. In sum, this respect for and attention to the Nation's

O'dham Nation (March 8, 2004) <https://www.tolc-nsn.gov/docs/Actions04/04095.pdf>; No. 07-679, Supporting the United States Department of Homeland Security, Customs and Border Protection to Gain Control of the International Border Within the Tohono O'dham Nation with a Trial Tactical Checkpoint (Oct. 17, 2007) <https://www.tolc-nsn.gov/docs/Actions07/07679.pdf>; No. 07-129, Supporting United States Department of Homeland Security, Customs and Border Protection Secure Border Initiative (March 14, 2007) <https://www.tolc-nsn.gov/docs/Actions07/07129.pdf>; No. 16-560, Approving the FY 2017 Department of Public Safety, Tohono O'dham Police Department, United States Immigration and Customs Enforcement, Homeland Security Investigations Budget (Nov. 21, 2016) <https://www.tolc-nsn.gov/docs/Actions16/16560.pdf>; No. 21-400, Approval of the Memorandum of Understanding between the Tohono O'dham Nation and the U.S. Immigration and Customs Enforcement Homeland Security Investigations (Oct. 18, 2021) <https://www.tolc-nsn.gov/docs/Actions21/21400.pdf>.

⁷ See U.S. Customs and Border Protection, Final Environmental Assessment for Integrated Fixed Towers on the Tohono O'dham Nation in the Ajo and Casa Grande Stations (March 2017) <https://www.cbp.gov/sites/default/files/assets/documents/2017-Apr/TON%20IFT%20FINAL%20EA%20FONSI%202017%2003%20Part%20I.pdf>.

⁸ Tohono O'dham Legislative Council Resolution No. 19-088, Consenting to Grants of Easement for Rights-of-Way across Nation's lands for the United States Customs and Border Protection's Integrated Fixed Tower Project (March 25, 2019) <https://www.tolc-nsn.gov/docs/Actions19/19088.pdf>.

⁹ BIA FY 2025 Budget Justifications and Performance Information at IA-TG-3 and IA-TG-7, available at https://www.bia.gov/sites/default/files/media_document/fy2025-508-bia-greenbook.pdf.

¹⁰ See Tohono O'dham Legislative Council Resolution No. 20-422, Approving the Bureau of Indian Affairs to Conduct Road Repairs of Specific Roads on the Tohono O'dham Nation Using Funding Transferred from the United States Department of Homeland Security Customs and Border Protection (Dec. 8, 2020) <https://www.tolc-nsn.gov/docs/Actions20/20422.pdf>.

sovereignty and community is a win both for border security and environmental and cultural protection.

Conversely, there are numerous other examples where the federal government has not respected tribal sovereignty. The Nation repeatedly attempted to engage and consult with the prior Administration regarding border wall construction and potential damage to the Nation's sacred sites and other resources, but our efforts were generally rebuffed, met with extremely limited responses and no meaningful consultation. As a result, CBP rushed ahead with border wall construction in our ancestral homelands and proceeded to destroy the Nation's culturally significant sites and cultural resources, tribal archeological resources, sacred sites and even human remains. The construction also negatively impacted plants and animals of importance to the Nation including some endangered species like the jaguar that are sacred to American Indian tribes, preventing them from moving freely within their habitat and interfering in their migration patterns. The border wall construction was expedited by using authority under Section 102(c) of the Illegal Immigration Reform and Immigrant Responsibility Act to waive laws that would otherwise have helped to protect sacred sites and culturally significant areas, the environment, and property rights. The Nation repeatedly expressed grave concerns about these harms,¹¹ requested meaningful dialogue,¹² and urged caution in testimony before Congress¹³ and in multiple letters¹⁴ and court filings.¹⁵ Unfortunately, these concerns were entirely ignored.

Conclusion

The Nation shares the federal government's dedication to border security. We believe that the measures we have taken to assist CBP and the conduct our own law enforcement efforts are necessary to protect the Nation specifically and the United States generally. We remain committed to border security and enforcement with the intent that the Nation's sovereignty be respected and preserved.

Mr. CALDWELL. Thank you, Chairman Jose. I now recognize President Stiffarm for 5 minutes.

STATEMENT OF JEFFREY STIFFARM, PRESIDENT, FORT BELKNAP INDIAN COMMUNITY, HARLEM, MONTANA

Mr. STIFFARM. Good morning, everyone. First of all, I would like to start off by thanking Chairman Gosar, Ranking Member Stansbury, Congressman Rosendale, and Congressman Zinke. I appreciate your time. I appreciate you listening to us and our concerns on what we have to address in Indian Country.

First and foremost, I would like to, if I am allowed, submit on behalf of the Rocky Boy's Reservation in Montana, our neighbors, our relatives to the west of us, written testimony, what happened

¹¹See, e.g., Tohono O'odham Legislative Council Resolution No. 17-053, Border Security and Immigration Enforcement on the Tohono O'odham Nation (Feb. 7, 2017) <http://www.tonation-nsn.gov/wp-content/uploads/2017/02/17-053-Border-Security-and-Immigration-Enforcement-on-the-Tohono-Oodham-Nation.pdf>; No. 18-032, Opposing Federal Legislation that Promotes Construction of Border Wall, Waives Laws, and Undermines Tribal Jurisdiction (Jan. 2018) <https://tolc-nsn.gov/docs/actions18/18032.pdf>.

¹²See Tohono O'odham Comments on DHS Consultation Policy (May 25, 2021).

¹³See Tohono O'odham Testimony, House Natural Resources Subcommittee for Indigenous Peoples Hearing on the border wall's impact on tribal sacred sites (Feb. 26, 2020) <https://www.congress.gov/116/meeting/house/110587/witnesses/HMTG-116-II24-Wstate-NorrisJrN-2020-0226.pdf>; Tohono O'odham Testimony, House Homeland Security Subcommittee on Border Security, Facilitation and Operations Hearing on the border wall's impact on tribal landowners (Feb. 27, 2020) <https://www.congress.gov/116/meeting/house/110571/witnesses/HHRG-116-HM11-Wstate-NorrisN-20200227.pdf>.

¹⁴See Letter from BIA Regional Director Bryan Bowker to the Nation requesting information on the border wall's impacts (May 2021); Tohono O'odham Response to Regional Director Bowker's May 2021 letter (June 3, 2021).

¹⁵See, e.g., Sierra Club and Southern Border Communities Coalition v. Donald J. Trump, No. 4:19-cv-00892-HSG, Amicus Curiae Brief of Tohono O'odham Nation in Support of Plaintiff's Motion for Supplemental Preliminary Injunction (June 18, 2019, N.D. Ca.) (Dkt. No. 172); Amicus Curiae Brief of Tohono O'odham Nation in Support of Plaintiff's Motion for Partial Summary Judgment (October 18, 2019) (Dkt. No. 215).

to them, how ironic it was. A couple of weeks ago, they had a cartel killing in Rocky Boy that killed two tribal members. And I would like to submit their testimony on their behalf of Chairman Harlan Gopher, if I am allowed to do that, sir.

Dr. GOSAR. Without objection.

Mr. STIFFARM. Thank you. First of all, I would like to start off by addressing the cartels in Indian Country. You know, this ain't new. This has been going on for decades. I can say it is a little bit too late, but it is not. At least we are addressing it today. At least we are going to bring these issues to the forefront of what is happening to our people back home in Montana and other Indian reservations across this country.

They target Indian reservations because they blend in, because of the lack of law enforcement and because of the lack of law enforcement we have. It is a lack of money, lack of funds, lack of officers. Our reservations about 700,000 acres, and most of the time we have one officer to cover our reservation. And I have 20 years of being a police officer back home, so I know the history and the concerns that we have.

What I have piled up here right now are studies, things that were done by Congress in the Law and Order Commission Act of 2013. Broken promises. Not invisible. These were things done years and years ago, studies, things looked at about Indian Country, but nothing has ever been done to fix these problems that have already been addressed and looked at, pushed by the wayside, like my brother said. We will talk about it today and forget it tomorrow. That is what I learned about being a politician and coming here to DC and speaking. This is probably about my sixth or seventh time testifying in hearings. I have seen no results yet to this day.

So, this is true to where it stands, on your broken promises, our broken treaties. That is how our people feel back home. We are left alone to fight this battle against some hundreds of thousands of cartel members coming into this country, coming onto our reservation, our homes, raping and murdering our people, using that place as a hideout.

But what really irks me is we don't have help from the FBI, the Border Patrol, the DEA that has jurisdiction on Federal land, which are reservations.

Our FBI, we meet with them once a year, and they come to our tribal chambers and they visit with us. And I ask them, I ask those FBI agents, "What tribes are you serving here?" They don't even know that. That tells me they don't care. Reservations are a stepping stone for agents to move up. Same with the Border Patrol. They don't come to Fort Belknap. They don't go to Fort Peck. They don't go to Rocky Boy, Blackfeet Reservation to patrol, to look for illegal aliens. They don't. I know that from personal experience. Same with the FBI. They come there when the serious crime happens. They take their pictures, they write their reports, and they are gone. That is about it.

That is one thing you guys really need to look at besides the lack of funding in Indian Country, is the FBI and the Border Patrol doing their jobs in Indian Country, and helping us protect and serve our own people.

One last thing to add is, we send billions of dollars overseas for wars. You can't even send millions to the tribes to save our people. Thank you.

[The prepared statement of Mr. Stiffarm follows:]

PREPARED STATEMENT OF PRESIDENT JEFFREY STIFFARM, ON BEHALF OF THE
ASSINIBOINE AND GROS VENTRE TRIBES OF THE FORT BELKNAP INDIAN COMMUNITY

Chairman Gosar, Ranking Member Stansbury, Montana Congressman Rosendale, and Members of the Subcommittee. My name is Jeffrey Stiffarm, President of the Assiniboiné (Nakoda) and Gros Ventre (Aaniiih) Nations of the Fort Belknap Indian Community. I have over 20 years of Law Enforcement experience serving our Indian Communities. I appreciate the opportunity to be invited to this important hearing today which is examining the impacts of Drug Cartels Targeting Indian Country—and specifically the Fort Belknap Indian Community.

The Fort Belknap Reservation is located in north central Montana and is comprised of 652,000 acres (1,014 square miles) almost as large as the State of Rhode Island, and has nearly 7,000 members living on or near our Reservation. Fort Belknap is 40 miles south of the Canadian Border. Fort Belknap Law Enforcement is comprised of 9 Officers to protect and serve our entire reservation 24/7. Similarly, Montana is 147,040 square miles—Montana is slightly larger than Japan. It is the 4th largest State in the United States behind, Texas, Alaska and California. In 2024, it is reported that only 20 DEA Agents cover the entire State of Montana. The cartels know this—so it is easy for them to take over reservations.

These Drug Cartels are specifically targeting Indian Country because of a dangerous combination of rural terrain, history of addiction, under-resourced law enforcement, legal loopholes, sparsely populated communities, and exorbitant profits, and it is devastating Tribal reservations. Profits for these cartels soar the farther they get from the southern border. A fentanyl pill that costs less than \$1.00 Mexico and southern states, can go for over \$100 on our Reservation.

