

Union Calendar No. 415

113TH CONGRESS
2^D SESSION

H. R. 3846

[Report No. 113–555, Part I]

To provide for the authorization of border, maritime, and transportation security responsibilities and functions in the Department of Homeland Security and the establishment of United States Customs and Border Protection, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 10, 2014

Mrs. MILLER of Michigan (for herself, Mr. McCAUL, and Ms. JACKSON LEE) introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committee on Ways and Means, 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

JULY 24, 2014

Reported from the Committee on Homeland Security with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

JULY 24, 2014

The Committee on Ways and Means discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on January 10, 2014]

A BILL

To provide for the authorization of border, maritime, and transportation security responsibilities and functions in the Department of Homeland Security and the establishment of United States Customs and Border Protection, 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 “United States Customs*
5 *and Border Protection Authorization Act”.*

6 **SEC. 2. ESTABLISHMENT OF UNITED STATES CUSTOMS AND**
7 **BORDER PROTECTION.**

8 *(a) IN GENERAL.—Section 411 of the Homeland Secu-*
9 *rity Act of 2002 (6 U.S.C. 211) is amended to read as fol-*
10 *lows:*

11 **“SEC. 411. ESTABLISHMENT OF UNITED STATES CUSTOMS**
12 **AND BORDER PROTECTION; COMMISSIONER,**
13 **DEPUTY COMMISSIONER, AND OPERATIONAL**
14 **OFFICES.**

15 *“(a) IN GENERAL.—There is established in the Depart-*
16 *ment an agency to be known as United States Customs and*
17 *Border Protection.*

18 *“(b) COMMISSIONER OF UNITED STATES CUSTOMS*
19 *AND BORDER PROTECTION.—There shall be at the head of*
20 *United States Customs and Border Protection a Commis-*
21 *sioner of United States Customs and Border Protection (in*
22 *this section referred to as the ‘Commissioner’), who shall*
23 *be appointed by the President, by and with the advice and*
24 *consent of the Senate.*

25 *“(c) DUTIES.—The Commissioner shall—*

1 “(1) ensure the interdiction of persons and goods
2 illegally entering or exiting the United States;

3 “(2) facilitate and expedite the flow of legitimate
4 travelers and trade;

5 “(3) detect, respond to, and interdict terrorists,
6 drug smugglers and traffickers, human smugglers and
7 traffickers, criminals, and other persons who may un-
8 dermine the security of the United States;

9 “(4) safeguard the borders of the United States
10 to protect against the entry of dangerous goods;

11 “(5) oversee the functions of the Office of Inter-
12 national Trade established under section 402 of the
13 Security and Accountability for Every Port Act of
14 2006 (19 U.S.C. 2072; Public Law 109–347);

15 “(6) enforce and administer all customs laws of
16 the United States, including the Tariff Act of 1930;

17 “(7) enforce and administer all immigration
18 laws, as such term is defined in paragraph (17) of
19 section 101(a) of the Immigration and Nationality
20 Act (8 U.S.C. 1101(a)), in coordination with United
21 States Immigration and Customs Enforcement and
22 United States Citizenship and Immigration Services;

23 “(8) develop and implement screening and tar-
24 geting capabilities, including the screening, reviewing,
25 identifying, and prioritizing of passengers and cargo

1 *across all international modes of transportation, both*
2 *inbound and outbound;*

3 *“(9) enforce and administer the laws relating to*
4 *agricultural import and entry inspection referred to*
5 *in section 421;*

6 *“(10) in coordination with the Secretary, deploy*
7 *technology to collect the data necessary for the Sec-*
8 *retary to administer the biometric entry and exit*
9 *data system pursuant to section 7208 of the Intel-*
10 *ligence Reform and Terrorism Prevention Act of 2004*
11 *(8 U.S.C. 1365b);*

12 *“(11) in coordination with the Under Secretary*
13 *for Management of the Department, ensure United*
14 *States Customs and Border Protection complies with*
15 *Federal law, the Federal Acquisition Regulation, and*
16 *the Department’s acquisition management directives*
17 *for major acquisition programs of United States cus-*
18 *toms and Border Protection;*

19 *“(12) enforce and administer—*

20 *“(A) the Container Security Initiative pro-*
21 *gram under section 205 of the Security and Ac-*
22 *countability for Every Port Act of 2006 (6*
23 *U.S.C. 945; Public Law 109–347); and*

1 “(B) the Customs-Trade Partnership
2 *Against Terrorism* program under sections 211
3 through 223 of such Act (6 U.S.C. 961-973);

4 “(13) establish the standard operating procedures
5 described in subsection (k);

6 “(14) carry out the training required under sub-
7 section (l); and

8 “(15) carry out the duties and powers prescribed
9 by law or delegated by the Secretary.

10 “(d) *DEPUTY COMMISSIONER.*—There shall be in
11 *United States Customs and Border Protection* a Deputy
12 *Commissioner* who shall assist the Commissioner in the
13 *management of United States Customs and Border Protec-*
14 *tion.*

15 “(e) *UNITED STATES BORDER PATROL.*—

16 “(1) *IN GENERAL.*—There is established in
17 *United States Customs and Border Protection* the
18 *United States Border Patrol.*

19 “(2) *CHIEF.*—There shall be at the head of the
20 *United States Border Patrol* a Chief, who shall be a
21 *uniformed law enforcement officer* chosen from the
22 *ranks of the United States Border Patrol* and who
23 *shall report to the Commissioner.*

24 “(3) *DUTIES.*—The *United States Border Patrol*
25 *shall—*

1 “(A) serve as the law enforcement office of
2 *United States Customs and Border Protection*
3 *with primary responsibility for interdicting per-*
4 *sons attempting to illegally enter or exit the*
5 *United States or goods being illegally imported*
6 *to or exported from the United States at a place*
7 *other than a designated port of entry;*

8 “(B) deter and prevent illegal entry of ter-
9 *rorists, terrorist weapons, persons, and contra-*
10 *band; and*

11 “(C) carry out other duties and powers pre-
12 *scribed by the Commissioner.*

13 “(f) *OFFICE OF AIR AND MARINE OPERATIONS.—*

14 “(1) *IN GENERAL.—There is established in*
15 *United States Customs and Border Protection an Of-*
16 *fice of Air and Marine Operations.*

17 “(2) *ASSISTANT COMMISSIONER.—There shall be*
18 *at the head of the Office of Air and Marine Oper-*
19 *ations an Assistant Commissioner, who shall report to*
20 *the Commissioner.*

21 “(3) *DUTIES.—The Office of Air and Marine*
22 *Operations shall—*

23 “(A) serve as the law enforcement office
24 *within United States Customs and Border Pro-*
25 *tection with primary responsibility to detect,*

1 *interdict, and prevent acts of terrorism and the*
2 *unlawful movement of people, illicit drugs, and*
3 *other contraband across the borders of the United*
4 *States in the air and maritime environment;*

