



**STATEMENT OF ANTHONY M. REARDON  
NATIONAL PRESIDENT  
NATIONAL TREASURY EMPLOYEES UNION**

**ASSESSING THE STATE OF AMERICA'S SEAPORTS**

**SUBCOMMITTEE ON BORDER SECURITY,  
FACILITATION, AND OPERATIONS  
HOUSE COMMITTEE ON HOMELAND SECURITY**

**January 19, 2022**

Chairwoman Barragan, Ranking Member Higgins, and distinguished members of the Subcommittee, thank you for the opportunity to testify before you today. As National President of the National Treasury Employees Union (NTEU), I have the honor of leading a union that represents over 29,000 Customs and Border Protection (CBP) Office of Field Operations (OFO) employees, including CBP Officers, Agriculture Specialists, trade enforcement personnel and support staff stationed at the 328 air, sea, and land ports of entry across the United States (U.S.) and 16 Preclearance stations at airports in Ireland, the Caribbean, Canada, and the United Arab Emirates.

CBP OFO employees are responsible for border security at U.S. ports of entry, including anti-terrorism, immigration, anti-smuggling, trade compliance, and agriculture protection. CBP's OFO pursues a dual mission of safeguarding American ports by protecting the public from dangerous people and materials, while enhancing the nation's global and economic competitiveness by enabling legitimate trade and travel. In addition to CBP's trade and travel security, processing, and facilitation missions, CBP OFO employees at the ports of entry are the second largest source of revenue collection for the U.S. government. **In 2020, CBP processed more than \$2.4 trillion in total import value of goods and collected approximately \$74 billion in customs duties and fees.**

As with every workplace, the COVID-19 pandemic remains one of the most significant ongoing challenges facing CBP employees at the ports of entry. The pursuit of the safest possible working environment for CBP employees at all ports of entry, trade, enterprise services and operations support facilities has been NTEU's paramount concern during the COVID-19 crisis. Throughout the pandemic, many international air, sea, and land ports of entry remained open and staffed by CBP OFO employees 24 hours a day, seven days a week, 365 days of the year.

Despite best efforts to protect essential frontline CBP employees, **over 13,000 CBP employees have tested positive for COVID-19 and tragically at least 59 CBP employees have died as a result of the virus.**

I want to take a moment to honor the NTEU CBP members by name: CBPO Genaro Guerrero-San Ysidro, CBPO Crispin San Jose-Cross Border Xpress, CBP Technician Van Dong and CBPO Monica Riola-Los Angeles International Airport, CBPO Alfonso Murrieta-Tucson International Airport, CBPO Richard McCoy-Fort Lauderdale/Port Everglades Port of Entry, CBPO Richard Rios-Area Port of Ysleta Commercial Facility, CBPOs Troy Adkins, Rodolfo Morales, Jr., and Richard Rios-Port of El Paso, CBPO Jose Santana-Laredo Port of Entry, CBPO Roel De La Fuente-Port of Hidalgo, CBPO Domingo Jasso-Progreso Port of Entry, CBPO Carlos Mendoza-Pharr Cargo Facility, CBP Agriculture Specialist Juan Ollervidez-Hidalgo Port of Entry, CBP Field Technology Officer James Taylor-JFK International Airport, CBPO Omar Palmer-JFK International Airport, CBPO Ching Kok (C.K.) Yan-JFK International Airport, CBPO Andrew Bouchard-Houston Seaport, CBPO Cesar Sibonga-Kenneth G. Ward Port of Entry, CBPO Lucas Saucedo-Eagle Pass Port of Entry, CBPOs Yokemia Conyers, David Saavadra, Eric J. Skelton, and CBP Technician Francisco Tomas –Miami Port of Entry, CBPO Bruce Eckhoff -Port of San Francisco/Oakland, CBPO Victor Donate-Atlanta Airport, and CBPO Brian Vogel –Port of Sault Ste. Marie.

I am happy to report that since the vaccine became available to essential federal employees, NTEU has worked with CBP to encourage and assist our members in getting the vaccine. According to our most recent briefing, nearly 90% percent of CBP OFO employees are fully vaccinated as required by the mandate. We all understand federal workers' anxiety about their own and their family's safety during this pandemic as they work to keep our country safe. NTEU continues to call for all those coming through the ports of entry to be vaccinated. As leaders, it is important that we continue to do everything we can to mitigate the risks they face, and we need to encourage them to do so on an individual basis, for their own safety as well as the safety of their coworkers and families.