It is repeatedly reported to our Tribal Government that drug cartels are targeting our Native women and using homes on reservations as safe houses and distribution hubs. They are able to operate with impunity because of complex jurisdictional rules and the fact that Tribal law enforcement agencies, such as our's, have been under-resourced and under-staffed for decades. This problem is also directly connected to the ongoing Missing and Murdered Indigenous People (MMIP) crisis, as communities are reporting more instances of sexual abuse, human trafficking, child abuse and domestic violence. And it creates at least a perception of a Reservations as being a scary place of lawlessness.

This hearing today stresses the importance of the ongoing work Congress has in its important role in combatting drug trafficking in Indian Country. Congress funds Foreign Countries to Protect Themselves: we need Congress to provide funds to our First Nations to Protect Ourselves. Our Own Homeland should be the TOP Priority for Safety. United States Citizens need to feel and be protected throughout the United States. Why should we be afraid in our own Country? As Congress funds billions in federal aid to foreign countries to protect its borders and to kill. Indian Country needs the funding to protect our Borders in order to save Lives. Cartels threaten and kill our people. Yet nothing is ever done about it. Especially by the FBI.

I put the blame on the drug and cartel crisis squarely on the shoulders of the Federal Government. The FBI doesn't do anything on the reservation unless we have a death or serious crime. If that happens then they are only here for a short period collecting evidence! They are reactive—not proactive. The FBI has jurisdiction over non-tribal members, our tribal officers' hands are tied because they only have jurisdiction over tribal members. The government knew that cartels were moving onto the reservations but did nothing. The other government jurisdiction that failed us is the Border Patrol. They know Mexican or other illegal aliens are on reservations but do nothing. Our People get harassed when they cross the Border with sacred objects even though our border-crossing rights are supposed to be protected by the Jay-Treaty, yet the cartel seem to be able to go right through.

Tribal law enforcement is seriously underfunded by the federal government and by BIA. Officers lack equipment and are untrained to handle this crisis and most importantly underfunded. In the 638-contracting process, the federal government offered \$1.2 Million dollars to Fort Belknap to administer our own Law Enforcement in 1997, and 27 years later in 2023 offers \$1.3 Million. Other similar Tribes to Fort Belknap, have been awarded over \$5 million for Law Enforcement Services. Due to

this incredible disparity, the Fort Belknap Community has a pending federal lawsuit against the U.S. Government due to its breach of contract and trust responsibilities owed to our People. The United States has trust responsibilities that is not being met in particular FBI and border patrol.

As recent as November 2023, the Not Invisible Act Commission Congressional Report, the Commission reported an estimate of \$1.4 Billion Dollars to adequately fund Public Safety and Justice in Indian Country. Similarly, the U.S. Commission on Civil Rights (USCCR) released a report in 2018 finding that:

Federal funding for Native American programs across the government remains grossly inadequate to meet the most basic needs the federal government is obligated to provide. Native American program budgets generally remain a barely perceptible and decreasing percentage of agency budgets. Since 2003, funding for Native American programs has mostly remained flat, and in the few cases where there have been increases, they have barely kept up with inflation or have actually resulted in decreased spending power. In its annual, statutorily required report, the BIA acknowledges that tribal police, courts, and detention facilities are currently funded at a fraction of the estimated need. It is further noted that: despite this recognition, the BIA has never requested funding at levels sufficient to meet these needs. The DOJ, meanwhile, was unable to provide an estimate to the Commission of the need for its programs and services.

Tribal Nations should have the authority to address crime on their lands. Congress must take decisive action to overturn the *Oliphant* decision and address the sentencing limitations of the Indian Civil Rights Act, so that Tribes have the authority to prosecute non-Indians who commit crimes within their jurisdiction and appropriately hold offenders accountable for their crimes. We cannot continue to allow cartels to take advantage of the holes in our justice system. I encourage you to do everything possible to ensure we have the tools and resources we need to keep our communities safe.

We need funding to protect our Homeland, require federal agency coordination and cooperation, tightening of international borders, and lastly we need Congress to fully restore Tribal Criminal Jurisdiction in Indian Country. Congress has several Commission reports that all seem to say the same thing: Fund Indian Country and Effectively Coordinate Federal Resources. See:

- November 1, 2023, Not One More Findings & Recommendations of the Not Invisible Act Commission
- November 2018, Broken Promises: Continuing Federal Shortfall for Native Americans, Briefing Report to President Trump, U.S. Commission on Civil Rights
- November 2013, A Road Map for Making Native America Safer, Indian Law and Order Commission Report to the President and Congress of the United States

I thank you for your time and I am happy to answer any questions.

Dr. GOSAR. Thank you very much. I am going to recognize the Chairman for the Full Committee, Mr. Westerman, for his 5 minutes.

STATEMENT OF THE HON. BRUCE WESTERMAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARKANSAS

Mr. WESTERMAN. Thank you, Chairman Gosar, and thank you to the witnesses today.

This is a hearing I didn't expect we would ever have, talking about cartels operating in Indian Country. But just recently we did a field hearing down in Southern Arizona, in Cochise County, and Sheriff Mark Daniels made a statement that was, I think, the takeaway message from that hearing when he said that we are no longer dealing with an illegal immigration problem, we are dealing

with an organized crime problem, and an organized crime problem that reaches from sea to shining sea, which includes Indian Country.

I know in some other trips I have made to the border, I was appalled to fly the Southern border in a helicopter and have the Border Patrol point out hideouts up in the mountains where the cartels operated with radio equipment to tell the mules or the coyotes where the Border Patrol was operating and radioing to them, tell them how to avoid being caught. And I thought that is crazy that this is happening on the U.S. side of the border, that these Mexican cartels are setting up camp on U.S. land to run human trafficking and drug trafficking into our country.

And it is not getting better from anything that I have seen. As a matter of fact, Sheriff Daniels also said that the cartels not only control the southern side of the U.S. border, they also control the northern side of the U.S. border. So, I think this is a very fitting hearing that we are having.

And when I ask a question, if you want to elaborate on the extent of cartels operating in the United States, I would be glad to hear that, as well. But President Stiffarm, your testimony bravely depicts the ongoing threats that your tribe experiences from the dangerous cartels that operate in your communities. Many Americans may not be aware of the extent of cartel presence right here in the heart of America. Can you please describe just how devastating this problem has become across Indian Country, and particularly in Fort Belknap Reservation?

Mr. STIFFARM. Thank you for the question, Congressman Westerman, and we deal with it on a daily basis, whether it is an overdose, mental health, domestic violence, or serious assaults.

And one thing that we really seem to overlook all the time are the death threats we get from the cartel members. We had the tribal leader from Montana that declined to testify here today because he received death threats that he was going to testify.

Why would we be afraid to live in our own country when we are getting threats from foreign nationals from across the border? How strong their reach is. How are they allowed to come into this country and to threaten and kill us in our own backyard? That is a huge issue, not only for our tribal membership, whether it is here or Fort Peck or Rocky Boy, but it is you all's backyard. It is your family, your relatives, your neighbors.

But in Fort Belknap, what little officers we do have, they have been trying to be proactive without any help from the BIA, without any help from the FBI, without any help from the Border Patrol or the DEA. And we receive grant money, we have two drug dogs, two canines that are trying to help us curb the flow of fentanyl, methamphetamines, and we had some pretty good seizures.

One of our biggest issues is we don't have jurisdiction over—

Mr. WESTERMAN. President Stiffarm, I am sorry to cut you off, but I am on limited time here.

Mr. STIFFARM. OK.

Mr. WESTERMAN. But you said something very profound that I just want to make sure to get it on the record that you testified before Congress that there are tribal members who have been

threatened with death if they come to Congress and testify against the cartels.

Mr. STIFFARM. Yes.

Mr. WESTERMAN. The cartels have threatened them with death in this country.

Mr. STIFFARM. Yes, yes.

Mr. WESTERMAN. My goodness, that might be enough just to end the hearing right there. That is horrible, to think that an American citizen has been threatened by a foreign cartel if they come to Congress and testify about what that cartel is doing on American soil.

Mr. Chairman, I yield back.

Dr. GOSAR. I thank the gentleman, and I now recognize the gentleman from Illinois, Mr. García, for his 5 minutes.

Mr. GARCÍA. Thank you, Chairman Gosar, for the opportunity to join this hearing, and thank you to all the witnesses, especially the elected representatives of their Nations. I would like to begin with my first question to Chairman Jose.

Chairman, what sort of programs and services does the Tohono O'odham Nation currently have to help your community deal with the addiction to illicit substances like fentanyl?

What is available? And I am referring to things like treatment centers, outpatient centers, and those types of services.

Mr. JOSE. Well, Chairman, members of the Committee, thank you for the question.

We have a Tohono O'odham health department. And in that department, we have a behavioral health program. It is very limited, in terms of maybe a clinical director and some staff in terms of counselors and so forth. We do not have a treatment center. We would like a treatment center. So, basically, it is just some counseling.

Most of the stuff is referred out to Tucson or other areas, where they are able to provide more adequate substance abuse training or go into a treatment center because we do not have any. So, it is very limited. We want to build, we are hoping to build a more robust behavioral health program so we can offer those things. Most of the time it is either culturally related or just peer counseling to try to address the needs of our members.

Thank you for the question.

Mr. GARCÍA. Thank you for that. And there isn't a treatment center. Are there other obstacles that you currently are facing that prevent members of the Nation from accessing these services?

Mr. JOSE. Chairman of the Committee, members of the Committee, thank you for the question.

Yes, in a perfect world, if we had all those things that we could, like a treatment center and so forth, you have to look at the overall picture. Even currently in just domestic services, we can't go down our roads. Our roads, transportation, we have 2.8 million acres of land there. It takes about 2 hours to drive from one end to the other, north or south, east or west. So, we are limited on transportation, we are limited on housing.

There are a lot of impacts that face our members there. So, as we are attempting to address those issues, it isn't just one thing

that is needed. We are faced with various challenges to address the behavioral health needs of the Tohono O'odham Nation.

Mr. GARCÍA. Chairman, it is a vast area of land populated with 36,000 people. And if you could, once again, because I think you did it in your testimony, emphasize what Federal Government support to the tribe in responding to the various treatment needs in the community, what would that be?

Mr. JOSE. Thank you for the question. And I will echo, as well as some of the other tribal leaders here, it is that I believe there needs to be more direct funding with tribes. Sometimes, we get caught up in the bureaucracies, the red tape of funding. And if there is Federal funding available, it is usually, OK, here is a grant opportunity, you have 30 days to apply for it, and you have to get back, and then the tribal processes are a little bit difficult.

So, No. 1, I believe true consultation with tribes to address those needs. Because who is better to address the needs than the people themselves? So, when we have that consultation and we have that direct funding, we are able to really put the money where it works, because you can build something but if it is not designed to address the local community, I mean, I wouldn't come in and rearrange your house for you. I would work with you, or I would have you rearrange your house yourself, or build your house yourself.

So, what we need, what tribes need, again, is true consultation, direct funding to cut out all the red tape and the limitations that we have with the Federal challenges that we have in expenditures and so forth. We are not asking for a full rein. Tribes are accountable. So, with that, we want to work together with the government.

Mr. GARCÍA. And in the 5 seconds I have, Chairman, does the Nation have the capacity to deliver those services if funded directly?

Yes, sir.