5 “(B) *oversee the acquisition, maintenance,*
6 *and operational use of United States Customs*
7 *and Border Protection integrated air and ma-*
8 *rine forces;*

9 “(C) *provide aviation and marine support*
10 *for other Federal, State, and local law enforce-*
11 *ment agency needs, as appropriate; and*

12 “(D) *carry out other duties and powers pre-*
13 *scribed by the Commissioner.*

14 “(g) *OFFICE OF FIELD OPERATIONS.—*

15 “(1) *IN GENERAL.—There is established in*
16 *United States Customs and Border Protection an Of-*
17 *fice of Field Operations.*

18 “(2) *ASSISTANT COMMISSIONER.—There shall be*
19 *at the head of the Office of Field Operations an As-*
20 *stant Commissioner, who shall report to the Com-*
21 *missioner.*

22 “(3) *DUTIES.—The Office of Field Operations*
23 *shall coordinate the enforcement activities of United*
24 *States Customs and Border Protection at United*
25 *States air, land, and sea ports of entry to—*

1 “(A) *deter and prevent terrorists and ter-*
2 *rorist weapons from entering the United States*
3 *at such ports of entry;*

4 “(B) *conduct inspections at such ports of*
5 *entry to safeguard the United States from ter-*
6 *rorism and illegal entry of persons;*

7 “(C) *prevent illicit drugs, agricultural*
8 *pests, and contraband from entering the United*
9 *States;*

10 “(D) *in coordination with the Commis-*
11 *sioner, facilitate and expedite the flow of legiti-*
12 *mate travelers and trade;*

13 “(E) *administer the National Targeting*
14 *Center established under paragraph (4); and*

15 “(F) *carry out other duties and powers pre-*
16 *scribed by the Commissioner.*

17 “(4) *NATIONAL TARGETING CENTER.—*

18 “(A) *IN GENERAL.—There is established in*
19 *the Office of Field Operations a National Tar-*
20 *geting Center.*

21 “(B) *EXECUTIVE DIRECTOR.—There shall be*
22 *at the head of the National Targeting Center an*
23 *Executive Director, who shall report to the As-*
24 *stant Commissioner of the Office of Field Oper-*
25 *ations.*

1 “(C) *DUTIES.—The National Targeting*
2 *Center shall—*

3 “(i) *serve as the primary forum for*
4 *targeting operations within United States*
5 *Customs and Border Protection to collect*
6 *and analyze traveler and cargo information*
7 *in advance of arrival in the United States;*

8 “(ii) *identify, review, and target trav-*
9 *elers and cargo for examination;*

10 “(iii) *coordinate the examination of*
11 *entry and exit of travelers and cargo; and*

12 “(iv) *carry out other duties and powers*
13 *prescribed by the Assistant Commissioner.*

14 “(5) *ANNUAL REPORT ON STAFFING.—Not later*
15 *than 30 days after the date of the enactment of this*
16 *section and annually thereafter, the Assistant Com-*
17 *missioner shall submit to the appropriate congress-*
18 *sional committees a report on the staffing model for*
19 *the Office of Field Operations, including information*
20 *on how many supervisors, front-line United States*
21 *Customs and Border Protection officers, and support*
22 *personnel are assigned to each Field Office and port*
23 *of entry.*

24 “(h) *OFFICE OF INTELLIGENCE AND INVESTIGATIVE*
25 *LIAISON.—*

1 “(1) *IN GENERAL.*—*There is established in*
2 *United States Customs and Border Protection an Of-*
3 *fice of Intelligence and Investigative Liaison.*

4 “(2) *ASSISTANT COMMISSIONER.*—*There shall be*
5 *at the head of the Office of Intelligence and Investiga-*
6 *tive Liaison an Assistant Commissioner, who shall re-*
7 *port to the Commissioner.*

8 “(3) *DUTIES.*—*The Office of Intelligence and In-*
9 *vestigative Liaison shall—*

10 “(A) *develop, provide, coordinate, and im-*
11 *plement intelligence capabilities into a cohesive*
12 *intelligence enterprise to support the execution of*
13 *the United States Customs and Border Protec-*
14 *tion duties and responsibilities;*

15 “(B) *collect and analyze advance traveler*
16 *and cargo information;*

17 “(C) *establish, in coordination with the*
18 *Chief Intelligence Officer of the Department, as*
19 *appropriate, intelligence-sharing relationships*
20 *with Federal, State, local, and tribal agencies*
21 *and intelligence agencies; and*

22 “(D) *carry out other duties and powers pre-*
23 *scribed by the Commissioner.*

24 “(i) *OFFICE OF INTERNATIONAL AFFAIRS.*—

1 “(1) *IN GENERAL.*—*There is established in*
2 *United States Customs and Border Protection an Of-*
3 *fice of International Affairs.*

4 “(2) *ASSISTANT COMMISSIONER.*—*There shall be*
5 *at the head of the Office of International Affairs an*
6 *Assistant Commissioner, who shall report to the Com-*
7 *missioner.*

8 “(3) *DUTIES.*—*The Office of International Af-*
9 *fairs, in collaboration with the Office of International*
10 *Affairs of the Department, shall—*

11 “(A) *coordinate and support United States*
12 *Customs and Border Protection’s foreign initia-*
13 *tives, policies, programs, and activities;*

14 “(B) *coordinate and support United States*
15 *Customs and Border Protection’s personnel sta-*
16 *tioned abroad;*

17 “(C) *maintain partnerships and informa-*
18 *tion sharing agreements and arrangements with*
19 *foreign governments, international organizations,*
20 *and United States agencies in support of United*
21 *States Customs and Border Protection duties*
22 *and responsibilities;*

23 “(D) *provide necessary capacity building,*
24 *training, and assistance to foreign border control*

1 *agencies to strengthen global supply chain and*
2 *travel security;*

3 “(E) *coordinate mission support services to*
4 *sustain United States Customs and Border Pro-*
5 *tection’s global activities;*

6 “(F) *coordinate, in collaboration with the*
7 *Office of Policy of the Department, as appro-*
8 *priate, United States Customs and Border Pro-*
9 *tection’s engagement in international negotia-*
10 *tions; and*

11 “(G) *carry out other duties and powers pre-*
12 *scribed by the Commissioner.*

13 “(j) *OFFICE OF INTERNAL AFFAIRS.—*

14 “(1) *IN GENERAL.—There is established in*
15 *United States Customs and Border Protection an Of-*
16 *fice of Internal Affairs.*

17 “(2) *ASSISTANT COMMISSIONER.—There shall be*
18 *at the head of the Office of Internal Affairs an Assist-*
19 *ant Commissioner, who shall report to the Commis-*
20 *sioner.*

21 “(3) *DUTIES.—The Office of Internal Affairs*
22 *shall—*

23 “(A) *investigate criminal and administra-*
24 *tive matters and misconduct by officers, agents,*

