

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 6116

To recruit and retain Border Patrol agents.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 20, 2006

Mr. ROGERS of Alabama (for himself and Mr. ISSA) introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To recruit and retain Border Patrol agents.

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 “More Border Patrol  
5 Agents Now Act of 2006”.

6 **SEC. 2. BORDER PATROL AGENT ENHANCEMENT.**

7 (a) PLAN.—In order to address the recruitment and  
8 retention challenges faced by the United States Border  
9 Patrol, the Secretary of Homeland Security shall, not later  
10 than six months after the date of the enactment of this

1 Act, submit to the Committee on Homeland Security and  
2 the Committee on Government Reform of the House of  
3 Representatives and the Committee on Homeland Security  
4 and Governmental Affairs of the Senate a plan to deter-  
5 mine how the Border Patrol can better recruit and retain  
6 Border Patrol agents with the appropriate skills and train-  
7 ing to effectively carry out its mission and responsibilities.

8 (b) CONTENTS.—The plan shall include, at a min-  
9 imum, the following components:

10 (1) A strategy for the utilization of the recruit-  
11 ment authority provided under subsection (b), as  
12 well as any other strategies the Secretary determines  
13 to be important in recruiting well-qualified Border  
14 Patrol agents.

15 (2) A strategy for the utilization of the reten-  
16 tion authority provided under subsection (b), as well  
17 as any other strategies the Secretary determines to  
18 be important in retaining well-qualified Border Pa-  
19 trol agents.

20 (3) An assessment of the impact that current  
21 pay levels for Border Patrol agents has on the De-  
22 partment's ability to recruit and retain Border Pa-  
23 trol agents, especially in high cost-of-living areas.

24 (4) An assessment of whether increased flexi-  
25 bility in the Department's ability to transfer Border

1 Patrol agents between duty stations would improve  
2 employee morale and enhance the Department's abil-  
3 ity to recruit and retain well-qualified Border Patrol  
4 agents.

5 **SEC. 3. RECRUITMENT AND RETENTION BONUSES FOR**  
6 **BORDER PATROL AGENT ENHANCEMENT.**

7 (a) IN GENERAL.—Chapter 97 of title 5, United  
8 States Code, is amended by adding at the end the fol-  
9 lowing new section:

10 **“§ 9702. Border Patrol agent enhancement**

11 “(a) RECRUITMENT BONUSES FOR BORDER PATROL  
12 AGENTS.—

13 “(1) IN GENERAL.—In order to carry out the  
14 plan described in section 2(a) of the More Border  
15 Patrol Agents Now Act of 2006, the Secretary of  
16 Homeland Security may pay a bonus to an indi-  
17 vidual to recruit a sufficient number of Border Pa-  
18 trol agents.

19 “(2) BONUS AMOUNT.—

20 “(A) IN GENERAL.—The amount of a  
21 bonus under this subsection shall be determined  
22 by the Secretary, but may not exceed 25 per-  
23 cent of the annual rate of basic pay of the posi-  
24 tion involved as of the beginning of the period  
25 of service referred to in paragraph (3)(A).

1           “(B) LUMP-SUM.—A bonus under this sub-  
2           section shall be paid in the form of a lump-sum  
3           payment and shall not be considered to be part  
4           of basic pay.

5           “(3) SERVICE AGREEMENTS.—Payment of a  
6           bonus under this section shall be contingent upon  
7           the individual entering into a written service agree-  
8           ment with the United States Border Patrol. The  
9           agreement shall include—

10           “(A) the period of service the individual  
11           shall be required to complete in return for the  
12           bonus; and

13           “(B) the conditions under which the agree-  
14           ment may be terminated before the agreed-upon  
15           service period has been completed, and the ef-  
16           fect of such termination.

17           “(4) LIMITATION ON ELIGIBILITY.—A bonus  
18           under this section may not be paid to recruit an in-  
19           dividual for—

20           “(A) a position to which an individual is  
21           appointed by the President, by and with the ad-  
22           vice and consent of the Senate;

23           “(B) a position in the Senior Executive  
24           Service as a noncareer appointee (as defined in  
25           section 3132(a)); or

1           “(C) a position which has been excepted  
2           from the competitive service by reason of its  
3           confidential, policy-determining, policy-making,  
4           or policy-advocating character.

