

Statement of

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Before the

**Senate Judiciary Committee
Subcommittee on Immigration**

Regarding

Border Patrol Operations and Staffing

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Mr. Chairman, members of the subcommittee, thank you for the opportunity to appear before you today to discuss Border Patrol operations, hiring, recruitment and retention. The Border Patrol is the uniformed enforcement arm of the U.S. Department of Justice, Immigration and Naturalization Service responsible for the prevention, detection, and apprehension of those illegally entering the United States, as well as intercepting drug smugglers between the legal ports-of-entry. With your support, the Border Patrol has, since 1993, more than doubled in size and received record increases in equipment and technology. We have supported these unprecedented resources with coherent strategies that ensure our resources are deployed in the most efficient and effective manner possible. As a result of these efforts, we have strengthened significantly the enforcement of immigration law at our borders.

BORDER MANAGEMENT

In the area of border management, we have achieved more in the past five years than had been accomplished in decades. Nowhere else is the success of our strategic approach to enforcement more evident than along the Southwest border. Before 1993, there was no comprehensive plan for controlling this 2,000-mile frontier – and it showed. The number of Border Patrol agents was insufficient to get the job done, and those we did have were ill-equipped. As a result, illegal immigrants came across the border undeterred, as did illicit drugs.

To bring integrity and safety to the Southwest border, we developed a comprehensive, multi-year Southwest border strategy in 1994. Its goal is clear: a border

that works; one that deters illegal migration, drug trafficking, and alien smuggling, while facilitating legal traffic through the ports-of-entry. Simply stated, the strategy is to regain control of the border by focusing new resources on those areas where most of the illegal crossings occur. To meet this goal, we initiated unparalleled growth in personnel and resources. Since FY 93, we have more than doubled the number of Border Patrol agents to approximately 8,000, as of February 13, 1999, with the vast majority stationed along the Southwest border. To reach this level, we hired 1,900 agents in FY 98 alone and trained them at facilities in Charleston, SC and Glynco, GA. These new agents have been backed up by infrared scopes, underground sensors and other force-multiplying equipment and technology, as well as by infrastructure improvements.

As the Border Patrol Strategic Plan has matured, the Border Patrol's strategic efforts have been directed to areas of operational focus along the Southwest border. Our border management efforts from 1993 to 1996 concentrated on El Paso, Texas and western San Diego county in California. In 1997, we began to expand our focus to eastern San Diego county and Imperial county, south Texas, Arizona, and New Mexico. "Operation Rio Grande," launched in August 1997 in Brownsville, Texas, was a special multi-year operation designed to gain and maintain control of specific border areas through a combination of new technology and additional staffing. At the start of the operation, 69 Border Patrol agents were detailed to Brownsville in August of 1997 to intensify existing enforcement efforts. In September 1997, we began deploying special response teams to those ports-of-entry where we expected increased numbers of fraudulent entry attempts. In FY 98, 260 new Border Patrol agents were added to McAllen Sector and 205 to Laredo Sector. An important feature of "Operation Rio

Grande” has been the integration of a broad range of INS enforcement operations. Border Patrol agents, Inspectors at ports-of-entry, Investigators, Intelligence analysts, and Detention and Deportation Officers are all contributing to the operation. We are seeing lower apprehension and reduced local crime rates as a result of the operation, indicating the effectiveness of our deterrence strategy. The crime rate in Brownsville alone dropped by more than 20% in FY 98, and the overall apprehensions for McAllen Sector decreased by 17% compared to the previous year.

In FY 98, INS extended “Operation Gatekeeper” through the El Centro initiative to address changes in smuggling and illegal crossings occurring along the border in El Centro Sector. The initiative includes detailing additional agents to the immediate border areas of Calexico and El Centro, California, to deter alien smuggling operations in those areas. The El Centro Sector has been allocated an additional 78 new agents from the FY 99 budget to bolster the efforts of the 134 new agents deployed in FY 98. As an indication of the positive effect on border control already attributable to this initiative, during the first quarter of FY 99, the sector experienced its first quarterly drop in apprehensions after four straight years of continuous increases. While the rate of apprehensions is still fluctuating up and down, this is to be expected in the early stages of improved border control in any area. But it is clear that the initiative is having an impact, in both deterrence and control.