1 *and other employees of United States Customs*
2 *and Border Protection;*

3 “(B) perform investigations of United
4 States Customs and Border Protection appli-
5 cants and periodic reinvestigations (in accord-
6 ance with section 3001 of the Intelligence Reform
7 and Terrorism Prevention Act of 2004 (50
8 U.S.C. 3341; Public Law 108–458)) of officers,
9 agents, and other employees of United States
10 Custom and Border Protection, including inves-
11 tigations to determine suitability for employ-
12 ment and eligibility for access to classified infor-
13 mation;

14 “(C) conduct polygraph examinations in ac-
15 cordance with section 3(1) of the Anti-Border
16 Corruption Act of 2010 (Public Law 111–376);

17 “(D) perform inspections of United States
18 Customs and Border Protection programs, oper-
19 ations, and offices;

20 “(E) conduct risk-based covert testing of
21 United States Customs and Border Protection
22 operations, including for nuclear and radio-
23 logical risks;

24 “(F) manage integrity of United States
25 Customs and Border Protection counter-intel-

1 *ligence operations, including conduct of counter-*
2 *intelligence investigations;*

3 *“(G) conduct research and analysis regard-*
4 *ing misconduct of officers, agents, and other em-*
5 *ployees of United States Customs and Border*
6 *Protection; and*

7 *“(H) carry out other duties and powers pre-*
8 *scribed by the Commissioner.*

9 *“(k) STANDARD OPERATING PROCEDURES.—*

10 *“(1) IN GENERAL.—The Commissioner shall es-*
11 *tablish—*

12 *“(A) standard operating procedures for*
13 *searching, reviewing, retaining, and sharing in-*
14 *formation contained in communication, elec-*
15 *tronic, or digital devices encountered by United*
16 *States Customs and Border Protection personnel*
17 *at United States ports of entry;*

18 *“(B) standard use of force procedures offi-*
19 *cers and agents of United States Customs and*
20 *Border Protection may employ in the execution*
21 *of their duties, including the use of deadly force*
22 *and procedures for deescalating confrontations,*
23 *where possible;*

24 *“(C) a uniform, standardized, and pub-*
25 *lically-available procedure for processing and in-*

1 *vestigating complaints against officers, agents,*
2 *and employees of United States Customs and*
3 *Border Protection for violations of professional*
4 *conduct, including the timely disposition of com-*
5 *plaints and a written notification to the com-*
6 *plainant of the status or outcome, as appro-*
7 *priate, of the related investigation, in accordance*
8 *with section 552a of title 5, United States Code*
9 *(commonly referred to as the ‘Privacy Act’ or the*
10 *‘Privacy Act of 1974’);*

11 *“(D) an internal, uniform reporting mecha-*
12 *nism regarding incidents involving the use of*
13 *deadly force by an officer or agent of United*
14 *States Customs and Border Protection, including*
15 *an evaluation of the degree to which the proce-*
16 *dures required under subparagraph (B) were fol-*
17 *lowed; and*

18 *“(E) standard operating procedures, acting*
19 *through the Assistant Commissioner for Air and*
20 *Marine Operations and in coordination with the*
21 *Office of Civil Rights and Civil Liberties and the*
22 *Office of Privacy of the Department, to provide*
23 *command, control, communication, surveillance,*
24 *and reconnaissance assistance through the use of*

1 *unmanned aerial systems, including the estab-*
2 *lishment of—*

3 *“(i) a process for other Federal, State,*
4 *and local law enforcement agencies to sub-*
5 *mit mission requests;*

6 *“(ii) a formal procedure to determine*
7 *whether to approve or deny such a mission*
8 *request;*

9 *“(iii) a formal procedure to determine*
10 *how such mission requests are prioritized*
11 *and coordinated;*

12 *“(iv) a process for establishing agree-*
13 *ments with other Federal, State, and local*
14 *law enforcement agencies regarding reim-*
15 *bursement for such mission costs; and*

16 *“(v) a process regarding the protection*
17 *and privacy of data and images collected by*
18 *United States Customs and Border Protec-*
19 *tion through the use of unmanned aerial*
20 *systems.*

21 *“(2) REQUIREMENTS REGARDING CERTAIN NOTI-*
22 *FICATIONS.—The standard operating procedures es-*
23 *tablished pursuant to subparagraph (A) of paragraph*
24 *(1) shall require—*

1 “(A) *in the case of a search of information*
2 *conducted on an electronic device by United*
3 *States Customs and Border Protection personnel,*
4 *the Commissioner to notify the individual subject*
5 *to such search of the purpose and authority for*
6 *such search, and how such individual may ob-*
7 *tain information on reporting concerns about*
8 *such search; and*

9 “(B) *in the case of information collected by*
10 *United States Customs and Border Protection*
11 *through a search of an electronic device, if such*
12 *information is transmitted to another Federal*
13 *agency for subject matter assistance, translation,*
14 *or decryption, the Commissioner to notify the in-*
15 *dividual subject to such search of such trans-*
16 *mission.*

17 “(3) *EXCEPTIONS.—*

18 “(A) *IN GENERAL.—The Commissioner may*
19 *withhold the notifications required under para-*
20 *graphs (1)(C) and (2) if the Commissioner deter-*
21 *mines that such notifications would impair na-*
22 *tional security, law enforcement, or other oper-*
23 *ational interests.*

24 “(B) *TERRORIST WATCH LISTS.—*

1 “(i) *SEARCHES.*—If the individual
2 subject to search of an electronic device pur-
3 suant to subparagraph (A) of paragraph (1)
4 is included on a Government-operated or
5 Government-maintained terrorist watch list,
6 the notifications required under paragraph
7 (2) shall not apply.

8 “(ii) *COMPLAINTS.*—If the complain-
9 ant using the process established under sub-
10 paragraph (C) of paragraph (1) is included
11 on a Government-operated or Government-
12 maintained terrorist watch list, the notifi-
13 cation required under such subparagraph
14 shall not apply.

15 “(4) *UPDATE AND REVIEW.*—The Commissioner
16 shall review and update every three years the stand-
17 ard operating procedures required under this sub-
18 section.

19 “(5) *AUDITS.*—The Inspector General of the De-
20 partment of Homeland Security shall develop and an-
21 nually administer an auditing mechanism to review
22 whether searches of electronic devices at or between
23 United States ports of entry are being conducted in
24 conformity with the standard operating procedures
25 required under subparagraph (A) of paragraph (1).