5           “(5) TERMINATION.—The authority to pay bo-  
6           nuses under this subsection shall terminate five  
7           years after the date of the enactment of this section.

8           “(b) RETENTION BONUSES FOR BORDER PATROL  
9           AGENTS.—

10           “(1) IN GENERAL.—In order to carry out the  
11           plan described in section 2(a) of the More Border  
12           Patrol Agents Now Act of 2006, the Secretary of  
13           Homeland Security may pay a retention bonus to a  
14           Border Patrol agent.

15           “(2) SERVICE AGREEMENT.—Payment of a  
16           bonus under this subsection is contingent upon the  
17           employee entering into a written service agreement  
18           with the United States Border Patrol to complete a  
19           period of service with the Border Patrol. Such agree-  
20           ment shall include—

21           “(A) the period of service the employee  
22           shall be required to complete in return for the  
23           bonus; and

24           “(B) the conditions under which the agree-  
25           ment may be terminated before the agreed-upon

1 service period has been completed, and the ef-  
2 fect of such termination.

3 “(3) BONUS AMOUNT.—

4 “(A) IN GENERAL.—The amount of a  
5 bonus under this subsection shall be determined  
6 by the Secretary, but may not exceed 25 per-  
7 cent of the annual rate of basic pay of the posi-  
8 tion involved as of the beginning of the period  
9 of service referred to in paragraph (2)(A).

10 “(B) LUMP-SUM.—A bonus under this sub-  
11 section shall be paid in the form of a lump-sum  
12 payment and shall not be considered to be part  
13 of basic pay.

14 “(4) LIMITATION.—A bonus under this sub-  
15 section may not be based on any period of service  
16 which is the basis for a recruitment bonus under  
17 subsection (a).

18 “(5) TERMINATION OF AUTHORITY.—The au-  
19 thority to grant bonuses under this subsection shall  
20 expire five years after the date of the enactment of  
21 this section.

22 “(c) WAIVER AUTHORITY RELATING TO REEM-  
23 PLOYED ANNUITANTS.—

24 “(1) IN GENERAL.—In order to help address  
25 the challenges faced by the United States Border

1 Patrol, the Secretary of Homeland Security may ap-  
2 point annuitants to positions within the United  
3 States Border Patrol in accordance with succeeding  
4 provisions of this subsection.

5 “(2) EXCLUSION FROM OFFSET.—An annuitant  
6 serving in a position within the United States Bor-  
7 der Patrol pursuant to an appointment made under  
8 paragraph (1)—

9 “(A) shall not be subject to the provisions  
10 of section 8344 or 8468, as the case may be;  
11 and

12 “(B) shall not, for purposes of subchapter  
13 III of chapter 83 or chapter 84, be considered  
14 an employee.

15 “(3) LIMITATIONS.—

16 “(A) APPOINTMENTS.—The authority to  
17 make any appointments under paragraph (1)  
18 shall terminate five years after the date of the  
19 enactment of this subsection.

20 “(B) EXCLUSION.—The provisions of para-  
21 graph (2) shall not, in the case of any annu-  
22 itant appointed under paragraph (1), remain in  
23 effect—

24 “(i) with respect to more than five  
25 years of service (in the aggregate); nor

1                   “(ii) with respect to any service per-  
2                   formed after the end of the ten-year period  
3                   beginning on the date of the enactment of  
4                   this subsection.

5                   “(4) DEFINITION.—For purposes of this sub-  
6                   section, the term ‘annuitant’ has the meaning given  
7                   such term by section 8331 or 8401, as the case may  
8                   be.”.

9                   (b) CONFORMING AMENDMENT.—The table of con-  
10                  tents for chapter 97 of title 5, United States Code, is  
11                  amended by adding at the end the following:

“9702. Border Patrol agent enhancement.”.

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