

Congress of the United States
Washington, DC 20515

March 14, 2013

The Honorable John Boehner
Speaker
United States House of Representatives
H-232, The Capitol
Washington, D.C. 20515

The Honorable Eric Cantor
Majority Leader
United States House of Representatives
H-329, The Capitol
Washington, D.C. 20515

Dear Speaker Boehner and Majority Leader Cantor:

We write to you today to convey our concerns regarding the sequestration impacts to U.S. Customs and Border Protection (CBP) personnel and assets in Texas, including the U.S. Border Patrol, CBP officers at our Ports of Entry (POEs), and Office of Air and Marine. As you are well aware, these arbitrary cuts to federal funding officially took effect March 1. These cuts threaten our national security, resulting in significant funding reductions for overtime, training, and critical national security equipment, especially in Texas, where CBP staffing levels are at the same level as the end of Fiscal Year (FY) 2012. As lawmakers, it is our fundamental duty to ensure that the security of our borders does not bear the brunt of these blunt and thoughtless spending cuts.

CBP personnel staff and operate 329 POEs across the country, welcoming travelers and facilitating the flow of goods essential to our economy. Each day, almost one million people arrive at these POEs by land, sea, and air. In FY 2012 alone, CBP processed more than 350 million travelers, including more than 98 million international air travelers, as well at \$2.3 trillion worth of trade. Additionally, CBP is responsible for patrolling nearly 2,000 miles of border with Mexico, 4,000 miles of border with Canada and 2,600 miles of coastal waters.

Based on current OMB guidance, the sequestration order requires CBP to make \$512 million in reductions in FY 2013. CBP must deal with a 5 percent reduction in salaries and expenses funding, which equates to approximately \$285 million in salary cuts. Of the \$285 million in cuts, \$245 million would directly impact Border Patrol agents. To meet this extreme requirement, CBP has enacted reductions in travel, training expenses, leased facilities and supplies, equipment replacements, delay or reduced scope of certain contracts, and implementation of an agency-wide hiring freeze.

In addition to these programmatic reductions, to meet the savings required by sequestration, CBP will implement an agency-wide furlough for all 60,000 CBP employees. On March 7, 2013, CBP employees were officially provided with a notice of proposal to furlough. Beginning no earlier than April 21, 2013 through September 30, 2013, full-time CBP employees will be furloughed no more than 14 non-consecutive work days or 112 hours for each employee. Border Patrol agents would be mandated to be furloughed one day per pay period, resulting in a 10 percent cut to Border Patrol agent's basic pay.

Furthermore, on April 7, 2013, CBP will begin de-authorization of Administratively Uncontrolled Overtime (AUO) for all personnel receiving AUO. CBP employees affected by AUO de-certification include 22,064 Border Patrol agents, of which 1,848 are assigned to the Laredo Sector and 2,545 are assigned to the Rio Grande Valley Sector. This means that Border Patrol agents will lose 25 percent premium pay. Coupled with furloughs, Border Patrol agents are facing approximately 40 percent loss in pay, greater than any other CBP employee and federal law enforcement officer earning premium pay. The operational impact to border security is unthinkable. The furloughs and de-authorization of AUO caused by the sequester will impact Border Patrol's ability to patrol the 1,014 miles of border in Texas on a 24-hour basis. An estimated 171,000 man hours of Border Patrol operations (49,000 from furlough and 122,000 from AUO) will be lost every two weeks in Texas, an average of 12,000 hours per day.

At a time when arrest volumes and seizures are increasing in Texas, the impact of the furlough and the loss of AUO will have a significant impact on border security by significantly reducing Border Patrol manpower. Border Patrol apprehensions within Texas are currently up 40 percent over last year (over 75,000 FY to date) and the arrest of Other-Than-Mexicans (OTMs) is up 80 percent (over 36,000 FY to date). With the much-publicized discussion and debate on comprehensive immigration reform, Border Patrol does not expect the number of illegal entries and apprehensions to decline.

The Border Patrol sectors within Texas have developed outstanding partnerships with our federal partners, such as DEA, FBI, ICE-HSI, ATF, USMS, etc., to target transnational criminal organizations. These partnerships include providing Border Patrol personnel to serve as liaisons on task forces led by these agencies. The loss of AUO, which affects Border Patrol agent's ability to work beyond their eight-hour work schedule, will impact enforcement operations supported by these task forces.