1 *Such audits shall be submitted to the appropriate*
2 *congressional committees and shall include the fol-*
3 *lowing:*

4 “(A) *A description of the activities of offi-*
5 *cers and agents of United States Customs and*
6 *Border Protection with respect to such searches.*

7 “(B) *The number of such searches.*

8 “(C) *The number of instances in which in-*
9 *formation contained in such devices that were*
10 *subjected to such searches was retained, copied,*
11 *shared, or entered in an electronic database.*

12 “(D) *The number of such devices detained*
13 *as the result of such searches.*

14 “(E) *The number of instances in which in-*
15 *formation collected from such device was sub-*
16 *jected to such searches was transmitted to a an-*
17 *other Federal agency, including whether such*
18 *transmission resulted in a prosecution or convic-*
19 *tion.*

20 “(6) *REQUIREMENTS REGARDING OTHER NOTIFI-*
21 *CATIONS.—The standard operating procedures estab-*
22 *lished pursuant to subparagraph (B) of paragraph*
23 *(1) shall require—*

24 “(A) *in the case of an incident of the use*
25 *of deadly force by United States Customs and*

1 *Border Protection personnel, the Commissioner*
2 *to notify the appropriate congressional commit-*
3 *tees; and*

4 *“(B) the Commissioner to provide to such*
5 *committees a copy of the evaluation pursuant to*
6 *subparagraph (D) of such paragraph not later*
7 *than 30 days after completion of such evalua-*
8 *tion.*

9 *“(7) REPORT ON UNMANNED AERIAL SYSTEMS.—*
10 *The Commissioner shall submit to the appropriate*
11 *congressional committees an annual report that re-*
12 *views whether the use of unmanned aerial systems are*
13 *being conducted in conformity with the standard op-*
14 *erating procedures required under subparagraph (E)*
15 *of paragraph (1). Such reports—*

16 *“(A) shall be submitted with the President’s*
17 *annual budget;*

18 *“(B) may be submitted in classified form if*
19 *the Commissioner determines that such is appro-*
20 *priate, and*

21 *“(C) shall include—*

22 *“(i) a detailed description of how,*
23 *where, and for how long data and images*
24 *collected through the use of unmanned aer-*
25 *ial systems by United States Customs and*

1 *Border Protection is collected and stored;*
2 *and*

3 *“(ii) a list of Federal, State, and local*
4 *law enforcement agencies that submitted*
5 *mission requests in the previous year and*
6 *the disposition of such requests.*

7 *“(l) TRAINING.—*

8 *“(1) IN GENERAL.—The Commissioner shall re-*
9 *quire all agents and officers of United States Customs*
10 *and Border Protection to participate in a specified*
11 *amount of continuing education (to be determined by*
12 *the Commissioner) to maintain an understanding of*
13 *Federal legal rulings, court decisions, and depart-*
14 *mental policies, procedures, and guidelines.*

15 *“(2) ENSURING TRAINING.—Not later than 90*
16 *days after the date of the enactment of this section,*
17 *the Commissioner shall develop a database system*
18 *that identifies for each United States Customs and*
19 *Border Protection officer or agent, by port of entry or*
20 *station—*

21 *“(A) for each training course, the average*
22 *time allocated during on-duty hours within*
23 *which training must be completed;*

24 *“(B) for each training course offered, the*
25 *duration of training and the average amount of*

1 *time an officer must be absent from work to com-*
2 *plete such training course; and*

3 *“(C) certification of each training course by*
4 *a supervising officer that the officer is able to*
5 *carry out the function for which the training*
6 *was provided, and if training has been post-*
7 *poned, the basis for postponing such training.*

8 *“(3) USE OF DATA.—The Commissioner shall use*
9 *the information developed under paragraph (2) to—*

10 *“(A) develop training requirements for*
11 *United States Customs and Border Protection of-*
12 *ficers to ensure that such officers have sufficient*
13 *training to conduct primary and secondary in-*
14 *spections at United States ports of entry; and*

15 *“(B) measure progress toward achieving the*
16 *training requirements referred to in subpara-*
17 *graph (A).*

18 *“(m) SHORT TERM DETENTION STANDARDS.—*

19 *“(1) ACCESS TO FOOD AND WATER.—The Com-*
20 *missioner shall make every effort to ensure that ade-*
21 *quate access to food and water is provided to an indi-*
22 *vidual apprehended and detained by a United States*
23 *Border Patrol agent between a United States port of*
24 *entry as soon as practicable following the time of such*

1 *apprehension or during subsequent short term deten-*
2 *tion.*

3 “(2) *ACCESS TO INFORMATION ON DETAINEE*
4 *RIGHTS AT BORDER PATROL PROCESSING CENTERS.—*

5 “(A) *IN GENERAL.—The Commissioner shall*
6 *ensure that an individual apprehended by a*
7 *United States Border Patrol agent is provided*
8 *with information concerning such individual’s*
9 *rights, including the right to contact a represent-*
10 *ative of such individual’s government for pur-*
11 *poses of United States treaty obligations.*

12 “(B) *FORM.—The information referred to*
13 *in subparagraph (A) may be provided either ver-*
14 *bally or in writing, and shall be posted in the*
15 *detention holding cell in which such individual*
16 *is being held. The information shall be provided*
17 *in a language understandable to such individual.*

18 “(3) *DAYTIME REPATRIATION.—When prac-*
19 *ticable, repatriations shall be limited to daylight*
20 *hours and avoid locations that are determined to have*
21 *high indices of crime and violence.*

22 “(4) *SHORT TERM DETENTION DEFINED.—In*
23 *this subsection, the term ‘short term detention’ means*
24 *detention in a United States Border Patrol processing*

1 center for 72 hours or less, before repatriation to a
2 country of nationality or last habitual residence.

3 “(5) *REPORT ON PROCUREMENT PROCESS AND*
4 *STANDARDS.*—Not later than 180 days after the date
5 of the enactment of this section, the Comptroller Gen-
6 eral of the United States shall submit to the appro-
7 priate congressional committees a report on the pro-
8 curement process and standards of entities with which
9 United States Customs and Border Protection has
10 contracts for the transportation and detention of indi-
11 viduals apprehended by agents or officers of United
12 States Customs and Border Protection. Such report
13 should also consider the operational efficiency of con-
14 tracting the transportation and detention of such in-
15 dividuals.

16 “(6) *REPORT ON INSPECTIONS OF SHORT-TERM*
17 *CUSTODY FACILITIES.*—The Commissioner shall—

18 “(A) annually inspect all facilities utilized
19 for short term detention; and

20 “(B) make publically available information
21 collected pursuant to such inspections, including
22 information regarding the requirements under
23 paragraphs (1) and (2) and, where appropriate,
24 issue recommendations to improve the conditions
25 of such facilities.

