

STATEMENT OF THE
NATIONAL BORDER PATROL COUNCIL
OF THE
AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES
AFL-CIO

BEFORE THE
SUBCOMMITTEE ON MANAGEMENT, INTEGRATION, AND OVERSIGHT
COMMITTEE ON HOMELAND SECURITY
UNITED STATES HOUSE OF REPRESENTATIVES

TRAINING MORE BORDER PATROL AGENTS:
HOW THE DEPARTMENT OF HOMELAND SECURITY
CAN INCREASE TRAINING CAPACITY MOST EFFECTIVELY

PRESENTED BY

T.J. BONNER
NATIONAL PRESIDENT

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On behalf of the 10,000 front-line employees that it represents, the National Border Patrol Council appreciates the opportunity to share its views and recommendations regarding the challenges presented by the public mandate to significantly increase the number of Border Patrol agents.

Beyond a doubt, our Nation's borders are out of control. With only 10,700 agents responsible for patrolling about 8,000 miles of land and coastal borders, the Border Patrol is simply overwhelmed by the volume of traffic that constantly streams across our borders. Front-line agents estimate that between three and four million people cross our borders illegally every year, yet they are only able to apprehend slightly more than one million of them. The most troubling aspect of this problem is the fact that we know nothing about those who successfully enter our country illegally. Although the overwhelming majority of them are searching for employment opportunities, it has now been confirmed that a significant number are criminals. In the first three months after the integration of the Border Patrol and the FBI automated fingerprint systems last September, more than 23,500 criminals — about 8% of the total number of all persons apprehended — were arrested, including 84 homicide suspects, 37 kidnaping suspects, 151 sexual assault suspects, 212 robbery suspects, 1,238 suspects for assaults of other types, and 2,630 suspects implicated in dangerous narcotic related charges.¹ It is not unreasonable to extrapolate that same percentage to the millions of people who avoid apprehension, nor is it unrealistic to assume that some terrorists are also taking advantage of our porous borders.

In order to bring our borders under control, a comprehensive enforcement strategy is needed. By far, the most important step that can be taken is to directly confront the problem at its source rather than continuing to tinker with the symptoms. Without question, the overwhelming majority of people enter the United States illegally in search of economic opportunities. In order to change this dynamic, the employment magnet must be eliminated. The only way to do this is by enacting legislation that makes it easy for employers to know which applicants are authorized to work in this country, and painful for them to hire those who are not. H.R. 98, the "Illegal Immigration Enforcement and Social

¹ Customs and Border Protection press release, December 20, 2004.

Security Protection Act of 2005,” achieves these goals. Even this measure, however, would not eliminate the need for significant growth of the Border Patrol in order to enhance its ability to effectively deal with the increasing problem of criminals and terrorists seeking to enter our country.

This expansion presents a number of challenges. In addition to significantly increasing the number of Border Patrol agents, there must be a commensurate growth in the infrastructure that supports them. Adequate equipment, facilities, and support personnel are all necessary in order to ensure that the new agents are able to effectively carry out the mission of the agency. Currently, even the existing workforce is plagued by deficiencies in all of these areas. Thus, these additional expenses must be factored not only into the cost of hiring new employees, but also into upgrading support for current employees. To cite but a few examples:

- The number of support personnel is wholly inadequate, causing able-bodied Border Patrol agents to be assigned to duties such as monitoring cameras and sensors, operating communications equipment, and repairing vehicles. Not only does this waste money by having lower-graded work performed by higher-paid employees, it detracts from the accomplishment of the agency’s core mission by diverting trained law enforcement personnel away from their primary duties.
- Numerous buildings were designed for only a small fraction of the employees that are currently assigned there, and even more facilities are woefully inadequate for the number of employees that are projected to be assigned there in the near future.
- The overall condition of the Border Patrol’s vehicle fleet is deplorable. A large percentage of vehicles have mileage that far exceeds the recommended amount for law enforcement vehicles, and need to be sold or scrapped. Inordinate amounts of time and money are being spent to keep these vehicles operating. In many locations, the few vehicles that are serviceable at a given moment are being operated 24 hours a day, accelerating their breakdown. This situation also forces agents to wait for the previous shift to bring in vehicles, causing needless gaps in coverage along the border.

- Many Border Patrol agents are still carrying handguns that are prone to breakdowns after firing as few as 5,000 rounds of ammunition, a threshold that was surpassed several years ago.
- In most locations, numerous employees have to share a single computer terminal, causing countless hours to be wasted waiting to access these workstations.
- Far too many Border Patrol agents are wearing body armor that has expired or is made out of defective material that deteriorates in a matter of months when exposed to ultraviolet light or perspiration.
- The communications system in many areas is filled with large expanses where radios are unable to transmit or receive, needlessly endangering agents in the field.

