

**Testimony of Chris Cabrera
On behalf of the
National Border Patrol Council**

Background

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

The NBPC represents the interests of 16,000 front line Agents at the Border Patrol and my name is Chris Cabrera. I joined the Border Patrol in 2003, after serving 4 years in the U.S. Army as a paratrooper. I have spent my entire Border Patrol career here in the Rio Grande Valley Sector of Texas.

In FY 2022 the Border Patrol made an unprecedented 2.2 million apprehensions. This figure is approximately 5 times the number of apprehensions made in the last year of the Trump Administration and a clear sign of how the border policies of the Biden Administration are failing.

Approximately half of the individuals we arrested last year were expelled under Title 42. As you know, this authority will cease to exist after May of this year. What happened to the other million that were not expelled? The vast majority were released into this country under either a Notice to Appear (NTA) or paroled.

In addition to the apprehensions we made, there were well over 1.2 million confirmed illegal immigrants that evaded capture in the last two years. They got away simply because we did not have enough agents to apprehend them. To put this in perspective, right now we are in the Rio Grande Valley which has a population is 1.3 million people. We had almost the entire population of this portion of South Texas walk right into this country illegally because we lacked the manpower to stop them. If that is not the definition of a problem, I don't know what is.

Issues

If we are going to address the chaos on the border, we need two things. First and foremost, we must end catch and release. Winston Churchill once famously said Americans always do the right thing, only after they have tried everything else. When it comes to catch and release, I feel like Winston Churchill was right. The first time I testified before Congress was before the Senate Homeland Security Committee in 2015. I told the Senate then and I will tell you today, as long as we continue to release illegal immigrants into this country, they will continue to come. It is that simple.

Ending catch and release not only makes common sense – it is also the law. Section 235(b) of the Immigration and Nationality Act requires Homeland Security to detain all migrants apprehended entering illegally. Homeland Security may, I emphasize may, parole individuals on a case-by-case basis for urgent humanitarian reasons or significant public benefit. That is not

what the Biden Administration has been doing the past two years and a federal judge just vacated the Administration's parole policy which is just catch and release by a different name.

The second issue is Congress's responsibility, and you need to resource Border Patrol to accomplish our mission of securing the border. Border Patrol staffing currently hovers around 19,300 agents and Tucson Sector Chief Joe Modlin testified in February before the House Oversight Committee that Border Patrol needs at least 22,000 agents to deal with the current crisis.

Increasing net manpower by 2,700 agents is going to take a tremendous effort that will require us to do two things simultaneously. First, we need to keep the agents we already have and recruit more agents. Sounds simple, but we have a problem. Border Patrol's attrition rate is currently 6.9 percent which is 72 percent higher than the Office of Field Operations. Worse news is that our attrition rate is expected to climb to over 9 percent by 2028.

The primary reason we cannot recruit and retain agents is that we lack pay parity with other federal law enforcement. I have spent most of my adult life protecting this country – first in the Army and for the last 20 years with Border Patrol. I love my job, and as I often tell my wife, you don't join the military or Border Patrol to get rich. However, I would make about \$15,000 more per year if I left Border Patrol. For many agents with young families the extra money and better work-life balance these other agencies offer makes the decision for them.

Let me be blunt, if we continue to hemorrhage personnel there is no way we will secure the border. We have spent billions on fencing, aircraft, and technology over the course of my career. All of these investments are important - and I want to thank you for it. However, we have not sufficiently invested in our agents, which are the most important element in border security.

Last Congress Senators Portman, Sinema, and Lankford introduced S. 4775 which has a provision, section 4, to address our recruitment and retention issues. I know the Committee is working on comprehensive legislation to address the crisis. I appreciate your efforts and the fact you came all the way down here to have this hearing to learn what we need. Now that you know what we need, I respectfully ask that you take action and that action must include addressing our recruitment and retention issues.

Thank you for the opportunity to testify and I will happily answer any questions you might have.