United States Government Accountability Office

Testimony

Before the Subcommittee on Oversight, Management, and Accountability, Committee on Homeland Security, House of Representatives

U.S. CUSTOMS AND BORDER PROTECTION

Progress and Challenges in Recruiting, Hiring, and Retaining Law Enforcement Personnel

Statement of Rebecca Gambler, Director, Homeland Security and Justice

GAO Highlights

U.S. CUSTOMS AND BORDER PROTECTION

Progress and Challenges in Recruiting, Hiring, and Retaining Law Enforcement Personnel

Why GAO Did This Study

CBP is responsible for securing U.S. borders and employs nearly 45,000 law enforcement officers across its three operational components at and between U.S. ports of entry, in the air and maritime environment, and at certain overseas locations. In recent years, CBP has not attained target staffing levels for its law enforcement positions, citing high attrition rates in some locations, a protracted hiring process, and competition from other law enforcement agencies.

This statement addresses CBP's efforts to (1) recruit and more efficiently hire law enforcement applicants, and (2) retain law enforcement officers. This statement is based on a GAO report issued in June 2018 on CBP's recruiting, hiring, and retention efforts along with updates as of February 2019 on actions CBP has taken to address GAO's prior recommendation. For the previous report, GAO analyzed CBP data on recruitment efforts, hiring process steps, and retention rates; examined strategies related to these activities; and interviewed CBP officials and union groups. GAO also reviewed information on CBP actions to implement GAO's prior recommendation.

What GAO Recommends

GAO recommended in its June 2018 report that CBP systematically collect and analyze data on departing law enforcement officers and use this information to inform retention efforts. DHS concurred, and CBP has actions planned or underway to address this recommendation.

What GAO Found

In June 2018, GAO reported that U.S. Customs and Border Protection (CBP) increased its emphasis on recruitment by establishing a central recruitment office in 2016 and increasing its participation in recruitment events, among other things. As a result, the number of applications it received for law enforcement positions across its operational components—the Office of Field Operations, U.S. Border Patrol, and Air and Marine Operations—more than tripled from fiscal years (FY) 2013 through 2017. Also, in November 2017, CBP hired a contractor to more effectively target potential applicants and better utilize data to enhance CBP's recruitment and hiring efforts. However, at the time of GAO's June 2018 report, it was too early to gauge whether the contractor would be effective in helping CBP to achieve its goal to recruit and hire more law enforcement officers.

CBP improved its hiring process as demonstrated by two key metrics—reducing its time-to-hire and increasing the percentage of applicants that are hired. As shown in the table, CBP's time-to-hire decreased from FY 2015 through 2017. CBP officials stated that these improvements, paired with increases in applications, have resulted in more hires. However, the hiring process remains lengthy. For example, in FY 2017, CBP officer applications took more than 300 days, on average, to process. Certain factors contributed to the lengthy time-to-hire, including process steps that can be challenging and time-consuming for applicants to complete—such as the polygraph exam—as well as CBP's reliance on applicants to promptly complete certain aspects of the process—such as submitting their background investigation form.

U.S. Customs and Border Protection's (CBP) Time-to-Hire for Law Enforcement Officer Positions, Fiscal Years (FY) 2015—2017

Law enforcement officer position	Days		
	FY 2015	FY 2016	FY 2017
CBP officer	396	365	318
Border Patrol agent	628	306	274
Air and Marine Interdiction Agents	365	338	262

Source: GAO analysis of CBP data. | GAO-19-419T

CBP enhanced its efforts to address retention challenges. However, staffing levels for law enforcement positions consistently remained below target levels. For example, CBP ended FY 2017 more than 1,100 CBP officers below its target staffing level. CBP officials cited employees' inability to relocate to more desirable locations as the primary retention challenge. CBP offered some relocation opportunities to law enforcement personnel and has pursued the use of financial incentives and other payments to supplement salaries, especially for those staffed to remote or hard-to-fill locations. However, retaining law enforcement officers in hard-to-fill locations continues to be challenging for CBP. GAO reported that CBP could be better positioned to understand its retention challenges and take appropriate action to address them by implementing a formal process for capturing information on all departing employees. In response, CBP officials reported taking steps to implement a CBP-wide exit survey and plan to analyze the results of the survey quarterly, beginning April 2019.