Front-line employees deeply appreciate the recognition by Congress of the need to quickly reinforce the thin ranks of the Border Patrol. The process of hiring and training substantial numbers of new agents will be complicated by a variety of problems, however:

- The recruitment program needs to be significantly expanded. When the decision to drastically scale back on the recruitment and hiring process was made early last year, it stranded thousands of interested applicants in the hiring pipeline. Unfortunately, most of them have since moved on to other careers.
- The screening process, wherein suitable candidates are identified through testing, interviews and thorough and timely background checks, is a critical part of the recruitment process. The temptation to cut corners on these processes for the sake of expediency must be resisted at all costs. A lack of attention to these important matters up front can be incredibly damaging and costly later.
- The training process entails much more than just teaching new recruits the fundamentals in the structured environment of the Border Patrol Academy. Following that 19-week course, new-hires continue their academic studies at least once a week for the next six months. Even more importantly, they are paired up with experienced agents during that same period to receive one-on-one field training.

This critical aspect of the training process limits the number of agents that can be trained at any given time. For this reason, the National Border Patrol Council believes that it would be a mistake to attempt to increase the size of the Border Patrol by more than 25% annually. The addition of 10,000 Border Patrol agents over the next five years as authorized by the Intelligence Reform and Terrorism Prevention Act of 2004 is well within this margin, however. The Border Patrol was able to absorb a similar increase following the passage of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, which also authorized a doubling of the Border Patrol workforce. That legislation called for the addition of 1,000 Border Patrol agents and 300 support personnel for each of the following five fiscal years. Despite the skepticism surrounding those ambitious hiring goals, they were in fact met during the first four years. The latest authorization actually represents a smaller annual percentage increase than the previous build-up, and is likewise attainable.

- The training facility in Artesia, New Mexico is less than ideal for training large numbers of new Border Patrol recruits. It is remotely located, and the existing facilities are inadequate. Although a substantial investment in facilities will undoubtedly need to be made regardless of where the training facility is located, some thought needs to be given to the desirability of the location from the viewpoint of the potential pool of permanent and temporary instructors. It will be difficult to entice an adequate number of volunteer instructors to go to Artesia for a minimum of six months, and it would be foolish to force employees to go there as instructors for any length of time. Impressionable new-hires deserve to be trained by instructors who are both highly-qualified and highly-motivated.
- The Border Patrol needs to revamp and standardize its field training program to ensure that new-hires are learning all of the requisite skills in a systematic and comprehensive manner. The current system is too haphazard, and is in need of vast improvements.
- The recent practice of requiring former Border Patrol agents to complete the entire 19-week Border Patrol Academy course again after they are re-hired is a waste of time and precious resources.

These employees have already proven their mettle, and any refresher training that might be necessary could be accomplished in much less time.

Hiring large numbers of new employees will accomplish very little if they merely use the Border Patrol as a springboard for other law enforcement careers. For a variety of reasons, the Border Patrol has experienced a considerable amount of difficulty in retaining agents beyond a few years:

- Lack of job satisfaction. The most commonly-cited complaint concerns the so-called “strategy of deterrence” wherein agents are required to sit in stationary positions for eight to ten hours a day instead of being allowed to pursue those who are crossing our borders illegally. This “scarecrow strategy” never deterred anyone from crossing — at the most it merely pushed traffic to another part of the border — and has facilitated the entry of countless criminals and terrorists.
- Low pay. Border Patrol agents are paid considerably less than many other Federal, State and local law enforcement officials performing tasks of comparable complexity and danger. Because of their training and reputation, Border Patrol agents have no problem finding employment with other law enforcement agencies.
- Lack of mobility. Agents have very little choice in their initial assignment, and then find it very difficult to subsequently relocate. Even though the National Border Patrol Council convinced the agency to participate in a test program that dramatically reduced the cost of relocations, the agency has used this authority sparingly, and recently even canceled more than 150 transfers that had previously been approved. As might be imagined, this has had a devastating effect on morale.
- New personnel system. The recent changes in the personnel system authorized by the Homeland Security Act of 2002 have caused numerous employees to reconsider their decision to remain with the Federal Government. All employees want to be treated and paid fairly, and to have a say in the decisions that affect their working conditions. Although the new rules purport to be progressive measures that will reward and encourage superior performance and hold all employees accountable,

they are in fact throwbacks to the corrupt, cronyism-based nineteenth century civil service system that nearly ruined public service in this country. Even though this system has not yet been officially implemented, disturbing evidence of management abuses of power in anticipation of this new authority is already coming to light.

Although the attrition rate has stabilized at a relatively low level lately, this will not last, as the aforementioned problems have not been resolved. The current level is artificially low for two primary reasons:

- The dearth of recent new-hires skews the rate lower than normal, as the attrition rate has historically been highest among employees during their first three years of employment.
- Budgetary shortfalls at all levels of government — Federal, State, and local — are temporarily keeping dissatisfied employees in place. As soon as these other agencies begin hiring large numbers of employees, a mass exodus of Border Patrol agents will undoubtedly occur, as was the case when the Federal Air Marshal Service began its hiring expansion and the Border Patrol's attrition rate soared to nearly 20%.

While the aforementioned challenges are formidable, they are not insurmountable. Many of them will require substantial expenditures to address, but the security of our Nation's borders is a worthwhile investment. It must constantly be remembered that the goal is not simply to hire more Border Patrol agents — the underlying reason for this build-up is the security of our borders. Every decision related to the hiring of Border Patrol agents must therefore reflect that overarching goal and purpose. Shortchanging this process will ultimately diminish the security of our Nation.