

**Testimony of Shawn Moran**  
**On behalf of the**  
**National Border Patrol Council**  
**In front of United States Senate Homeland Security and Governmental Affairs Committee**  
**February 4, 2015**

Chairman Johnson, Ranking Member Carper, members of the Committee, on behalf of the 16,500 Border Patrol Agents whom I represent, I would like to thank you for having this hearing.

My name is Shawn Moran and I am the Vice President and national spokesperson of the National Border Patrol Council. I am a 17 year veteran of the Border Patrol and have spent the majority of my career in the Imperial Beach and El Cajon Border Patrol Stations in California. I have also been temporarily assigned to several sectors and stations along the southwest border during that time.

Before I discuss how I believe the President's decision will impact border security, I want to be clear that I am not a lawyer. I am not here to comment on the legality of the President's actions. I am here as a federal law enforcement agent to discuss how the amnesty provided in November will impact border security. Unfortunately, I do not believe the border security implications were fully considered prior to the issuance of the executive order and that concrete actions need to be taken by Congress and the Administration this year to bolster border security.

Albert Einstein's definition of insanity is doing the same thing over and over again and expecting a different result. If you look at the history of our response to illegal immigration we certainly meet that definition. In 1986 Congress passed and President Reagan signed the Immigration Reform and Control Act (IRCA). This legislation was supposed to "solve" the illegal immigration problem in this country and in the process legalized illegal aliens who had been in the country prior to 1982.

What was the result? Illegal immigration exploded. The Pew Research Center estimates that the population of illegal aliens in this country in 1990, immediately following the passage of IRCA, was 3.5 million. By 2007 that population had swelled to 12.2 million. Cities like San Diego, where I am stationed, and El Paso were nearly overrun.

In my career, I have arrested and interviewed thousands of illegal aliens. In deciding whether or not to attempt to enter this country illegally, these individuals weigh the risks and potential rewards. These individuals are risking not only a lifetime of savings to pay the smugglers but literally their own lives in the process. They know the border is a dangerous place. They know

that they are opening themselves up to predation from smugglers in addition to the physical hazards of crossing the Rio Grande River, the Arizona desert, or even the Montana wilderness.

Unfortunately since the passage of IRCA there is a perception among illegal aliens that if you can get over the border and can hide in the shadows long enough, eventually there will be a pathway to legal status. This pathway may be by virtue of the duration you have been here or through your children. We need only look to the debacle last summer with unaccompanied minors to see how prevalent this perception is among potential illegal aliens.

Last year the Administration took great pains to point out that their most recent expansion of Deferred Action for Childhood Arrivals (DACA) was a continuation of deferred actions that had been taken by previous Administrations. We were all told that there was precedent for their actions. The Administration was completely correct. There were ample amounts of precedent and therein lies the problem. We will never be able to stop illegal immigration until potential illegal aliens believe that it is a losing proposition. They need to know that they will be found and that hiding in the shadows will do them no good. Employers need to know that if they hire illegal aliens, there will be credible sanctions.

The question then becomes what steps this Committee, within your jurisdiction, can take to strengthen border security before the next wave of illegal immigration comes. Several suggestions that I have include:

- Increased manpower- Currently there are 21,370 Border Patrol Agents in this country. Under sequestration we effectively lost 1,500 full time equivalents (FTEs) that have thankfully been restored under the Border Patrol Pay Reform Act introduced by Senators Tester and McCain. We do not have to double the size of the Border Patrol to gain operational control of the border. But we are, in my opinion, approximately 5,000 Agents short of where we should be. NBPC would advocate that of this number, 1,500 be sent to the northern border which is woefully understaffed and the remaining 3,500 positions allocated to interior enforcement.
- Supervising staffing levels- The Border Patrol is an extremely top heavy organization with far too many layers of management and a convoluted chain of command. Although Congress has provided the funding to double the size of the Border Patrol we have not doubled the number of Agents at the border. Let me explain, the average large police department has one supervisor for every 10 officers. The Border Patrol has one supervisor for every 4 Agents. The Committee should mandate a 10:1 ratio and achieve it through attrition in the supervisory ranks. The second problem is that we have Agents doing duties like processing and transportation that could be handled more cost effectively by non-law enforcement personnel.

- Interior Enforcement- Every night we effectively play goal line defense because all of our resources and assets are concentrated right at the border instead of having a defense in depth. Let me give you an example, we have 7,000 Agents in Arizona and do you know how many Agents we have assigned to Phoenix, which is an important transit point for traffickers? The answer is zero. The Border Patrol's northernmost station in Arizona is Casa Grande, which is 50 miles south of Phoenix.
- Better training- During the buildup of the Border Patrol during the Bush Administration the Academy's duration was reduced from approximately 20 weeks to as little as 54 days if you spoke Spanish. This is simply not enough time to properly train an Agent and weed out those who are not up to the challenge. The Committee should require that the Academy revert back to 20 weeks.

Again, I want to thank the Committee for the opportunity to testify. If you have any questions I would be happy to answer them to the best of my ability.