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March 7, 2019

Chairwoman Torres Small, Ranking Member Crenshaw, and Members of the Subcommittee:

I am pleased to be here today to discuss our work on U.S. Customs and Border Protection's (CBP) efforts to recruit, hire, and retain law enforcement personnel. CBP is responsible for, among other things, securing U.S. borders to prevent acts of terrorism and stopping the unlawful movement of people, illegal drugs, and other contraband across U.S. borders. To carry out these objectives, CBP employs nearly 45,000 law enforcement personnel across its three operational components—the Office of Field Operations (OFO), U.S. Border Patrol ((Border Patrol), and Air and Marine Operations (AMO)—at and between U.S. ports of entry, in the U.S. air and maritime environment, and at certain overseas locations.[1] However, in recent years, CBP has not been able to attain its statutorily-established minimum staffing levels for its Border Patrol agent positions or its staffing goals for other law enforcement officer positions, citing high attrition rates in some locations, a protracted hiring process, and competition from other federal, state, and local law enforcement agencies. Additionally, Executive Order 13767, issued in January 2017, called for CBP to hire 5,000 additional Border Patrol agents, subject to available appropriations. Consistent with this directive, Border Patrol is aiming to attain a staffing level of 26,370 Border Patrol agents (5,000 agents above the fiscal year 2016 statutorily-established level). As of early February 2019, Border Patrol had 19,443 agents onboard, which is 6,927 agents below the target level, according to CBP.

In June 2018, we reported on the extent to which CBP has developed and implemented an approach to recruit qualified law enforcement officers, revised its hiring process and made efforts to more efficiently hire law enforcement applicants, and developed and implemented an approach to retain law enforcement officers.[2] This statement summarizes information from that report, as well as actions CBP has taken, as of February 2019, to address our recommendation

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[1]Within CBP's three operational components—OFO, Border Patrol, and AMO—there are five categories of law enforcement officer positions, each with different job requirements and responsibilities. First, OFO's CBP officers conduct immigration and customs inspections at ports of entry to prevent the illicit entry of travelers, cargo, merchandise, and other items. Second, Border Patrol agents are responsible for securing the U.S. border between ports of entry and responding to cross-border threats. Third, AMO has three categories of law enforcement officers— Air Interdiction Agents, Aviation Enforcement Agents, and Marine Interdiction Agents—who interdict and disrupt threats to the United States in the air and maritime environments at and beyond the border.

[2]GAO, *U.S. Customs and Border Protection: Progress and Challenges in Recruiting, Hiring, and Retaining Law Enforcement Personnel*, GAO-18-487 (Washington, D.C.: June 27, 2018).

from the report that CBP systematically collect and analyze data on departing law enforcement officers and use this information to inform retention efforts. To conduct the work for our June 2018 report, we analyzed CBP data on recruitment efforts, hiring process steps, and retention rates and retention incentives; reviewed documentation on CBP recruitment, hiring, and retention strategies; and interviewed officials from CBP and each of the three operational components. We also interviewed officials from the National Border Patrol Council union and National Treasury Employees Union—which represent CBP officers. For this statement, we also reviewed the November 2017 contract CBP awarded to Accenture Federal Services, LLC, to help meet the staffing requirements outlined in Executive Order 13767 and interviewed CBP officials responsible for managing the contract. More detailed information on our objectives, scope, and methodology is contained in our June 2018 report. We also reviewed information on CBP actions to implement our prior recommendation. The work upon which this statement is based was conducted in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

CBP Has Taken Steps to Improve Its Recruting and Hiring Process, but the Process Remains Lengthy

CBP Has Enhanced Its Recruitment Efforts and Applications for Law Enforcement Officer Positions Have Increased

We reported in June 2018 that CBP increased its emphasis on recruitment by establishing a central recruitment office and increasing its participation in recruitment events. Specifically, CBP's recruitment budget allocated by the centralized recruting office almost doubled, from approximately $6.4 million in fiscal year 2015 to more than $12.7 million in fiscal year 2017. CBP also more than tripled the total number of recruitment events it participated in, from 905 events in fiscal year 2015 to roughly 3,000 in both fiscal years 2016 and 2017. In addition, we reported that CBP had increased its use of recruitment incentives for OFO specifically from fiscal years 2015 through 2017 to help staff hard-to-fill locations. A recruitment incentive may be paid to a newly-appointed employee if an agency determines that a position is likely to be difficult to fill in the absence of such an incentive. From fiscal years 2015 through 2017, OFO increased the number of recruitment incentives it paid to CBP officers from nine incentives in two locations at a total cost of about $77,600 to 446 incentives across 18 locations at a cost of