NTEU strongly supports hazard pay for front-line federal employees. In addition to pushing for hazard pay in earlier COVID relief bills, NTEU supports the *Hazardous Duty Pay for Frontline Federal Workers Act* (H.R. 2744), introduced by Representative Donald Payne (D-NJ), which would temporarily provide hazard pay for employees who are exposed to an individual who has (or has been exposed to) COVID-19. We have also been working with Members of Congress to craft legislation to provide hazard pay specifically for CBP employees. It is hoped that this bill, which should be retroactive, will be introduced early this year.

Along with ensuring protection from the pandemic, the most important resource that Congress needs to provide for the successful reopening of the economic driver that is our international ports of entry, including seaports, is funding to address ongoing CBP OFO port staffing shortages.

**CBP Staffing at the Ports of Entry:** For years, NTEU has advocated for the hiring of thousands of new CBP Officers and hundreds of new Agriculture Specialists and non-

uniformed trade operations personnel that are needed based on the agency's own Workload Staffing Model (WSM), Agriculture Resource Allocation Model (AgRAM) and Resource Optimization Model for Trade Revenue (Trade ROM).

Pursuant to these models, the final FY 2020 funding agreement provided \$104 million to fund the hiring of 800 new OFO positions, including 610 CBP Officer and CBP Agriculture Specialist new hires. Unfortunately, Congress did not continue to fund to the models in FY 2021. While House Appropriators approved \$171 million for 1,150 new CBP OFO positions including \$91 million for 850 CBP Officers, \$10 million for 100 support personnel and \$30 million for 200 agriculture specialists, the final FY 2021 funding agreement did not include any funding to increase staffing for CBP OFO.

CBP's staffing models are dynamic and reflect the impact of the pandemic on CBP OFO staffing needs. Despite the decrease in international trade and travel in the past year due to the pandemic, CBP's most recent staffing models show a staffing gap of over 900 CBP Officers, 214 Agriculture Specialists and 200 non-uniformed Trade Specialists. However, there has been no additional funding provided for needed CBP new hires at the ports of entry since FY 2020. Staffing shortages have been exacerbated by the lifting of the travel ban on November 8, 2020, ending more than 18 months of restrictions, allowing in non-essential tourists who had proof of their coronavirus vaccination and proper documentation to legally enter the U.S.

To address the OFO staffing gap, NTEU has requested that House and Senate Appropriators include funding for CBP OFO new hires up to levels required by the CBP's dynamic workplace staffing models for CBP Officers, Agriculture Specialists and Trade Specialists in their FY 2022 DHS appropriations bills. NTEU is asking Appropriators to provide at minimum \$160 million in direct appropriated funding for CBP "Operations and Support" in FY 2022 to fund the hiring of at least 800 CBP Officers, 200 CBP Agriculture Specialists, 200 CBP Agriculture Technicians, 20 Agriculture Canine Teams and 50 non-uniformed trade enforcement specialists and associated operational support personnel.

To further support this staffing request, NTEU joined a coalition of 22 port stakeholders, including the American Association of Port Authorities, Airports Council International-North America, and the U.S. Travel Association on a letter dated November 15, 2021, to the House and Senate Appropriations Committee urging funding for new officers as the agency prepares for an influx of passengers and cargo at the ports-of-entry once the Omicron surge subsides. (See exhibit A.) As the letter states, ensuring CBP staffing is an economic driver for the U.S. economy and an additional 800 CBP Officers would not only reduce wait times at ports of entry, but also provide new economic opportunities across the United States. "While the volume of commerce crossing our borders has more than tripled in the past 25 years, CBP staffing has not kept pace with demand" the coalition wrote. "Long wait times at our ports-of-entry lead to travel delays and uncertainty, which can increase supply-chain costs and cause passengers to miss their connections. According to the U.S. Department of Commerce, border delays result in losses to output, wages, jobs, and tax revenue due to decreases in spending by companies, suppliers, and consumers."

