

Calendar No. 196

114TH CONGRESS }
1st Session }

SENATE

{ REPORT
114-116

BORDER JOBS FOR VETERANS ACT OF 2015

R E P O R T

OF THE

**COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE**

TO ACCOMPANY

S. 1603

**TO ACTIVELY RECRUIT MEMBERS OF THE ARMED FORCES WHO
ARE SEPARATING FROM MILITARY SERVICE TO SERVE AS
CUSTOMS AND BORDER PROTECTION OFFICERS**



AUGUST 5, 2015.—Ordered to be printed

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AUGUST 5, 2015.—Ordered to be printed

Mr. JOHNSON, from the Committee on Homeland Security and Governmental Affairs, submitted the following

R E P O R T

[To accompany S. 1603]

The Committee on Homeland Security and Governmental Affairs, to which was referred the bill (S. 1603) to actively recruit members of the Armed Forces who are separating from military service to serve as Customs and Border Protection Officers, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

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I. PURPOSE AND SUMMARY

The purpose of S. 1603, the Border Jobs for Veterans Act of 2015, is to assist the U.S. Department of Homeland Security (DHS) in filling open Customs and Border Protection Officer (CBPO) positions by actively recruiting members of the Armed Forces who are separating from military service. This bill will require DHS and the Department of Defense (DOD) to identify positions in the Armed Forces that have transferable requirements, qualifications, and duties to those required for CBPOs and to establish a program that will help inform separating service members of CBPO opportunities, as well as streamline interagency transfers of relevant background investigations and security clearances.

II. BACKGROUND AND THE NEED FOR LEGISLATION

U.S. Customs and Border Protection (CBP), within DHS, is charged with safeguarding U.S. borders to protect the public from terrorists and other threats while facilitating the Nation's global economic competitiveness by enabling lawful international trade and travel.¹ CBPOs are stationed along our nation's ports of entry (POEs), and are responsible for detecting and preventing unlawful entries of people or goods into the U.S., while also enabling legitimate trade and travel.² CBPOs must enforce more than 400 laws related to the admissibility of individuals, contraband, agricultural pests and diseases, and trade.³ In Fiscal Year (FY) 2013, CBP processed more than 362 million passengers in the land, sea, and air environments at 329 distinct ports of entry.⁴ Between FY2009 and FY2014, the U.S. saw a 22 percent increase in air travelers, and the U.S. expects air travel to grow four to five percent annually for the next several years.⁵

Additionally, in FY2013, CBP collected \$42.5 billion in revenue and processed \$2.38 trillion in trade.⁶ The National Center for Risk and Economic Analysis of Terrorism Events (CREATE), a DHS Center of Excellence, has issued multiple reports finding that the staffing levels at U.S. POEs impacts wait times, which directly impact the economy.⁷ Another study commissioned by the Department of Commerce's International Trade Administration found that in 2008, delays at POEs at the U.S.-Mexico border cost the U.S. economy 26,000 jobs, \$600 million in lost tax revenue, and \$5.8 billion in lost economic output.⁸ According to CBP, 2,000 additional CBPOs will lead to the creation of approximately 66,000 new jobs and increase the Gross Domestic Product (GDP) of the U.S. by up to \$4 billion.⁹

Recognizing both the economic and national security interests involved in fully staffing U.S. POEs, Congress appropriated funding for 2,000 new CBPOs in the Consolidated Appropriations Act of 2014, bringing the congressionally funded staffing target to 23,775 officers for FY2015.¹⁰ However, as of February 22, 2014, CBP maintained a workforce of only 21,891 CBPOs.¹¹ Due to attrition

¹U.S. Department of Homeland Security, U.S. Customs and Border Protection, *About CBP*, available at <http://www.cbp.gov/about>.

²U.S. Department of Homeland Security, U.S. Customs and Border Protection, *CBP Opens Announcement to Hire Additional 2,000 Officers* (2014), available at <http://www.cbp.gov/newsroom/national-media-release/2014-05-01-0000000/cbp-opens-announcement-hire-additional-2000>.

