

Testimony of Brandon Judd
On behalf of the
National Border Patrol Council
For United States House Committee on Homeland Security
July 10, 2014

Chairman Duncan, Ranking Member Barber, members of the Committee, on behalf of the 16,500 rank and file Border Patrol Agents whom I represent, I would like to thank you for holding this hearing.

My name is Brandon Judd and I am the President of the National Border Patrol Council. I have been a Border Patrol Agent for 17 years and I am currently assigned in Maine. Most of my career however has been spent in the El Centro, California and Tucson, Arizona sectors.

During my years in the Border Patrol, I've seen how decisions made in Washington can directly affect border security. For that reason I am pleased to offer my thoughts on the impact of designating the Organ Mountains-Desert Peaks area as a National Monument.

Two things need to be in place for border security. The first is sufficient manpower in the way of trained Border Patrol Agents in a given area of operation. The second is the ability to deploy a full suite of border security technology. This includes seismic sensors, cameras, communication equipment, fencing, and even aircraft.

Currently about 40 percent of the 1,900 mile southwest border is owned by the federal government. Border patrol Agents need access to the land to track and find illegal aliens and narcotics smugglers. However, our ability to access federal lands has been varied and the level of cooperation we receive from the Departments of Interior and Agriculture has been dependent of the attitude and resources of individual land managers.

As a law enforcement officer, I am fully cognizant that we are a nation of laws. The 16,500 Border Patrol Agents know that there are numerous environmental regulations governing access to federal land. However, a balance must be struck between border security and the requirements for environmental protection required under the National Environmental Policy Act, the Wilderness Act, and the Endangered Species Act. Several negotiations ultimately led to a 2006 Memorandum of Understanding between USDA, Interior, and DHS that resulted in improved access and better inter-agency cooperation in more recent years.

However, the Government Accountability Office found in 2011 that about half of the Border Patrol stations that are assigned to patrol federal lands experienced delays, some lasting more than 6 months, in accessing USDA and Interior land. This kind of delay is unacceptable and its impact on Border Patrol operations are real.

In terms of how we can improve the current system, I would offer the Committee two thoughts. The first is that it has been suggested that Border Patrol be allowed to use its own funds to conduct any environmental assessments needed, as required under various environmental regulations. In theory, I support this but understand that under sequestration we have five percent less manpower on the border than we did last year. In addition, we do not have enough money for gasoline and we have resorted to Agents riding three to a vehicle instead of patrolling individually as we have always done to maximize coverage. This is the budgetary reality we are in today. I would not support funding being diverted from manpower to conduct environmental assessments.

The second comment is that USDA and Interior land managers need to better balance the impact the Border Patrol's presence has on federal land against the potential impact from illegal immigration and narcotics smuggling. We are often told that no access to federal land is possible due to environmental concerns. However, Border Patrol Agents go onto federal land with the single purpose of tracking illegal aliens. We try to accomplish this mission as quickly and as efficiently as we can, with as little disturbance to the environment as possible. I have personally seen from my time in Arizona how pristine landscapes can be quickly destroyed after illegal encampment, covered in trash and waste.

What will be the impact of this National Monument designation on border security? The honest answer is that I do not know. That will largely depend on the attitude of the Monument's land manager, whether he or she has the proper resources to respond to Border Patrol's requests, and whether this Committee will hold the Department of Interior accountable.

Again, thank you for the opportunity to testify and I would be happy to answer any questions that you might have.