**CBP OFO Staffing at the Seaports:** Due to the pandemic, supply chain and private sector seaport staffing issues have overwhelmed U.S. seaports. There are several witnesses testifying

today that will speak to these issues. NTEU is here today to outline staffing concerns of NTEU CBP members at the seaports. According to the Port Performance Freight Statistics Program's *2020 Annual Report to Congress*, which was released on January 15, 2021, waterborne vessels are the leading transportation mode for international freight, moving 41 percent of freight value in 2019—over \$1.7 trillion. Nearly \$1.1 trillion of this amount was containerized, which is the primary means for moving intermodal cargo. **Of the top 25 U.S. international freight gateways (airports, land border crossings, and maritime ports) by value, 10 were maritime ports, including the Ports of New York and New Jersey, Los Angeles, Long Beach, Houston, Savannah, Virginia, Charleston, Baltimore, Oakland, and Tacoma.** Ports are measured by 1) overall cargo tonnage, 2) dry bulk cargo tonnage, or 3) by twenty-foot equivalent unit (TEU) of containerized cargo.

In 2019, the top 25 tonnage ports handled a total of 1.82 billion tons of cargo, accounting for 77 percent of the total tons in 2019. The highest tonnage figures are associated with ports like the **Ports of Houston and South Louisiana** which handle large quantities of both liquid bulk cargo (e.g., petroleum or chemicals) and dry bulk cargo (e.g., coal or grain). The top 25 dry bulk ports handled a total of 667.7 million tons of cargo in 2019, accounting for 28 percent of the total tons in 2019. The **Port of South Louisiana** remained in the top spot and handled by far the greatest volume of dry bulk cargo.

The highest TEU volumes are associated with coastal container ports, such as the **Ports of Long Beach, Los Angeles, and New York and New Jersey.** The **Port of Los Angeles** facilitated \$259 billion in trade during 2020 and is North America's leading seaport by container volume and cargo value. The 10 U.S. ports with the most container activity account for 80% of all U.S. container port activity. New data shows that the **Port of Long Beach** had a *6% increase* in activity in 2020 as compared with 2019.

Nationally, container and tanker vessel dwell times were stable in 2019, with little variation from 2018. The average 2019 dwell time of container vessels at the top 25 U.S. container ports was estimated at 28.2 hours, up from 27.3 hours in 2018. In 2020 and 2021, Vessel dwell times have been severely impacted by the COVID-19 pandemic. **Unfortunately, the Department of Transportation does not track how CBP OFO staffing allocations at the ports of entry and CBP Officer staffing shortages impact vessel dwell times at the nation's seaports.**

NTEU leaders at the Los Angeles/Long Beach (LA/LB) seaports note that the CBP workforce there felt that 6% increase in activity in 2020. In addition, there has been significant increase of container vessels at the LA/LB Seaports as the world has begun to re-open that can be seen sitting at the docks and out in the water as container vessels wait to enter the port. Multiple news reports (both national and local), comment about the backlog of cargo. At LA/LB, Fines Penalties and Forfeitures continue to be short staffed while the volume of trade operations work keeps growing. Seized Property is experiencing the same problem. These CBP staffing shortages at the seaports will only be further exacerbated as cruise lines resume full operations when pandemic-related travel restrictions ease.

In addition to CBP OFO staffing shortages, CBP vehicle shortages are a problem at the LA/LB, Norfolk and other seaports, requiring 3 to 4 CBO Officers to share a vehicle as they

work. This number of CBP Officers in one vehicle is of particular concern during the pandemic, but the lack of official vehicles for CBP employees to do their job has been an ongoing problem. CBP employees are also requesting larger vehicles to accommodate the equipment they are required to carry to get the job done. There is also a shortage of laptops available for use, especially by trade enforcement employees at the ports' Centers for Excellence and Expertise.

**Temporary Duty Assignments:** Acknowledging the ongoing CBP Officer staffing shortage at the ports, CBP again has found it necessary to solicit CBP Officers for temporary duty assignment (TDY) to San Ysidro, Otay Mesa, and Calexico land ports of entry, which began in May and ran through the fourth quarter of 2021. According to CBP, the TDY was necessary to support the workload and operational challenges facing the San Diego Field Office, such as wait times in excess of four hours. These TDYs were filled by CBP Officers currently assigned to air and seaport locations, further exacerbating any staffing issues at seaports.

To end the need for TDYs, it is up to Congress to address the ongoing port staffing deficit by authorizing and funding CBP OFO new hires in FY 2022 and subsequent years until the staffing gap identified in the workload staffing models are met. Without addressing the ongoing CBP Officer staffing shortages, allocating adequate staffing at all ports will remain a challenge.