³*Id.*

⁴*Budget Hearing—United States Customs and Border Protection: Hearing Before the House Comm. on Appropriations Subcomm. on Homeland Security*, 113th Cong. (2014) (testimony of Gil Kerlikowske, Commissioner, Customs and Border Protection), available at, <http://docs.house.gov/meetings/AP/AP15/20140402/102009/HHRG-113-AP15-Wstate-KerlikowskeR-20140402.pdf>.

⁵U.S. Department of Homeland Security, U.S. Customs and Border Protection Office of Field Operations, *Resource Optimization Strategy* (2015).

⁶Testimony of Gil Kerlikowske, *supra* note 4.

⁷National Center for Risk and Economic Analysis of Terrorism Events (CREATE), *The Impact on the U.S. Economy on Changes in Wait Times at Ports of Entry* (2013), available at <http://research.create.usc.edu/cgi/viewcontent.cgi?article=1183&context=nonpublished-reports>; see also National Center for Risk and Economic Analysis of Terrorism Events (CREATE), *Analysis of Primary Inspection Wait Time at U.S. Ports of Entry* (2014), available at <http://research.create.usc.edu/cgi/viewcontent.cgi?article=1184&context=nonpublished-reports>.

⁸See Vivian C. Jones & Lisa Seghetti, *U.S. Customs and Border Protection: Trade Facilitation, Enforcement, and Security*, Congressional Research Service, 4 (2015).

⁹Testimony of Gil Kerlikowske, *supra* note 4.

¹⁰Pub. L. No. 133–76.

¹¹Testimony of Gil Kerlikowske, *supra* note 4.

and the time it takes to bring on new officers, CBP has only realized a net gain of 818 officers since 2013.¹²

Based on CBP's Workload Staffing Model, newly hired CBPOs will be stationed in 44 ports and 18 states, including Los Angeles, Detroit, Buffalo, Houston, Dallas, Chicago, Las Vegas, Laredo, Nogales, and New Orleans.¹³ Members of the Homeland Security and Governmental Affairs Committee have expressed concerns during Committee hearings about the need to fill these positions, particularly in remote areas like North Dakota.¹⁴ According to CBP, the POEs of Portal, North Dakota and Pembina, North Dakota will each receive additional staffing once CBP is able to bring new CBPOs on board.¹⁵

On the other hand, the DOD anticipates that approximately 250,000 to 300,000 service members will separate from the Armed Forces annually over the next four years.¹⁶ Moreover, approximately 19 percent of enlisted personnel—27 percent within the Army and Marines—separate from active duty from occupational fields that do not easily translate to the civilian sector, leading to high levels of unemployment among our veterans.¹⁷

To assist DHS in the hiring of CBPOs, and to assist veterans in finding employment, this bill seeks to actively recruit separating service members of the Armed Forces, who have similar skillsets to those serving as CBPOs. This bill provides for partnerships between DHS and DOD to identify opportunities for reciprocity related to hiring, ensures the streamlining of interagency transfers of relevant background investigations and security clearances to expedite hiring, and requires both agencies to take an active role in educating separating service members about CBPO opportunities. As noted in the Congressional Budget Office report for this bill, CBP is currently carrying out activities similar to those required by the bill.

III. LEGISLATIVE HISTORY

Senators Flake, Johnson, McCain, and Schumer introduced S. 1603 on June 17, 2015, and the bill was referred to the Committee on Homeland Security and Governmental Affairs. The Committee considered S. 1603 at a business meeting on June 24, 2015.

Chairman Johnson offered a substitute amendment, with technical corrections and a sunset to the reporting requirement. The Committee adopted the amendment and ordered the bill, as amended, reported favorably, both by voice vote. Senators present for both votes were: Johnson, McCain, Lankford, Ayotte, Ernst, Sasse, Carper, Tester, Baldwin, and Heitkamp.

¹²Data Provided to Committee Staff by the U.S. Customs and Border Protection Agency (June 2, 2015).

¹³U.S. Department of Homeland Security, U.S. Customs and Border Protection, *CBP Opens Announcement to Hire Additional 2,000 Officers* (2014), available at <http://www.cbp.gov/newsroom/national-media-release/2014-05-01-000000/cbp-opens-announcement-hire-additional-2000>.

¹⁴See *Securing the Border: Understanding Threats and Strategies for the Northern Border: Hearing Before the Comm. on Homeland Security and Governmental Affairs, 114th Cong.* (2015).

