

“(1) *EDUCATION OF CBP HIRING OFFICIALS.*—Not later than 180 days after the date of enactment of the U.S. Customs and Border Protection Hiring and Retention Act of 2017, and in conjunction with the Chief Human Capital Officer of the Department of Homeland Security, the Secretary shall develop and implement a strategy to improve education regarding hiring and human resources flexibilities (including hiring and human resources flexibilities for locations in rural or remote areas) for all employees, serving in agency headquarters or field offices, who are involved in the recruitment, hiring, assessment, or selection of candidates for locations in a rural or remote area, as well as the retention of current employees.

“(2) *ELEMENTS.*—Elements of the strategy under paragraph (1) shall include the following:

“(A) Developing or updating training and educational materials on hiring and human resources flexibilities for employees who are involved in the recruitment, hiring, assessment, or selection of candidates, as well as the retention of current employees.

“(B) Regular training sessions for personnel who are critical to filling open positions in rural or remote areas.

“(C) The development of pilot programs or other programs, as appropriate, to address identified hiring challenges in rural or remote areas.

“(D) Developing and enhancing strategic recruiting efforts through relationships with institutions of higher education, as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002), veterans transition and employment centers, and job placement program in regions that could assist in filling positions in rural or remote areas.

“(E) Examination of existing agency programs on how to most effectively aid spouses and families of individuals who are candidates or new hires in a rural or remote area.

“(F) Feedback from individuals who are candidates or new hires at locations in a rural or remote area, including feedback on the quality of life in rural or remote areas for new hires and their families.

“(G) Feedback from CBP employees, other than new hires, who are stationed at locations in a rural or remote area, including feedback on the quality of life in rural or remote areas for those CBP employees and their families.

“(H) Evaluation of Department of Homeland Security internship programs and the usefulness of those programs in improving hiring by the Secretary in rural or remote areas.

“(3) *EVALUATION.*—

“(A) *IN GENERAL.*—Each year, the Secretary shall—

“(i) evaluate the extent to which the strategy developed and implemented under paragraph (1) has improved the hiring and retention ability of the Secretary; and

“(ii) make any appropriate updates to the strategy under paragraph (1).

“(B) *INFORMATION.*—The evaluation conducted under subparagraph (A) shall include—

“(i) any reduction in the time taken by the Secretary to fill mission-critical positions in rural or remote areas;

“(ii) a general assessment of the impact of the strategy developed and implemented under paragraph (1) on hiring challenges in rural or remote areas; and

“(iii) other information the Secretary determines relevant.

“(g) *INSPECTOR GENERAL REVIEW.*—Not later than 2 years after the date of enactment of the U.S. Customs and Border Protection Hiring and Retention Act of 2017, the Inspector General of the Department of Homeland Security shall review the use of hiring flexibilities by the Secretary under subsections (c) and (d) to determine whether the use of those flexibilities is helping the Secretary meet hiring and retention needs in rural and remote areas.

“(h) *REPORT ON POLYGRAPH REQUESTS.*—The Secretary shall report to Congress on the number of requests the Secretary receives from any other Federal agency for the file of an applicant for a position in U.S. Customs and Border Protection that includes the results of a polygraph examination.

“(i) *EXERCISE OF AUTHORITY.*—

“(1) *SOLE DISCRETION.*—The exercise of authority under subsection (c) shall be subject to the sole and exclusive discretion of the Secretary (or the Commissioner, as applicable under paragraph (2) of this subsection), notwithstanding chapter 71.

“(2) *DELEGATION.*—

“(A) *IN GENERAL.*—Subject to subparagraph (B), the Secretary may delegate any authority under this section to the Commissioner.

“(B) *OVERSIGHT.*—The Commissioner may not make a determination under subsection (b)(1) unless the Secretary approves the determination.

“(j) *RULE OF CONSTRUCTION.*—Nothing in this section shall be construed to exempt the Secretary or the Director from the applicability of the merit system principles under section 2301.

“(k) *SUNSET.*—The authorities under subsections (c) and (d) shall terminate on the date that is 5 years after the date of enactment of the U.S. Customs and Border Protection Hiring and Retention Act of 2017.”

(b) *TECHNICAL AND CONFORMING AMENDMENT.*—The table of sections for chapter 97 of title 5, United States Code, is amended by adding at the end the following:

“9702. U.S. Customs and Border Protection employment authorities.”

Mr. McCONNELL. I ask unanimous consent that the committee-reported substitute amendment be agreed to, that the bill, as amended, be considered read a third time and passed, and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee-reported amendment in the nature of a substitute was agreed to.

The bill (S. 1305), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, in accordance with Public Law 99–498, Section 1505(a)(1)(B)(ii), appoints the following Senator to the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development: The Honorable DEB FISCHER of Nebraska.

ORDERS FOR THURSDAY, OCTOBER 11, 2018

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Thursday, October 11; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; finally, following leader remarks, the Senate proceed to executive session and resume consideration of the Clark nomination as under the previous order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:39 p.m., adjourned until Thursday, October 11, 2018, at 10 a.m.