Mr. JOSE. We do.

Mr. GARCÍA. Thank you.

Mr. Chairman, I yield back.

Dr. GOSAR. I thank the gentleman from Illinois. The gentleman from Alabama, Mr. Carl, is recognized for his 5 minutes.

Mr. CARL. Thank you, Mr. Chairman. And thank you to the panel that come to speak to us. I appreciate it. I know how valuable your time is. Let's address a pressing issue that has been affecting our national communities as a whole.

The crisis at the border is not just about illegal immigrants anymore. It is about the influx of dangerous substance like fentanyl, which is creating havoc on American lives. I know in my community I get tired of hearing of the deaths of people that I know, or their families that I know.

Our President's failed immigration policy has turned every community into a border community, allowing international criminal cartels to target illegal drugs, including fentanyl, into our nation. Most people don't realize, but this little pack of Sweet'N Low here, that is enough fentanyl, if it was pure fentanyl, to kill 250 grown men. It doesn't take much. And when you start talking about seizing a pound of fentanyl, that is a lot of death, a lot of death.

Today, we have the opportunity to hear from folks who experience these challenges firsthand. President Biden's policy has

benefited these criminal cartels, allowing them to target Indian Country with easy-access drug-distributing networks. The result has been a surge in violence, crime, and drug overdose.

Mr. Stiffarm, as President of, is it Fort Belknap? Did I pronounce that correctly? Thank you sir. Belknap Indian community. Could you share how the crisis at the border and the influx of dangerous drugs has specifically impacted your community?

Mr. STIFFARM. Well, because of the lack of funding for law enforcement, we don't have the officers to adequately patrol, protect, and serve our community members. Our officers are getting burnt out. Our hospitals are getting over-run with patients that have either overdosed on fentanyl or drug addiction or alcohol addiction. So, we are running out of resources to combat the problem.

And with the lack of assistance from, I would say the Federal Government, FBI and the Border Patrol, the DEA, even the Bureau of Indian Affairs to come in and assist us in fighting these issues that we have, we are fighting a losing battle, and the cartels are winning, the drug dealers are winning, and they are over-running our reservations.

And I am sure you know, Councilman Bryce Kirk has the same issues in Fort Peck. They are our relatives and we have family there.

So, the cartels, they either come in from Billings or they come in from Yakima, the drugs. And they will go into the Blackfeet Reservation, then over into Rocky Boy, into Fort Belknap, and then over to Fort Peck. We call it along the High Line. That is how they bring in their drugs. Each drug dealer knows one another and each reservation. And they switch up vehicles, they switch up places where they distribute.

And in Fort Belknap, when we know there is a drug shipment coming in, there is a call that comes in and says somebody jumped in a river, or says there is a car crash in a remote part of the reservation. So, all our resources are directed to that issue. Then in the back door, the drugs come in. And we don't have enough manpower to fight that problem, and it is a lack of money, a lack of resources, and a lack of help.

Mr. CARL. Thank you, sir.

Mr. STIFFARM. Thank you.

Mr. CARL. Mr. Chairman, what I am hearing here is a lack of resources from our FBI, from all the government agencies supporting this. Have we ever asked them to come and talk to us and tell us what they do and how they do it? How much money is allotted towards that?

I mean, can we not hold them responsible for actually doing this? And if it is more money, we can focus on the money portion, but we can't make an agency go out and do their job unless we know what they are doing.

Dr. GOSAR. Well, these are some of the reasons why I wanted to have some type of a hearing process, particularly on the tribes and sovereignty, to elicit what is proper that should be given to them, how it should be accountable, and how they can be working together with the tribes.

Mr. CARL. Well, I highly encourage that we bring them to the table and start asking these questions.

Ms. STANSBURY. Would the gentleman yield?

Mr. CARL. I do, I yield.

Ms. STANSBURY. So, just to answer this last question, both the Homeland Security and the Oversight Committee have held extensive investigations and recorded interviews with Border Patrol, FBI, and others to help answer these questions. And those records are available.

And what we have heard over and over again, including from all five chiefs of Border Patrol, is they need more resources, which is why the supplemental that was put before the Senate and is sitting here in the House waiting to be passed is asking for more Border Patrol agents.

Mr. CARL. But they are asking more for processing people, not for actually, the enforcement side.

Ms. STANSBURY. But to answer the specific question, numerous committees have actually spoken directly to the law enforcement agencies. So, yes.

Mr. CARL. I would like to ask them those questions myself, though.

Thank you. I yield back.

Dr. GOSAR. OK, I thank the gentleman from Alabama. The gentlewoman from Illinois, Mrs. Ramirez, is recognized for 5 minutes.

Mrs. RAMIREZ. Good morning, and I thank the Subcommittee for allowing me to participate in today's hearing.

Ms. VAUGHAN, I know we have met in Homeland Security before, so it is good to see you again. I want to start with you, and I wanted to ask you a question. Do you believe in the great replacement theory? Yes or no.

Ms. VAUGHAN. I don't know what that is. Can you explain it?

Mrs. RAMIREZ. Yes, sure. The great replacement theory is a White supremacist conspiracy theory that perpetrates the racist, xenophobic, nativist, Islamophobic, and anti-Semitic falsehood that non-White immigrants are being brought into the United States and other Western countries to repopulate majority White countries and disempower White voters to achieve a political agenda, and to specifically bring upon the genocide of White people. Central to that theory is the idea that non-White people are invading the United States.

Ms. Vaughan, you have used——

Ms. VAUGHAN. No, I do not believe in that.

Mrs. RAMIREZ. OK, well, thank you for your response.

Ms. VAUGHAN. I would reject that.

Mrs. RAMIREZ. You have used invasion rhetoric in discussing immigration multiple times.

Ms. VAUGHAN. Excuse me? Can you give me an example of when I have done that?

Mrs. RAMIREZ. I am speaking. When I ask you a question, you can go ahead and answer. I am actually speaking now.

Ms. VAUGHAN. OK, I just——

Mrs. RAMIREZ. Ma'am, I am going to continue with my remarks. A number of times I have heard you use the words "invasion," and——

Ms. VAUGHAN. When? I don't use that term. That is not appropriate to the discussion.

Mrs. RAMIREZ. It is not appropriate. It is not appropriate but it has been used.

Ms. VAUGHAN. I don't see how you can attribute that to me——

Mrs. RAMIREZ. Ma'am, I am going to reclaim my time. This is my time.

Ms. VAUGHAN. Well, you are putting words in my mouth.

Mrs. RAMIREZ. I am reclaiming my time.

Dr. GOSAR. Let's get back to the decorum of the House, please.

Mrs. RAMIREZ. Thank you. You may be aware that there is considerable evidence linking great replacement theory rhetoric with mass murders, including the targeting of the Latino community.

Ms. VAUGHAN. I am not aware of that evidence.

Mrs. RAMIREZ. Ma'am, I am now talking to all of us.

Ms. VAUGHAN. Well, you are talking to me.

Mrs. RAMIREZ. I am going to reclaim my time.

Sir?

Dr. GOSAR. Ms. Vaughan, if you will, just let her finish her questions. We will make sure you get ample time to rebut.

Mrs. RAMIREZ. Thank you. We have heard, including the targeting of the Latino community in El Paso, Black Americans in Buffalo, and Jews in Pittsburgh and in Poway, California, for example. Shooters have cited this in their manifestos, and I believe that words matter and their great replacement rhetoric is harmful. It dehumanizes millions of people seeking safety, protection, and refuge. It dehumanizes people like my mother, Maria Ramirez, who crossed the border pregnant with me, and it dehumanizes me. A dehumanizing rhetoric endangers us all, and we must categorically condemn it.

I want to pivot, now that I have been able to give the definition and talk a little bit more about it, to focus on our time together here, which is addressing the needs of Indigenous and tribal communities. I would like to direct my next question to Chairman Jose.

Chairman Jose, how can the Federal Government improve access to critical services such as health care, counseling, shelters, and legal advocacy for individuals impacted by drug trafficking crimes predominantly perpetrated by U.S. citizens on tribal lands?

Mr. JOSE. Thank you for the question.

How we can work, again, is like the resources that lack not only on the Nation but in Indian Country are valuable resources that we could utilize to build these things that are going to help our communities.

We need to become not so much dependent on the overall government, but we also need to do some of that work. And if we are provided the right resources, we can build some of those things. We can manage some of those treatment centers, to be proactive rather than reactive.

We need to spend more funding in building schools, libraries, and treatment centers than spending money on building prisons, jails, and all that, because that is after the fact. So, when we have true

consultation and direct funding resources, we can do those things. Those are the things that we need.

And it is not just building a building. We are talking about access in terms of housing, in terms of roads, in terms of just basic infrastructure that we can do. It is different on reservations because of the lack of infrastructure. So, I believe that, in order to address those issues, we need to work together. We need to figure out a system that is not going to block tribal communities from advancing and addressing the issues that it has.

Mrs. RAMIREZ. Thank you, Chairman. I, for one, hope that we don't pit migrants seeking asylum and tribal communities in our nation. We have an obligation for both communities to ensure that our words build instead of break, and that our actions affirm the self-determination, safe, healthy, and vibrant community. So, thank you for your response.

I yield back.

Dr. GOSAR. Ms. Vaughan, would you like some time to respond? I know you were attacked, so I will let you respond.

Ms. VAUGHAN. Yes. The implications about me and my organization and our work are completely wrong. We reject the ideas that she was attributing to us, and I find this to be a distraction in a discussion of a really serious public policy problem, public safety problem that certainly is very serious to the representatives of Indian Country here and a distraction from that.

We need to be able to face these issues without name-calling or maligning of motives.

Dr. GOSAR. I thank you. I am going to now yield to Mr. Collins, the Vice Chair of the Committee, for his 5 minutes.

Mr. COLLINS. Thank you, Mr. Chairman.

Ms. Vaughan, in my district, the 10th District of Georgia, we had a very horrific murder a few weeks ago at the University of Georgia with Laken Riley, and it was committed. Ibarra is the one that they have arrested for it. He actually started out crossing the border illegally, was processed, let go, went to New York City, a sanctuary city, committed a few crimes, and decided to pack up his enterprise and come to Athens, Georgia, where he continued that, and it escalated.

He was actually arrested for shoplifting a few days before he committed the murder, and went from just being released on that to being accused of committing a very heinous murder, which is why we had the Laken Riley Act, and it passed the House here with bipartisan support. It is sitting in the Senate, where it should pass the Senate. It is a great bill. It is going to give tools to law enforcement to help them contact ICE to do their job and to give them one more tool where they can just come in and detain and deport these people.

And I know you are an expert on immigration issues, and you support the people that come here legally, but not the violent criminals who want to come in and do our country and our people harm and take advantage of this Administration's lack of securing that border. What, in your opinion, can we do to help stop the flow of these violent criminal cartels that are coming in and increasing drug dependency and literally murdering and harming American citizens?

Ms. VAUGHAN. Thank you for the question.

There are a number of things that can be done to address this problem, and many of them are within the realm of the President's authorities for executive action, for example, to resume construction of the border barriers which do help in areas where they can be patrolled. It is not appropriate all across the border, but it is very helpful at preventing, for example, cartels from moving huge packages of illicit drugs or other contraband through with impunity, and it adds response time for the Border Patrol.