“Operation Safeguard” encompasses the area of the Tucson Sector. Tucson Sector was the busiest sector on the Southwest land border in FY 98, and that trend continued as apprehensions increased by 21,240 or 41% in the first quarter of FY 99. Some part of the increase in apprehensions is attributable to an improved enforcement

capability made possible by adding agents, better equipment and enforcement infrastructure to the Tucson Sector. Once the 350 agents allocated in the FY 99 budget are on-board in Tucson, 1,087 agents will have been added to the Tucson Sector since 1994.

In the areas where we have concentrated our efforts, we have demonstrated that deterrence can work even in the most difficult conditions. We continue to concentrate resources on critical operational areas of the Southwest border, in support of this strategy. Once we gain control of the Southwest border, the strategy's emphasis will broaden to include the coastal and Northern border sectors.

There is no doubt that agent staffing and other enforcement resources are a critical part of gaining control of the border. The Border Patrol is developing a management tool, the Resource and Effectiveness Model (REM), to assist planners in making decisions regarding allocation of resources to the Border Patrol Sectors and Border Patrol stations, and to determine the optimal mix of agents and technology. The model does not provide the definitive number of agents needed, but it does provide planners with important information regarding the appropriate mix of resources given varying sets of conditions.

The latest revised REM (software/equipment) is now being deployed to all Sectors. Sectors are scheduled to complete entering Sector-specific information (such as number of agents, vehicles, apprehensions, local roads, geography, topography, weather) into the Sector REM database this summer. When completed, planners will be able to use the Resource Effectiveness Model to assist in designing resource mix and allocation plans that yield the highest return.

AUTOMATION AND TECHNOLOGY

Technology improvements have also played a key role in the success of Border Patrol enforcement functions. Our technology investments make our agents more effective in every phase of border enforcement from deterrence to apprehensions to case processing. For example, the IDENT system, a database based on fingerprints of apprehended aliens, allows agents to positively identify criminal aliens and repeat crossers previously apprehended.

In FY 98, INS began installing ISIS, the Integrated Surveillance Intelligence System, a state-of-the-art force-multiplier. This field-tested technology consists of poles to which day and night vision cameras are attached, which are linked to centrally located command centers equipped with video monitors allowing a single agent to monitor a vast area of terrain. The ISIS system also includes ground sensors which, when triggered, send a signal to a designated camera. The video-monitoring site is alerted and can immediately view the site. This technology significantly enhances Border Patrol's ability to maximize effectiveness and agent safety. The camera may reveal anything from armed drug smugglers requiring immediate dispatch of agent teams, to animals requiring no response at all. ISIS is now being deployed to Nogales, El Paso and Laredo, with 58 additional sites planned this year. Other high tech tools include personal night vision equipment, long range infrared scopes, encrypted radios and GPS, Global Positioning System locators.

CONSTRUCTION

The FY 2000 construction budget request includes approximately \$34 million for 7 Border Patrol facility construction projects. Since FY 95, INS has initiated 25 major construction projects in support of expanding operations along the Southwest border, with an estimated cost in excess of \$110 million. Eight additional projects, estimated at over \$47 million, will be under construction in FY 99. Additionally, over \$20 million has been spent to address safety and health problems, including the clean-up and replacement of leaking underground fuel tanks, and for needed renovations at existing facilities, and the repair and improvement of border barriers, such as fences, lights and roads.

RECRUITMENT AND HIRING

The President's FY 2000 budget maintains Border Patrol staffing at the FY 99 authorized level of nearly 9,000 agents, which represents a 126 percent increase and approximately 5,000 agents over the FY 93 level of 3,965 agents.

