

116TH CONGRESS  
1ST SESSION

# S. 2813

To establish a CBP Hiring and Retention Innovation Council to develop ideas and initiatives to improve U.S. Customs and Border Protection hiring and retention efforts and capabilities, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 7, 2019

Ms. SINEMA (for herself and Mr. HOEVEN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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## A BILL

To establish a CBP Hiring and Retention Innovation Council to develop ideas and initiatives to improve U.S. Customs and Border Protection hiring and retention efforts and capabilities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “CBP Hiring and Re-  
5 tention Innovation Act”.

1 **SEC. 2. CBP HIRING AND RETENTION INNOVATION COUN-**  
2 **CIL.**

3 (a) ESTABLISHMENT.—Not later than 180 days after  
4 the date of the enactment of this Act, the Secretary of  
5 Homeland Security, in conjunction with the Chief Human  
6 Capital Officer of the Department of Homeland Security,  
7 shall establish a CBP Hiring and Retention Innovation  
8 Council (referred to in this Act as the “Council”) to de-  
9 velop ideas and initiatives to improve U.S. Customs and  
10 Border Protection hiring and retention efforts and capa-  
11 bilities.

12 (b) COMPOSITION.—The Council shall include—

13 (1) the Secretary of Homeland Security, or the  
14 Secretary’s designee, who shall serve as the Chair of  
15 the Council;

16 (2) the Commissioner of U.S. Customs and  
17 Border Protection, or the Commissioner’s designee;

18 (3) the Assistant Commissioner, Office of  
19 Human Resources Management, Enterprise Services,  
20 or the Assistant Commissioner’s designee;

21 (4) the Assistant Commissioner, Office of Fi-  
22 nance, Enterprise Services, or the Assistant Com-  
23 missioner’s designee;

24 (5) appropriate representatives from labor  
25 groups representing U.S. Customs and Border Pro-  
26 tection employees;

1           (6) other members, selected by the Secretary,  
2           who have the requisite knowledge or expertise to  
3           help U.S. Customs and Border Protection develop  
4           new hiring and retention strategies, initiatives, and  
5           innovations, including—

6                   (A) private sector human resource experts;

7                   and

8                   (B) chief human capital officers, or their  
9                   designees, from other Federal agencies; and

10           (7) U.S. Customs and Border Protection offi-  
11           cials who have experience related to the hiring and  
12           retention of employees, including at least 1 rep-  
13           resentative from each of the following groups:

14                   (A) Border Patrol officials with experience  
15                   along the Southwest Border of the United  
16                   States.

17                   (B) Border Patrol officials with experience  
18                   working along the Northern Border of the  
19                   United States.

20                   (C) Office of Field Operations officials  
21                   with experience along the Southwest Border of  
22                   the United States.

23                   (D) Office of Field Operations officials  
24                   with experience along the Northern Border of  
25                   the United States.

1 (E) Air and Marine Operations officials  
2 with experience along the land borders of the  
3 United States.

4 (F) Air and Marine Operations officials  
5 with experience along the marine borders of the  
6 United States.

7 (G) Office of Field Operations officials  
8 with experience at ports of entry in the interior  
9 of the United States.

10 (H) U.S. Customs and Border Protection  
11 officials with experience working along the mar-  
12 itime borders in the southeastern region of the  
13 United States.

14 **SEC. 3. CBP HIRING AND RETENTION PILOT PROGRAMS.**

15 (a) IN GENERAL.—During the 5-year period begin-  
16 ning on the date of the enactment of this Act, the Sec-  
17 retary of Homeland Security shall carry out pilot pro-  
18 grams to develop improved strategies to improve U.S. Cus-  
19 toms and Border Protection hiring and retention capabili-  
20 ties and programs in order to meet its staffing needs.

21 (b) REQUIRED PILOT PROGRAMS.—Of the pilot pro-  
22 grams carried out under subsection (a)—

23 (1) at least 1 pilot program shall focus on ports  
24 of entry or other duty stations experiencing severe

1 workforce shortages, critical hiring needs, or reten-  
2 tion challenges; and

3 (2) at least 1 pilot program shall focus on U.S.  
4 Border Patrol duty locations experiencing severe  
5 workforce shortages, critical hiring needs, or reten-  
6 tion challenges.

7 (c) OTHER REQUIREMENTS.—In carrying out pilot  
8 programs under this section, the Secretary shall—

9 (1) examine the findings of the Council to de-  
10 termine which initiatives or strategies developed by  
11 the Council should be tested in a pilot program;

12 (2) examine the data collected through the exit  
13 survey given to all departing U.S. Customs and Bor-  
14 der Protection employees to inform the development  
15 of pilot programs;

16 (3) beginning not later than 180 days after the  
17 establishment of the Council, commence at least 1  
18 U.S. Customs and Border Protection hiring or re-  
19 tention pilot program every fiscal year; and

20 (4) execute pilot programs in the locations that  
21 the Secretary determines will provide the most accu-  
22 rate assessment of the effectiveness of the pilot pro-  
23 grams.

1 (d) CONSIDERATIONS.—The Secretary shall consider,  
2 consistent with existing law, developing pilot programs  
3 under this section that examine—

4 (1) the effectiveness of alternative or nontradi-  
5 tional work schedules on hiring and retention;

6 (2) the impact on hiring and retention of pro-  
7 viding employees transportation between their resi-  
8 dences and their work sites;

9 (3) the use of existing pay authorities, including  
10 recruitment and retention incentive pay, on hiring  
11 and retention efforts;

12 (4) work to improve the morale of the overall  
13 workforce or the workforce at specific U.S. Customs  
14 and Border Protection locations; and

15 (5) the provision of additional training to em-  
16 ployees to allow them to better execute changing job  
17 requirements.

18 (e) OTHER MATTERS.—The Secretary is authorized  
19 to implement pilot projects under this section in accord-  
20 ance with section 4703 of title 5, United States Code.

21 (f) ANNUAL REPORT.—Not later than 180 days after  
22 the date on which the first pilot program is established  
23 under this section, and annually thereafter, the Secretary  
24 shall submit a report to the appropriate committees that—

1           (1) evaluates the effectiveness of the pilot pro-  
2           grams established under this section; and

3           (2) analyzes how current or completed pilot  
4           programs are expected to improve hiring and reten-  
5           tion capabilities and programs at U.S. Customs and  
6           Border Protection to meet its staffing needs.

7 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

8           There are authorized to be appropriated such sums  
9           as may be necessary to carry out this Act.

10 **SEC. 5. SUNSET.**

11           (a) IN GENERAL.—Except as provided in subsection  
12           (b), this Act is repealed on the date that is 5 years after  
13           the date of the enactment of this Act.

14           (b) REPORT.—Section 3(f) is repealed on the date on  
15           which the first report is submitted under section 3(f) fol-  
16           lowing the sunset date referred to in subsection (a).

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