Mr. COLLINS. Thank you.

Ms. VAUGHAN. But, really, the biggest factor is ending the catch-and-release policies that are providing the motivation for people around the world to turn themselves and their life savings over to a criminal smuggling organization because they know that the chances are huge that they are going to be released and allowed to stay here indefinitely. That is what is enriching the cartels.

Mr. COLLINS. I think you hit the nail on the head. Immediately what could be done is the Administration could reinstate those eight Executive Orders that they rescinded, and that would secure that border.

Mr. Kirk, Mr. President, Chairman, I can see it in your face. I mean, you can see the concern, the disgust, the determination that you have to be here to try to get something done.

Mr. Chairman, I tell you, the Federal Government, in their infinite wisdom, think that they can control and do everything for everybody, when in fact the people on the side of this aisle, we agree with local control and pushing things back down to the local level where you make the decisions.

Mr. Kirk, I wanted to just go real quickly because I am running out of time. While the Laken Riley Act is not going to prevent and solve the immigration problem, it is going to help with tools. I have small counties in my district, and we are facing the same thing, over a death a month, less than 15,000 people, while it is not as vast as your area.

And I was also at Cochise County. CBP does a great job. Where the failure is is at the top of the ticket, and that is Mayorkas. Somebody needs to be held accountable, Mr. Chairman. That is why we impeached the man, and that is why he needs to be held on trial over in the Senate so that the American people will understand exactly what is happening in that Department. Because you have people that really want to do their job, but he is holding them back.

Mr. Kirk, in your opinion, could you explain what is happening to the youth in Fort Peck Reservation, and what could be done to help protect those youth?

Mr. KIRK. Thank you for the question. What can be done more right now, suicide is at a high rate. We have kids that don't have anything to turn to. What else do they turn to besides seeing generations before them turn to drugs?

I like what you said. That Act contacts ICE to do their job. You said that perfectly. But when is somebody going to contact FBI, BIA, and IHS, and tell them to do their job also?

Like you said, you are going to have them sit in front of you. And I guarantee you what we are saying to you and what they are

going to say are two totally different things, because they truly don't know what is going on in the ground when it comes to Indian Country. Mental health services, things for our kids need to happen. And if we want to save this generation of youth, we need help with behavioral health services, mental health services, better education, better things to do in our communities. And we just need help.

Mr. COLLINS. Amen, brother.

Mr. KIRK. Thank you.

Mr. COLLINS. Mr. Chairman, before I yield back, he is making our case for why we need to get rid of Alejandro Mayorkas. He is the head of that ticket, and that agency is not doing their job. With that, I yield back.

Dr. GOSAR. I thank the gentleman from Georgia. The gentleman from Montana, Mr. Rosendale, is recognized for 5 minutes.

Mr. ROSENDALE. Thank you very much, Chairman Gosar, and thank you very much for holding this hearing.

The impact of international cartels on my home state, particularly the tribes in my district, is immeasurable. We are witnessing a distressing surge in addiction and crime reaching unprecedented levels in the Treasure State.

I want to acknowledge President Stiffarm and Mr. Kirk for making this long journey here to our nation's capital to share their insights and firsthand experiences regarding this alarming trend.

The escalation of addiction, crime, and the loss of lives in recent years is intolerable, and I hope that this hearing will light a fire under our Federal agencies to take meaningful action against the cartels which continue to inflict harm in our state and in our reservations.

Moreover, I hope this hearing will be a wake-up call to my colleagues across the aisle, helping them to recognize the unconscionable effects of President Biden's open border policies. These policies have clearly not only impacted border communities, but are felt across the entire nation.

President Stiffarm, it is great to see you again, and thank you very much for attending.

And Mr. Kirk, congratulations on 12 years of sobriety. I am very proud of you.

President Stiffarm, could you provide your insights into the number of drug-related incidents your officers and Federal agencies encountered in Fort Belknap in 2023?

Mr. STIFFARM. Thank you for the question. And I don't have the exact numbers in front of me, but these officers, they encounter pretty much on a daily basis. And the remoteness of our Reservation and the access to get into the remote areas is pretty easy for these cartels to come through. There are back roads from the Rocky Boy Reservation to Fort Belknap, and that is one of the routes they take, and that is why I am so disappointed in the FBI and the Border Patrol for not assisting the tribes and trying to combat these drug issues that we have.

And, more importantly, one of the issues that we really address is we don't have criminal jurisdiction over any of these people that bring in these drugs over non-members, even cartel members. We don't have criminal jurisdiction over them, so our hands are tied.

If we do catch any of these people and we call for the Border Patrol or the FBI, officers have to sit there probably a few hours for them to get on the scene to even do anything.

And the cartel knows this. That is why they come here. That is why they come to our home.

Mr. ROSENDALE. So, if you don't have those numbers, do you have any kind of estimate on what type of increase that you have seen on this type of activity over the last couple, 3 years?

Mr. STIFFARM. Well, the increase is mostly in the fentanyl. And we had methamphetamine there for quite a while, and then they are bringing in fentanyl, which is a lot easier and a lot more expensive. Like Councilman Kirk said, down in the Southern border, it is pennies on a dollar, but you get up into Montana, it is \$100 a pill sometimes, but they bring it in for the money. They bring it in because they can hide, they blend in easily. So, they bring in a lot of that fentanyl.

We almost had an overdose on an employee right on a work site, so they are bringing it in to our staff. And if you are not a user, and they want you to be a user, they will spike your drink with it and get you hooked that way also.

Mr. ROSENDALE. Recently, a Lodge Grass woman was sentenced to 24 years in prison for intent to distribute meth and conspiracy to commit money laundering involving activities in both the Crow Reservation and Fort Belknap, among other areas. What steps is the Tribe taking to prevent tribal members from being exploited by these dangerous cartels for the drug trafficking operations?

Mr. STIFFARM. Well, we didn't really have any opportunity to take any steps because of the lack of funding. We are trying to just enforce it and prevent it.

The only steps that we probably would have is, we have the CDC, which is always underfunded, and the social services program is always underfunded. It is basically the lack of funding that is preventing us from doing anything in our Indian Country.

And our law enforcement is a 638 contract with the BIA. We took that over in 1997, and the base funding is \$1.2 million. In 2023, our base funding is \$1.3 million. It increased \$100,000 in 20-plus years.

Mr. ROSENDALE. I want to squeeze one more question in, President Stiffarm, before I lose my time. Do you believe the FBI is adequately prioritizing efforts to prevent and prosecute such illicit activities on our reservations and the surrounding areas?

Mr. STIFFARM. No, they don't.

Mr. ROSENDALE. OK. Thank you very much, Mr. Chair. I yield back. And, again, thank you so much for attending.

Dr. GOSAR. I thank the gentleman from Montana. The gentlewoman from Wyoming is now recognized for her 5 minutes.

Ms. HAGEMAN. First of all, I want to acknowledge your bravery in coming here today. And Mr. Stiffarm, it is truly stunning to hear that our tribal members are being threatened by the cartels for testifying before Congress. That is something that needs to be addressed. And I think one of the things that should come out of this hearing is that we contact the FBI and find out exactly what they are doing to make sure that we can protect our tribal members from such unlawful conduct.

Mr. Kirk and Mr. Stiffarm, Chairman Jose, thank you for being here. As the Representative of the state of Wyoming with the Northern Arapaho and Eastern Shoshone Tribes, listening to your testimony is sadly all too familiar. Our two tribes both reside on the Wind River Reservation. And much like your situations in Montana, our reservation covers 2.2 million acres that are very remote with a dispersed population. The Reservation relies on the BIA Wind River Agency for law enforcement, which has just 32 officers dedicated to the region.

While the drug crisis is unfortunately not new to Wind River, dating back to at least the early 2000s, the situation has only worsened with the crisis at the Southern border and the presence of cartels and new drugs in our communities. I have now visited the border three times. I have been to the Yuma sector, I have been to Eagle Pass, Texas, and I have been in the area around Tucson. And to say that this is a crisis is actually an understatement of what we are seeing. It is a catastrophe that we are going to suffer and struggle through for decades to come, not only because of what we are dealing with right now, but what our children and our grandchildren are going to deal with with the cartels, the human trafficking, the drug smuggling that is coming into our country.

I also have the honor of serving as the Chairman of the Subcommittee on Indian and Insular Affairs. And in this position, we have held hearings on the barriers tribal law enforcement face in promoting safe tribal communities and stories which are similar to the challenges we have heard here today. I appreciate your passion for protecting your communities.

The facts are that the FBI, the BIA, and the IHS have failed your communities. They continue to fail your communities, and the crisis on the border is only making it worse. Something has to change, and someone needs to be held accountable for what they are doing to our tribal communities, what they are doing to our youth, what they are doing to our citizens, what they are doing to everyone in this country.

Mr. Kirk, in your testimony you stated that, "There is no doubt that the Mexican drug cartels are playing a major role in this crisis." You speak with such certainty because this is something that is well known in Indian Country. Would you please describe what you have personally witnessed in terms of cartel activity on your reservation?

Mr. KIRK. So, the things that happen that get sent in the mail. I go back to that. No longer is it people transporting anything when it comes. A lot do get transported, a lot does come on the trains.

When you say the effects, you just see the families, you see the brokenness, you see everything, the loss of happiness anymore. You see the lack of excitedness to actually go out and make a dollar, to actually go out and feed your family, to actually go out and do those things that we are accustomed to.

One of the biggest things that you see is once somebody has 100 pills, people have a habit of 25 pills a day. And you think about that. How do you get \$2,500 a day to pick up that habit? They are a front man, and that is all they have is front people over and over and over again. And they utilize these guys and get deeper and

deeper in debt. And if nothing happens, then they are held accountable.

One thing is that they come in and harm these people. They come in and beat them because they have a debt with them. So, I invite you to come out to the reservation in Fort Peck, and you can see the boarded-up houses. You could see the things on reservations that you won't see here in Washington, DC.

Ms. HAGEMAN. I would like to do that.

Mr. KIRK. And you can see the ravaging that is going on on our reservations because nobody should ever, ever have to do that. And with your guys' help, we can get the right resources to help our people.

Ms. HAGEMAN. We want to help you. And I think that one of the things that worries me the most about this and the crisis that has been created over the last 3 years with the human trafficking and the drug smuggling and the impact on our reservations is the trauma for our young people and the trauma that they are witnessing, watching their parents be consumed by the addiction, and the slavery associated with that addiction, and being beholden to the cartels because of those addictions.

I am horrified by what you have described today, and I am absolutely furious with our Federal agencies for refusing to acknowledge and address the crisis on the border and what it is doing to the interior of our country, and most specifically, what it is doing to Indian Country. I am sorry for their failures. We are trying to hold them accountable. I will come to your reservation. I want to see what you are talking about because we have to fix it.

Mr. KIRK. If I may respond, last week we had a meeting, a Rocky Mountain Tribal Leaders Council meeting. The IHS Regional Director was there telling us they have \$50 million in carryover funds that they are just holding. So, we are asking as tribes, "Give them to us so we can start treatment centers, give them to us so we can start helping our people. What are they earmarked for? How many does each tribe have?"