1 “(n) *WAIT TIMES TRANSPARENCY.*—

2 “(1) *IN GENERAL.*—*The Commissioner shall—*

3 “(A) *publish live wait times at the 20*
4 *United States airports that support the highest*
5 *volume of international travel (as determined by*
6 *available Federal flight data);*

7 “(B) *make information about such wait*
8 *times available to the public in real time through*
9 *the United States Customs and Border Protec-*
10 *tion Web site;*

11 “(C) *submit to the appropriate congres-*
12 *sional committees quarterly reports that include*
13 *compilations of all such wait times and a rank-*
14 *ing of such United States airports by wait times;*
15 *and*

16 “(D) *provide adequate staffing at the*
17 *United States Customs and Border Protection*
18 *information center to ensure timely access for*
19 *travelers attempting to submit comments or*
20 *speak with a representative about their entry ex-*
21 *periences.*

22 “(2) *CALCULATION.*—*The wait times referred to*
23 *in paragraph (1)(A) shall be determined by calcu-*
24 *lating the time elapsed between an individual’s entry*
25 *into the United States Customs and Border Protec-*

1 *tion inspection area and such individual’s clearance*
2 *by a United States Customs and Border Protection*
3 *officer*

4 “(o) *OTHER AUTHORITIES.*—

5 “(1) *IN GENERAL.*—*The Secretary may establish*
6 *such other offices or Assistant Commissioners (or*
7 *other similar officers or officials) as the Secretary de-*
8 *termines necessary to carry out the missions, duties,*
9 *functions, and authorities of United States Customs*
10 *and Border Protection.*

11 “(2) *NOTIFICATION.*—*If the Secretary exercises*
12 *the authority provided pursuant to paragraph (1), the*
13 *Secretary shall notify the appropriate congressional*
14 *committees not later than 30 days before exercising*
15 *such authority.*

16 “(p) *OTHER FEDERAL AGENCIES.*—*Nothing in this*
17 *section may be construed as affecting in any manner the*
18 *existing authority of any other Federal agency, including*
19 *the Transportation Security Administration with respect to*
20 *the duties of United States Customs and Border Protection*
21 *described in subsection (c).”.*

22 (b) *SPECIAL RULES.*—

23 (1) *TREATMENT.*—*Section 411 of the Homeland*
24 *Security Act of 2002, as amended by subsection (a)*
25 *of this section, shall be treated as if included in such*

1 *Act as of the date of the enactment of such Act, and,*
2 *in addition to the functions, missions, duties, and au-*
3 *thorities specified in such amended section 411,*
4 *United States Customs and Border Protection shall*
5 *continue to perform and carry out the functions, mis-*
6 *sions, duties, and authorities under section 411 of*
7 *such Act as in existence on the day before such date*
8 *of enactment, and section 415 of such Act.*

9 (2) *RULES OF CONSTRUCTION.—*

10 (A) *RULES AND REGULATIONS.—Notwith-*
11 *standing paragraph (1), nothing in this Act may*
12 *be construed as affecting in any manner any*
13 *rule or regulation issued or promulgated pursu-*
14 *ant to any provision of law, including section*
15 *411 of the Homeland Security Act of 2002 as in*
16 *existence on the day before the date of the enact-*
17 *ment of this Act, and any such rule or regulation*
18 *shall continue to have full force and effect on and*
19 *after such date.*

20 (B) *OTHER ACTIONS.—Notwithstanding*
21 *paragraph (1), nothing in this Act may be con-*
22 *strued as affecting in any manner any action,*
23 *determination, policy, or decision pursuant to*
24 *section 411 of the Homeland Security Act of*
25 *2002 as in existence on the day before the date*

1 *of the enactment of this Act, and any such ac-*
2 *tion, determination, policy, or decision shall con-*
3 *tinue to have full force and effect on and after*
4 *such date.*

5 *(c) CONTINUATION IN OFFICE.—*

6 *(1) COMMISSIONER.—The individual serving as*
7 *the Commissioner of Customs on the day before the*
8 *date of the enactment of this Act may serve as the*
9 *Commissioner of United States Customs and Border*
10 *Protection on and after such date of enactment until*
11 *a Commissioner of United States Customs and Border*
12 *Protection is appointed under section 411 of the*
13 *Homeland Security Act of 2002, as amended by sub-*
14 *section (a) of this section.*

15 *(2) OTHER POSITIONS.—The individuals serving*
16 *as Assistant Commissioners and other officers and of-*
17 *icials under section 411 of the Homeland Security*
18 *Act of 2002 on the day before the date of the enact-*
19 *ment of this Act may serve as the appropriate Assist-*
20 *ant Commissioners and other officers and officials*
21 *under such section 411 as amended by subsection (a)*
22 *of this section unless the Commissioner of United*
23 *States Customs and Border Protection determines*
24 *that another individual should hold such position or*
25 *positions.*

1 (d) *REFERENCE.*—

2 (1) *TITLE 5.*—Section 5314 of title 5, United
3 States Code, is amended by striking “Commissioner of
4 Customs, Department of Homeland Security” and in-
5 serting “Commissioner of United States Customs and
6 Border Protection, Department of Homeland Secu-
7 rity”.

8 (2) *OTHER REFERENCES.*—On and after the date
9 of the enactment of this Act, any reference in law or
10 regulations to the “Commissioner of Customs” or the
11 “Commissioner of the Customs Service” shall be
12 deemed to be a reference to the Commissioner of
13 United States Customs and Border Protection.

14 (e) *CLERICAL AMENDMENT.*—The table of contents in
15 section 1(b) of the Homeland Security Act of 2002 (6 U.S.C.
16 101 et seq.) is amended by striking the item relating to sec-
17 tion 411 and inserting the following new item:

“Sec. 411. Establishment of United States Customs and Border Protection; Com-
missioner, Deputy Commissioner, and operational offices.”.

18 **SEC. 3. REPEALS.**

19 Sections 416, 418, and 443 of the Homeland Security
20 Act of 2002 (6 U.S.C. 216, 218, and 253), and the items
21 relating to such sections in the table of contents in section
22 1(b) of such Act, are repealed.

1 **SEC. 4. CLERICAL AND CONFORMING AMENDMENTS.**

2 (a) *IN GENERAL.*—*The Homeland Security Act of*
3 *2002 (6 U.S.C. 101 et seq.) is amended—*

4 (1) *in title I—*

5 (A) *in section 102(f)(10) (6 U.S.C.*
6 *112(f)(10)), by striking “the Directorate of Bor-*
7 *der and Transportation Security” and inserting*
8 *“Commissioner of United States Customs and*
9 *Border Protection”;* and

10 (B) *in section 103(a)(1) (6 U.S.C.*
11 *113(a)(1))—*

12 (i) *in subparagraph (C), by striking*
13 *“An Under Secretary for Border and*
14 *Transportation Security.” and inserting “A*
15 *Commissioner of United States Customs*
16 *and Border Protection.”;* and

17 (ii) *in subparagraph (G), by striking*
18 *“A Director of the Office of Counter-*
19 *narcotics Enforcement.” and inserting “A*
20 *Director for United States Immigration and*
21 *Customs Enforcement.”;*

22 (2) *in title IV—*

23 (A) *by striking the title heading and insert-*
24 *ing “**BORDER, MARITIME, AND***
25 ***TRANSPORTATION SECURITY**”;* and