Unfortunately, the FY 2022 President's DHS budget request is essentially flat and includes no increase in funding for CBP OFO new hires. NTEU greatly appreciates the President for providing a pay raise for federal employees for 2022 and for including in his budget request new CBP funding to address the annualization of the 2021 and 2022 pay raises, the associated FERS contribution increase and funding for certain port modernization projects. The House Appropriations Committee approved its FY 2022 Homeland Security funding bill in mid-June, but that bill has no funding for CBP OFO new hires. As you know, Congress has been unable to complete action on FY 2022 appropriations and federal agencies are operating under a Continuing Resolution through February 18, 2022.

Last Congress, the Senate Homeland Security and Governmental Affairs Committee favorably reported out *S.1004, the Safeguarding American Ports Act*, stand-alone legislation that would authorize the hiring of 600 additional CBP Officers annually until the staffing gaps in CBP's WSM is met. NTEU strongly supports the introduction of this stand-alone CBP Officer staffing authorization bill in both the House and Senate this Congress.

**CBP Agriculture Specialist Staffing:** Currently, there is a shortage of approximately 214 Agriculture Specialists nationwide according to CBP's own data-driven and vetted Workload Staffing Model. Last year, Congress approved P.L. 116-122, the *Protecting America's Food and Agriculture Act of 2019*. The new law authorizes CBP to hire 240 CBP Agriculture Specialists, 200 CBP Agriculture Technicians and 20 Agriculture Canine Teams per year until the staffing shortage that threatens the U.S. agriculture sector is met. NTEU's appropriations request includes funding to hire the first wave of CBP Agriculture Quarantine Inspection (AQI) personnel authorized by the newly enacted statute.

For example, there is an ongoing CBP Agriculture Specialist staffing shortage at Port Hueneme that predates the pandemic. CBP continues to try to fill Agriculture Specialist

positions at both Port Hueneme and at the LA/LB Seaports, but there is a shortage of this position nationwide. CBP Agriculture Specialists and Officers without AQI training are being sent from LA/LB to help Port Hueneme leaving those ports short staffed. NTEU leaders at the Port of Norfolk also report an ongoing shortage of Agriculture Specialists.

**CBP Trade Operations Staffing:** In addition to safeguarding our nation's borders and ports, CBP is tasked with regulating and facilitating international trade. **CBP employees at the ports of entry are critical for protecting our nation's economic growth and security and are the second largest source of revenue collection for the U.S. government--\$74 billion in 2020. For every dollar invested in CBP trade personnel, \$87 is returned to the U.S. economy,** either through lowering the costs of trade, ensuring a level playing field for domestic industry or protecting innovative intellectual property. Since CBP was established in March 2003, however, there has been no increase in non-uniformed CBP trade enforcement and compliance personnel. Additionally, CBP trade operations staffing has fallen below the statutory floor set forth in the Homeland Security Act of 2002 and stipulated in the FY 2019 CBP Trade ROM. To maintain CBP's trade enforcement mission, NTEU requests that Congress provides funding in FY 2022 for 50 additional CBP non-uniformed trade personnel.

**User Fee Shortfalls:** One of the most critical pandemic-related issues facing CBP OFO is the reduction of user fee funding that is threatening the nation's economic recovery as international trade and travel struggles to return to normal. This funding shortfall is a result of the reduction in customs and immigration user fees collected due to the drastic drop in international commercial travel, and to a lesser extent, trade volume since March 2020.

As you know, CBP collects fees under the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) and immigration inspection user fees to recover certain costs incurred for processing air and sea passengers and various private and commercial land, sea, air, and rail carriers and shipments. The source of these user fees are commercial vessels, commercial vehicles, rail cars, private aircraft, private vessels, air passengers, sea passengers, cruise vessel passengers, dutiable mail, customs brokers, and barge/bulk carriers. International air travel contributes 94 percent of COBRA and immigration user fees. COBRA and immigration user fees together fund 40 percent of CBP's OFO budget, including 8,000 CBPO positions. That is roughly one third of the entire CBP workforce at the ports of entry. Agriculture Quality Inspection (AQI) user fees currently fund up to 2,400 Agriculture Specialists, currently 100 percent of the CBP Agriculture Specialists workforce.