approximately $4.3 million. AMO and Border Patrol did not use recruitment incentives from fiscal years 2015 through 2017.
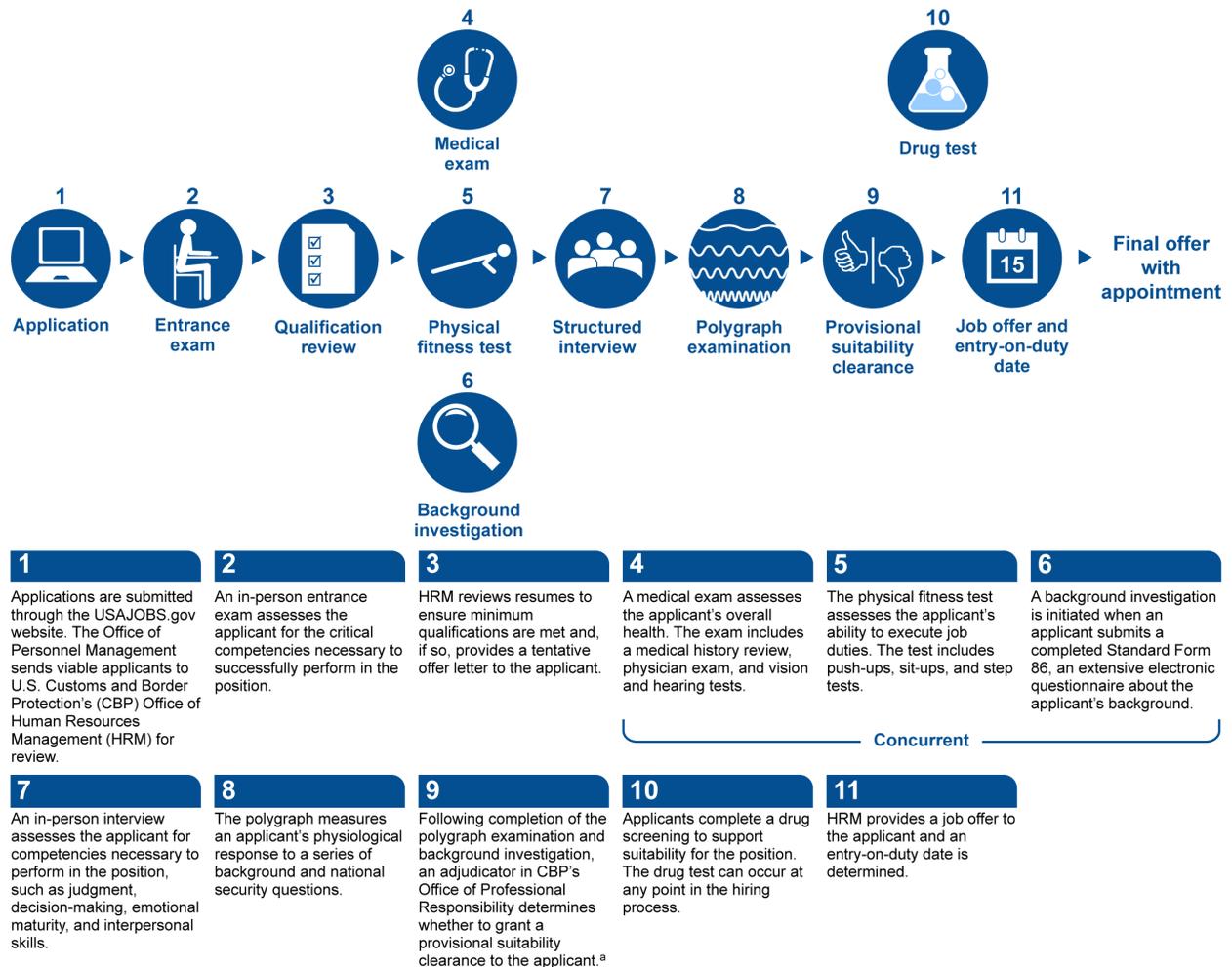
As a result of its efforts, CBP also experienced an increase in the number of applications it received for law enforcement officer positions across all three operational components from fiscal years 2013 through 2017. For example, with the exception of fiscal year 2014, applications for Border Patrol agent positions increased every year, from roughly 27,000 applications in fiscal year 2013 to more than 91,000 applications in fiscal year 2017. Further, during the same period, applications for CBP officer positions increased from approximately 22,500 to more than 85,000, and applications for AMO's law enforcement officer positions increased from about 2,000 to more than 5,800.

CBP's Hiring Process Has Improved, but the Process Remains Lengthy

As we reported in June 2018, CBP's law enforcement applicants undergo a lengthy and rigorous hiring process that includes nearly a dozen steps, including a background investigation, medical examination, physical fitness test, and polygraph examination. Several of these steps can be done concurrently—for example, CBP can begin the background investigation while the candidate completes the physical fitness test and medical examination process steps. Figure 1 depicts the hiring process for Border Patrol agent and CBP officer positions.[3]

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[3]AMO's hiring process differs from those for Border Patrol agents and CBP officers regarding exams, certifications, and credentials required.

