



National Border Patrol Council

**Testimony of Jon Anfinen
On behalf of the National Border Patrol Council
In front of the House Homeland Security Subcommittee on Border and Maritime Security
January 9th, 2018**

Background

Good morning Chairwoman McSally, Ranking Member Vela, and distinguished members of the Subcommittee. Thank you for the opportunity to appear before you today to discuss several important issues related to Border Security. My name is Jon Anfinen and I have been a Border Patrol Agent for 11 years. I am currently assigned to the Del Rio Sector in Texas as a field Agent. In addition to being a field Agent I have also served several years working in the agency's prosecutions unit, including two years as the liaison to the U.S. Attorney's Office in Del Rio, Texas.

I want to discuss with you this morning the issues of retention and recruitment and how they affect Border Patrol's operations. As many of you know, law enforcement is a difficult career. The hours are long and often unpredictable. We work weekends and holidays and miss out on birthdays and anniversaries. And, unfortunately, we sometimes see the worst of humanity. We will encounter violence and resistance, as increasingly every action we take is under the microscope. All of this takes a toll on not only us, but our families.

Although there are challenges with this profession, I work with a lot of really great people who care about border security. They have become a second family and after 11 years on the job I still look forward to work every day. We do a job that truly matters and whether it is arresting illegal aliens who recently crossed the border, interdicting drug smugglers, rescuing illegal aliens lost in the brush, or a litany of other activities, I believe our work makes a difference to this country.

However, there are aspects of being a Border Patrol Agent that present a challenge when it comes to recruitment, retention, and morale. Unlike many other federal law enforcement agencies, Border Patrol works shift work that covers 24 hours a day, seven days a week, 365 days a year. We operate in some of the most unforgiving environments in the country. This job is physically hard on our bodies and some Agents struggle to make it to retirement after a career filled with injuries. And we often work in communities that lack quality healthcare, schools, and employment opportunities for our spouses. Many of the amenities folks here in Washington, D.C. take for granted simply do not exist where we live and work.

Retention

I would like to first start with addressing Agent retention. As an agency, the Border Patrol is only as good as its employees. If we cannot retain quality personnel we will never be able to secure our border. As Brandon Judd has previously testified, we are approximately 2,000 Agents below the congressionally mandated floor of 21,370 Agents.

This deficit is largely the result of two issues: the first is that the agency is facing a significant wave of

retirements of Agents who were brought on during the hiring spree in the early 1990s and the second is Agents leaving the Border Patrol prior to retirement which remains a persistent problem. Currently, the Border Patrol has a 6 percent attrition rate which, according to GAO data (GAO-09-727), is nearly twice the government-wide federal law enforcement attrition rate of 3.2 percent. Border Patrol Agents routinely transfer to other federal law enforcement agencies for a host of reasons. By transferring to other agencies, they gain a regular schedule, in most cases a less physically strenuous job, have access to different career paths, and typically find employment in a major metropolitan area where the amenities are much greater.

Compounding the problem is the pay disparity that Border Patrol has with competing agencies. In 2014, Congress passed the Border Patrol Agent Pay Reform Act (P.L. 113-277). This legislation modernized the overtime system that Border Patrol Agents had used for over 40 years and for the first time gave Border Patrol Agents a stable pay system. This legislation, which we supported, was originally revenue neutral. However, through the legislative process, the Obama Administration forced through a savings cut of \$100 million per year in the final law. As a result, the average Border Patrol Agent took a pay cut of approximately \$5,500. We only supported the legislation because the agency had begun limiting Agents Administratively Uncontrollable Overtime, which began affecting Agents monthly pay and retirement.

It is our understanding that it costs approximately \$180,000 to recruit, hire, and train one new Agent, which means with every Agent we lose, taxpayers lose \$180,000. If Agents were properly compensated, it would ultimately lead to a net gain for the taxpayer.

The Border Patrol cannot be successful as an organization if our attrition rate remains nearly double what our sister agencies are facing, therefore we must address this pay disparity. The National Border Patrol Council has already initiated discussions with the Trump Administration to eliminate this gap, however I hope that Congress might be able to play a positive role in resolving this issue.

Recruitment

On the recruitment side, we face similar challenges. This Committee, through the Border Security for America Act, has supported the Administration's proposal to hire 5,000 additional Agents to bring us to 26,370. In order to do this and account for attrition, the Border Patrol will need to hire and train approximately 2,729 new Agents every year for the next five years. To put this in perspective, in 2016, the Border Patrol hired, trained and deployed only 485 new Agents. At this hiring rate we are not able to keep up with attrition, much less add manpower.

Above all, the single biggest hindrance to hiring is the polygraph. I know this is a controversial subject, but as you likely know the Border Patrol is failing approximately two out of every three applicants, which is double the rate most law enforcement agencies see. There is clearly a problem with how we are administering the polygraph.

In response, last year this Committee passed the Anti-Border Corruption Reauthorization Act. This legislation would provide CBP with the ability to waive the polygraph for certain state and local law enforcement officers who previously passed their agency's polygraph, as well as other federal law enforcement and military service members, provided they meet certain conditions.

We believe this is a positive step forward, but not the solution. The bottom line is that we need to start administering the polygraph correctly and stop treating prospective job applicants like criminal suspects. There are many Agents in the field who personally know an applicant – some of whom they recruited – who has failed the polygraph. Ironically, many of these applicants later get hired by state, local or other federal law enforcement agencies, sometimes passing another polygraph.

Despite the support the Border Patrol has received from the current administration, our ranks are still plagued

with low morale. There unfortunately remains within our agency those who believe it is not the job of a manager to be concerned with employee morale and that it is up to each individual Agent to find their own motivation to do this job. CBP has thankfully begun to seriously look at employee resiliency, including morale, but until we get everyone in the agency on board with the concept that employee morale is part and parcel of effective border security, we will continue to lose more Agents than we can hire.

Many of the agencies that do well with recruitment and retention are able to provide a portfolio of the benefits and perks which make their agencies a desirable place to work. Now that all law enforcement agencies are having to compete with agencies nationwide for a shrinking pool of applicants, Border Patrol needs to do a better job of making itself more competitive and desirable, both for current Agents and prospective employees. We have to get a handle on this situation sooner, rather than later, because the adverse effects of low morale and attrition oftentimes are not detected until years later, usually when it is too late to fix the situation.

I want to thank the Committee for your time this morning and I look forward to answering any questions that you may have.