26 (B) *in subtitle A—*

1 (i) by striking the subtitle heading and
2 inserting “**Border, Maritime, and**
3 **Transportation Security Respon-**
4 **sibilities and Functions**”; and

5 (ii) in section 402 (6 U.S.C. 202)—

6 (I) in the section heading, by
7 striking “**RESPONSIBILITIES**” and
8 inserting “**BORDER, MARITIME,**
9 **AND TRANSPORTATION RESPON-**
10 **SIBILITIES**”; and

11 (II) by striking “, acting through
12 the Under Secretary for Border and
13 Transportation Security,”;

14 (C) in subtitle B—

15 (i) by striking the subtitle heading and
16 inserting “**United States Customs**
17 **and Border Protection**”;

18 (ii) in section 412(b) (6 U.S.C. 212),
19 by striking “United States Customs Serv-
20 ice” each place it appears and inserting
21 “United States Customs and Border Protec-
22 tion”;

23 (iii) in section 413 (6 U.S.C. 213), by
24 striking “available to the United States
25 Customs Service or”;

1 (iv) in section 414 (6 U.S.C. 214), by
2 striking “United States Customs Service”
3 and inserting “United States Customs and
4 Border Protection”; and

5 (v) in section 415 (6 U.S.C. 215)—

6 (I) in paragraph (7), by inserting
7 before the colon the following: “, and of
8 United States Customs and Border
9 Protection on the day before the effec-
10 tive date of the United States Customs
11 and Border Protection Authorization
12 Act”; and

13 (II) in paragraph (8), by insert-
14 ing before the colon the following: “,
15 and of United States Customs and
16 Border Protection on the day before the
17 effective date of the United States Cus-
18 toms and Border Protection Authoriza-
19 tion Act”;

20 (D) in subtitle C—

21 (i) by striking section 424 (6 U.S.C.
22 234) and inserting the following new sec-
23 tion:

1 **“SEC. 424. PRESERVATION OF TRANSPORTATION SECURITY**
2 **ADMINISTRATION AS A DISTINCT ENTITY.**

3 *“Notwithstanding any other provision of this Act, the*
4 *Transportation Security Administration shall be main-*
5 *tained as a distinct entity within the Department.”; and*

6 *(ii) in section 430 (6 U.S.C. 238)—*

7 *(I) by amending subsection (a) to*
8 *read as follows:*

9 *“(a) ESTABLISHMENT.—There is established in the De-*
10 *partment an Office for Domestic Preparedness.”;*

11 *(II) in subsection (b), by striking*
12 *the second sentence; and*

13 *(III) in subsection (c)(7), by strik-*
14 *ing “Directorate” and inserting “De-*
15 *partment”;* and

16 *(E) in subtitle D—*

17 *(i) in section 441 (6 U.S.C. 251)—*

18 *(I) by striking the section heading*
19 *and inserting “**TRANSFER OF FUNC-***
20 ***TIONS.**”;* and

21 *(II) by striking “Under Secretary*
22 *for Border and Transportation Secu-*
23 *rity” and inserting “Secretary”;* and

24 *(ii) by amending section 444 (6 U.S.C.*
25 *254) to read as follows:*

1 **“SEC. 444. EMPLOYEE DISCIPLINE.**

2 *“Notwithstanding any other provision of law, the Sec-*
3 *retary may impose disciplinary action on any employee of*
4 *United States Immigration and Customs Enforcement and*
5 *United States Customs and Border Protection who willfully*
6 *deceives Congress or agency leadership on any matter.”.*

7 **(b) CONFORMING AMENDMENTS.**—*Section 401 of the*
8 *Homeland Security Act of 2002 (6 U.S.C. 201) is repealed.*

9 **(c) CLERICAL AMENDMENTS.**—*The table of contents in*
10 *section 1(b) of the Homeland Security Act of 2002 is*
11 *amended—*

12 **(1) by striking the item relating to title IV and**
13 *inserting the following:*

“TITLE IV—BORDER, MARITIME, AND TRANSPORTATION SECURITY”;

14 **(2) by striking the item relating to subtitle A of**
15 *title IV and inserting the following:*

*“Subtitle A—Border, Maritime, and Transportation Security Responsibilities
and Functions”;*

16 **(3) by striking the item relating to section 401;**

17 **(4) by amending the item relating to section 402**
18 *to read as follows:*

“Sec. 402. Border, maritime, and transportation responsibilities.”;

19 **(5) by striking the item relating to subtitle B of**
20 *title IV and inserting the following:*

“Subtitle B—United States Customs and Border Protection”;

1 (6) *by striking the item relating to section 441*
2 *and inserting the following:*

“Sec. 441. Transfer of functions.”; and

3 (7) *by striking the item relating to section 442*
4 *and inserting the following:*

“Sec. 442. United States Immigration and Customs Enforcement.”.

5 **SEC. 5. REPORTS AND ASSESSMENTS.**

6 (a) *REPORT ON CONTRACT MANAGEMENT ACQUISITION*
7 *AND PROCUREMENT PERSONNEL.—Not later than 60 days*
8 *after the date of the enactment of this Act and biennially*
9 *thereafter, the Commissioner of United States Customs and*
10 *Border Protection shall submit to the Committee on Home-*
11 *land Security of the House of Representatives and the Com-*
12 *mittee on Homeland Security and Governmental Affairs of*
13 *the Senate a report on—*

14 (1) *the number of contract management acquisi-*
15 *tion and procurement personnel assigned to the Office*
16 *of Technology Innovation and Acquisition (or suc-*
17 *cessor office) of United States Customs and Border*
18 *Protection, categorized by position;*

19 (2) *the average aggregate value of the contracts*
20 *each contract officer, contract specialist, and contract*
21 *officer representative employee is responsible for man-*
22 *aging; and*

1 (3) *the number of additional acquisition and*
2 *procurement personnel, categorized by position, and*
3 *contract management specialists United States Cus-*
4 *toms and Border Protection would need to ensure*
5 *compliance with Federal acquisition standards, de-*
6 *partmental management directives, and United States*
7 *Customs and Border Protection contracting needs.*

8 (b) *REPORT ON MIGRANT DEATHS.—Not later 180*
9 *days after the date of the enactment of this Act, the Commis-*
10 *sioner of United States Customs and Border Protection*
11 *shall, to the extent practicable, make publically available*
12 *information that the United States Border Patrol has col-*
13 *lected on migrant deaths occurring along the United States-*
14 *Mexico border, including information on the following:*

15 (1) *The number of documented migrant deaths.*

16 (2) *The location where such migrant deaths oc-*
17 *curred.*

18 (3) *To the extent possible, the cause of death for*
19 *each migrant.*

20 (4) *The extent to which border technology, phys-*
21 *ical barriers, and enforcement programs have contrib-*
22 *uted to such migrant deaths.*

23 (5) *A description of United States Customs and*
24 *Border Protection programs or plans to reduce the*
25 *number of migrant deaths along the border, including*