We have met our hiring goals for the past four years and in fact exceeded them for the past two years. Over the past four years, we have hired over 6,100 new agents which, taking into consideration all losses, has resulted in a net gain of more than 3,500 agents. In FY 98 alone, we hired 1,900 new agents. In FY 96, we established a satellite basic training facility in Charleston, South Carolina, and we continually expand it to meet our training needs. With this enormous influx of new agents, we have maintained the quality of our training while raising our recruitment standards.

This year, we anticipate the need to hire 2,000 agents to meet our hiring goal of increasing staffing by 1,000 agents. Through mid-year, we had 8,038 agents on board against an end-of-year goal of 8,947. Unfortunately, we estimate that we will fall short of

this goal. The many reasons for this include a strong economy and low unemployment rate affording applicants multiple job opportunities. The INS is not the only agency experiencing difficulty in meeting its staffing goals. We understand, for example, that some or all of the military services are having trouble meeting their recruitment objectives.

Over the years, we have developed a strong, effective hiring and recruiting program that has met the ambitious Border Patrol hiring goals, while maintaining extremely high standards for our recruits. In FY 98, only 4 percent of those who applied were actually hired (49,000 applied, and 1,971 hired). Many applicants after signing up for our test choose not to take it, and our strict screening process eliminates many more candidates.

Because of the tight labor market and the sheer number of applicants needed, a single approach or targeting one group of potential applicants will not work. We continue to institute new means by which we can attract candidates. For instance, we are focusing our efforts on increasing public awareness of job opportunities in the Border Patrol. There is often little public awareness of the Border Patrol occupation outside of the Southwest border states. With the help of a professional advertising agency, we hope to increase awareness of Border Patrol job opportunities in the rest of the United States, as well as continue our efforts in the Southwest border states. By increasing awareness, we hope to attract a diverse group of well-qualified candidates.

We have stepped up efforts in the home states of successful candidates. We track all of our ads with extension codes to determine which ads draw candidates. We are also tracking which colleges our new officers graduate from, the major they pursued, and the

magazines they read. All of this information helps us better understand where we need to build awareness of Border Patrol careers and where we currently have strong recruiting success.

This fiscal year, we held special hiring events in El Paso, Tucson, and New York with another event scheduled in May in San Diego. Additionally, for these locations, we conducted a media blitz. For example, in Tucson we placed a Border Patrol ad in eight major papers on two weekends in both the classified and sports sections, and in two minority targeted publications and Military Base papers. We also aired a radio ad 14 times on two Tucson stations, and placed a color ad in the Arizona Highway Patrolman and Tucson Star Citizen. For San Diego, we have ads scheduled to appear this month in nine major papers. Additionally, INS recruits at military bases, colleges and universities in or near San Diego, Phoenix or Tucson.

In FY 99, we will participate in 200 events including job fairs, career days, employer workshops, transitioning military seminars, classroom presentations, conference exhibits and community events (e.g. fairs, festivals, Native American celebrations, etc.).

We are also actively recruiting on college campuses. We plan to recruit at 120 key colleges identified based on student demographics and/or law enforcement curriculum. INS has already participated in four interactive student events (sponsored by Sports Illustrated) where we attracted thousands of students from all academic disciplines. Also, we will target recruitment efforts at key military bases identified by installation population and the number of separations each month, and 40 organizations identified based on the mission and target audience of the organization.

New Border Patrol classified and display ads have been developed and placed in hundreds of newspapers (classified and sports sections), college placement manuals, Black Collegian and Newsweek magazines (metro NYC edition) and a wide variety of other journals and magazines. In addition, we routinely fax job vacancy flyers to campus career planning and placement offices, criminal justice faculty, military base transition offices, and INS offices nationwide.