Do you know what the Regional Director said? "I don't know." Fifty million dollars sitting there. They come and ask you guys for more money for us, you guys turn us down. Why? Because if you guys see somebody that can't spend \$50 million, how can you guys bipartisanly come together and say that we need more money?

Every time we go to the region, every time we go to these places, it falls on deaf ears, and we need help. We need you guys to hold these people accountable. That is what it is going to take, is for somebody to finally hold the government accountable to their trust and treaty obligations to us as tribes to finally get those funds that are sitting there, get them out to the tribes so we can actually help our reservations. Thank you.

Dr. GOSAR. I thank the gentlewoman. That is one of my big things, is that I think it is high time that we get all the tribes together for a symposium with Congress, and talk about sovereignty, and talk about what the treaty obligations are, so that we come out with one voice. It seems like we are always divided. So, that would be my case in point.

The gentleman from Arizona, Mr. Crane, is now recognized for 5 minutes.

Mr. CRANE. Thank you, Mr. Chairman. Thank you, everyone on the panel, for showing up today.

I am proud to represent over half the tribes in Arizona. When I come and I listen to your stories, and I apologize for coming in late, I was at a Homeland Security hearing before this hearing, it just illuminates to me the reality that this wide-open border crisis that we have, it affects everybody, whether you live in Tucson, Flagstaff, whether you live on a reservation, it really doesn't matter.

Ms. Vaughan, you mentioned in your testimony the Biden administration's irresponsible immigration policies have caused incalculable harm to those in Indian Country. Can you please elaborate on that a little bit?

Ms. VAUGHAN. Well, some parts of the country are saddled with the burdens of sheltering and providing schooling and health care to the migrants who have been allowed to come in here. But the situation is different in Indian Country because of the way that the Mexican cartels in particular have targeted Indian Country to expand their drug distribution networks and profit from it to an extent that is much greater than in other parts of the country, where they are in competition with other drug distributors and so on.

It is really horrifying to me to hear that the tribal leaders have received death threats for even talking about coming to speak to Congress about it.

And it is for the reasons that have been discussed today because of some of the things unique to Indian Country with jurisdiction of law enforcement, the remoteness of it, the vulnerability of the population, and I think that is why these issues deserve special attention from Congress. And there is a lot that you can do about this. There is a lot the President could do, too. But that is why this is so important to have this hearing.

Mr. CRANE. Ms. Vaughan, if the President was here today, what would you tell him?

Ms. VAUGHAN. I would ask him what possible motivation justifies the human tragedy that has been experienced in Indian Country and other parts of the country, the cost to taxpayers, the damage to the integrity of our legal immigration system and our sovereignty. What possibly could be worth all that cost and loss to our country?

Mr. CRANE. Thank you.

President Stiffarm, have you noticed a difference in the last couple of years with what you have experienced in your community?

Mr. STIFFARM. As far as the drug cartels?

Mr. CRANE. Yes.

Mr. STIFFARM. Yes, I have. Billings is probably about a 3½- or 3-hour drive south of us, and that is normally where we go do our shopping. And you see them there and you see them coming up into our area. I say it is, like, disguised as construction workers or laborers, and they come to the border towns of the reservation and set up shop, and then eventually they will find a mate on the reservation and move in.

And it is pretty scary when we get threats when we are going to speak about them. But we have to think of not my future or

anybody else's future, we have to think of our children's future, our babies, and the ones that have not been born yet, brought into this world. That is why we come and speak in front of you all is to try to protect their future, not ours. It is too late for ours because they are already here. But we are looking down the road and how we want to raise our babies in that type of atmosphere where they are allowed to come in unchecked.

And then, most importantly, we don't have jurisdiction over them. In the first place, if we do catch them, what are we going to do, sit there and visit with them and shoot the breeze, take them to the border, our reservation border, where they are going to turn around and come right back on? Our hands are tied, seriously tied with the jurisdictional issues and lack of funding and training.

Thank you for the question.

Mr. CRANE. What would you tell President Biden and Secretary Mayorkas if they were here today, sir?

Mr. STIFFARM. I would tell them, to me it seems like they are more concerned about the immigrants coming across our border than concerned about what they are doing here once they get here, concerned about their own citizens of this country. And then, to me, more importantly, the first people of this country where they are coming into.

Mr. CRANE. Yes. What about you, Mr. Kirk? What would you tell our leadership if they were sitting here today?

Mr. KIRK. Start looking inward instead of outward. Start worrying about the fight here for us trying to save our people, and stop looking to save others when all we are trying to do is save our people, too. Start looking for direct funding, and start fighting more on issues here in the United States than you are fighting for issues that have nothing to do with us. Thank you.

Mr. CRANE. Thank you.

Mr. Chairman, I yield back.

Dr. GOSAR. I thank the gentleman from Arizona. The gentlewoman from New Mexico, our next-door neighbor, Ms. Stansbury, the Ranking Member, is recognized for 5 minutes.

Ms. STANSBURY. Thank you, Mr. Chairman. And again, thank you all for testifying today.

President Stiffarm, I want to say thank you for bringing that stack of reports that is sitting next to you. One of the things that has been very frustrating for me during this hearing and during my time serving in Congress, I have been serving for the last 2½ years. I actually am a former staffer, and I actually worked at OMB when the Broken Promises report was being worked on by the Civil Rights Commission, and tribal leaders from across the country weighed in through consultation meetings.

That report that is sitting right next to the President is one of the most extensive studies of what is happening around behavioral health, the fentanyl crisis, the crisis around policing in our tribes. And you know what that report reveals? This is not a new crisis.

This is because of our history and the interactions between the U.S. Government and Tribal Nations, and the failure to recognize the sovereignty and the rights of our tribes. It is the failure of the Federal Government to appropriately fund agencies. It is the failure of the Federal Government to make sure those funds are

actually transferred once they are appropriated. And it is the failure of our communities and helping to support our Tribal Nations so that they can address these issues on the ground in the manner in which each of these Nations feel is appropriate for their own people. This is not a new crisis. It is all right there in the report.

And I have to tell you that part of why I ran for Congress as a former staffer is because I sat through hearings like this in the Senate, and I sat watching hearings during the former Administrations, and I watched as politician after politician has gotten up on daises like this and held hearings like this and said, oh, I am so sorry, we should address this crisis, but then actually wouldn't do anything because it is just political theater.

And I think it is important that we recognize that actually what is happening in Congress this week, just to pull back the curtain a little bit, is that the GOP is trying to impeach Secretary Mayorkas.

I want to note that not a single one of our witnesses today brought up Secretary Mayorkas. Right? They brought up the BIA, they brought up funding, and they said, hey, we need resources to address this crisis on the ground. It is generational. It has been going on regardless of administration.

There is trauma in our communities. There are a lack of resources in our communities. There is a growing cartel problem in Mexico that is infiltrating our communities regardless of administration. We do need accountability of these agencies, but what we don't need is a bunch of political theater bringing people into our chambers to tell their stories just so you can go out there and talk to Fox News and make your point. These are people's real lives. We have studied these issues for years. We know what the solutions are.

And I don't mean to seem so strident about it, but I find it disgusting. I find it frustrating. It is why I ran for office, because I am sick of politicians just coming in front of people and saying, oh, we will fix the problem, and then they go and do their political theater.

So, you all came here to share your stories, and I want to use the rest of my time to ask each of the three tribal leaders who are here, please tell us what we can meaningfully do to help address the law enforcement and the behavioral health crises in your communities. And if we can start with Mr. Jose.

Mr. JOSE. Chairman Gosar, Ranking Member Stansbury, members of the Committee, what we can do is, you kind of hit on that. I think we need to put aside all the differences between political parties—race, color, creed, religion—and fix the human problem, fix the human problem on how we are going to address these issues. It isn't about color of skin. It isn't about religion. It is about the epidemic that has been generational.

The Tohono O'odham Nation has always been hospitable people. We have always looked at welcoming people. We have been doing this since time immemorial, and we need to work together. We need to work together.

The Federal Government creates laws, but they don't follow their own laws. They don't follow their own mandates, but yet hold other people accountable to follow them. We need to follow those laws.

If that is the law of the country, then we should follow it. We should be responsible for those things. How can we fix it? Let's have true communication about addressing the issue at hand.

On border issues? Those drugs, those things are coming through the Tohono O'odham Nation. They are not intended for the Tohono O'odham Nation. They are intended for the cities and towns of America and other reservations, as well.

This migrant issue is bigger than the United States and bigger than Mexico. This is a world issue. So, we really want to talk about what can we do? Let's take a look at the issues and find out that American's hands are in other places that we can't even imagine. That is why we are facing these negative impacts here in what they call the United States of America. And the only way we are going to address those is a true collaboration about building bridges of hope, building bridges of opportunity, and not building walls. Thank you.

Ms. STANSBURY. Absolutely, thank you.

Mr. Chairman, would you be open to allowing the other leaders to use time?

Dr. GOSAR. Go, yes.

Ms. STANSBURY. Mr. Kirk?

Mr. KIRK. Most definitely. The biggest thing is working together. You know, we are all voted into a place to work together for the betterment of the United States of America, for us, the betterment of our tribe. That is what we do.

What can you guys do? I will keep continuing to say it: direct funding, direct funding to tribes. That is what we need. Take the red tape out of everything and let us finally operate how we know how to operate when it comes to our reservation and our people. Money, I will keep saying it, gets sent overseas with no red tape, with no nothing. Here, spend it the way you want. Buy what you want to do. But yet here, as tribes, with our treaties and our trust obligations, we have to follow all the red tape in the world.

The biggest thing is whatever you believe in, no matter what you do, you are all supposed to put that first. Whether it is Creator, whether it is God, you put God first, you put Creator first. You do it because it is for your people. And that is what it is about. You know, I am thankful for where I am at because if it wasn't for God putting me where I am at today, I wouldn't be here today.

And I have an obligation to get along, to do my best for the people, and that is what you have to do is work together, set aside all the differences, because in the end, when we are all gone and we are dust, what is it going to matter? What is going to mean more today, listening to us and going out to these doors and making a difference and giving the tribes direct funding without this red tape to finally see tribes succeed?

Stop putting us in bills with all these other people and all these other things, and trying to throw us as a pawn in these different kind of spaces. Just let us show you what we can do. Hold to those trust and treaty responsibilities. Hold to those that got signed. They are still there. Work together for the betterment of what you guys are trying to do.

And, again, like the Chairman said, it is not about color. It is not about race. It is not about nothing. It is about working for the

betterment of the people. And if you guys can do something, direct funding to tribes, give us our jurisdiction back, and let us show that we are not what people think we are. We are strong, we are resilient, and we will continue to be resilient moving forward. And we are going to win, no matter what people say about us. Thank you.

Ms. STANSBURY. Thank you.

President?

Mr. STIFFARM. Thank you for your giving us the opportunity to speak on what we need and what our issues are.

To me, we have all these Federal programs that are supposed to oversee and protect the communities, reservations, the people, which I am speaking about the FBI, the Border Patrol, and the BIA. But what I see and I experience personally and I saw with my own eyes is the lack of compassion of these people that serve us. They don't care. It is just a job to them such as, like, a construction worker building a house. They don't put any love behind their work. Neither does the FBI. Neither does even the BIA.