Figure 1: U.S. Customs and Border Protection's (CBP) Hiring Process for Border Patrol Agent and CBP Officer Positions

4 Medical exam

10 Drug test

1 Application

2 Entrance exam

3 Qualification review

5 Physical fitness test

7 Structured interview

8 Polygraph examination

9 Provisional suitability clearance

11 Job offer and entry-on-duty date

Final offer with appointment

6 Background investigation

1 Applications are submitted through the USAJOBS.gov website. The Office of Personnel Management sends viable applicants to U.S. Customs and Border Protection's (CBP) Office of Human Resources Management (HRM) for review.

2 An in-person entrance exam assesses the applicant for the critical competencies necessary to successfully perform in the position.

3 HRM reviews resumes to ensure minimum qualifications are met and, if so, provides a tentative offer letter to the applicant.

4 A medical exam assesses the applicant's overall health. The exam includes a medical history review, physician exam, and vision and hearing tests.

5 The physical fitness test assesses the applicant's ability to execute job duties. The test includes push-ups, sit-ups, and step tests.

6 A background investigation is initiated when an applicant submits a completed Standard Form 86, an extensive electronic questionnaire about the applicant's background.

Concurrent

7 An in-person interview assesses the applicant for competencies necessary to perform in the position, such as judgment, decision-making, emotional maturity, and interpersonal skills.

8 The polygraph measures an applicant's physiological response to a series of background and national security questions.

9 Following completion of the polygraph examination and background investigation, an adjudicator in CBP's Office of Professional Responsibility determines whether to grant a provisional suitability clearance to the applicant.[a]

10 Applicants complete a drug screening to support suitability for the position. The drug test can occur at any point in the hiring process.

11 HRM provides a job offer to the applicant and an entry-on-duty date is determined.

Source: GAO analysis of CBP documentation; Art Explosion (clip art). | GAO-19-419T

Note: As of November 2016, applicants for Border Patrol agent and CBP officer positions at the Law Enforcement Officer GS-9 level are no longer required to take the entrance examination. Further, in fiscal year 2017, CBP eliminated the second physical fitness test—which had been the last process step in CBP's hiring process—for Border Patrol agent and CBP officer applicants. In addition to shortening the overall process, CBP officials told us this change provided the small percentage of applicants that passed every other hiring process step with an opportunity to demonstrate they meet CBP's physical ability standards during basic training.

[a]CBP must still complete a final suitability review after the granting of a provisional suitability clearance once all steps of the background investigation process are complete.

From fiscal years 2015 through 2017, CBP generally improved its performance in two key metrics to assess the efficiency and effectiveness of its hiring process for law enforcement officer positions. Specifically, CBP reduced its time-to-hire (the average number of days that elapsed between the closing date of a job announcement and an applicant's entry-on-duty date)

and increased the percentage of applicants that are hired. With regard to the time-to-hire metric, as shown in table 1, CBP's time-to-hire decreased from fiscal years 2015 through 2017.

Table 1: U.S. Customs and Border Protection's (CBP) Time-to-Hire for Law Enforcement Officer Positions, Fiscal Years (FY) 2015—2017

	Days		
Law enforcement officer position	FY 2015	FY 2016	FY 2017
CBP officer	396	365	318
Border Patrol agent	628	306	274
Air and Marine Interdiction Agents	365	338	262

Source: GAO analysis of CBP data. | GAO-19-419T

With regard to the percentage of applicants that are hired, CBP's overall applicant pass rate metric calculates the estimated percentage of applicants who successfully complete the hiring process and enter on duty. CBP data indicate that overall applicant pass rates more than doubled for CBP officer and Border Patrol agent positions from fiscal years 2016 through 2017. CBP officials told us that higher overall applicant pass rates paired with recent increases in the number of applications received by the agency are starting to result in an increase in the number of law enforcement officers hired, as applicants complete CBP's hiring process and officially enter on duty. As we reported in June 2018, CBP data indicated that more law enforcement officers entered on duty in the first half of fiscal year 2018 than entered on duty in the first half of fiscal year 2017. Specifically, the total number of CBP officers and Border Patrol agents that entered on duty in the first half of fiscal year 2018 increased by roughly 50 percent and 83 percent, respectively, when compared to the same period of the prior fiscal year. Further, the total number of AMO law enforcement officers that entered on duty in the first half of fiscal year 2018 more than doubled from the same period of fiscal year 2017.