Due to the pandemic's continued disruption of fee-generating international travel and commerce, user fee collections have fallen precipitously which has necessitated the need for emergency funding to prevent furloughing CBP OFO personnel at a time when international trade and travel volume is beginning to return to pre-pandemic levels. To address the user fee shortfall, we were pleased that Congress provided \$840 million in FY 2021 emergency appropriations to maintain current staffing of CBP Officers. Projected CBP trade and travel volume data shows an estimated user fee shortfall of up to \$1.4 billion through the first quarter of FY 2022.

To address the ongoing user fee shortfall, Congress has provided appropriated dollars to bridge this shortfall in the Continuing Resolution and has given NTEU assurances that the final FY 2022 deal will continue this funding. In the case that Congress is unable to come to a final deal and there is a full-year CR, NTEU is working to ensure that there is no disruption of this funding and furloughs will continue to be avoided. Congress also provided up to \$635 million through the end of FY 2022 in supplemental funding to USDA to cover the user funding shortfall that funds CBP Agriculture Specialists staffing.

U.S. businesses rely on the safe and efficient movement of goods and people across our borders and are all working to safely resume international travel and travel. Keeping current CBP Officer staffing levels will be necessary to successfully transition into a more robust, safe, and delay-free travel environment and improve cargo movement. Losing the hiring and staffing advances that CBP finally started to gain after years of effort and much appreciated funding support by Congress will negatively impact cross-border travel, passenger processing and trade facilitation in future years as the economy returns to normal.

The critical issues that American businesses are facing to recover from this pandemic require quick, decisive action so that our government can best facilitate the flow of travel and trade as the economy recovers. Without Congress again providing supplemental funding or reprogramming existing funds to support these CBP Officers between now and the end of FY 2022, we are gravely concerned that this loss of user fee funding will result in furloughs at a time when this workforce is most needed to facilitate the flow of legitimate travel and trade as the economy recovers.

NTEU requests that the Committee seek from appropriators either through reprogramming, a supplemental funding bill, or in its final FY 2022 DHS appropriations bill, funding to replace user fee shortfalls for CBP OFO salaries and expenses and to mitigate dependence on user fees to fund salaries and expenses of CBP OFO personnel. This CBP OFO funding request will help to ensure that current CBP Officer staffing levels are maintained as trade and traffic volumes increase. NTEU implores you to seek additional funding now so that CBP Officers can stay on the job during the economic recovery. CBP employees at the ports of entry already face many challenges in the course of their work and concerns about their health and safety or of being furloughed as the country reopens for business should not be among them.

NTEU also strongly opposes any diversion of COBRA user fees. Any increases to the user fee account should be properly used for much-needed CBP staffing and not diverted to unrelated projects. In 2015, the *Fixing America's Surface Transportation (FAST) Act* indexed COBRA user fees to inflation. However, the Act diverted this increase in the user fee from CBP to pay for unrelated infrastructure projects. Indexing the COBRA user fee to inflation is projected to raise \$1.4 billion over ten years—a potential \$140 million per year funding stream to help pay for the hiring of additional CBP Officers to perform CBP's border security, law enforcement and trade and travel facilitation missions. Diverting these funds has resulted in CBP not receiving this user fee funding to hire over 900 new CBP Officers per year since the FAST Act went into effect. These new hires would have significantly alleviated the current CBP Officer staffing shortage.

**CBP Officer Overtime:** Prior to the pandemic, ongoing staffing shortages resulted in CBP Officers being required to work excessive overtime hours to maintain basic port staffing. CBP Officer overtime pay is entirely funded through user fees and is statutorily capped at \$45,000 per year. All CBP Officers are aware that overtime assignments are an aspect of their jobs. However, long periods of overtime hours can severely disrupt an officer's family life, morale and ultimately their job performance protecting our nation. CBP Officers can be required to regularly work overtime hours and many individual Officers have hit the overtime cap very early in the fiscal year. This leaves no overtime funding available for peak season travel, resulting in critical staffing shortages in the third and fourth quarter that coincides with holiday travel at the ports.