That is what is so frustrating with me is with the BIA. They have tribal members running these programs, whether it is from other tribes or not, but they still don't care about the people that they serve. They don't. And we have a hard time getting, they call it technical assistance, when we need help from the Bureau of Indian Affairs.

We had an officer-involved shooting on Fort Belknap a couple of years ago, and we asked for technical assistance with the police officers because at that time we only had four officers to cover. You know what they sent us? One officer for 3 days. What is wrong with that picture, that they are supposed to be serving you and helping you, and they send one officer for 3 days and then say that is all they can do.

And then they come in and they review your program. In particular, what I know a lot about is the law enforcement. They review your program, you fail your review, and we fail year after year. And the reason why we fail is a lack of funding. And like I explained to you all, our base funding increased \$100,000 in 20-plus years in law enforcement. They don't care.

And I don't know how you can fix that problem. Like I said before, I asked the FBI agents that cover Fort Belknap and Rocky Boy, and I asked them, "Do you know what tribes you are serving?" They don't know that. They don't even know that. That is because they don't care.

That is a hard issue for me and a hard pill to swallow, because I am watching our children grow up into this. I am watching our babies and what it is going to be when they get to our age, and what kind of life they are going to have. And that is what we need to really think about is our children, and then protecting our elders, our past, our stories. That is what our elders are.

I thank you for your time. And I really hate talking about the BIA, the FBI, and the Border Patrol that way, but I guess the truth is the truth. And if I can't come in front of you and tell you how it is and how we are living, then I shouldn't be sitting in front of you all.

And the people that threatened us because of what we are saying and how we are trying to protect our own people, so be it. I would rather sacrifice myself than sacrifice the rest of the people, and especially the unprotected back home. But I want to thank you for your time.

Ms. STANSBURY. Thank you.

Thank you, Chairman.

Dr. GOSAR. You are certainly welcome.

Ms. Vaughan, would you agree with this comment? Good process builds good policy builds good politics.

Let me say it slowly. Good process builds good policy builds good politics.

Ms. VAUGHAN. I think, yes, that could happen. But I think maybe what that statement means is that, if lawmakers do the right thing using the right process, then they will be successful politically because voters support that.

Dr. GOSAR. Well, I think it is obvious. We have been nibbling at this edge, and I am coming back to Mr. Kirk because he keeps saying it over and over again: "Give us control."

I have lived with tribes my whole life, whether it be in Wyoming, where I went to school at Creighton, and I have represented Eli's district, as well, in Arizona, I have the CRIT. And I see this fundamental aspect from the tribes of not trusting the government. And why should you?

But once again, that good process gets you that policy that you need. That is why I keep screaming this over and over again. We have to get the tribes all together and have this conversation about what is expected because what it does is it draws everybody into that process. So, I think we are nibbling at the edges. I think we just need to get to it, and I think the tribal members have actually said it very clearly: "Give us that jurisdictional—give the money directly to us. Hold us accountable. We will show you what we can do."

And that is what we are debating about today, on this FISA reform. We have an out-of-control FBI. We have no personal space. It is all being taken up. It is wrong. That warrant is a reason. There is a reason there is a warrant. There is a reason why there is a warrant.

And I go back to what China, they were having this fight in, what is the big city in China?

VOICE. Beijing?

Dr. GOSAR. No, no, Hong Kong. And this reporter looks at this young Hong Kong resident and says, "Listen, wouldn't you want safety instead of freedom?"

She said, "No, I want freedom."

So, I also believe that you have to have the tools. President Stiffarm, what is the prevalence of Narcan on your reservation? Is it easily, readily available or not?

Mr. STIFFARM. It is not easily or readily available within Fort Belknap, no.

Dr. GOSAR. And can you tell me the presence of crank on your reservation, as well?

Mr. STIFFARM. You can go into your local convenience store and buy a pack of smokes. You can go on the street and buy methamphetamine or fentanyl just as easily.

Dr. GOSAR. Chairman Jose, I know a little bit about your reservation. Part of your reservation is in Mexico, and it is not even acknowledged by Mexico. What kind of a problem does that create for you?

Mr. JOSE. Chairman Gosar, members of the Committee, it creates a really difficult situation because, as I mentioned, our families are divided. I mean, I can't even publicly speak about what is going on in Mexico that our members face, so really addressing the issue at hand, like I mentioned before, it is not only a U.S.-Mexico thing, but we are caught in the middle of it. Our people are caught in the middle of it. And we have to deal with not only in Mexico but in the United States, as well.

But here is the concern, Chairman, we should be allies, we should be working together, but it seems that the systems put us against each other when we should really be working together to address those issues. So, it is a really difficult situation in Mexico. Right now, we can't even go to some of the communities because of what is going on just south of the border in terms of that. So, it is a very terrible situation, Chairman.

Dr. GOSAR. It is.

Mr. Kirk, I want you to address the targeting of the cartels of young Indian women, because I think this is atrocious in regards to the trafficking. And we have seen the loss of these women, the unidentified Indian women that have been lost. Can you address that for us, please?

Mr. KIRK. When it comes to cartels, you mean?

Dr. GOSAR. Yes.

Mr. KIRK. The biggest thing is that, like I shared with them getting trafficked to North Dakota, is they don't have anything and they see these drugs and these people and everything as, all right, I am going to make some money, or I am going to finally have something. They look for a sense of security in something that is wrong. And these guys bring a false security. They bring false money.

But to the people that have nothing, and we haven't had anything for years, that little bit means something to somebody. When they see families and stuff that have nothing, and these kids grow up in nothing, and they see somebody as a cartel member, whoever it may be, that are bringing the drugs in, they see those people as a security, and that is why they hold on and latch on because of the money and the drugs that are there.

Dr. GOSAR. Ms. Vaughan, I will come back to you. You made a comment, and we had an exchange here a little bit, and I want to ask you. Under this current Administration, it seems like we have a hard time even taking care of our own people. You can't take care of the world until you take care of your own. Tell me why you see this illegal immigration aspect as being a big problem.

Ms. VAUGHAN. Well, it is a big problem on so many levels. Immigration law is not some obsolete law that doesn't deserve to be enforced anymore. Very fundamentally, it takes away opportunities

for Americans and legal immigrants to support themselves because the reason that most of these——

Ms. STANSBURY. I am so sorry, Mr. Chairman, you are over time, and this is outside the scope of this hearing. This hearing is about the fentanyl crisis in Indian Country.

Dr. GOSAR. Excuse me, I will strike that from the record because I gave you plenty of time. I am just starting my second time frame.

Ms. STANSBURY. But what——

Dr. GOSAR. You went through one and a whole other——

Ms. STANSBURY. But what is the relevance?

Dr. GOSAR. It is my time. It is my time.

Ms. VAUGHAN. I can explain the relevance.

Dr. GOSAR. Yes, I can, too. Go ahead.

Ms. VAUGHAN. The main reason most of the people who are crossing the border illegally are coming is because they believe that they will be released into the country and allowed to work here without facing any threat of enforcement for an indefinite period.

One of the ways people have arrangements with the cartels is to pay just a downpayment on their smuggling fee, which runs into thousands of dollars. And then, after they are here, they enter what is essentially a debt bondage arrangement with the cartels to pay off their smuggling debt. So, people end up in, essentially, labor trafficking situations, sometimes working directly for the cartels either as drug mules or as employees in some of their operations. And this is one of the ways that the cartels enrich themselves through not only drug trafficking, but also human smuggling and debt bondage.

And that is all enabled by the open border policies that have been put in place under the Biden administration, primarily by DHS Secretary Mayorkas. He has been the main architect of accomplishing this agenda for the Administration.

And the costs are not just public safety, although that is one of the most important, but also the distortion of labor markets that denies opportunity to Americans and legal immigrants, and cuts off opportunities for them to support themselves. And it is just basically the trashing of our immigration system and the loss of public confidence in our legal immigration system.

Dr. GOSAR. Thank you. I just want to note that 4:04 or 4:06 of the second minute, I am way behind the time of the Ranking Member. So, I just want to make sure that is noted in the books.

Typically, I ask what was a question that you wanted asked but wasn't asked, and what is the answer?

Mr. Kirk, we will start with you, the question that was never asked that you wanted asked, and what was its answer.

Mr. KIRK. How can we better work together? And no disrespect to anybody or anything, we are here to talk about issues when it comes to Indian Country. We flew out, we paid money, we left our families. We put ourselves here in the forefront of this issue. And it seems like, again, as the lady said earlier, the gentleman, right now are we going to walk out these doors and be, like, all right, what was this for?

How do we work together? That is the question that I didn't get from you guys is how are we going to work together. Because right now, sitting here, it is still divided. Sitting here, are we going to

walk out these doors and get the same thing that we have gotten over and over again that my brother has over here, broken promises?

Again, when I first started my testimony, is it something just to check a box off? Are we going to hold people accountable? And for me, my answer would be it is our obligation to each other to work together to have a relationship together with us.

On reservations, we don't care about this stuff here because we are fighting a different battle. We are fighting a different monster on our reservation, Chairman, and that is the thing, is we are put in the middle of something right now that once something gets brought up, it is just like, wow, it is not even an issue that is going on in Indian Country. Because why? Because our borders have been open for years, upon years, upon years and had, like my brother said, people preying on our people for year after year, crisis after crisis. And it is something that we continue to fight.

But then again, what gets held up on our end is everybody here working together across the aisle to give us the funding that we need to better resource our people. But, again, no disrespect to anybody, but it is working together. What can we do to work together? Thank you.

Dr. GOSAR. I will make you the commitment that we will stay in touch, and we will try to make something happen. As you saw me twice with Ms. Hageman, my colleague, I have wanted this conversation because I have said over and over again, I think the future of this country goes through Indian Country, because you have that sovereignty, you have that ability to dictate. And that is not what has happened.

Mr. KIRK. No.

Dr. GOSAR. I think there are plenty of opportunities coming up here. I will make that commitment to you.

Mr. KIRK. Thank you, sir.

Dr. GOSAR. Chairman Jose?

Mr. JOSE. Chairman, thank you for the question. Here is the question that wasn't asked that I would have hoped to be asked. Chairman Verlon Jose, what kind of Federal law would you create that every single person would follow?

I wish that question was asked to me, and I would say I would create a Federal law that every single person will follow, and the law would be to do away with political parties, to do away with discrimination, to do away with all those indifferences, and let's address the issues at hand with a human response. Get in a room and let's talk about these things.

I said this, Homeland Security, when Homeland Security was created, who created this? Who created Homeland Security? Well, the experts did. The experts never once consulted with our experts. That is the people that live there, that is the people that see that happening all the time. And after all these millions and billions of dollars spent, we could have told you that it wasn't going to work, but we were never included.

So, if we could put aside all those differences, it is not about what I am going to get out of it or what my party is going to get out of it, or what my tribes can get out of it, it is about what is this nation going to get out of it. If we created a law and everybody

would follow that, I think we would be in a better place to address it.

Right now, everyone is for their own. There is too much division, there is too much separation. And that is why we are missing the solutions to address the issues that we have at hand. That would be a start. All those other things will fall into play, like direct funding and all those other things. But if we don't work together, that is why [speaking Native language], together, we are stronger. Isn't that what America was built on? Isn't that what America talks about? So, let's live up to that.