As we reported in June 2018, CBP has made efforts to improve its hiring process by revising certain aspects of the process, among other things. According to agency officials, these efforts to streamline and improve CBP's overall hiring process have collectively resulted in the decreased time-to-hire and increased overall applicant pass rates discussed above. For example, in March 2017, CBP was granted the authority to waive the polygraph examination for veterans who meet certain criteria, including those who hold a current, active Top-

Secret/Sensitive-Compartmented-Information clearance.[4] Also, in April 2017, CBP received approval from the Office of Personnel Management to use direct-hire authority for law enforcement positions, which allows CBP to expedite the typical hiring process by eliminating competitive rating and ranking procedures and veterans' preference. As of March 31, 2018, 77 CBP officers and 107 Border Patrol agents had entered on duty through this authority.

CBP has also made revisions to specific steps in its hiring process, including the application, entrance examination, and polygraph examination, among others. For example, in fiscal year 2016, CBP reordered its hiring process to place the entrance examination as the first step directly after an applicant submitted an application. Prior to this change, CBP conducted qualification reviews on applicants to ensure they met position requirements before inviting them to take the entrance exam. According to CBP officials, this updated process provided applicants with the opportunity to obtain a realistic preview of the job they were applying for earlier in the hiring process. These officials explained that this helps to ensure that only those applicants who are committed to completing the hiring process and entering on duty at CBP continue through the hiring pipeline, which may help to address high applicant discontinue rates (e.g., roughly half of all eligible applicants in fiscal year 2015 did not take the exam). According to CBP officials, this revision also created efficiencies as the agency no longer has to spend time and resources on completing qualification reviews for applicants who either did not show up to take the exam or failed the exam itself.

CBP has also made several changes to its polygraph examination process step, which has consistently had the lowest pass rate of any step in its hiring process. For example, among other things, CBP has increased the number of polygraph examiners available to administer the test, according to agency officials, and was piloting a new type of polygraph exam. According to CBP officials, the new examination focuses on identifying serious crimes and is sufficiently rigorous to ensure that only qualified applicants are able to pass. Preliminary data from CBP's pilot show that this new exam has demonstrated higher pass rates when compared with CBP's traditional polygraph exam while also taking less time, on average, per test to complete. At the time of our review, it was too early to tell if these efforts will result in improvements to the

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[4]The National Defense Authorization Act for Fiscal Year 2017 permitted the Commissioner of CBP to waive the polygraph examination requirement for any veteran applicant deemed suitable for employment who holds a current, active Top-Secret clearance and is able to access sensitive compartmented information; has a current single-scope background investigation; and was not granted any waivers to obtain the clearance. Pub. L. No. 114-328, div. A, tit. X, subtit. E, § 1049, 130 Stat. 2000, 2396 (2016) (classified at 6 U.S.C. § 221 note).

polygraph examination step. Available CBP data indicate mixed results. Specifically, while the average duration to complete this step decreased for all law enforcement officer positions from fiscal years 2015 through 2017, pass rates also declined slightly over this same period. For example, for Border Patrol agents, the pass rate declined from 28 to 26 percent, while for CBP officers, it declined from 32 to 25 percent.

While CBP had reduced its time-to-hire and made efforts to improve its hiring process for law enforcement officers, CBP officials noted that the hiring process remained lengthy, which directly affected the agency's ability to recruit and hire for law enforcement positions. CBP officials also stated that their ability to further improve CBP's time-to-hire and increase law enforcement hires was affected by hiring process steps that can be challenging and time-consuming for applicants to complete, as well as CBP's reliance on applicants to promptly complete certain aspects of the process. In fiscal year 2017, it took an average of 274 days for Border Patrol agent applicants and 318 days for CBP officer applicants to complete all hiring steps and enter on duty. According to a leading practice in hiring we identified for such positions, agencies should ensure that the hiring process is not protracted or onerous for applicants. According to CBP officials, the agency's multi-step hiring process for its law enforcement officer positions was intentionally rigorous and involves extensive applicant screening to ensure that only qualified candidates meet the technical, physical, and suitability requirements for employment at CBP. Even so, CBP officials across several components told us that the agency's time-to-hire was too long and directly affected the component's ability to recruit and hire for law enforcement positions. For example, OFO officials told us that the longer the hiring process takes to complete, the more likely it was that an applicant will drop out. Further, qualified applicants may also decide to apply for employment at a competing law enforcement agency that may have a less rigorous process than CBP's, according to CBP officials.