1 *an assessment on the effectiveness of water supply*
2 *sites and rescue beacons.*

3 *(c) REPORT ON BUSINESS TRANSFORMATION INITIA-*
4 *TIVE.—Not later than 90 days after the date of the enact-*
5 *ment of this Act, the Commissioner of United States Cus-*
6 *toms and Border Protection shall submit to the Committee*
7 *on Homeland Security and the Committee on Ways and*
8 *Means of the House of Representatives and the Committee*
9 *on Homeland Security and Governmental Affairs and the*
10 *Committee on Finance of the Senate a report on United*
11 *States Customs and Border Protection’s Business Trans-*
12 *formation Initiative, including locations where the Initia-*
13 *tive is deployed, the types of equipment utilized, a descrip-*
14 *tion of protocols and procedures, information on wait times*
15 *at such locations since deployment, and information re-*
16 *garding the schedule for deployment at new locations.*

17 *(d) REPORT ON UNACCOMPANIED ALIEN CHILDREN*
18 *APPREHENDED AT THE BORDER.—Not later than 90 days*
19 *after the date of the enactment of this Act and annually*
20 *thereafter, the Commissioner of United States Customs and*
21 *Border Protection shall submit to the Committee on Home-*
22 *land Security of the House of Representatives and the Com-*
23 *mittee on Homeland Security and Governmental Affairs of*
24 *the Senate a report on unaccompanied alien children ap-*

1 *prehended at the borders of the United States. Such report*
2 *shall include the following:*

3 (1) *Information on the number, nationality, age,*
4 *and location of the apprehensions of such unaccom-*
5 *panied alien children in the current fiscal year and*
6 *for each of the three prior fiscal years.*

7 (2) *The average length of time an unaccom-*
8 *panied alien child is in the custody of United States*
9 *Customs and Border Protection before being trans-*
10 *ferred to the custody of another Federal agency in the*
11 *current fiscal year and for each of three prior fiscal*
12 *years.*

13 (3) *A description of current and planned activi-*
14 *ties to discourage efforts to bring unaccompanied*
15 *alien children to the United States without authoriza-*
16 *tion.*

17 (4) *A description of training provided to officers*
18 *and agents of United States Customs and Border Pro-*
19 *tection regarding unaccompanied alien children, in-*
20 *cluding the number of such officers and agents who*
21 *are so trained.*

22 (5) *An assessment of the existing officers, agents,*
23 *and resources of United States Customs and Border*
24 *Protection being utilized to address unaccompanied*
25 *alien children.*

1 (6) *An assessment of whether current facilities*
2 *utilized by United States Customs and Border Protec-*
3 *tion to house unaccompanied alien children are ade-*
4 *quate to comply with all applicable laws, regulations,*
5 *and standards regarding housing, feeding, and pro-*
6 *viding medical care for such children.*

7 (7) *An identification and assessment of the fac-*
8 *tors causing unaccompanied alien children to migrate*
9 *to the United States, including an assessment of how*
10 *perceptions of enforcement policies and economic and*
11 *social conditions, including incidents of violence, in*
12 *countries of origin or last habitual residence may be*
13 *attributed to a rise in attempted entries into the*
14 *United States.*

15 (8) *Information on United States Border Patrol*
16 *resources spent to care for unaccompanied alien chil-*
17 *dren in the custody of the United States Border Pa-*
18 *trol, including the number of United States Border*
19 *Patrol agents assigned to care for unaccompanied*
20 *alien children.*

21 (9) *Future estimates of Department of Homeland*
22 *Security resources needed to care for expected in-*
23 *creases in unaccompanied alien children.*

24 (10) *An identification of any operational or pol-*
25 *icy challenges impacting the Department of Home-*

1 *land Security as a result of any expected increase in*
2 *unaccompanied alien children.*

3 (11) *Information on any additional resources*
4 *necessary to carry out United States Customs and*
5 *Border Protection’s responsibilities with respect to*
6 *unaccompanied alien children.*

7 (e) *PORT OF ENTRY INFRASTRUCTURE NEEDS AS-*
8 *SESSMENTS.*—*Not later 180 days after the date of the enact-*
9 *ment of this Act, the Commissioner of United States Cus-*
10 *toms and Border Protection shall assess the physical infra-*
11 *structure and technology needs at the 20 busiest land ports*
12 *of entry (as measured by United States Customs and Bor-*
13 *der Protection) with a particular attention to identify ways*
14 *to—*

15 (1) *improve travel and trade facilitation;*

16 (2) *reduce wait times;*

17 (3) *improve physical infrastructure and condi-*
18 *tions for individuals accessing pedestrian ports of*
19 *entry;*

20 (4) *enter into long-term leases with nongovern-*
21 *mental and private sector entities;*

22 (5) *enter into lease-purchase agreements with*
23 *nongovernmental and private sector entities; and*

24 (6) *achieve cost savings through leases described*
25 *in paragraphs (4) and (5).*

1 (f) *UNMANNED AERIAL SYSTEMS STRATEGY.*—Not
2 later than 180 days after the date of the enactment of this
3 Act, the Commissioner of United States Customs and Bor-
4 der Protection shall submit to the Committee on Homeland
5 Security of the House of Representatives and the Committee
6 on Homeland Security and Governmental Affairs of the
7 Senate a strategy for its Unmanned Aerial Systems pro-
8 gram. Such strategy shall include, at a minimum, the fol-
9 lowing:

10 (1) *The mission and goals of such program.*

11 (2) *The expected level of unmanned aerial sys-*
12 *tems operations.*

13 (3) *The funding and anticipated stakeholder*
14 *needs and resource requirements of such program.*

15 (g) *REPORT ON BIOMETRIC EXIT DATA CAPABILITY AT*
16 *AIRPORTS.*—Not later than 90 days after the date of the
17 enactment of this Act, the Commissioner of United States
18 Customs and Border Protection shall submit to the Com-
19 mittee on Homeland Security of the House of Representa-
20 tives and the Committee on Homeland Security and Gov-
21 ernmental Affairs of the Senate a report on the efforts of
22 United States Customs and Border Protection, in conjunc-
23 tion with the Directorate Science and Technology of the De-
24 partment of Homeland Security, to evaluate technologies to
25 provide a biometric exit capability at airports. Such report

1 *shall include the technologies tested, the results of such tests*
2 *to date, plans for any future testing, and a schedule of an-*
3 *ticipated deployment of those or other technologies.*

4 *(h) CBP OFFICER TRAINING.—Not later than 90 days*
5 *after the date of the enactment of this Act, the Commissioner*
6 *of United States Customs and Border Protection shall sub-*
7 *mit to the Committee on Homeland Security of the House*
8 *of Representatives and the Committee on Homeland Secu-*
9 *rity and Governmental Affairs of the Senate a report on*
10 *the current capacity of United States Customs and Border*
11 *Protection to hire, train, and deploy additional United*
12 *States Customs and Border Protection officers, including*
13 *an assessment of any additional resources necessary to hire,*
14 *train, and deploy United States Customs and Border Pro-*
15 *tection officers to meet staffing needs, as identified by the*
16 *United States Customs and Border Protection staffing*
17 *model.*

