

**Testimony of Brandon Judd on behalf of the Border Patrol Council on the Impact of Sequestration on Homeland Security: Scare Tactics or Possible Threat?**

*In front of the Subcommittee on Oversight and Management Efficiency, Committee on Homeland Security*

April 12, 2013

Chairman Duncan, Ranking member Barber, distinguished members of the Committee,

It is an honor for me to appear before you today. I serve as the president of the National Border Patrol Council and I speak on behalf of more than 17,000 Border Patrol agents who secure over 6,000 miles of international boundaries between Mexico and Canada, and 2,000 miles of coastal waters.

Today, I am here on behalf of the Council to discuss the effect of sequestration on border security. Let me be brief and clear: there can be no question that across-the-board cuts affect border security. As Border Patrol agents, we strive to apprehend and deter terrorists, drug smugglers, human traffickers, and illegal immigrants from entering the United States. In 2011, we made over 350,000 apprehensions on the Mexican border alone. We seized close to 11,000 pounds of cocaine, and 2.6 million pounds of marijuana. Agents are vital even at the 700-mile stretch where fencing has been installed. Without constant surveillance and patrol, we know from experience that the fences would be quickly cut through, climbed over, or otherwise rendered useless by drug cartels and traffickers, no matter how advanced our electronic system is.

To achieve border security, over 20,000 agents work in three, ten-hour shifts, including two hours of overtime per agent per day. This structure is the equivalent of having 25,000 full time border patrol agents, but at a far lower cost to taxpayers. It is important to understand that the current border security system relies on agents working overtime as a cost saving measure because it is far more economical to pay for two hours of overtime than it is to recruit and train five thousand new agents, especially under current fiscal constraints. The proposed sequestration cuts would mean the loss of two hours of manpower per agent per day or the equivalent of scaling down the workforce to approximately 16,000 agents.

The agents typically use the two overtime hours to cover shift changes when points of entry at the border are the most vulnerable. Let me provide the members of the Committee with some examples to illustrate the point:

- The two-hour overtime is commonly used to track illegal crossings that occur during shift changes. Drug cartels are well-informed about the agents' shift changes and information relevant to their chances of apprehension, from the number of beds available at detention centers to the amount of time it takes to process through a holding tank. They know

their greatest chance for crossing the border illegally is at the end of each shift, and many plan their crossings accordingly. As a result, agents routinely track and investigate groups that have attempted or succeed in crossing the border during their two-hour overtime work period.

- Similarly, criminal cartels often attempt to drive their vehicles through the border during shift changes, seeking to take advantage of the change in personnel. Agents routinely investigate leads or drive in pursuit of those vehicles during the two-hour overtime period.

Some have suggested that the Agency can limit overtime manpower only to areas that are currently experiencing high apprehension rates, such as in Casa Grande, Arizona. Let me respond to this suggestion by providing an example from our recent history. Many of you may remember that in the mid-90s, strict enforcement coupled with extra manpower in San Diego, California, and El Paso, Texas, caused the pattern in illegal immigration to shift to Arizona almost overnight. As a result, while San Diego and El Paso might have experienced a temporary drop in illegal crossing, towns like Nogales in Arizona saw their illegal crossings rise to the level of chaos, ultimately requiring a 30 percent increase in border patrol agents to staff the crossing point. If we selectively limit manpower to current locations with high volumes of illegal crossing, all we have really achieved is in shifting the point of illegal entries to a different location, especially given how well-informed organized crime has become in the past decade. Our borders can never be secure if we do not have a comprehensive and thoughtful approach to border security. If we constantly fall one step behind criminal cartels, and if the best we can do is to merely shift the points of illegal entry, we will have accomplished nothing.

The 20,000 plus Border Patrol agents are our nation's first line of defense in combatting terrorism, drug trafficking, and illegal immigration. The current system relies on these agents working three, ten-hour shifts to achieve a stable border. The proposed sequestration cuts amount to a twenty percent reduction in our work force—in our ability to detect illegal weapons, to track and apprehend drug and trafficking cartels, and to prevent illegal entries.

Let me now move on to my second point. Border security should not ebb and flow with Washington's political climate. The current sequestration, if implemented would be detrimental to our nation's security by suddenly reducing Border Patrol's workforce by twenty percent. Instead, we need a stable pay and administrative system that reduces reliance on overtime, while maximizing the existing workforce. The proposed system should save costs for the taxpayers, bring certainty to the Agency's budget, and most importantly—provide a consistent level of patrol, surveillance, and investigation that leads to apprehension and deterrence.

To that end, the Border Patrol Council has proposed a long-term solution that results in a \$6,000 loss of annual income per agent, while maintaining the level of manpower necessary at borders

and ports of entry without relying on further hiring. We achieve this goal by modifying the current overtime pay scheme.

Under current law, Border Patrol agents who work in excess of 85.5 hours over a two-week pay period are paid overtime of time-and-half up to the 100 hour threshold. Overtime that is worked beyond the 100-hour threshold is paid at half time. We propose to save costs by reducing overtime pay in exchange for a one time, two step increase in the agent's base pay. These changes will save the Border Patrol over \$40 million in the first year and \$125 million annually every year thereafter.

We do not propose these changes lightly. Almost all agents who are affected by the proposal would take home less pay as a result. However, the proposal, if adopted, would provide certainty for everyone—the Agency, the 20,000 plus Border Patrol agents, and the public—by providing a predictable budget, and a consistent level of border security that is resilient.

In conclusion, I want to stress the two points I made today for the committee. The first is there can be no question that sequestration hurts border security. The proposed cuts amount to a twenty percent reduction in manpower and is unworkable given our current system of three, ten-hour shifts without hiring and training more agents. From a policy standpoint, it is important to understand that in addition to apprehension, the agents' reliable and consistent presence, day in and day out, deters criminal cartels, traffickers, and terrorists by making it more difficult and costly for them to enter the United States illegally. Second, it is high time that we implemented a pay system that is palatable to the agency, agents and the tax payer. The Reform I have just proposed saves tax dollars, reduces overtime pay, and brings about financial certainty to both the Border Patrol agents and the Agency alike. I submit my remark on behalf of the 17,000 member agents who are dedicated to their work and our nation's mission to have a secure border while maintaining the overarching principles of openness and fairness.

Thank you for your time and consideration. I look forward to answering your questions.