Thank you, Chairman.

Dr. GOSAR. Ms. Vaughan?

Ms. VAUGHAN. The question I would like to be asked is who should be served most by our immigration policies?

And quite simply, the answer is Americans. Our immigration policies should serve our national interest and Americans first.

Dr. GOSAR. And President Stiffarm?

Mr. STIFFARM. Thank you. I guess I would like to have been asked, what could you all do to curb our problems that we have on reservations. The biggest one is quit tying our hands.

It seems like to me, when we need something or want something, we have to come here to beg. We have to beg for what we have and what we need. But you look at Ukraine and the war that is going on over there, they ask and they shall receive. They receive billions of dollars for a war to kill people. And I have said this before. And when the tribes ask for maybe thousands of dollars or maybe a few million to save our people, we are usually told no. And then we can't even enforce our laws over non-members in our own country and our own land, like you said, our own sovereignty.

So, basically, our hands are tied no matter where we go, no matter what we do. Untie our hands. Let us help our own people. We are not asking for a handout. We are asking for a hand up.

Dr. GOSAR. Thank you very much. I want to thank the witnesses for their valuable testimony today and the Members for their questions.

The members of the Committee may have some additional questions for you, and we will ask you to respond to those in writing. Under Committee Rule 3, members of the Committee must submit their questions to the Subcommittee Clerk by 5 p.m. on April 15. The hearing record will be held open for 10 business days for these responses.

If there is no further business in this Subcommittee, we are adjourned.

[Whereupon, at 12:07 p.m., the Subcommittee was adjourned.]

[ADDITIONAL MATERIALS SUBMITTED FOR THE RECORD]

Submissions for the Record by Rep. Gosar**Statement for the Record**

**Zack Smith, Senior Legal Fellow
Manager, Supreme Court and Appellate Advocacy Program
Edwin Meese III Center for Legal and Judicial Studies
The Heritage Foundation**

Introduction

My name is Zack Smith, and I appreciate the opportunity to provide written testimony to the subcommittee.¹ The views I express in this testimony are my own and should not be construed as representing any official position of The Heritage Foundation.

I currently serve as a Senior Legal Fellow in The Heritage Foundation's Edwin Meese III Center for Legal and Judicial Studies. Before joining Heritage, I served as an Assistant United States Attorney in the Northern District of Florida, worked at a large law firm here in Washington, DC, and clerked for the Honorable Emmett R. Cox on the United States Court of Appeals for the Eleventh Circuit.

Introduction

The Biden Border Crisis has been an unmitigated disaster. If someone tried to design an ideal scenario to allow human trafficking, drug trafficking, and other criminal activities to flourish, they would have a hard time improving on the current situation at our Southern Border. Rather than enforcing the law, the Biden Administration has instead abdicated its duty to do so with sad and foreseeable consequences following.

As the title of the subcommittee's hearing makes clear, the consequences of this border crisis aren't confined only to the border but have spread throughout the country from the biggest urban cities to even the most rural Indian reservations. And in fact, it is often these latter locations that suffer the most from the Biden Border Crisis because of the lack of qualified law enforcement personnel to serve these communities and the jurisdictional morass that entangles those who do serve and who seek to arrest and prosecute offenders.²

Ever the savvy operators, organized crime—particularly many of the Mexican cartels—have sought to capitalize on this sad situation. Undoubtedly, the uncertainty surrounding who can be arrested by whom for what crimes that will then be prosecuted by which authorities, who may or may not have the power to do so, proves to be part of the attraction for the cartels.

While drug use and organized crime have long been problems on reservations, these problems today have been exacerbated by the introduction of new, powerful, and even more deadly drugs such as fentanyl and by efforts to reform and revise tribal jurisdiction over certain issues, individuals, and cases in the wake of several recent U.S. Supreme Court rulings.

The Scourge of Fentanyl

As my Heritage colleague, Paul Larkin, has made clear, “the mass production of illicitly produced and distributed fentanyl” is “killing thousands of Americans today.”³ It's 50–100 times more powerful than morphine, and as Larkin notes, “[f]or

¹The Heritage Foundation is a public policy, research, and educational organization recognized as exempt under section 501(c)(3) of the Internal Revenue Code. It is privately supported and receives no funds from any government at any level, nor does it perform any government or other contract work.

Members of The Heritage Foundation staff testify as individuals discussing their own independent research. The views expressed here are my own and do not reflect an institutional position for The Heritage Foundation or its board of trustees.

²Zack Smith, After the Supreme Court's Oklahoma Decision, the Rights of Accused on Tribal Land Are Up in the Air. Congress Should Make Things Clearer, Not Less So, The Daily Signal (Aug. 5, 2020), <https://www.dailysignal.com/2020/08/05/after-the-supreme-courts-oklahoma-decision-the-rights-of-accused-on-tribal-land-are-up-in-the-air-congress-should-make-things-clearer-not-less-so/>.

³Paul J. Larkin, Twenty-First century Illicit Drugs and Their Discontents: The Scourge of Illicit Fentanyl, Leg. Mem. No. 313, The Heritage Foundation (Nov. 1, 2022), <https://www.heritage.org/legislation/report/entry/2022/11/01/legislation-no-313-the-scourge-of-illicit-fentanyl>.

perspective, heroin is [only] five times as powerful as morphine.”⁴ It’s also easier and cheaper to produce and ship because it’s a synthetic opioid rather than a plant-based one like cocaine. Receiving the necessary precursor chemicals from China, “[t]wo of the nine Mexican drug cartels—the Sinaloa Cartel and the Jalisco New Generation Cartel (CJNG)—are principally responsible for manufacturing the finished product” and smuggling it into the United States.⁵ From there, it spreads death and destruction wherever it goes.

As one Biden-appointed U.S. Attorney recently noted in her testimony before a Senate committee, “Fentanyl overdoses are the leading cause of opioid-related deaths throughout the United States, including Indian Country.”⁶ She added that the Justice Department “recognizes that the widespread availability and abuse of drugs in Indian Country, coupled with drug trafficking groups operating in Indian Country, contribute to the high rates of crimes on reservations, including violent crime.”⁷ To help combat these problems, President Biden issued an executive order stating that the “safety and well-being of all Native Americans is a top priority for my Administration,”⁸ where he noted that criminal “jurisdiction complexities and resource constraints have left many injustices unaddressed.”⁹

But put in the larger context of his other policies, Biden’s statements ring hollow. The recruitment and retention issues plaguing police departments around the country are also plaguing police departments charged with patrolling and enforcing the laws in Indian Country. And it’s no wonder. In addition to being responsible for covering vast swaths of territory, these offices would also likely be subjected to the onerous requirements of President Biden’s problematic executive order on policing, along with facing the long-hours and low pay other officers face too.¹⁰

Jurisdictional Morass in Indian Country

On top of that, imagine being on patrol, pulling over a car or truck late at night on a deserted reservation highway, and seeing illegal contraband—like drugs and guns—in plain view. Can the tribal police officer search and detain the suspect if he’s not a tribal member? He can, but that wasn’t clear until the Supreme Court definitively answered the question in a 2021 decision.¹¹ Jurisdictional questions like this—with real world practical consequences—often plague those who patrol Indian Country.

Now that the U.S. Supreme Court has perplexingly declared half of Oklahoma to be Indian Country—with the logic of this decision potentially extending to other territories too—the morass is more confusing than ever before.¹² Take, for instance, the situation in Tulsa, Oklahoma. On July 8, 2020, the citizens of Tulsa went to bed with their entire city firmly within the state of Oklahoma and subject to its laws. The following day, the Supreme Court issued its decision in *McGirt v. Oklahoma*, and many citizens of Tulsa went to bed with their homes now on reservation land—subject to some mixture of state, federal, and tribal law depending on who they are and where they are located.¹³ While the Supreme Court has slightly softened the impacts of this problematic precedent,¹⁴ local police still

www.heritage.org/crime-and-justice/report/twenty-first-century-illicit-drugs-and-their-discontents-the-scurge.

⁴*Id.*

⁵*Id.*

⁶Oversight Hearing, “Fentanyl in Native Communities: Federal Perspectives on Addressing the Growing Crisis” Before the S. Comm. On Indian Affairs, 118th Cong. (Dec. 6, 2023) (testimony of Vanessa R. Waldref, United States Attorney for the Eastern District of Washington), <https://www.indian.senate.gov/wp-content/uploads/2023-12-06-HRG-Testimony-Waldref.pdf>; see also 18 U.S.C. § 1151 (defining Indian country).

⁷*Id.*

⁸Exec. Order No. 14,053, Executive Order on Improving Public Safety and Criminal Justice for Native Americans and Addressing the Crisis of Missing or Murdered Indigenous People (Nov. 15, 2021), <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/11/15/executive-order-on-improving-public-safety-and-criminal-justice-for-native-americans-and-addressing-the-crisis-of-missing-or-murdered-indigenous-people/>.

⁹*Id.*

¹⁰Zack Smith, Biden’s Executive Order on Policing Misses Mark, *The Daily Signal* (May 27, 2022), <https://www.dailysignal.com/2022/05/27/bidens-executive-order-on-policing-misses-mark/>.

¹¹*United States v. Cooley*, 593 U.S. ____ (2021).

¹²Zack Smith, Supreme Court Decides Half of Oklahoma Has Been an Indian Reservation for Past 113 Years, *The Daily Signal* (Jul. 10, 2020), <https://www.dailysignal.com/2020/07/10/supreme-court-decides-half-of-oklahoma-has-been-an-indian-reservation-the-past-113-years/>.

¹³*McGirt v. Oklahoma*, 591 U.S. ____ (2020).

¹⁴*Oklahoma v. Castro-Huerta*, 597 U.S. ____ (2022).

struggle to enforce even basic laws based on the jurisdictional mess that's been created and left unresolved.¹⁵

If local and tribal police struggle to enforce basic public safety laws because of the jumbled jurisdictional provisions, it doesn't take much imagination to see how these provisions give cover to the cartels and hamper legitimate law enforcement investigations into cartel-driven organized crime efforts like human and drug trafficking operations.¹⁶ The urgency of the matter is hammered home when one considers that Tulsa's police chief has made clear that the "fentanyl crisis is huge for us. We can do interdictions and remove kilos of this stuff [where even 2 milligrams can prove to be a fatal dose¹⁷], but it doesn't stop. It just continues to plague the community."¹⁸

Seized Fentanyl Accounts for Only a Small Portion Being Smuggled Into Our Country

Of course it plagues Tulsa's community—and many others too. Consider that ABC News reported "[t]rafficking of fentanyl appears largely to occur at the southwest border, where 90% of the drug seized by [U.S. Customs and Border Protection] is found. Over the past year [2023], the agency seized more than 850% fentanyl compared to 2019 and seized nearly as much fentanyl in fiscal year 2023 compared to the previous year," according to DHS data.¹⁹ Consider too that this only accounts for fentanyl found and seized by CBP. At the end of December 2023, the Biden Administration encountered more than 12,000 people crossing the border each day.²⁰ To put this context, Obama-Administration DHS Secretary Jeh Johnson previously said that 1,000 border crossings in a single day made for a "bad day" that "overwhelms the system" and described 4,000 crossings in a single day as a "crisis."²¹ During Fiscal Year 2023, which ended on Sept. 30th of that year, Department of Homeland Security Secretary Alejandro Mayorkas admitted that over "600,000 people illegally made their way into the States without being apprehended by border agents."²² It's no wonder that fentanyl and other harmful drugs continue to flow into our nation's cities, towns, and tribal lands virtually unabated.