To address this issue prior to the pandemic, CBP granted overtime cap exemptions to over one-half of the workforce to allow managers to assign overtime to Officers that have already reached the statutory overtime cap, but cap waivers only force CBP Officers already working long daily shifts to continue working these shifts for more days. As the trade and travel volume recovers, CBP Officers may once again be required to come in hours before their regular shifts, to stay an indeterminate number of hours after their shifts (on the same day) and compelled to come in for more overtime hours on their regular days off. Involuntary overtime resulting in 12 to 16-hour shifts, day after day, for months on end significantly disrupts CBP Officers' family life and erodes morale. As NTEU has repeatedly stated, extensive overtime is not a long-term solution for staffing shortages at the ports and we need Congress' support to end this practice by funding OFO new hires as international trade and travel volume continues to rally.

**Reimbursable Service Program:** In order to find alternative sources of funding to address serious staffing shortages, CBP received authorization for and has entered into Reimbursable Service Agreements (RSAs) with the private sector, as well as with state and local governmental entities. These stakeholders, who are already paying COBRA and immigration user fees for CBP OFO employee positions and overtime, reimburse CBP for additional inspection services, including overtime pay and the hiring of new CBP Officer and Agriculture Specialist personnel that in the past have been paid for entirely by user fees or appropriated funding. Since the program began in 2013, CBP has entered into agreements with over 236 stakeholders providing more than 793,000 additional processing hours for incoming commercial and cargo traffic (see GAO-20-255R and GAO-21-234R).

NTEU believes that the RSA program is a band-aid approach and cannot replace the need for Congress to either appropriate new funding or authorize an increase in customs and immigration user fees to adequately address CBP staffing needs at the ports. RSAs simply cannot replace the need for an increase in CBP appropriated or user fee funding—and they make CBP a “pay to play” agency. NTEU also remains concerned with CBP's new Preclearance expansion program that also relies heavily on “pay to play.” Further, NTEU believes that the use of RSAs to fund CBP staffing shortages raises significant equity issues between larger and/or wealthier ports and smaller ports.



**Illegal Narcotics Interdiction:** CBP OFO is the premier DHS component tasked with stemming the nation’s opioid epidemic — a crisis that continues to get worse. On a typical day, the agency makes over 900 arrests and seizes more than 9,000 pounds of illegal drugs.

According to a May 2018 report released by the Senate Homeland Security and Governmental Affairs Committee Minority titled *Combating the Opioid Epidemic: Intercepting Illicit Opioids at Ports of Entry*, “between 2013 and 2017, approximately 25,405 pounds, or 88% of all opioids seized by CBP, were seized at ports of entry. The amount of fentanyl seized at the ports of entry increased by 159% from 459 pounds in 2016 to 1,189 pounds in 2017.” CBP officials recently testified that seizures of fentanyl at the ports of entry “increased from 2,579 pounds in FY 2019 to 3,967 pounds in FY 2020, an increase of 54 percent. For the comparative time frame of FY 2020 and 2021 (October to March for both years) the amounts seized were 1,079 and 5,048. This is over a 300 percent increase with a half year to go.”

In June 2019, 17 tons of cocaine, with a street value of over \$1 billion, was seized from a cargo ship at the Port of Philadelphia. This amount of cocaine could kill millions of people. The drug seizure is the latest in a series of large cocaine busts at east coast seaports. In an earlier March 2019 bust at the Philadelphia seaport, drug dogs sniffed out 1,185 pounds of cocaine worth about \$38 million – at that time, the city’s largest seizure of the drug in more than two decades. And in February 2019, CBP Officers seized 3,200 pounds at the Port of New York and New Jersey with a street value estimated at \$77 million. That was the largest cocaine bust at the seaport since 1994. NTEU’s FY 2022 funding request supports the CBP Officer new hires, but also additional CBP Canine teams on the frontline.

**Ongoing Morale Issues at DHS:** Adequate staffing at CBP ports of entry is critical to our nation’s economic vitality. In order to attract talented applicants, however, federal agencies must also recognize the importance of employee engagement and fair treatment in their workplace. Unfortunately, low morale has been a consistent challenge at CBP that is reflected in CBP’s ranking in the Partnership for Public Service (PPS) *Best Places to Work in the Federal Government*. In 2020, PPS ranked CBP as 328<sup>th</sup> out of 411 component agencies surveyed.

The *Best Places to Work* results raise serious questions about the CBP’s ability to recruit and retain the top-notch personnel necessary to accomplish the critical missions that keep our country safe. If the agency’s goal is to build a workforce that feels both valued and respected, these results show that the agency needs to make major changes in its treatment of employees.