The INS created a new Border Patrol Careers Website and is starting to increase Internet advertising with links to this Website. In FY 98, nearly 50% of our applicants applied to take the test on-line and the other 50% used the Telephone Application System. This year, the number of candidates applying over the Internet has increased to 70%. We are pursuing the installation of a free job information line so applicants can call to get more information on the Border Patrol. We also started a direct mail campaign to separating military service members through the use of the DOD Transition Bulletin Board and Defense Outplacement Referral Service. As of April 14th, we will have job postings on 11 Internet recruitment sites.

We are significantly increasing the number of Border Patrol agents involved in recruiting. I have committed up to 200 agents, who on a collateral duty basis will be involved in outreach and recruitment activities on college campuses and military installations. To back up this local recruiting initiative, we will increase our advertising, including the development of public service announcements for radio.

In order to translate recruits into actual hires, we have revamped our hiring process by decreasing the amount of time it takes to go through the process from approximately 26 weeks to as little as 16 weeks. This makes the Border Patrol more

attractive to candidates and decreases the likelihood that they will accept another job during the hiring process.

PAY REFORM

We are working to address recruitment and retention issues by looking at how we compensate our enforcement personnel, particularly Border Patrol agents. For the past several years, the INS has been working to address numerous challenges in the compensation arena. These challenges include: (1) achieving pay equity within INS for enforcement occupations; (2) achieving overtime pay parity with other Federal law enforcement agencies; (3) streamlining and simplifying administration of overtime pay; and (4) establishing a portable overtime pay system (carried back and forth between occupations and minimizing loss of benefits) for its enforcement occupations.

Within the INS, the grade levels for experienced officers, also known as the journey level, in the various law enforcement occupations (Border Patrol agents, criminal investigators, detention officers, detention and deportation officers, and pilots, for example) differ based on the duties of these positions and the application of government-wide Office of Personnel Management classification standards. The current journey level grade for Border Patrol agents is GS-09. Approximately thirty percent of the INS' Border Patrol agents are at the GS-11 level based on performing senior level duties. In contrast, the journey level for criminal investigators, deportation officers, and detention and deportation officers is GS-12. This internal difference results in losses from the Border Patrol occupation as agents move to these other occupations (within INS and other law enforcement agencies) for career growth.

In addition, INS law enforcement officers (with the exception of criminal investigators) are paid a form of annual premium pay called Administratively Uncontrollable Overtime (AUO). This form of overtime is discretionary with the agency, and we continually examine how it is utilized. The INS continues to be subject to significant scrutiny into the proper use of AUO. Since AUO is discretionary and criteria bound (i.e., the work cannot be administratively controlled), those law enforcement officers earning AUO are constantly concerned that the pay can, and may, be revoked when they no longer meet the criteria. This greatly hampers career development for law enforcement officers earning AUO, including Border Patrol agents, who potentially are penalized by the loss of AUO for accepting assignments to law enforcement positions in headquarters or regional offices, or at the INS training academies. Criminal investigators, on the other hand, are paid Law Enforcement Availability pay, which is a guaranteed 25% annual premium pay, regardless of the assignment to training duties or duties at regional or headquarters offices. The guaranteed versus discretionary aspect of the two overtime pay systems is another motivating factor for Border Patrol agents to leave the occupation for criminal investigator positions.

To address these challenges, the Commissioner is studying various alternative approaches to achieve a unified, comprehensive reform package for INS enforcement officers, including Border Patrol agents and Immigration Inspectors. Change in the pay and benefits for our officers requires careful consideration of the impact any such change will have on our workforce. We must also be mindful of the costs of any change. The nuances of pay and the interrelationship between the various forms of overtime pay that

constitute what an employee brings home and his or her retirement benefits are not easily explained nor simplified.

CONCLUSION

I look forward to continuing to work with the Subcommittee. With your support, we can carry forward our recent improvements. We have made great strides in addressing problem areas. I want to work with you as we continue our efforts to improve our nation's immigration system.