Conclusion

The sad reality is that this crisis was avoidable. If the Biden Administration had done its duty, secured our borders, and held offenders accountable for their actions, reservations and other localities wouldn't be experiencing the fentanyl crisis they currently face, and cartels would not feel emboldened to prey on these communities. Until the administration begins enforcing the law, the crisis will continue.

¹⁵ See *City of Tulsa v. Hooper*, 600 U.S. ____ (2023) (statement of Kavanaugh, J., joined by Alito, J., respecting the denial of the application for stay).

¹⁶ Kirk Siegler, Human Trafficking Crisis in Indian Country 'Like a Pandemic,' NPR (Mar. 12, 2021) (noting that according to a South Dakota state representative "too many crimes are going unsolved and perpetrators are taking advantage of the gaps between multiple jurisdictions" and that sometimes "the dots aren't connected that this is a human trafficking issue"), <https://www.npr.org/2021/03/12/976053675/human-trafficking-crisis-in-indian-country-like-a-pandemic>; see also Dan Harris, Brian Epstein, John Carlos Frey, Evan Simon, and Pete Madden, On Tribal Land Along US-Mexico Border, Drug and Human Smuggling Corrupts an Ancient Culture, ABC News (May 16, 2019), <https://abcnews.go.com/US/tribal-land-us-mexico-border-drug-human-smuggling/story?id=63064992>.

¹⁷ See Larkin, *supra* note 3.

¹⁸ Tim Landes, In Conversation with Wendell Franklin: Tulsa Police Chief on the Challenges He and His Officers are Facing, Tulsa People (updated Mar. 29, 2024), https://www.tulsapeople.com/city-desk/in-conversation-with-wendell-franklin-tulsa-police-chief-on-the-challenges-he-and-his-officers/article_0c164aee-eb8c-11ee-aba5-d7fe200012dc.html.

¹⁹ Quinn Owen, Border Officials Seizing A lot of Fentanyl, but Say It's a Complicated Problem to Solve, ABC News (Dec. 1, 2023), <https://abcnews.go.com/Politics/border-officials-seizing-lot-fentanyl-complicated-problem-solve/story?id=105255151>.

²⁰ @BillMelugin, X (Dec. 6, 2023, 2:01 PM), https://twitter.com/BillMelugin_/status/1732475304411886028.

²¹ *Id.*

²² Alex Oliveira, Alejandro Mayorkas Admits 600,000 Illegal 'Gotaways' Crossed Border in 2023, Calls Immigration System 'Broken,' NY Post (Oct. 31, 2023), <https://nypost.com/2023/10/31/news/alejandro-mayorkas-admits-600000-illegal-gotaways-in-2023/>

Statement for the Record**Harlan Baker****The Chippewa Cree Tribe of the Rocky Boy's Indian Reservation**

Two weeks ago, two members of the Chippewa Cree Tribe were shot and killed on the Rocky Boy Indian Reservation in North Central Montana by associates of international drug cartels. The senseless loss of these lives is a tragedy as well as a travesty of justice, but it was also not entirely unexpected. The forces of evil have been at work for several years, with drug cartels strategically praying on vulnerable tribal members and targeting Indian Country in remote areas, such as the Rocky Boy Reservation, where law enforcement is scarce. Drug cartels use tribal members and homes to flood Montana with fentanyl and methamphetamine, leaving death, addiction, and broken hearts and lives in their wake. The Tribe is desperately trying to deal with this complicated law enforcement issue with limited resources and limited help.

This is a reservation border security issue of utmost importance. The crisis is worsened by several factors, including unmet Rocky Boy law enforcement needs, inadequate tribal police training for drug and cartel investigations, inadequate funding and training of tribal prosecutors' offices, insufficient monitoring of drug cartel activities, insufficient resources to protect Indian Country and tribal peoples, decreased BIA law enforcement funding, and outdated tribal criminal codes to appropriately address drug cartel activity.

Montana's Indian Reservations are facing this epidemic unassisted. Our requests for help from the federal government have been ignored. Drug cartels have the advantage of unlimited resources from their evil drug trade, but we can't walk away from the problem. We must consider all available solutions, including cooperative tribal criminal jurisdiction agreements, reservation-wide checkpoints to search for drug dealers and gang/cartel members, and other community-based and local/state/federal strategies to thwart the continued infiltration by drug cartels onto reservations.

We are also at a crossroads where civil rights could be compromised. Many of the available solutions could come at the expense of individual civil rights, such as searches of known drug dealers, routine checks on homes with suspected drug activity, reservation bans, disenrollment of convicted drug dealers, reservation-wide sweeps of suspected drug dealers, police stops for out-of-state license plates. This risk requires a thoughtful and sensitive approach, or we will create additional challenges. The recent murders on the Rocky Boy Reservation are a symptom of a much larger disease. The time to act is now to collectively and decisively rid Indian Country of the evil scourge and tremendous suffering caused by international drug cartels.

Submission for the Record by Rep. Stansbury

Statement for the Record

Southern Poverty Law Center

Introduction

On behalf of the Southern Poverty Law Center, we write to provide our insights on issues discussed during the U.S. House Committee on Natural Resources, Subcommittee on Oversight and Investigations April 10, 2024, hearing entitled “Biden’s Border Crisis: Examining the Impacts of International Cartels Targeting Indian Country.” We appreciate the opportunity to share our expertise on the issue and one of the witnesses called to testify. We would ask that this statement be included as part of the Subcommittee’s formal hearing record.

Established in 1971, the Southern Poverty Law Center (SPLC) is a nonprofit organization founded in Montgomery, Alabama, to help ensure the promise of the Civil Rights Movement became a reality for all, particularly for Black communities in the South, who are all too often the victims of discriminatory policies and who experience targeted violence at the hands of white supremacists. We work in partnership with communities of color to dismantle white supremacy, strengthen intersectional movements through transformative policies and initiatives, and advance the human rights of all people.

Background

SPLC works to track, monitor, and expose organized hate and extremism in the U.S. As part of this mission, SPLC tracks anti-immigrant hate groups and documented 17 of these groups in 2022. One witness invited to testify at the hearing on April 10 was Jessica Vaughan, director of policy studies at the Center for Immigration Studies, (CIS). SPLC designates CIS as an anti-immigrant hate group.

Based in Washington, D.C., CIS serves as one of the leading anti-immigrant think tanks in the country. The group is known for producing reports warning of the dangers of mass immigration and making claims of high levels of criminality of immigrants that have been debunked elsewhere. The group has repeatedly circulated white nationalist and antisemitic writers in its weekly newsletter and commissioned a policy analyst who had previously been pushed out of the conservative Heritage Foundation for embracing racist pseudoscience.

CIS was founded in 1985 by the late John Tanton, a white nationalist and eugenicist who is credited as the architect of the modern-day anti-immigrant movement. Tanton sought to limit immigration to preserve a white majority in the U.S., as revealed by a cache of his personal memos. He founded a network of organizations to carry out his vision by pushing anti-immigrant policies and derailing meaningful immigration reform. He established CIS as an independent think tank to help give legitimacy to his network’s agenda.

Vaughan is a longtime staffer with CIS and has contributed to the group’s misinformation and obfuscation of the immigration debate. For example, Vaughan often decries the humanitarian Temporary Protected Status program, which provides relief for thousands of individuals who have fled war-torn nations and countries dealing with natural disasters, and falsely blamed it for an increase in crime in the U.S. She has previously discussed her work with *The American Free Press*, an antisemitic newspaper founded by noted Holocaust denier Willis Carto.

Vaughan used her remarks on April 10 to suggest that, under the Biden administration, the U.S. border has been turned into “a chaotic, dangerous and seemingly lawless frontier.” She lamented the relaxing of draconian immigration enforcement policies implemented during the Trump administration, like enforcement of Title 42, which was put in place during the height of the Covid-19 pandemic, and Migrant Protection Protocols, or the “Remain in Mexico” policy, which has sent over 70,000 people seeking asylum to face dangerous conditions and potential abuses in Mexico while they wait for their immigration court hearings. She advocated expanding problematic 287(g) programs, which entangle local law enforcement and federal immigration enforcement and have been riddled with abuse, discrimination, racial profiling, and violations of many people’s constitutional rights.

One of the other harms Vaughan said to be affecting American communities, including “Indian Country,” is Biden administration efforts seeking to halt construction of the U.S.-Mexico border wall. Some Tribal nations and leaders, however, have joined the Borderlands Advocates coalition, along with environmental groups like the Sierra Club, in opposing a wall, calling it an “affront to human and civil rights and to our vibrant border communities and borderlands.”

Some anti-immigrant groups seek to blame environmental issues on immigrants and migration. But as noted by Borderlands Advocates, “[t]hese barriers block wildlife migration, cause flooding and damage pristine wild lands, including wildlife refuges, wilderness areas, and national forests.” The coalition instead advocates for comprehensive immigration reform with a pathway to citizenship as a real way of addressing the complex issues at the border.

During the hearing on April 10, Rep. Delia Ramirez asked Vaughan if she believes in the racist “great replacement” theory, a conspiracy narrative which claims there is an active, ongoing, and covert effort to displace and replace white people in western nations with people of color and non-white immigrants. Mass murderers who have carried out violence in places like El Paso, Texas, Christchurch, New Zealand, Buffalo, New York, and Pittsburgh, Pennsylvania have cited this conspiracy theory as inspiration for their attacks. Vaughan responded that she was unaware of the concept. Yet, groups that operate in the same network as CIS have long pushed anti-immigration ideas akin to the great replacement.

Rep. Ramirez also pressed Vaughan about her repeated peddling ideas of there being a migrant “invasion” happening at the U.S.-Mexico border. This rhetoric aligns with great replacement ideas by framing migrants and asylum seekers, most of whom are from Central and South America, as being some kind of violent enemy which must be met with militaristic force. Vaughan responded, “I don’t use that term, it’s not appropriate.” But as reported by the immigration advocacy group America’s Voice, Vaughan is documented using the term “invasion” on social media. For example, in 2018, she re-shared an article claiming, “Trump has full constitutional power to stop the border invasion.” Invasion rhetoric also appears in articles published on CIS’s website.

America’s Voice has documented other members of the House Committee on Natural Resources amplifying similar “invasion” rhetoric.

This is not the first time Vaughan or a CIS staffer has been invited to testify before a Congressional committee. It remains important to highlight CIS’s harsh anti-immigrant rhetoric and agenda when they are given a prominent, prestigious platform. And while it is fundamental within democratic principles to debate immigration policy, dehumanizing rhetoric should play no part in that debate.

We appreciate the opportunity to submit this statement as part of the Subcommittee’s formal hearing record. For more information about SPLC’s work to ensure that our country safeguards our nation’s long-standing promise of opportunity and safety to arriving immigrants and that immigrants are treated fairly, equally, and with dignity, please contact Michael Lieberman, Senior Policy Counsel, Michael.Lieberman@splcenter.org.