Border Patrol agents throughout Texas also provide valuable support to state, local and county law enforcement agencies on a daily basis. These responsibilities include responding to calls for assistance, providing intelligence, and conducting coordinated patrols under Operation Stonegarden. The loss of AUO and the furlough will equate to fewer agents in the field and less support to state, local and county law enforcement agencies, in addition to our federal partners in Mexico. The loss of Border Patrol manpower will also impact their ability to effectively patrol and respond to calls to ranches along the border and patrol ranches impacted by the increased activity from the expanding oil and gas industry.

Critical national security equipment and interdiction operations along the Texas border, such as Air and Marine operations, will suffer reduction of flight hours (1,900 for P-3 and 18,800 for all other aircraft). The U.S. Coast Guard, responsible for patrolling nearly 95,000 miles of coastline, would also have to curtail air and surface operation by nearly 25 percent, adversely impacting maritime safety and security across nearly all mission areas.

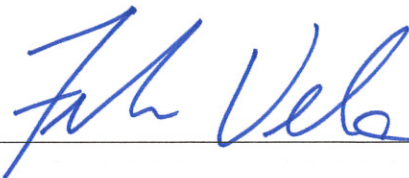

Texas is among the states that will feel the sharpest sting from cuts to CBP. The State of Texas has a longer stretch of the border than any other State, including the nation's largest land border POE for trade in Laredo. With these reductions, CBP will not be able to maintain current staffing levels of Border Patrol agents and CBP officers as mandated by Congress. Funding and staffing reductions will increase wait times at airports, weaken security between land ports of entry, and slow screening and entry for those traveling into the United States. The loss of income by Border Patrol agents across Texas equates to approximately \$6.18 million every two weeks, resulting in lane closures and longer

wait times. At major gateway airports, average wait times could increase by 30-50 percent. Any increase in wait times at the borders will have a direct impact on our Nation's economy. A study commissioned by the Department of Commerce's International Trade Administration found that border wait times at the five busiest southern border POEs result in an average economic output loss of \$116 million per minute of delay. This study states that in 2008, delays cost the U.S. economy 26,000 jobs and \$6 billion in output. The Texas ports with the Laredo area of responsibility (AOR) have seen an increase in cargo coming from the Pacific side, specifically the Port of Lazaro Cardenas. The Trade Stake Holders are expecting an increase of more than 800 trucks of produce to come in through the Texas ports once the new road through the Sierra Madre is completed later this year. This further adds to the CBP workload that continues to rely on overtime funds to provide service to the importers and exporters.

To meet current staffing levels of Border Patrol agents, CBP officers, and Air and Marine interdiction agents and future operational requirements, it is essential to develop, deploy and manage institutional capabilities within CBP. We need to provide these individuals with the adequate resources to not only do their job, but also to show our support for their service to our country. Eliminating furloughs and preventing CBP from de-authorizing AUO is a step in the right direction. Since the creation of the Department of Homeland Security in March 2003, there have been thirty agents and officers killed in the line of duty protecting America's borders; 25 Border Patrol agents; 2 OFO officers; and 3 Air and Marine officers. We cannot forget the sacrifices of these brave men and women and the dangers and importance of protecting America's borders against those who would seek to do us harm.

This is all preventable if we act now. Let's come to the table and work in a bipartisan manner to avert these dire consequences and support the men and women who serve in Texas for our country. We hope that the Senate Continued Resolution (CR) proposal will include common-sense, common-ground solutions to address these sequestration cuts. Thank you for your consideration on this request.

Sincerely,



HC:pmi

cc: Rep. Nancy Pelosi, House Minority Leader
Rep. Steny Hoyer, House Democratic Whip
Rep. John R. Carter, Chairman of House Appropriations Homeland Security Subcommittee
Rep. David Price, Ranking Member for the House Appropriations Homeland Security Subcommittee
Rep. Michael T. McCaul, Chairman of House Homeland Security Committee
Rep. Bennie Thompson, Ranking Member of the Committee on Homeland Security