One factor that affects CBP's ability to efficiently process and onboard law enforcement officers are specific hiring process steps that are time-consuming and challenging for candidates to complete. For example, CBP officials cited the polygraph examination as a significant bottleneck within CBP's hiring process. In addition to having the lowest pass rate of any step in CBP's process, the polygraph examination also took CBP officer and Border Patrol agent applicants, on average, the longest amount of time to complete in fiscal year 2017—74 days and 94 days, respectively. Further, CBP officials told us that these already lengthy time frames may increase

further because of the growing number of applicants for CBP's law enforcement positions. In addition, on average, it took CBP law enforcement officer applicants across all three components 55 days or more to complete the medical examination and more than 60 days to complete the background investigation.

CBP's Accenture Contract Is Intended to Further Enhance CBP's Recruitment and Hiring Efforts

In November 2017, CBP hired a contractor—Accenture Federal Services, LLC—to help the agency recruit and hire the 5,000 Border Patrol agents called for in Executive Order 13767, as well as an additional 2,000 CBP officers and 500 AMO personnel. Specifically, at the time of our June 2018 report, the contract had a total potential period of 5 years at a not-to-exceed value of $297 million. The contract included a base year and four 1-year option periods, which CBP may exercise at its discretion for a total potential period of 5 years. Under this performance-based contract, Accenture is responsible for enhancing CBP's recruitment efforts and managing the hiring process for those applicants it recruits.

We reported that the Accenture contract is intended to enhance CBP's recruitment efforts by improving its marketing strategy and utilizing new ways to capture and analyze data to better inform recruitment efforts, according to CBP officials. To meet target staffing levels, CBP expected that the contractor would augment CBP's current hiring infrastructure while pursuing new and innovative hiring initiatives. Specifically, the contractor is responsible for implementing the same hiring process steps and ensuring that all applicants recruited by Accenture meet CBP's standards. CBP officials also told us that Accenture has the flexibility to pursue novel hiring tactics and pilot initiatives that CBP may not have considered or been able to undertake. For example, Accenture plans to pilot innovative ways to reduce the time-to-hire, including by streamlining steps in the hiring process, which could help to improve CBP's overall process and generate increased hires for law enforcement positions. At the time of our June 2018 report, some key issues were still being negotiated between CBP and the contractor. For example, while CBP officials told us that the main metric used to assess Accenture's effectiveness will be the total number of hires the contractor produces, they were still working to finalize other key metrics for evaluating the contractor's effectiveness as well as an oversight plan to ensure the contractor operates according to agency requirements. As a result, we reported that it was too early to determine whether these initiatives would help increase the number and quality of applicants for CBP's law enforcement officer positions. We also reported that it was too early to

evaluate whether the contractor would be able to efficiently and effectively provide the surge hiring capacity CBP needs to achieve its staffing goals.

CBP Has Enhanced Its Retention Efforts, but Does Not Systematically Collect and Analyze Data on Departing Law Enforcement Personnel

<u>Retaining Law Enforcement Officers in Hard-to-Fill Locations Has Been Challenging for CBP</u>

In June 2018, we reported that CBP's annual rates of attrition were relatively low, but CBP faced challenges retaining law enforcement officers in hard-to-fill locations. From fiscal years 2013 through 2017, OFO's annual attrition rates for the CBP officer position were consistent at about 3 percent, while rates for Border Patrol agent and AMO's Marine Interdiction Agent positions were below 5 percent in 4 out of the 5 fiscal years we reviewed. When we compared CBP's annual attrition rates for these positions to those of other selected law enforcement agencies, we found that CBP's attrition rates were similar to U.S. Immigration and Customs Enforcement's (ICE) annual attrition rates for its law enforcement positions and generally lower than those of the Secret Service and the Federal Bureau of Prisons. Annual attrition rates for AMO's aviation positions were higher, ranging from 5.0 percent to 9.2 percent for the Air Interdiction Agent position and 7.8 percent to 11.1 percent for the Aviation Enforcement Agent position. Even so, fiscal years 2015 through 2017, attrition rates for these positions have generally remained lower than those of the Secret Service and the Bureau of Prisons.

In addition, from fiscal years 2013 through 2017, CBP's ability to hire more law enforcement officers than it lost varied across positions. Specifically, CBP consistently hired more CBP officers and Aviation Enforcement Agents than it lost. Further, while CBP generally maintained its staffing levels for Marine Interdiction Agents, the agency consistently lost more Border Patrol agents and Air Interdiction Agents than it hired. Even so, onboard staffing levels for all five of CBP's law enforcement officer positions have consistently remained below authorized staffing levels.[5]

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[5]OFO and AMO develop annual authorized staffing level targets for law enforcement officer positions based on operational needs and available funding. Border Patrol's authorized staffing levels through fiscal year 2016 represent statutorily-established workforce floors while the fiscal year 2017 authorized staffing level for Border Patrol agents represents the office-wide goal of having 26,370 Border Patrol agents, which includes the 5,000 additional agents Executive Order 13767 directs CBP to hire and onboard.