18 *(i) REPORT ON THE SECURITY OF UNITED STATES*
19 *INTERNATIONAL BORDERS.—Not later than 180 days after*
20 *the date of the enactment of this Act, the Commissioner of*
21 *United States Customs and Border Protection shall develop*
22 *and implement specific metrics for measuring the status of*
23 *security of United States international borders at and be-*
24 *tween ports of entry, including measuring the effectiveness*
25 *of current border security resource allocations uniformly*

1 *across all United States Customs and Border Protection sec-*
2 *tors, informed by input from individuals and relevant*
3 *stakeholders who live and work near such borders, and sub-*
4 *mit to the Committee on Homeland Security of the House*
5 *of Representatives and the Committee on Homeland Secu-*
6 *rity and Governmental Affairs of the Senate a report on*
7 *such metrics and such status.*

8 (j) *PERSONAL SEARCHES.*—*Not later than 90 days*
9 *after the date of the enactment of this Act, the Commissioner*
10 *of United States Customs and Border Protection shall sub-*
11 *mit to the Committee on Homeland Security of the House*
12 *of Representatives and the Committee on Homeland Secu-*
13 *rity and Governmental Affairs of the Senate a report on*
14 *supervisor-approved personal searches conducted in the pre-*
15 *vious year by United States Customs and Border Protection*
16 *personnel. Such report shall include the number of personal*
17 *searches conducted in each sector and field office, the num-*
18 *ber of invasive personal searches conducted in each sector*
19 *and field office, whether personal searches were conducted*
20 *by Office of Field Operations or United States Border Pa-*
21 *trol personnel, and how many personal searches resulted in*
22 *the discovery of contraband.*

23 **SEC. 6. INTERNATIONAL INITIATIVES.**

24 (a) *NORTH AND CENTRAL AMERICAN BORDER SECU-*
25 *RITY COOPERATION INITIATIVE.*—*The Secretary of Home-*

1 *land Security, in coordination with the Secretary of State,*
2 *shall engage with the appropriate officials of the Govern-*
3 *ment of Canada and the Government of Mexico to assess*
4 *the specific needs of the countries of Central America to*
5 *maintain the security of the international borders of such*
6 *countries and determine the support needed by such coun-*
7 *tries from the United States, Canada, and Mexico, to meet*
8 *such needs.*

9 **(b) CARIBBEAN COOPERATION INITIATIVE.**—*The Sec-*
10 *retary of Homeland Security, in coordination with the Sec-*
11 *retary of State, shall engage with appropriate officials of*
12 *the governments of the countries of the Caribbean to estab-*
13 *lish a program to assess the specific needs of such countries*
14 *to address the unique challenges of maritime border secu-*
15 *urity.*

16 **(c) MEXICO'S SOUTHERN BORDER SECURITY INITIA-**
17 **TIVE.**—*The Secretary of Homeland Security, in coordina-*
18 *tion with the Secretary of State, shall engage with appro-*
19 *priate officials of the Government of Mexico to assess the*
20 *specific needs to help secure Mexico's southern border from*
21 *undocumented aliens, drugs, weapons and other contra-*
22 *band.*

23 **(d) REPORTING.**—*The Secretary of Homeland Secu-*
24 *rity shall submit to the Committee on Homeland Security*
25 *and the Committee on Foreign Affairs of the House of Rep-*

1 *representatives and the Committee on Homeland Security and*
2 *Governmental Affairs and the Committee on Foreign Rela-*
3 *tions of the Senate a report on the assessment of needs car-*
4 *ried out under this section.*

5 **SEC. 7. TREATMENT OF CERTAIN APPLICATIONS FOR PORT**
6 **OF ENTRY STATUS.**

7 *The Commissioner of United States Customs and Bor-*
8 *der Protection shall give priority consideration to an appli-*
9 *cation for port of entry status submitted by any commercial*
10 *airport if such airport served at least 100,000 deplaned*
11 *international passengers in the previous calendar year.*

12 **SEC. 8. TRUSTED TRAVELER PROGRAMS.**

13 *The Secretary of Homeland Security may not enter*
14 *into or renew an agreement with the government of a for-*
15 *oreign country for a trusted traveler program administered*
16 *by United States Customs and Border Protection unless the*
17 *Secretary certifies in writing that such government—*

18 *(1) routinely submits to INTEPOL for inclusion*
19 *in INTERPOL's Stolen and Lost Travel Documents*
20 *database information about lost and stolen passports*
21 *and travel documents of the citizens and nationals of*
22 *such country; or*

23 *(2) makes available to the United States Govern-*
24 *ment the information described in paragraph (1)*
25 *through another means of reporting.*

1 **SEC. 9. SENSE OF CONGRESS REGARDING THE FOREIGN**
2 **LANGUAGE AWARD PROGRAM.**

3 (a) *FINDINGS.*—Congress finds the following:

4 (1) Congress established the Foreign Language
5 Award Program (FLAP) to incentivize employees at
6 United States ports of entry to utilize their foreign
7 language skills on the job by providing a financial in-
8 centive for the use of the foreign language for at least
9 ten percent of their duties after passage of competency
10 tests. FLAP incentivizes the use of more than two
11 dozen languages and has been instrumental in identi-
12 fying and utilizing United States Customs and Bor-
13 der Protection officers and agents who are proficient
14 in a foreign language.

15 (2) In 1993, Congress provided for dedicated
16 funding for this program by stipulating that certain
17 fees collected by United States Customs and Border
18 Protection to fund FLAP.

19 (3) Through FLAP, foreign travelers are aided
20 by having an officer at a port of entry who speaks
21 their language, and United States Customs and Bor-
22 der Protection benefits by being able to focus its bor-
23 der security efforts in a more effective manner.

24 (b) *SENSE OF CONGRESS.*—It is the sense of Congress
25 that FLAP incentivizes United States Customs and Border
26 Protection officers and agents to attain and maintain com-

1 *petency in a foreign language, thereby improving the effi-*
2 *ciency of operations for the functioning of United States*
3 *Customs and Border Protection's security mission, making*
4 *the United States a more welcoming place when foreign*
5 *travelers find officers can communicate in their language,*
6 *and helping to expedite traveler processing to reduce wait*
7 *times.*

Union Calendar No. 415

113TH CONGRESS
2^D SESSION

H. R. 3846

[Report No. 113-555, Part I]

A BILL

To provide for the authorization of border, maritime, and transportation security responsibilities and functions in the Department of Homeland Security and the establishment of United States Customs and Border Protection, and for other purposes.

JULY 24, 2014

Reported from the Committee on Homeland Security
with an amendment

JULY 24, 2014

The Committee on Ways and Means discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed