

U.S. CUSTOMS AND BORDER PROTECTION RURAL AND
REMOTE HIRING AND RETENTION STRATEGY ACT OF
2019

MARCH 28, 2019.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. THOMPSON of Mississippi, from the Committee on Homeland
Security, submitted the following

R E P O R T

[To accompany H.R. 1598]

The Committee on Homeland Security, to whom was referred the bill (H.R. 1598) to require the Secretary of Homeland Security to issue a strategy to improve hiring and retention of U.S. Customs and Border Protection personnel in rural or remote areas, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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The amendment is as follows:
Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “U.S. Customs and Border Protection Rural and Remote Hiring and Retention Strategy Act of 2019”.

SEC. 2. STRATEGY.

(a) **IN GENERAL.**—Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security, acting through the Chief Human Capital Officer of the Department of Homeland Security and the Commissioner of U.S. Customs and Border Protection, shall issue a strategy and implementation plan, including benchmarks, to improve the hiring and retention of individuals by the Commissioner in rural or remote areas relating to employment in such areas.

(b) **CONSIDERATIONS.**—The strategy required under subsection (a) shall take into consideration the following:

(1) Feedback from individuals who are U.S. Customs and Border Protection candidates or new hires at locations in rural or remote areas, including feedback on the quality of life in such areas for new hires and their families.

(2) Feedback from U.S. Customs and Border Protection personnel, other than new hires, who are stationed at locations in rural or remote areas, including feedback on the quality of life in such areas for such personnel and their families.

(3) Feedback from U.S. Customs and Border Protection personnel who have decided to separate from the agency.

(4) An assessment of existing Federal programs, including financial incentives and other compensation-based flexibilities, regarding how to most effectively aid spouses and families of individuals who are candidates or new hires in a rural or remote area.

(5) An assessment of Department of Homeland Security internship programs and the usefulness of such programs in improving hiring by the Secretary of Homeland Security in rural or remote areas.

(c) **PLAN.**—The implementation plan required under subsection (a) shall—

(1) include a pilot or other program, as appropriate, to address hiring and retention challenges faced by U.S. Customs and Border Protection in rural or remote areas; and

(2) enhance strategic recruiting efforts of U.S. Customs and Border Protection through relationships with institutions of higher education (as such term is defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)), veterans transition and employment centers, and job placement programs in regions that could assist in filling positions in rural or remote areas.

(d) **REPORT TO CONGRESS AND GAO.**—Beginning on the date that is one year after the date of issuance of the strategy and implementation plan required under subsection (a) and for four years thereafter, the Secretary of Homeland Security shall report to the Committee on Homeland Security of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Comptroller General of the United States on the extent to which such strategy and implementation plan has improved the hiring and retention by U.S. Customs and Border Protection of employees in rural or remote areas.

(e) **GAO ASSESSMENT.**—Not later than 120 days after receiving each report required under subsection (d), the Comptroller General of the United States shall submit to the committees referred to in such subsection an assessment of the effectiveness of U.S. Customs and Border Protection actions described in each such report, including recommendations for improvements as the Comptroller General determines appropriate.

(f) **RURAL OR REMOTE AREAS DEFINED.**—For purposes of this section, the term “rural or remote areas” means areas within the United States that are not within an area defined and designated as urbanized areas by the Bureau of the Census in the most recently completed decennial census and include areas along the northern and southern borders.

PURPOSE AND SUMMARY

The purpose of H.R. 1598 is to require U.S. Customs and Border Protection (CBP), in conjunction with the Department of Homeland Security’s (DHS) Chief Human Capital Officer (CHCO), to develop a strategy and implementation plan to improve hiring and retention of personnel in rural and remote areas. The strategy must consider direct feedback from current CBP personnel and their families on quality of life in rural and remote areas. The strategy shall include feedback from exit interviews of employees who are choos-

ing to leave the agency as well, a recommendation from a June 2018 GAO report on CBP hiring challenges. It must also take into consideration an assessment of the effectiveness of current Federal programs, including financial incentives and DHS internships programs, on CBP's ability to recruit and retain personnel in rural and remote locations. The implementation plan must include a pilot or other program, as appropriate, to address hiring challenges CBP faces in those areas. The implementation plan must also include activities to enhance strategic recruitment efforts at educational institutions, veterans transition and employment centers and other job placement centers that operate in rural or remote areas. Lastly, H.R. 1598 requires CBP would to submit annual reports to Congress and the Comptroller General for five years on the effect its new efforts have on hiring and retention in rural and remote areas. The Comptroller General would, after each such report, be required to assess the effectiveness of CBP's efforts.

BACKGROUND AND NEED FOR LEGISLATION

As noted in CBP's written testimony delivered to the Subcommittee on Oversight, Management, and Accountability on March 7, 2019, many CBP duty stations are in extremely remote areas, a significant distance from amenities and services, such as medical care, child care, and schools. Geographically remote locations are often accompanied by extreme environments and harsh weather conditions and frequently have few affordable housing options. Difficulties in hiring and retaining personnel in these "hard-to-fill" remote locations is exacerbated by competition with other Federal, State, and local law enforcement organizations who can offer more desirable duty locations.¹

On March 7, 2019, the Subcommittee on Oversight, Management, and Accountability heard testimony from CBP that hiring in rural areas "has been a key challenge."² The Government Accountability Office also offered in its written testimony that location, "specifically employees' inability to relocate to posts in more desirable locations," has been a primary challenge for the agency in retaining qualified personnel.³

As CBP faces these hiring and retention challenges, the needs along the rural and remote areas of our border are expanding rapidly. In recent months, for example, large groups of migrants—mostly comprised of families and unaccompanied children—have turned themselves in to Border Patrol Agents near remote ports of entry.⁴ In order to ensure that CBP can properly adapt to the changing circumstances along the remote sections of our southern

¹ Testimony of Benjamin "Carry" Huffman, Acting Executive Assistant Commissioner, Enterprise Services, CBP and Rodolfo Karisch, Rio Grande Valley Sector Chief, U.S. Border Patrol, CBP, "CBP Workforce Challenges: Exploring Solutions to Address Recruitment and Retention," March 7, 2019.

² Huffman and Karisch Testimony.

³ Testimony of Rebecca Gambler, Director, Homeland Security and Justice, GAO, "U.S. Customs and Border Protection, Progress and Challenges in Recruiting, Hiring, and Retaining Law Enforcement Personnel," March 7, 2019.

⁴ Gumprecht, Blake. "A new group of more than 100 migrants apprehended at Antelope Wells Port of Entry." *La Cruces Sun-News*, January 18, 2019, <https://www.lcsun-news.com/story/news/2019/01/18/antelope-wells-port-of-entry-nm-illegal-group-migrants-border-patrol/2620220002/>; Kocherga, Angela. "Group of 306 migrants arrives at Antelope Wells." *Albuquerque Journal*, January 25, 2019, <https://www.abqjournal.com/1272699/group-of-306-migrants-turn-themselves-in-to-border-patrol-agents-at-antelope-wells.html>.

border, we must ensure it has the resources to do so, and that starts with personnel.

HEARINGS

On March 7, 2019, the Subcommittee on Oversight, Management, and Accountability held a hearing entitled “CBP Workforce Challenges: Exploring Solutions to Address Recruitment and Retention” addressing the difficulties CBP faces in hiring and retaining law enforcement officers. Testimony was heard from Mr. Benjamine “Carry” Huffman, Acting Executive Assistant Commissioner, Enterprise Services, U.S. Customs and Border Protection; Ms. Rebecca Gambler, Director, Homeland Security and Justice Team, U.S. Government Accountability Office; and Mr. Anthony M. Reardon, President, The National Treasury Employees Union.