Of particular concern to NTEU is the increase in suicides as the reported cause death of Federal employees. Last year, the U.S. Bureau of Labor Statistics (BLS) released data that shows that Federal employee suicides were at their highest level in at least 15 years, with suicides accounting for 28% of the 124 Federal employee job-related deaths in 2018. Since 2011, the number of self-inflicted intentional fatalities among Federal workers has more than doubled to 35, although the Federal workforce has remained approximately the same size.

Most suicides continue to involve Federal employees in work related to law enforcement, such as CBP. In 2016, 15 of the 16 reported suicides were by Federal workers employed at a national security related agency. At CBP, more than 100 employees died by suicide between

2007 and 2018, according to the agency. NTEU applauds CBP for seeking additional funding for their Employee Assistance Program (EAP). In response to many conversations and concerns regarding the adequacy of CBP's programs to assist employees who are experiencing mental health issues. At NTEU's insistence CBP also agreed to bargain over the establishment of a union/management Suicide Prevention and Resiliency workgroup. The purpose of the workgroup is to collaborate on new and innovative ways to promote and improve current resiliency and suicide prevention programs within CBP.

NTEU also applauds the President for including in FY 2022 budget request an increase of \$2.1 million to fund on-site clinicians to support CBP employee resiliency and suicide prevention programs.

NTEU also strongly supports H.R. 490, the DHS Morale, Recognition, Learning and Engagement Act or the DHS MORALE Act. The MORALE Act was approved by the House on April 20, 2021 and is awaiting action by the Senate. The bill directs the Chief Human Capital Officer (CHCO) to analyze government-wide Federal workforce satisfaction surveys to inform efforts to improve morale, maintain a catalogue of available employee development opportunities and authorize the designation of a Chief Learning and Engagement Officer to assist the CHCO on employee development.

H.R. 490 also authorizes the establishment of an Employee Engagement Steering Committee comprised of representatives from across the Department, as well as individuals from employee labor organizations that represent DHS employees. Lastly, the bill authorizes the Secretary to establish an annual employee awards program to recognize non-supervisory DHS employees who have made a significant contribution to the Department. In our collective bargaining agreement with CBP, NTEU negotiated an extremely popular employee joint awards program. The Agency retains the discretion to determine how much of its budget will be allocated for awards, but 85 percent of the total awards budgeted are recommended by a joint union/management awards committee to be distributed proportionately among bargaining unit employees. NTEU recommends that DHS look at the negotiated CBP joint awards program as a model for an agency-wide program.

While a major factor contributing to low morale at CBP is insufficient staffing and resources at the ports of entry, the provisions in the DHS MORALE Act will help to address non-staffing issues that affect employee morale by improving frontline employee engagement and establishing a statutory annual employee award program. NTEU commends the House for approving the DHS MORALE Act and will continue to urge the Senate to expeditiously do the same.

**NTEU Recommendations:** To address CBP's workforce challenges and to improve security, trade, and travel at our nation's ports of entry, Congress must first address CBP OFO ongoing staffing shortages. It is clearly in the nation's economic and security interest for Congress to authorize and fund an increase in the number of CBP Officers, CBP Agriculture Specialists, and other CBP employees at the air, sea, and land ports of entry.

In order to achieve the long-term goal of securing the proper staffing of CBP staffing at the seaports and end disruptive TDYs and excessive involuntary overtime shifts at all ports of entry, NTEU recommends that Congress take the following actions:

- Enact a stand-alone bill to authorize funding for CBP Officer new hires to the level identified in the workload staffing model,
- Support funding for CBP Officers new hires in FY 2022 DHS Appropriations,
- Support FY 2022 funding for new CBP agriculture inspection personnel, as authorized by P.L. 116-122,
- Support funding for needed Trade Operations Specialists and other OFO support staff,
- Support the Hazardous Duty Pay for Frontline Federal Workers Act (H.R. 2744), and any new legislation that temporarily provides hazard pay for CBP employees exposed to the public at work during the COVID-19 pandemic, and
- Oppose any legislation to divert customs user fees to other uses, projects, or programs that are collected to fund a portion of salaries, benefits, and overtime for CBP Officers.

The CBP employees that NTEU represents work hard and care deeply about their jobs and their country. These men and women are deserving of more staffing and resources to perform their jobs better and more efficiently. Authorizing funding for CBP OFO new hires will start to relieve the stress of excessive overtime and temporary reassignments that are a strain on CBP employees and their families.