¹⁵Data Provided to Committee Staff by the U.S. Customs and Border Protection Agency (June 23, 2015).

¹⁶Transition Assistance Program: Hearing Before the House Armed Services Comm., Subcomm. on Military Personnel, 113th Cong. (2013) (Testimony of Dr. Susan Kelly, Director of Transitions to Veterans Program Office, Department of Defense).

¹⁷*Id.*

IV. SECTION-BY-SECTION ANALYSIS OF THE ACT, AS REPORTED

Section 1. Short title

This section provides the bill's short title, the "Border Jobs for Veterans Act of 2015."

Section 2. Findings

This section provides findings by Congress that—

- (1) CBPOs at U.S. ports of entry carry out critical law enforcement duties;
- (2) It is in the national interest for U.S. ports of entry to be adequately staffed in a timely fashion and for DHS to meet congressionally funded staffing targets;
- (3) An estimated 250,000 to 300,000 members of the Armed Forces separate from military service each year; and
- (4) Recruiting efforts and expedited hiring procedures should be undertaken to ensure qualified separating service members are aware of and partake in opportunities to fill vacant CBPO positions.

Section 3. Expedited hiring of appropriate separating service members

This section requires the Secretary of Homeland Security, in conjunction with the Secretary of Defense, to identify positions in the Armed Forces that have transferable requirements, qualifications, and duties to those required for CBPOs and to consider hiring qualified candidates in such identified positions who are eligible for veterans' recruitment appointment.

Section 4. Establishing a program for recruiting service members separating from military service for Customs and Border Protection Officer vacancies

This section requires the Secretary of Homeland Security, in conjunction with the Secretary of Defense, to establish a program within 180 days that actively recruits members of the Armed Forces separating from military service to serve as CBPOs.

The program will, among other things, include CBPO opportunities as part of DOD job assistance efforts, place appropriate DHS officials at recruiting events and job fairs involving separating service members, provide partnership opportunities for CBP field offices and military bases in the same region, require DHS and DOD to identify opportunities for reciprocity related to steps in hiring to minimize the time required to hire qualified applicants, and require DHS and DOD to ensure streamlined interagency transfers of relevant background investigation and security clearances.

Section 5. Report to Congress

This section requires the Secretary of Homeland Security and Secretary of Defense jointly to submit a report to Congress 180 days after the date of the enactment of the bill, and for three successive years, describing the program, actions taken by the departments, the number of separating service members made aware of CBPO vacancies, and the number of CBPO positions filled pursuant to this program.

Section 6. Rules of construction

This section ensures that nothing in this bill may be construed to affect existing Federal veterans' hiring preferences or Federal hiring authorities or to authorize appropriations to carry out the provisions of the bill.

V. EVALUATION OF REGULATORY IMPACT

Pursuant to the requirements of paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee has considered the regulatory impact of this bill and determined that the bill will have no regulatory impact within the meaning of the rules. The Committee agrees with the Congressional Budget Office's statement that the bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

VI. CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

JULY 21, 2015.

Hon. RON JOHNSON,
Chairman, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1603, the Border Jobs for Veterans Act of 2015.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz.

Sincerely,

KEITH HALL.

Enclosure.

S. 1603—Border Jobs for Veterans Act of 2015

S. 1603 would require the Department of Homeland Security (DHS), with assistance from the Department of Defense (DoD), to establish a program to recruit members of the armed forces who are leaving the military to serve as Customs and Border Protection (CBP) officers. The program would include placing DHS officials at certain recruiting events and conducting outreach efforts to educate certain members of the armed forces about available jobs with CBP. The bill also would require DHS and DoD to report annually to the Congress about the progress of the program.

Based on the cost of similar activities, CBO estimates that implementing S. 1603 would cost less than \$500,000 annually; any spending would be subject to the availability of appropriated funds. CBP is currently carrying out activities similar to those required by the bill, and the agency employs a significant number of veterans of the armed forces. Enacting the legislation would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

S. 1603 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Mark Grabowicz. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

VII. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

Because this legislation would not repeal or amend any provision of current law, it would make no changes in existing law within the meaning of clauses (a) and (b) of paragraph 12 of rule XXVI of the Standing Rules of the Senate.