COMMITTEE CONSIDERATION

The Committee met on March 13, 2019, with a quorum being present, to consider H.R. 1598 and ordered the measure to be reported to the House with a favorable recommendation, with amendment, by unanimous consent.

The following amendments were offered and accepted by unanimous consent:

An amendment offered by Ms. Torres Small of New Mexico (#1) Page 2, line 9, insert “relating to employment in such areas” before the period at the end.

Page 3, line 10, insert “and retention” after “hiring”.

An amendment offered by Mr. Higgins of Louisiana (#2) In section 2(b), insert after paragraph (2) the following: (3) Feedback from U.S. Customs and Border Protection personnel who have decided to separate from the agency.

An amendment offered by Mr. Higgins of Louisiana (#3) In section 2(d), in the subsection heading, insert

“AND GAO” after “CONGRESS”.

In section 2(d), strike “and the Committee” and insert “, the Committee”.

In section 2(d), insert “, and the Comptroller General of the United States” after “Senate”.

In section 2, insert after subsection (d) the following: (e) GAO ASSESSMENT.

An amendment offered by Ms. Slotkin (#4) Page 4, line 12, insert “and includes areas along the northern and southern borders” before the period at the end.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the recorded votes on the motion to report legislation and amendments thereto.

No recorded votes were requested during consideration of H.R. 1598.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Rep-

representatives, are incorporated in the descriptive portions of this report.

CONGRESSIONAL BUDGET OFFICE ESTIMATE NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has requested but not received a cost estimate for this bill from the Director of Congressional Budget Office.

The Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

FEDERAL MANDATES STATEMENT

An estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the Congressional Record upon its receipt by the Committee.

DUPLICATIVE FEDERAL PROGRAMS

Pursuant to clause 3(c) of rule XIII, the Committee finds that H.R. 1598 does not contain any provision that establishes or reauthorizes a program known to be duplicative of another Federal program.

PERFORMANCE GOALS AND OBJECTIVES

The Committee states that pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, H.R. 1598 would aid CBP in meeting its recruitment and retention needs in rural and remote areas.

ADVISORY ON EARMARKS

In compliance with rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(c), or 9(f) of the rule XXI.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

This section provides that this bill may be cited as the “U.S. Customs and Border Protection Rural and Remote Hiring and Retention Strategy Act of 2019”.

Sec. 2. Strategy

Subsection (a) requires the Commissioner of CBP and the CHCO of DHS, not later than one year after the enactment of this bill, to issue a strategy and implementation plan, including benchmarks, to improve the hiring and retention of personnel in rural or remote areas.

Subsection (b) requires the strategy to take into account specific information. First, the strategy shall consider direct feedback from candidates, current CBP personnel stationed at rural or remote locations, and CBP personnel who have decided to separate from the agency. Second, the strategy must take into account an assessment of programs, including financial incentives, that evaluates how to effectively aid spouses and families of individuals who work in rural or remote locations. Finally, the strategy must consider an assessment of Department internship programs that evaluates whether those programs improve hiring in rural or remote areas.

Subsection (c) requires that the implementation plan include a pilot or other program to address the hiring and retention challenges faced by CBP in rural or remote areas. The plan must also enhance recruiting efforts by having CBP build relationships with higher-educational institutions, veterans’ transition and employment centers, and job placement programs in rural or remote areas.

Subsection (d) instructs the Secretary of Homeland Security, beginning one year after the date of the issuance of the strategy and implementation plan and for four years thereafter, to report to Congress and the Comptroller General on the effects its new efforts have on hiring and retention in rural or remote areas.

Subsection (e) instructs the Comptroller General, not later than 120 days after the delivery of each report required under subsection (d), to submit to Congress an assessment of the effectiveness of CBP’s actions described in each such report. This assessment should include recommendations for improvements to CBP’s efforts.

Subsection (f) defines the term “rural or remote areas” as those areas within the United States that are not within an area defined and designated as urbanized by the Bureau of the Census in the most recently completed decennial census and includes areas along the northern and southern border.