Thank you for the opportunity to testify before the Subcommittee.

## NTEU Exhibit A

November 15, 2021

The Honorable Rosa DeLauro  
Chair  
Committee on Appropriations  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Kay Granger  
Ranking Member  
Committee on Appropriations  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Patrick Leahy  
Chair  
Committee on Appropriations  
United States Senate  
Washington, DC 20510

The Honorable Richard Shelby  
Vice Chair  
Committee on Appropriations  
United States Senate  
Washington, DC 20510

Dear Chair DeLauro, Ranking Member Granger, Chair Leahy, and Vice Chair Shelby:

As stakeholders interested in the security and facilitation activities of Customs and Border Protection (CBP) at air, sea, and land ports-of-entry around the world, we remain greatly affected by the ongoing COVID-19 global pandemic and its impact on the processing of passengers and cargo. As the U.S. economy recovers and international trade and travel begin to reach pre-pandemic levels, we are increasingly concerned that CBP staffing may not be sufficient to address these increased volumes.

While we are appreciative that both the House and Senate DHS Appropriations bills maintain funding for current CBP officer staffing levels, we are disappointed that neither bill included additional resources for CBP to hire new officers. With our air, sea, and land ports reopened to international travelers that are fully vaccinated on November 8 and cruise ships resuming full operations on January 15<sup>th</sup>, we are seeing a surge in travelers that will need to be processed by CBP officers. Couple that with the identified need of 1,785 new officers in CBP's most recent workload staffing model, finalized when COVID-related international travel restrictions were in place, it is clear that the agency needs additional officers to smoothly process travelers and cargo without long delays at our ports of entry and to facilitate new economic opportunities in communities throughout the United States. That is why we respectively reiterate our original request and are asking you to consider during conference negotiations funding for 800 additional CBP officers—half the identified need—in the final FY 2022 DHS appropriations bill.

Also, we should recognize CBP's continued shortfall in user fees collections that support 8,000 CBP officers at our ports of entry and preclearance operations at foreign airports as a result of the precipitous decrease in travel during the COVID pandemic. We greatly appreciate Congress providing supplemental resources last year to ensure that the agency maintains its staffing levels and continues to onboard new officers during the pandemic. We also are appreciative of the language included in the current continuing resolution that prevents the agency from furloughing staff due to pandemic-related loss of user fee funding. We believe additional emergency funding will be needed in the final FY 2022 DHS appropriation agreement to sustain CBP officers as user fees have not yet returned to pre-pandemic levels and urge this funding be included in the final agreement.

Increasing CBP officer staffing is an economic driver for the U.S. economy. While the volume of commerce crossing our borders has more than tripled in the past 25 years, CBP staffing has not kept pace

with demand. Long wait times at our ports-of-entry lead to travel delays and uncertainty, which can increase supply-chain costs and cause passengers to miss their connections. According to the U.S. Department of Commerce, border delays result in losses to output, wages, jobs, and tax revenue due to decreases in spending by companies, suppliers, and consumers. The travel industry estimates long CBP wait times have discouraged international visitors, who spend an average of \$4,200 per visit, from traveling to the United States.

We share your commitment to ensuring that America's borders remain safe, secure, and efficient for all users while enhancing our global competitiveness through the facilitation of legitimate travel and trade. We greatly appreciate your efforts to continue building on staffing advances made in recent years, and we urge you to include FY 2022 funding to sustain the current CBP officers, provide funding to hire new ones, and make up for the user fee funding shortfall.

Sincerely,

Airports Council International – North America  
National Treasury Employees Union  
American Association of Airport Executives  
American Association of Port Authorities  
Airforwarders Association  
American Society of Travel Advisors  
Border Trade Alliance  
Cargo Airline Association  
City of Douglas, Arizona  
City of San Luis, Arizona  
Douglas Industrial Development Authority  
Douglas International Port Authority  
Douglas Regional Economic Development Corporation  
Fresh Produce Association of the Americas  
Global Business Travel Association  
Greater Nogales Santa Cruz County Port Authority  
Greater Yuma Port Authority  
National Association of Waterfront Employers  
National Maritime Safety Association  
Texas International Produce Association  
The Borderplex Alliance  
US Travel Association