CBP has acknowledged that improving its retention of qualified law enforcement personnel is critical in addressing staffing shortfalls, but CBP officials identified difficulties in retaining key law enforcement staff as a result of geographically-remote and hard-to-fill duty locations. CBP officials across all three operational components cited location—and specifically employees' inability to relocate to posts in more desirable locations—as a primary challenge facing the agency in retaining qualified personnel.

Border Patrol officials explained that duty stations in certain remote locations present retention challenges due to quality-of-life factors. For example, the officials told us that agents may not want to live with their families in an area without a hospital, with low-performing schools, or with relatively long commutes from their homes to their duty station. Border Patrol's difficulty in retaining law enforcement staff in such locations is exacerbated by competition with other federal, state, and local law enforcement organizations for qualified personnel. According to Border Patrol officials, other agencies are often able to offer more desirable duty locations— such as major cities—and, in some cases, higher compensation.

 CBP data indicate that Border Patrol agents consistently leave the component for employment with other law enforcement agencies, including OFO as well as other DHS components such as ICE. For example, while retirements accounted for more than half of annual CBP officer losses from fiscal years 2013 through 2017, they accounted for less than a quarter of annual Border Patrol agent losses, indicating that the majority of these agents are not retiring but are generally leaving to pursue other employment. Further, according to CBP data, the number of Border Patrol agents departing for employment at other federal agencies increased steadily, from 75 agents in fiscal year 2013 to 348 agents in fiscal year 2017—or nearly 40 percent of all Border Patrol agent losses in that fiscal year. Border Patrol officials told us, for example, that working a standard day shift at ICE in a controlled indoor environment located in a major metropolitan area for similar or even lower salaries presents an attractive career alternative for Border Patrol agents who often work night shifts in extreme weather in geographically remote locations. The President of the National Border Patrol Council also cited this challenge, stating that unless Border Patrol agents have a strong incentive to remain in remote, undesirable locations—such as higher compensation when compared with other law enforcement agencies—they are likely to leave the agency for similar positions located in more desirable locations.

While OFO officials told us the component did not face an across-the-board challenge in retaining CBP officers, they have had difficulty retaining officers in certain hard-to-fill locations that may be geographically remote or unattractive for families, such as Nogales, Arizona, and San Ysidro, California. As a result, CBP officer staffing levels in these locations have consistently remained below authorized targets.

AMO has also had difficulty retaining its law enforcement personnel—and particularly its Air Interdiction Agent staff—in hard-to-fill locations, such as Aguadilla, Puerto Rico, and Laredo, Texas. However, given the unique qualifications and competencies required for the Air Interdiction Agent position, AMO does not compete with other law enforcement organizations. Instead, AMO officials told us they compete with the commercial airline industry for qualified pilots. Specifically, they stated that this competition is exacerbated by a nationwide shortage of pilots. In addition, AMO officials explained that there is a perception among applicants that commercial airlines are able to offer pilots more desirable locations and higher compensation. However, they told us that AMO generally provided pilots with higher starting salaries than many regional airlines as well as most career options available to helicopter pilots.

CBP Has Taken Steps to Address Retention Challenges

All three CBP operational components have taken steps to retain qualified law enforcement personnel by offering opportunities for employees to relocate to more desirable locations and pursuing the use of financial incentives, special salary rates, and other payments and allowances.

Relocation opportunities. Border Patrol, OFO, and AMO have formal programs that provide law enforcement officers with opportunities to relocate. For example, in fiscal year 2017, Border Patrol implemented its Operational Mobility Program and received initial funding to relocate about 500 Border Patrol agents to new locations based on the component's staffing needs. According to Border Patrol officials, retaining current employees is a top focus for leadership at the component and this program provides Border Patrol agents with opportunities for a paid relocation to a more desirable location at a lower cost to CBP than an official permanent change of station transfer. As of April 2018, Border Patrol officials told us that 322 Border Patrol agents had accepted reassignment opportunities through the program and the component hoped to continue receiving funding to provide these opportunities.

Financial Incentives and Other Payments and Allowances. CBP's three operational components have also taken steps to supplement employees' salaries through the use of human capital flexibilities—such as retention and relocation incentives and special salary rates—as well as other payments and allowances. CBP's goal in pursuing these human capital flexibilities is to retain current employees—especially in remote or hard-to-fill locations—who are likely to internally relocate within CBP to more desirable duty locations or depart the agency for similar positions at other law enforcement organizations or commercial airlines.

However, we found that from fiscal years 2013 through 2017, CBP's use of such financial incentives and other payments was limited, as the agency paid a total of four retention incentives and 13 relocation incentives, and implemented one special salary rate for all positions during this 5-year period. From fiscal years 2013 through 2017, Border Patrol did not offer retention incentives to agents and paid two relocation incentives to transfer Border Patrol agents to Artesia, New Mexico, and Washington, D.C., at a cost of roughly $78,000. However, in fiscal year 2018, Border Patrol increased its use of relocation incentives to facilitate the transfer of agents to duty stations along the southwest border that are less desirable due to the remoteness of the location and lack of basic amenities and infrastructure. Specifically, as of April 2018, 67 Border Patrol agents had received such incentives to relocate to duty stations in Ajo, Arizona; Calexico, California; and Big Bend, Texas; among others.

While Border Patrol did not offer retention incentives during our review period, it submitted a formal request to CBP leadership in February 2018 for a 10 percent across-the-board retention incentive for all Border Patrol agents at the GS-13 level and below, which represents the majority of the component's frontline workforce. According to Border Patrol documentation, these incentives, if implemented, could help reduce Border Patrol's attrition rate—which has consistently outpaced its hiring rate—by helping retain agents who may have otherwise left Border Patrol for similar positions in OFO, ICE, or other law enforcement agencies. According to CBP officials, as of April 2018, CBP leadership was evaluating Border Patrol's group retention incentive request, including the costs associated with implementing this 10 percent across-the-board incentive. In addition, as the incentive would benefit Border Patrol agents in all of the component's duty locations, the extent to which this effort would be effective in targeting agent attrition in the remote locations that represent CBP's largest staffing challenges remains to be seen. Border Patrol approved the 10 percent retention incentive and is awaiting funding for implementation, according to officials.

From fiscal years 2013 through 2017, OFO paid a total of four retention incentives at a cost of $149,000 to retain CBP officers in Tucson, Arizona; Detroit, Michigan; Carbury, North Dakota; and Laredo, Texas. Further, OFO paid seven relocation incentives at a cost of approximately $160,000 to relocate personnel to the hard-to-fill ports of Alcan and Nome, Alaska; Coburn Grove, Maine; and Detroit, Michigan. One OFO official told us OFO did not regularly use these incentives because its relatively low annual attrition rates make it difficult to propose a persuasive business case to CBP leadership that such incentives are necessary. Further, another OFO official explained that OFO's strategy is focused on using recruitment incentives to staff hard-to-fill locations with new employees.

From fiscal years 2013 through 2017, AMO did not offer retention incentives to law enforcement personnel and paid a total of four relocation incentives to transfer three Air Interdiction Agents and one Marine Interdiction Agent to Puerto Rico at a cost of approximately $84,000. However, AMO has taken steps to pursue additional human capital flexibilities to address its difficulty in retaining Air Interdiction Agents, including a group retention incentive and a special salary rate.

CBP Does Not Have a Systematic Process to Capture and Analyze Data on Departing Law Enforcement Officers

In June 2018, we reported that CBP does not have a systematic process for capturing and analyzing information on law enforcement officers who are leaving, such as an exit interview or survey. As a result, the agency does not have important information it could use to help inform future retention efforts. *Standards for Internal Control in the Federal Government* states that management should obtain relevant data from reliable sources and process these data into quality information to make informed decisions in achieving key objectives.[6] Taking steps to ensure that the agency's operational components are systematically collecting and analyzing complete and accurate information on all departing law enforcement officers—including the factors that influenced their decision to separate—would better position CBP to understand its retention challenges and take appropriate action to address them. We recommended that CBP should ensure that its operational components systematically collect and analyze data on departing law enforcement officers and use this information to inform retention efforts. CBP

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[6]GAO, *Standards for Internal Control in the Federal Government,* GAO-14-704G (Washington, D.C.: September 2014).

agreed with the recommendation. CBP officials reported in February 2019 that they developed and implemented a CBP-wide exit survey in August 2018 and have taken steps to promote the survey and encourage exiting CBP employees to fill it out. The officials also noted that they plan to analyze the survey results on a quarterly basis starting in April 2019. These actions, if fully implemented, should address the intent of our recommendation.

Chairwoman Torres Small, Ranking Member Crenshaw, and Members of the Subcommittee, this completes my prepared statement. I would be happy to respond to any questions you or the members of the committee may have.

If you or your staff have any questions about this statement, please contact Rebecca Gambler at (202) 512-8777 or gamblerr@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this statement. GAO staff who made key contributions to this testimony are Adam Hoffman (Assistant Director), Bryan Bourgault, Tyler Kent, Sasan J. "Jon" Najmi, and Michelle Serfass.

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